

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

SOUTH CAROLINA PROGRESSIVE
NETWORK EDUCATION FUND,

Plaintiff,

v.

MARCI ANDINO, in her official capacity as
Executive Director of the South Carolina
State Election Commission; JOHN WELLS,
in his official capacity as Chair of the South
Carolina State Election Commission; and
JOANNE DAY, CLIFFORD J. EDLER,
LINDA MCCALL and SCOTT MOSLEY, in
their official capacities as members of the
South Carolina State Election Commission,

Defendants.

DECLARATION OF BRETT BURSEY

BRETT BURSEY, pursuant to 28 U.S.C. § 1746, declares under penalties of perjury as follows:

1. I have been the executive Director of the SC Progressive Network Education Fund (SCPNEF) since its founding in 1996. I am authorized to provide this declaration on behalf of the Network.

Background on the Network's Mission and Work

2. The Network is a nonpartisan, nonprofit 501(c)(3) educational organization. Our mission is to promote — through education and action — human, civil, and workers' rights, reproductive freedom, environmental protection, and government reform.

3. Integral to our mission is ensuring the substantive engagement of all citizens in the civic affairs of state and local governments, including by educating people about voting and registering people to vote.

4. In 2004, the Network and the South Carolina National Association for the Advancement of Colored People (“SC NAACP”) together launched the Missing Voter Project (“MVP”) to reach and mobilize new and infrequent voters in South Carolina including by helping to register voters and by educating voters so they registered on their own. Our goal was to grow an informed electorate with the power to mobilize around public policies critical to young people, working families, and communities of color in South Carolina.

5. Unlike other voter registration drives, the MVP is nonpartisan, ongoing, state-wide, and focused on historically under-represented communities of color. Our trained volunteers cannot, and do not, support any candidates or parties.

6. While most voter registration drives start anew each election cycle, the MVP works year-round to inform citizens about state, local, and county matters that impact their lives, and to invite them to become involved in a growing movement for social and political change.

7. Through the MVP, we train volunteers to register people to vote at federally qualified health centers (FQHC’s are qualified to receive Medicare reimbursement for indigent patients without insurance regardless of age), food banks, homeless shelters, and bus stations. We are the only voter registration program that has been permitted to set up tables inside federal qualified health centers.

8. Prior to 2020, our MVP worked mainly in Midlands counties around Columbia. The number of volunteers and registrations has always been related to the competitiveness of the elections on the ballot. In 2008, we registered over 5,800 people in the Columbia area alone with

fewer than 20 volunteers. In 2018, with 80 volunteers, and the addition of the FQHC's in Columbia we registered 1,900 people in a mid-term election.

9. Pre-pandemic, we anticipated that because of the interest in the presidential election and our planned expansion to the statewide network of health centers and Regional Transit Authorities, combined with our special initiative with young Black voters, we would easily register 10,000 voters.

10. We send our voter registration volunteers to speak to people where they are congregating, as opposed to going to their homes. We use this method to be able to reach more people and to engage and facilitate conversation between citizens about local issues while they are learning about voting and registering to vote.

11. We also attend local festivals where we expect people of color to attend. For example, until this year, we regularly had a table to register voters at the annual Jubilee: Festival of Black History & Culture, the Cornbread Festival, Lower Richland's SwampFest, as well as HBCU (Historically Black Colleges and Universities) football games and social events.

12. We also sometimes organized events of our own for voter registration. For example, in 2018 we organized a "Cookout & Shout-out for Democracy" to register missing voters.

13. Voter registration is a piece of the work we to do accomplish our mission of engaging citizens in the civic life of their local communities. We also work on voter mobilization campaigns (i.e., get out the vote); health care issues affecting South Carolinians such as Medicaid expansion; worker rights (particularly in light of Covid-19); and racial and criminal justice issues, to name just a few important issues around which we work to mobilize citizen engagement.

Our 2020 MVP Plan

14. Prior to the pandemic, we had a well-developed, statewide, county-based 2020 MVP plan that was developed in conjunction with the State Conference of the NAACP.

15. Prior to the pandemic, our 2020 MVP effort planned to have a dual track. We planned to use both the traditional (but improved) methods of the past 16 years, and also add a novel Young Voter MVP. This initiative, new for 2020, focused efforts on young people in low wealth communities of color. These communities historically have been grossly underrepresented among voters: only 15% of the state's 18-24 year old Black citizens voted in the last general election. This initiative recruited from those Black youth for a peer-to-peer engagement with the state's 250,000 Black citizens under 30 who aren't voting. For purposes of this declaration, I will call that new initiative the "Young Voter MVP."

16. The traditional track would remain focused on placing volunteers at local events and high pedestrian traffic areas. We planned a statewide expansion this year to as many of the 17 regional Federally Qualified Health Centers and their 100+ satellite facilities as we could muster volunteers, as well as to the Regional Transit Authorities that provide the state's public transportation that is 80+ % Black. This work had been mostly limited to the Midlands in previous years.

17. Having done voter registration for more than 20 years in South Carolina, I know political campaigns and voter registration opportunities multiply exponentially after Labor Day. Festivals begin, campaign ads and media coverage heats up, and the temperature cools down as election day approaches.

18. Our plan for 2020, as in years past, was that beginning in September we would ramp up our in-person registration by setting up static locations at community facilities (health

centers, bus shelters, etc. as detailed above) where volunteers could schedule time to work, seven days a week.

19. Our plans were derailed by the pandemic and will be unnecessarily terminated if the voter registration deadline is not extended.

COVID-19 Hits South Carolina and Requires State-Wide Closures and Restrictions

20. The first known case of community-based transmission of COVID-19 in South Carolina was documented on March 6, 2020.

21. The Network shut down our in-person meetings, our citizenship school, as well as our entire traditional and Young Voter MVP on March 16 due to the pandemic.

22. Charleston became the first community in the state to issue a stay at home order, requiring people to stay indoors as much as possible, on March 24.

23. The virus reached all 46 of South Carolina's counties on April 2.

24. Governor Henry McMaster declared a state of emergency in early March and issued several executive orders closing schools, bars, restaurants, and other business, prohibiting gatherings of 10 or more people, and requiring residents to engage in social distancing and remain at home whenever possible. The Governor lifted the remaining at home order on May 4 and, on May 21, permitted non-essential business to re-open with conditions. By mid-May, we hoped that we would be able to return to full voter registration capacity over the summer. As detailed below, that did not happen.

25. Since March, it became almost impossible for us to register voters using our usual methods.

26. Throughout this time, people were instructed to maintain physical distances of six feet from each other, making it difficult for us to meet with potential voters and help them fill out

their voter registration paperwork.

27. Throughout this time, voter registration volunteers and potential voters alike were fearful of participating in close quarter conversations in public spaces.

28. Events and festivals were cancelled or moved online. As just one example, the Jubilee: Festival of Black History & Culture, in Columbia South Carolina went online this year and we were not able to register voters.

29. Bus stations where we traditionally registered voters were closed.

30. Health care facilities where we traditionally registered voters have restricted entry to those without a medical reason to be there.

31. Many churches where we did registration (at tables outside after services) moved to online religious services.

32. As a result, the traditional MVP project largely ceased doing all voter registration until just this week (as discussed below). The Young Voter MVP shut down to develop a pandemic version of outreach.

Where Possible we Attempted to Move to Remote or Socially-Distanced Registration, But it was Largely Impossible

33. Because our traditional MVP project relies on connecting in-person to people in health centers, food banks, events, high pedestrian traffic locations, and homeless shelters, there was no way to move that operation to a virtual one after the pandemic hit.

34. We had more success re-tooling our Young Voter MVP initiative, but even there the success was quite limited. For the Young Voter MVP initiative, we attempted to replace our traditional, in-person voter registration efforts with what we called the “Pandemic Model.” To keep volunteers safe during the pandemic, young volunteers have been using phones and computers to reach, register, and engage younger nonvoters.

35. We have worked very hard to transition our voter registration efforts and protocols to adapt to the pandemic circumstances. These efforts took significant time, money and retraining. Despite all our hard work, however, due to the dangers from the pandemic, building closures, the government's instructions about how to keep safe during the pandemic, and the government's voter registration deadline which remains the same despite the pandemic, our mission of engaging and educating potential voters and registering missing voters has been frustrated.

36. By having to rely on phones and computers to contact younger citizens during the pandemic, we have lost the ability to engage in education and conversation among a group of people about local civic issues, a critical tool we use to build citizen engagement.

37. We had to divert resources in order to set up new pandemic protocols for both the traditional and Young Voter MVP. We acquired, for the first time, a subscription to a software program that allows the Young Voter MVP staff and volunteers to do virtual phone-banking. For in-person staff training and registration, we had to purchase PPE equipment, buy cleaning supplies, develop new health and safety protocols, and train staff to follow those protocols.

38. We have also focused our staff training on younger people. Notably, our most experienced and dedicated volunteers—who have been engaged in this work for decades—are at the highest risk from the virus. Public health authorities recommend that older people stay home and not attend public events. Since these volunteers have not been able to go out, we've had to pivot our personnel and outreach efforts on the fly to focus our efforts on the Young Voter MVP initiative and recruit, train, and employ a newer crop of volunteers and staff who are less experienced (though still very enthusiastic).

39. Under the Pandemic Model for the Young Voter MVP initiative, we set up remote training sessions for county liaisons, who are civically-engaged young people with networks within their communities. We supplemented these remote trainings with socially distanced and masked in-person meetings. We have had to start employing paid liaisons and cannot rely solely on volunteers as we have in the past.

40. The Young Voter MVP model depends on these liaisons, and the peers they recruit and train, reaching out to people within their social networks to act as volunteers for the project. The idea is to use youth volunteers to make inroads with their peers who are missing voters; it is easier to engage people within your own communities and age group.

41. The effect of pandemic-related safety measures on our registration efforts were quickly apparent. It is harder to remotely train liaisons and volunteers on voter registration. And it is even harder to have effective community engagement and civic education without the chance to engage with potential voters face-to-face, as our long-time volunteers have been doing for two decades. That is particularly the case because the MVP's target audience often needs more detailed information about registration and voting because of their life circumstances: previous convictions, lack of photo ID, no home or transportation. Communicating how to register and vote in light of those circumstances takes more conversation and time than with other demographics.

42. Over the summer we tested our Young Voters MVP Pandemic Model in Saluda and Fairfield counties. We mailed a personal letter to the few youth of color in those counties who *did* vote to enlist them to join their county's Young Voter MVP team. The respondents became Young Voter MVP organizers and we trained them on how to use our newly acquired virtual phone bank and on appropriate nonpartisan messaging to communicate with the

unregistered voters in their county about the importance of voting this year and helping those unregistered voters get registered and cast a ballot.

43. The MVP had never contacted voters to register them over the phone prior to the pandemic. Transitioning to a phone-based system of reaching people has presented numerous challenges, ranging from phone lines not working, people not picking up their cell phones and the calls going to voicemail, to people being cautious about whether to trust our staff with personal information. By the end of summer, the flood of calls and texts from partisan campaigns became such that the few people answering their phones hung up before listening to our nonpartisan message. While investing resources in creating the Pandemic Model was necessary, it has been a meager substitute for in-person registration.

44. In addition, some youth volunteers (wearing masks we provided) have set up in-person registration tables and done door-to-door knocking as part of the Young Voter MVP. Unfortunately, there are few places to set up such tables that have anything like the foot traffic as the events that were planned pre-pandemic. There are almost no large-scale events where the Young Voter MVP staff and volunteers could access large groups of potential registrants.

Our expectations for Re-starting Voter Registration in the Fall Were Dashed

45. For much of the summer, we hoped that Covid-19 rates would decrease and we could re-start our in-person voter registration work in person around Labor Day. As explained above, Labor Day traditionally launches political campaigns, fall festivals, HBCU football and social events. Public awareness and voter registration ramps up as the temperature goes down.

46. We kept hoping to transition from the Pandemic Model to the normal model.

47. Unfortunately, Covid-19 rates spiked over the summer in every county in the state.

48. As a result, many colleges opted to offer classes online and most college students who would be newly-eligible to be voters are studying remotely.

49. The events that have managed to take place at which we could register voters have been smaller and more targeted. In the Columbia/Fairfield area, for instance, some volunteers have finally, in the last two weeks of September, been able to set up registration tables outside schools to register older students and parents.

50. We still cannot hold large voter registration events indoors. And, because the school system has not required all students to attend school in-person, we have not been able to engage with the many students and parents we would have in an average year.

51. Earlier this month, we expanded the Young Voter MVP's Pandemic Model to expand our efforts to two more counties: Richland and Charleston. However, those volunteers were only able to complete training with just six days left before the October 2 registration deadline.

52. We have not registered anywhere near the number of voters we would have were it not for the pandemic and the state's imminent voter registration deadline. I estimate that we registered approximately 5% of the number of voters we anticipated registering in advance of the 2020 presidential election.

53. Our Young Voter MVP liaisons, for instance, had planned on setting up events at some of the major universities in the area, including at the HBCUs. We have liaisons at the state's three largest HBCU's who are the presidents of the NAACP College Division at Claflin College, SC State University in Orangeburg, and Benedict College in Columbia. But those plans have been derailed because our campus liaisons are working from home due to the pandemic,

some in different towns than their schools, classes are being held online, and students are remote. Large in-person events have not been possible.

54. Instead of being able to restart in-person registration after Labor Day, for much of September our traditional MVP project has been wholly derailed. And our Young Voter MVP projected has largely been limited to the Pandemic Model where we are able to register far fewer voters.

55. Our traditional base of volunteers—older and high-risk—are still unable to do the kind of in-person events we rely on. And major large-scale institutions like government health centers are, unsurprisingly, concerned about letting us in to do voter education/registration sessions.

56. Outreach to our target population of unregistered voters and youth has been thwarted by the fact that unexpectedly far fewer students are on campus or at social gatherings.

57. With the registration deadline less than a week away, just this week, on Monday, the traditional MVP project had its first in-person registration since the pandemic began. We set up a table in front of a locked bus shelter and registered 21 voters in two hours. Volunteers from our traditional MVP have also volunteered to staff tables outside the bus station and one of the FQHC's in Columbia daily until the voter registration deadline.

58. Similarly, our Young Voter MVP liaisons have started to go out to local events in the last two weeks to do in-person registration. The Network and the SC NAACP organized an in-person event in Columbia on September 19 with speakers, food, and information stations. It was one of our first in-person events and was staffed by our lower-risk younger volunteers and liaisons. Our liaisons have also recently attended the Soda City festival in Columbia to do voter registration.

59. Even now, these Network workers have found that it is harder to do in-person voter education and registration in pandemic conditions, especially in light of (fully justified) public health requirements like mask-wearing and social distancing.

60. With our new pandemic protocols, the time required to speak with each voter, and to effectively inform and assist them in accessing their rights, has substantially increased. In-person voter engagement and registration is more difficult at an appropriately cautious social distance. Our Young Voter MVP liaisons have reported that such outreach is just harder to do in light of social distancing and mask wearing mandates.

61. While we are slowly getting back in the field, we are months behind in our registration efforts.

62. Given the looming voter registration deadline and having to shift to our pandemic model, we expended additional money and resources we would not typically spend to register voters ahead of the deadline, with scant results. This took resources away from our other crucial mission work, including voter mobilization efforts, worker rights, racial justice, and health care.

63. Our efforts have been aimed at adapting to the changing circumstances and new challenges, but the voter registration deadline is looming and poses an even more significant challenge in getting people informed and registered.

64. On Sunday, October 4, our Young Voter MVP liaisons are going to participate in a “Black Votes Matter” event, where voter registration and community education efforts will take place during a car show. This is yet another form of socially distanced registration work we are trying in these difficult times. Of course, it is now almost too late to make further substantial efforts, given that the window for registration is almost closed.

65. If the voter registration deadline were extended, we would be able to register additional voters, both through in-person and remote contacts. We could set up traditional MVP in-person voter registration outside the bus stations and FQHC's as we successfully did this week to engage with potential voters. We could reach out to additional young Black voters in counties we had not approached (e.g., Charleston, Horry, Sumter, Spartanburg and Beaufort) and the recently-trained Young Voter MVP staff in Richland and Charleston could use that training to connect to more potential voters. Both the traditional MVP and Young Voter MVP could register voters at events that are now being organized, and were impossible earlier in the pandemic. Additional people would get to exercise their fundamental right to vote and participate in our democracy.

The State's Registration Deadline is Earlier than Necessary

66. The state law requiring that registration occur 30 days prior to elections and closing the registration books on that date has been the law since before automobile travel was common, not to mention electronic transmission.

67. The State Election Commission has repeatedly said that the state does not need 30 days in advance of an election to process new registered voters given technological advancements.

68. In 2007, after consultation with Marci Andino, the Executive Director of the State Election Commission, I wrote, and our members who are legislators introduced, bills (S-251 and H-3680) to shorten the restriction on registering voters from 30 days to 21 days. As part of that work, I consulted with Ms. Andino to determine the number of days sufficient to process registrations in advance of the election. After checking with her county directors to determine a reduced deadline for registration that they were comfortable with, she told me that

moving the registration deadline closer to the election would be workable statewide.

69. The voter registration deadlines were also extended in 2016 and 2018 due to hurricanes and the SEC was apparently able to process those registration in advance of the election.

70. In 2019, a bill was introduced in the South Carolina General Assembly's 123rd Session (H. 3013), that would have shortened the registration deadline to less than thirty days, though it did not pass (attached as Exhibit A). I understand from a conversation with State Election's Commission staff that the State Election Commission supported that bill and believed that the registration period could be effectively shortened.

71. In light of the derailment of our voter registration efforts, notwithstanding our substantial efforts to pivot voter engagement and registration activities, and the State's ability to process registrations received much closer to the election, I believe an extension of the voter registration deadline would serve the public interest amidst the pandemic and would enable us to successfully register significantly more South Carolinians.

Dated: October 2, 2020
Columbia, SC



BRETT BURSEY

Exhibit A

South Carolina General Assembly
123rd Session, 2019-2020

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~

Indicates New Matter

H. 3031

STATUS INFORMATION

General Bill

Sponsors: Reps. Funderburk, Hosey, Norrell, R. Williams and Henderson-Myers

Document Path: I:\council\bills\cc\15322zw19.docx

Introduced in the House on January 8, 2019

Last Amended on February 13, 2019

Rejected by the House on March 6, 2019

Summary: Voter registration

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/18/2018	House	Prefiled
12/18/2018	House	Referred to Committee on Judiciary
1/8/2019	House	Introduced and read first time (House Journal-page 62)
1/8/2019	House	Referred to Committee on Judiciary (House Journal-page 62)
1/29/2019	House	Member(s) request name added as sponsor: R.Williams
1/30/2019	House	Committee report: Favorable with amendment Judiciary (House Journal-page 16)
1/31/2019	House	Member(s) request name added as sponsor: Henderson-Myers
1/31/2019		Scrivener's error corrected
2/5/2019	House	Requests for debate-Rep(s). McCravy, Gagnon, Hill, Toole, Rutherford, Sandifer, Whitmire, Hart, Yow, West, King, Wheeler, Bennett, Murphy, Anderson, Pope, Forrest, Clemmons, B. Newton, Davis, Magnuson, Hewitt, Bailey, Crawford, Hiott, Fry, Bryant, Burns, Taylor, G.R. Smith, McDaniel, Jefferson, R. Williams, Gilliam (House Journal-page 14)
2/13/2019	House	Amended (House Journal-page 25)
2/13/2019	House	Read second time (House Journal-page 25)
2/13/2019	House	Roll call Yeas-70 Nays-30 (House Journal-page 32)
2/27/2019	House	Debate adjourned until Thur., 2-28-19 (House Journal-page 29)
2/28/2019	House	Debate adjourned until Tues., 3-5-19 (House Journal-page 35)
3/6/2019	House	Rejected (House Journal-page 58)
3/6/2019	House	Roll call Yeas-40 Nays-55 (House Journal-page 59)

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VERSIONS OF THIS BILL

[12/18/2018](#)

[1/30/2019](#)

[1/31/2019](#)

[2/13/2019](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 13, 2019

H. 3031

Introduced by Reps. Funderburk, Hosey, Norrell, R. Williams and Henderson-Myers

S. Printed 2/13/19--H.

Read the first time January 8, 2019.

A BILL

TO AMEND SECTION [7-5-150](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLOSING OF THE VOTER REGISTRATION BOOKS, SO AS TO CHANGE THE DATE ON WHICH THE REGISTRATION BOOKS MUST BE CLOSED FROM THIRTY DAYS BEFORE EACH ELECTION TO TWENTY DAYS; TO AMEND SECTION [7-5-155](#), RELATING TO THE REGISTRATION OF ELECTORS BY MAIL, SO AS TO REDUCE FROM THIRTY DAYS TO TWENTY DAYS THE TIME REQUIRED BEFORE AN ELECTION TO FILE THE APPROPRIATE STATE OR FEDERAL REGISTRATION BY MAIL APPLICATION FORM; TO AMEND SECTION [7-5-185](#), RELATING TO ELECTRONIC APPLICATIONS FOR VOTER REGISTRATION, SO AS TO PROVIDE THAT AN APPLICATION IS EFFECTIVE UPON RECEIPT OF THE APPLICATION BY THE STATE ELECTION COMMISSION IF THE APPLICATION IS RECEIVED TWENTY DAYS BEFORE AN ELECTION TO BE HELD IN THE PRECINCT OF THE PERSON SUBMITTING THE APPLICATION; TO AMEND SECTION [7-5-220](#), RELATING TO THE REQUIREMENT THAT REGISTRATION MADE THIRTY DAYS OR LESS BEFORE AN ELECTION IS NOT VALID FOR THAT ELECTION, SO AS TO SHORTEN THE REGISTRATION DEADLINE FROM THIRTY DAYS OR LESS TO TWENTY DAYS OR LESS; TO AMEND SECTION

7-5-330, RELATING TO THE COMPLETION, RECEIPT, OR DISPOSITION OF A VOTER REGISTRATION APPLICATION, SO AS TO SHORTEN APPLICABLE DEADLINES REGARDING THE COMPLETION, RECEIPT, OR DISPOSITION OF CERTAIN VOTER REGISTRATION DEADLINES FROM THIRTY DAYS TO TWENTY DAYS; TO AMEND SECTION 7-5-440, RELATING TO FAILURES TO NOTIFY COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS OF CHANGES IN ADDRESS, SO AS TO CHANGE THE TIME PERIOD IN WHICH NOTIFICATION DOES NOT OCCUR FROM THIRTY DAYS BEFORE AN ELECTION TO TWENTY DAYS; TO AMEND SECTION 7-7-990, RELATING TO THE ACCESSIBILITY OF POLLING PLACES, SO AS TO CHANGE THE PERIOD FROM THIRTY DAYS BEFORE AN ELECTION TO TWENTY DAYS BEFORE AN ELECTION IN WHICH AN ELECTOR MAY APPLY FOR AND RECEIVE A TRANSFER AUTHORIZATION ALLOWING THE ELECTOR TO VOTE AT A COUNTY BARRIER-FREE POLLING PLACE; AND TO AMEND SECTION 7-15-120, RELATING TO ABSENTEE VOTER REGISTRATION FORMS, SO AS TO REDUCE FROM THIRTY DAYS TO TWENTY DAYS BEFORE THE ELECTION THE DEADLINE FOR VOTER REGISTRATION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 7-5-150 of the 1976 Code is amended to read:

"Section 7-5-150. The registration books ~~shall~~ must be closed ~~thirty~~ twenty-four days before each election, but only as to that election or ~~any~~ a second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; ~~provided, that~~ however, the registration books ~~shall~~ must be closed ~~thirty~~ twenty-four days before the June primary and shall remain closed until after the second primary and shall likewise be closed ~~thirty~~ twenty-four days before the November general election. ~~They shall thereafter~~ After that, the registration books must be opened from time to time in accordance with the provisions of this article. ~~Any~~ A person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to ~~5:00~~ five o'clock p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which ~~he~~ the person is entitled to vote and a certification to the managers of the precinct that ~~he~~ the person is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of ~~thirty~~ twenty-four days ~~shall~~ must be entitled to register before the closing of the books if otherwise qualified."

SECTION 2. Section 7-5-155 of the 1976 Code is amended to read:

"Section ~~7-5-155~~. ~~(a)~~(A). Notwithstanding ~~any other~~ another provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of Section 7-5-150, ~~any~~ a qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission ~~not no~~ later than ~~thirty~~ twenty-five days before ~~any~~ an election to his county board of voter registration and elections. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of the registration books before ~~any~~ an election.

(2) If the county board of voter registration and elections determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to Section 7-5-180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector's signature is not required so long as the conditions set forth above are met.

(3) ~~Any~~ An application must be rejected for any of the following reasons:

~~(i)(a)~~ ~~any~~ a portion of the application is not complete;

~~(ii)(b)~~ ~~any~~ a portion of the application is illegible in the opinion of a member and the clerk of the board;

~~(iii)(c)~~ the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which ~~he~~ the voter is entitled to vote.

(4) ~~Any~~ A person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that ~~he~~ the applicant still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct ~~his~~ the applicant's rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to Section 7-5-180.

~~(b)(B)~~ Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

~~(e)(C)~~ The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in Section 7-5-310(B) so ~~that~~ distribution of the

application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

~~(d)~~(D). The original applications must remain on file in the office of the county board of voter registration and elections.

~~(e)~~(E). The State Election Commission may promulgate regulations to implement the provisions of this section."

SECTION 3. Section 7-5-185(B)(1) of the 1976 Code is amended to read:

"(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received ~~thirty~~ twenty-five days before an election to be held in the precinct of the person submitting the application."

SECTION 4. Section 7-5-220 of the 1976 Code is amended to read:

"Section 7-5-220. Except as provided in Section 7-5-150, registration made ~~thirty~~ twenty-four days or less before ~~any~~ an election is not valid for that election or ~~any~~ a

second race or runoff resulting from that election but ~~such the~~ the registration ~~shall be~~ is valid in ~~any other~~ another election."

SECTION 5. Section 7-5-330 of the 1976 Code is amended to read:

"Section 7-5-330. (A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than ~~thirty~~ twenty-five days before the date of the election.

(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than ~~thirty~~ twenty-five days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than ~~thirty~~ twenty-five days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than ~~thirty~~ twenty-five days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section [7-5-330](#)(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2); and

(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) 'Notice', as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than ~~thirty~~ twenty-five days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can reregister to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or

general election."

SECTION 6. Section [7-5-440](#)(B) of the 1976 Code is amended to read:

"(B) A qualified elector who has moved from an address in one precinct to an address in another precinct within the same county, or has moved to another county within the ~~thirty-day~~ twenty-five day period before an election, and who has failed to notify the county board of voter registration and elections of the change of address before the date of an election, at the option of the elector:

- (1) must be permitted to correct the voting records and vote provisional ballots containing only the races for federal, statewide, countywide, and municipalwide offices pursuant to the provisions of Section [7-13-830](#) at the elector's former polling place, upon oral or written affirmation by the elector of the new address before an election official at that polling place; or
- (2) must be permitted to correct the voting records and vote at a central location located at the main office of the county board of voter registration and elections in his new county of residence where a list of eligible voters is maintained, upon written affirmation by the elector of the new address on a standard form provided at the central location."

SECTION 7. Section [7-7-990](#)(A)(2) of the 1976 Code is amended to read:

"(2) Elector has applied in writing to and obtained from the county board of voter registration and elections ~~thirty~~ twenty-five days before the election a voting registration transfer authorizing the elector to vote at the county barrier-free polling place. An elector whose physical handicap, as defined in item (1) ~~of this subsection~~, is permanent, as certified by a licensed physician, is not required to register once he has done so initially under the provisions of this item."

SECTION 8. Section 7-15-120 of the 1976 Code is amended to read:

"Section 7-15-120. Persons listed in Section 7-15-110, their spouses, and dependents residing with them, may register by using either federal Standard Form 76, or ~~any~~ a subsequent form replacing it issued by the federal government. In order to be registered, either form must reach the county board of voter registration and elections ~~not~~ no later than ~~thirty~~ twenty-five days before the election."

SECTION 9. This act takes effect upon approval by the Governor.

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