

From: Taylor, Richele
To: Patel, Swati <SwatiPatel@gov.sc.gov>
Date: 10/5/2016 11:03:38 PM
Subject: RE: FYI update voter issue

It is not in the emergency statute setting forth the guard, etc.

From: Patel, Swati
Sent: Wednesday, October 05, 2016 11:03 PM
To: Taylor, Richele
Subject: Re: FYI update voter issue

Good to know. Thanks. Wondering if it falls in her emergency powers.

Sent from my iPhone

On Oct 5, 2016, at 10:55 PM, Taylor, Richele <RicheleTaylor@gov.sc.gov> wrote:

So I have been doing a lot of research. Here is the update, and I will call in the morning:

The law is clear throughout statute that it is 30 day prior cut off. Restated various ways 3 times.

Power to change voter registration is given to general assembly in constitution.

I can find no state specific case law of Constitutional provision that would give Governor power to move this date.

None of the federal voting rights act pre-empt the state law.

I am now looking at federal court cases and "natural disasters" to see if I can find something that would allow a change or indicate we could change the law.

FYI – people can register online and fax. It is the registration by walk-in and mail in (postmark) date that may be effected due to storm. We can certainly message the online registration piece.

Richele

From: Patel, Swati
Sent: Wednesday, October 05, 2016 10:52 PM
To: Taylor, Richele
Subject: Re: FYI update voter issue

Ok. Can you also call Marcie Andino to get better context. Need to better understand if this is a problem.

We'll need to have the Governor make a decision tomorrow.

Sent from my iPhone

On Oct 5, 2016, at 3:21 PM, Taylor, Richele <RicheleTaylor@gov.sc.gov> wrote:

Swathi – I haven't finished researching, but here is where I am. The Board can provide additional days and hours for registration with notice. The law requires the books be closed 30 days before an election. However, it does have a sentence below giving some wiggle room. I am going to look for some additional interpretation on this. I am heading

out in a few minutes as the funeral will be packed, but then I will get back to this afterwards and get an answer today.

Richele

SECTION 7 5 140. Additional days and hours for registration; notice of time and place.

Boards of voter registration and elections shall remain open as provided by law and, in addition thereto, shall remain open and available for registration on any additional days, during such hours and at such various places throughout the county as the boards may determine. Such boards also shall remain open and available for absentee registration and absentee voting responsibilities during such additional hours as the boards may deem necessary. Notice of the time and place shall be given by prior publication in a newspaper of general circulation in the county.

SECTION 7 5 150. Closing registration books; registration of persons coming of age while books closed.

The registration books shall be closed thirty days before each election, but only as to that election or any 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 the registration books shall be closed thirty days before the June primary and shall remain closed until after the second primary and shall likewise be closed thirty days before the November general election. **They shall thereafter be opened from time to time in accordance with the provisions of this article.** Any 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 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 is entitled to vote and a certification to the managers of the precinct that he 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 days shall be entitled to register before the closing of the books if otherwise qualified.

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