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# South Carolina

## *Voter Registration & Voter List Maintenance Guide*

*Provided by*

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# State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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# Who can I contact with election related questions?

## [Link to Elections Official](#)

<b>Chief Elections Office:</b>	South Carolina Election Commission
<b>Physical Address:</b>	State Election Commission 1122 Lady Street, Suite 500 Columbia, SC 29201
<b>Mailing Address:</b>	State Election Commission P.O. Box 5987 Columbia, SC 29250-5987
<b>Phone Number:</b>	803-734-9060
<b>Fax Number:</b>	803-734-9366
<b>Online Contact:</b>	<a href="mailto:elections@elections.sc.gov">elections@elections.sc.gov</a>
<b>County Election Offices:</b>	<a href="https://scvotes.gov/contact/county-voter-registration-election-offices/">https://scvotes.gov/contact/county-voter-registration-election-offices/</a>

# How do I register to vote?

[Link to Register](#)

[Link to Statutes](#)

## **South Carolina Const, Article II, Section 4. Voter Qualifications**

Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law.

## **South Carolina Const, Article II, Section 5. Qualifications of municipal electors.**

Municipal electors shall possess the qualifications prescribed in this Constitution, but each such elector must have resided in the municipality in which he offers to vote for thirty days next preceding the election.

## **South Carolina Const, Article II, Section 7. Disqualifications by reason of mental incompetence or conviction of crime.**

The General Assembly shall establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and may provide for the removal of such disqualifications. Persons who are confined in any penal institution under the judgment of a court shall not be entitled to vote.

# How do I cancel my voter registration?

[Link to Statutes](#)

[Election Offices](#)

## **SECTION 7-5-340. Duties of State Election Commission, removal of elector from official list.**

(A) The State Election Commission shall:

(1) ensure that the name of a qualified elector is removed from the official list of eligible voters within seven days of receipt of information confirming:

(a) the request of the qualified elector to be removed;

# How is voter list maintenance handled?

## [Link to Statutes](#)

### **SECTION 7-5-185. Electronic applications for voter registration.**

(A) A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)

- (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 days before an election to be held in the precinct of the person submitting the application.
- (2) The applicant shall attest to the truth of the information provided in the application.
- (3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver's license or state identification card issued by the Department of Motor Vehicles.
- (4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant's signature from his driver's license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.
- (5) An application submitted pursuant to this section must contain the applicant's name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: "I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence." An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

- (1) applicant has a South Carolina driver's license or state identification card issued by the Department of Motor Vehicles and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or state identification card that is on file with the Department of Motor Vehicles;
- (2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;
- (3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.

### **SECTION 7-5-186. Statewide voter registration database.**

(A) The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law. The executive director must conduct an annual general registration list maintenance program to maintain accurate voter registration records in the statewide voter registration system.

(B) State agencies including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

(C) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

(D) A county board of voter registration and elections shall send a notice, as described in Section 7-5-330(F)(2), to a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if a discrepancy exists between information provided under this section and information that is maintained in the statewide voter registration database.

(E) Information provided under this section for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector must only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.

### **SECTION 7-5-190. Security measures.**

The State Election Commission shall ensure that voter registration information, the voting system, and electronic poll books are protected by security measures that meet or exceed current best practices for protecting data integrity. To do so, the State Election Commission shall consider security standards and best practices issued by federal security and intelligence services including, but not limited to, the Department of Homeland Security and the Election Assistance Commission. The State Election Commission shall certify on an annual basis to the Governor, the President of the Senate, and the Speaker of the House of Representatives that the agency has substantially complied with the requirements of this section.

### **SECTION 7-5-230. Legal qualifications; challenges; proof of residency or domicile; appeals.**

(A) The county boards of voter registration and elections to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

### **SECTION 7-5-230. Cont.**

(B) When a challenge is made regarding the residence or domicile of an elector, the board must consider the provisions of Section 7-1-25(D).

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the county board of voter registration and elections denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court.

### **SECTION 7-5-325. Address changes given under oath; fraud; penalties.**

Any change of address submitted by an elector for registration or voting purposes as provided by Sections 7-5-320 (D), 7-5-330(F)(2)(a), and 7-5-440, and any other written notification of change of address signed by an elector are considered to be given under oath. An elector convicted of fraudulently providing such change of address is guilty of violating Section 7-25-10 and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

### **SECTION 7-5-330. Completion, receipt, and disposition of voter registration application; discretionary removal of elector.**

(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 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 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 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 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 item (1) 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 within seven days after receipt of the report from the county board of voter registration and elections and shall 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.

### **SECTION 7-5-330. Cont**

- (1) "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 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 official 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 re-register to vote.
- (2) The county board of voter registration and elections shall correct the official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.
- (3) 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 7-5-340. Duties of State Election Commission, removal of elector from official list.**

(A) The State Election Commission shall:

- (1) ensure that the name of a qualified elector is removed from the official list of eligible voters within seven days of receipt of information confirming: (a) the request of the qualified elector to be removed; (b) the elector is adjudicated mentally incompetent by a court of competent jurisdiction; (c) the death of the qualified elector; (d) the elector is not a citizen of the United States; or (e) a change in the residence to a place outside the county in which the qualified elector is registered when such confirmation is received from the qualified elector in writing;
- (2) inform applicants under Sections 7-5-155, 7-5-310, and 7-5-320 of: (a) voter eligibility requirements; and (b) penalties provided by law for submission of a false voter registration application;
- (3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official list of eligible voters in compliance with the provisions of Section 7-5-330(F); this item may not be construed to preclude: (a) the removal of names from the official list of eligible voters on a basis described in item (1); or (b) correction of registration records pursuant to this article.

### **SECTION 7-5-440. Failure to notify county board of voter registration and elections of change in address.**

- (A) A qualified elector who has moved from an address in a precinct to an address in the same precinct shall, notwithstanding failure to notify the county board of voter registration and elections of the change of address prior to the date of an election, be permitted to vote at that precinct's polling place upon oral or written affirmation by the qualified elector of the change of address before an election official at that polling place.
- (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 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:



**SECTION 7-5-440. Cont.**

- (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.
- (C) If the registration records indicate inaccurately that a qualified elector has moved from an address in the precinct, the elector shall be permitted to vote at that polling place, upon oral or written affirmation by the elector before an election official at that polling place that the qualified elector continues to reside at his address.
- (D) For voting purposes, in the case of a change of address of a qualified elector to another address within the same county, the county board of voter registration and elections shall correct the voting registration list accordingly, and the elector's name may not be removed from the official list of eligible voters except as provided in Section 7-5-330
- (F).
- (E) At least one member of the county board of voter registration and elections, the clerk, or deputy registrar must be present in the board's office at all hours during which the polls are open on every election day for the purpose of carrying out the provisions of this section.

## [The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

# List of voter registration statuses and their definitions

## [Link to Statutes](#)

Registration Statuses	
<b>Active</b> - Any person who applies for registration to vote and is found to be qualified by the county board of voter registration and elections.	<b>SECTION 7-5-125</b>
<b>Inactive Electors</b> - If the notice sent pursuant to the provisions of subitem (a) of item (1) 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 within seven days after receipt of the report from the county board of voter registration and elections and shall remove this elector upon compliance with the provisions of Section 7-5-330(F).	<b>SECTION 7-5-330</b>

# How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Any person who believes a violation of HAVA Title III has occurred, is occurring or is about to occur may file a complaint. The [complaint form](#) can **ONLY** be used for violations of HAVA Title III.

Complaints must be:

- in writing (use of complaint form is preferred)
- notarized
- submitted to the State Election Commission

# How do I file a non-HAVA election complaint?

[Link to Statutes](#)

The South Carolina State Law Enforcement Division (SLED) handles election crimes and fraud. To report a suspected election crime or fraud:

- Visit [sled.sc.gov/electionfraud.html](http://sled.sc.gov/electionfraud.html)
- Call (833)4SC-VOTE / (833)473-8683
- Or email [4SCVote@sled.sc.gov](mailto:4SCVote@sled.sc.gov)

## Who can I contact regarding an election related complaint?

<b>South Carolina State Election Commission</b>	
<b>Physical Address:</b>	State Election Commission 1122 Lady Street, Suite 500 Columbia, SC 29201
<b>Mailing Address:</b>	State Election Commission P.O. Box 5987 Columbia, SC 29250-5987
<b>Phone Number:</b>	803-734-9060
<b>Fax Number:</b>	803-734-9366
<b>Online Contact:</b>	<a href="mailto:elections@elections.sc.gov">elections@elections.sc.gov</a>
<b>County Election Offices:</b>	<a href="https://scvotes.gov/contact/county-voter-registration-election-offices/">https://scvotes.gov/contact/county-voter-registration-election-offices/</a>

<b>South Carolina State Law Enforcement Division (SLED)</b>	
<b>Physical Address:</b>	4400 Broad River Rd Columbia, SC 29210
<b>Mailing Address:</b>	P.O. Box 21398 Columbia, SC 29221
<b>Phone Number:</b>	833-473-8683
<b>E-mail:</b>	<a href="mailto:4SCVote@sled.sc.gov">4SCVote@sled.sc.gov</a>
<b>Website:</b>	<a href="https://www.sled.sc.gov/electionfraud">https://www.sled.sc.gov/electionfraud</a>