

# Election Statute Navigator: South Carolina

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/south-carolina/covid/#tracker>.

## Voter Registration

- Voters (other than above) register prior to Election Day – [§ 7-5-150](#)
  - 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
- Online registration available – [§ 7-5-185](#)
  - [See official South Carolina online registration website](#)
- Registration via mail available – [§ 7-5-155](#)
- In-Person registration available
  - [§ 7-5-310](#) – Designations
  - [§ 7-5-320](#) – Application for motor vehicle driver's license and voter registration
- Preregistration allowed
  - [§ 7-5-120\(A\)\(1\)](#) – Age qualification as provided in Section 4, Article II of the Constitution of this State
  - [§ 7-5-150](#) – Registration of persons coming of age while books closed.
- Residency requirement
  - [§ 7-1-25](#) – “Domicile” defined
  - [§ 7-5-120\(A\)\(3\)](#) – Every citizen of this State and the United States who applies for registration must be a resident in the county and in the polling precinct in which the elector offers to vote
- Prior conviction eligibility – [§ 7-5-120\(B\)\(2\)-\(3\)](#)
- Voters judged mentally incompetent cannot vote – [§ 7-5-120\(B\)\(1\)](#)
- Voter list maintenance guidelines – [§ 7-5-410](#)
- Other:
  - [§ 7-5-125\(B\)](#) – If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of voter registration and elections upon request in person, or by telephone or mail
  - [§ 7-5-175](#) – Providing voter registration application forms to high school administration
  - [§ 7-5-210](#) – Physically disabled persons may execute forms by mark

- [§ 7-5-330](#) – Completion, receipt, and disposition of voter registration application; discretionary removal of elector

## State Absentee, Early, and Mail Voting

- Listed excuses to vote absentee
  - [§ 7-15-110](#) – Persons qualified to register to vote by absentee ballot using the Standard Form § 76, or any subsequent form replacing it, provided by the federal government
  - [§ 7-15-320](#) – Persons qualified to vote by absentee ballot
- Absentee ballot application is verified – [§ 7-15-340](#)
- Notary or witness signatures required on return envelope – [§ 7-15-220](#); [§ 7-15-230](#)
- Absentee ballot verification details – [§ 7-15-230](#)
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter – [§ 7-15-385](#)
- Deadline by which election official must receive absentee/mailed ballots – [§ 7-15-420](#)
- Absentee/Mail ballot processing and counting procedures – [§ 7-15-420](#)
- An absentee voting precinct is established in each county – [§ 7-15-420](#)
- Spoiling/Replacement/Correction ballot restrictions
  - [§ 7-13-790](#) – Substitute for marred or defaced ballot
- Other:
  - [§ 7-13-1020](#) – Absentee enrollment and absentee voting may not be provided for by party rules or permitted in any primary election, except as provided in Section [§ 7-13-1030](#) or in Chapter 15 of this Title
  - [§ 7-13-1030](#) – Voting by National Guard when on duty

## In-Person Voter ID

- ID requirements – [§ 7-13-710](#)
- Options for voters without ID
  - [§ 7-13-710\(C\)](#) – Provisional ballot if elector cannot produce identification or if manager disputes photograph
  - [§ 7-13-710\(D\)](#) – Affidavit if elector does not produce valid and current photo ID due to a religious objection to being photographed or if elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification

## Provisional Voting

- Provisional ballot availability
  - [§ 7-13-710\(C\)\(1\)](#) – If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photograph identification to the county board of voter registration and elections before certification of the election by the county board of canvassers.

- [§ 7-13-710\(C\)\(2\)](#) – If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with [§ 7-13-830](#).
- [§ 7-13-820](#) – If the name cannot be verified by the board of voter registration and elections, or if a phone is not available, the poll manager or his designee may permit the person to vote after following the procedures set forth in [§ 7-13-830](#), and the vote must be processed as a provisional vote. The poll manager must be listed as the challenger.
- Time allotted to determine the status of provisional ballot
  - [§ 7-13-830](#) – Procedure when voter challenged
  - [§ 7-17-10](#) – Meeting and organization of county boards of canvassers
  - [§ 7-17-510](#) – Convening of county board of voter registration and elections as county boards of canvassers; canvass and certification of primary results; canvass and declaration of results by Board of State Canvassers; telecommunication or electronic communication; public access
- Provisional ballot rejection reasons – [§ 7-7-910](#)
- Method for informing voters whether provisional vote was counted
  - [See official South Carolina provisional ballot status request website](#)

## Polling Place

- Polling Place availability and requirements
  - [§ 7-7-10](#) – Voting precincts established
  - [§ 7-7-15](#) – Notice of change in polling place
  - [§ 7-7-30](#) through [§ 7-7-530](#) – Listed designations of voting precincts in each county
- Unlawful distribution of campaign literature
  - [§ 7-25-180\(A\)](#) – Distribution of campaign literature must not be closer than 200 feet to the entrance of the polling place
  - [§ 7-25-180\(B\)](#) – A candidate may wear within two hundred feet of the polling place a label no larger than four and one-fourth inches by four and one-fourth inches that contains the candidate’s name and the office he is seeking. If the candidate enters the polling place, he may not display any of this identification including, but not limited to, campaign stickers or buttons
- Rules governing poll witnesses
  - [§ 7-13-1440](#) – Witnesses shall not be allowed in the polling place but shall file their certificates of appointment at the proper counting station after the polls close and may observe all functions there.
- Poll watcher qualifications
  - [§ 7-13-860](#) – Qualifications
  - [§ 7-13-1420](#) – Poll watchers shall be allowed to remain in the polling place after the polls close and may observe the processing of the ballots and the sealing of the containers

- Police presence
  - [§ 7-13-140](#) – Managers of election are clothed with such police powers as may be necessary to carry out the provisions of this article. The managers shall possess full authority to maintain good order at the polls and to enforce obedience to their lawful commands during an election and during the canvass and counting of the votes. All peace officers shall answer all such calls for help in preserving the peace as may be made by the managers of election.
  - [§ 7-13-160](#) – No sheriff, deputy sheriff, policeman or other officers shall be allowed to come within the polling place except to vote unless summoned into it by a majority of the managers. On failure of any sheriff, deputy sheriff, policeman or other officer to comply with the provisions of the preceding sentence, the managers of election, or one of them, shall make affidavit against such sheriff, deputy sheriff, policeman or other officer for his arrest.
- Other:
  - [§ 7-7-990](#) – Barrier-free polling places; criteria and procedures for use
  - [§ 7-13-72](#) – Manager requirements of election
  - [§ 7-13-110](#) – Residency requirements of chairmen, clerks, and managers of elections
  - [§ 7-13-120](#) – Candidates and their relatives shall not be managers or clerks
  - [§ 7-13-430](#) – Ballots provided where voting machines not used; substitute ballots; penalties for failure to provide; failsafe ballots
  - [§ 7-13-460](#) – Use of paper ballots
  - [§ 7-13-740](#) – Number and construction of booths; only one voter in booth at a time; speaking to voter prohibited
  - [§ 7-13-760](#) – Time when voter must leave booth and voting place; voter must be alone in booth and must not talk while voting
  - [§ 7-13-770](#) – Unauthorized persons within guard rails; voters requiring assistance; minor children of qualified elector accompanying parent into booth
  - [§ 7-13-771](#) – Voting by handicapped and elderly electors who cannot enter the polling place or cannot stand in line to vote
  - [§ 7-13-780](#) – Designation of voters who may receive assistance
  - [§ 7-13-850](#) – Closing polls; voters waiting may vote

## State Emergency Rules and How Elections are Affected

- Explicit remedies in election statute
  - [§ 7-7-910\(B\)](#) – The local election authority can change the location of polling places if they are inaccessible due to an emergency
  - [§ 7-13-351](#) – In the event of an emergency declared by the Governor and the conditions precipitating the emergency declaration prevent a candidate from filing the nominating petition within the time required by this section, the candidate has an additional five days to submit the nominating petition to the appropriate office.

- [§ 7-13-1170](#) – In an emergency, the governor may declare a new time and date for an election.

## Counting Rules

- Vote Recorders
  - [§ 7-13-1320](#) – Use of vote recorders in certain precincts; use of vote recorders of different kinds; number and capacity of vote records
  - [§ 7-13-1330](#) – Vote recorders and optical scan voting systems; approval process; duration and changes
  - [§ 7-13-1340](#) – Requirements for vote recorders or optical scan voting devices
  - [§ 7-13-1460](#) – Use of paper ballots where use of vote recorders is not possible or practicable
  - [§ 7-13-1470](#) – Procedure where vote recorder becomes out of order
- Voting Systems
  - [§ 7-13-1620](#) – Voting system approval process
  - [§ 7-13-1640](#) – Voting machine requirements
  - [§ 7-13-1655](#) – “Voting system” defined; State Election Commission duties
  - [§ 7-13-1870](#) – Procedure when voting machine becomes inoperative
- Counting procedures
  - [§ 7-13-1110](#) – Counting ballots and declaration of result; volunteer personnel may assist
  - [§ 7-13-1120](#) – Disposition of improperly marked ballots
  - [§ 7-13-1880](#) – Canvass and return of vote; return of provisional and failsafe ballots
  - [§ 7-17-20](#) – Canvass of votes
- Other:
  - [§ 7-13-370](#) – Death, withdrawal or disqualification of candidate after name printed on ballot
  - [§ 7-13-380](#) – Reprinting ballots to delete name of deceased or withdrawn candidate is optional

## Contest/Protest, Recount Rules

- Protests and contests
  - [§ 7-17-30](#) – General
  - [§ 7-17-520](#) – Filing and service in Primary Elections
- Challenging a voter
  - [§ 7-13-830](#) – Procedure when voter challenged
- Automatic recount – [§ 7-17-280](#)
  - Whenever the difference between the number of votes cast in favor of and opposed to any constitutional amendment, question or other issue is not more than one percent of the total cast thereon, the Board of State Canvassers shall order a recount of such votes to be made forthwith
- Other:

- [§ 7-13-75](#) – Political activity prohibited
- [§ 7-13-710\(2\)](#) – Procedure if the county board of voter registration and elections determines that the voter was challenged only for the inability to provide proof of identification and the required affidavit is submitted
- [§ 7-13-§ 710\(3\)](#) – Procedure if the county board of voter registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification
- [§ 7-17-40](#) – Poll lists shall accompany ballots in protests
- [§ 7-17-700](#) – Continuation of protest in event of death of candidate in primary or nonpartisan election
- [§ 7-17-710](#) – Continuation of protest in event of death of candidate in special or general election.