**South Carolina General Assembly**

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**S. 128**

**STATUS INFORMATION**

General Bill

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Summary: Voter Registration

**HISTORY OF LEGISLATIVE ACTIONS**

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12/11/2024 Senate Referred to Committee on **Judiciary**

1/14/2025 Senate Introduced and read first time ([Senate Journal‑page 84](h:\sj\20250114.docx))

1/14/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 84](h:\sj\20250114.docx))

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/128_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-5-120, RELATING TO THE QUALIFICATIONS VOTER REGISTRATION, SO AS TO PROVIDE THAT A PERSON MUST PROVIDE SATISFACTORY EVIDENCE OF CITIZENSHIP TO REGISTER TO VOTE AND TO PROVIDE THAT A PERSON WHO DOES NOT PROVIDE SATISFACTORY EVIDENCE OF CITIZENSHIP MAY NOT REGISTER TO VOTE; BY AMENDING SECTION 7-5-170, RELATING TO THE WRITTEN APPLICATION FOR REGISTRATION TO VOTE, SO AS TO PROVIDE FOR THE DOCUMENTATION THAT THE COUNTY BOARD OF VOTER REGISTRATION MAY CONSIDER AS SATISFACTORY EVIDENCE OF CITIZENSHIP; AND TO PROVIDE THAT THE ATTORNEY GENERAL MUST REVIEW THE REGISTRATION ROLLS IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT TO ENSURE COMPLIANCE WITH THIS ACT.

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

SECTION 1. Section 7-5-120 of the S.C. Code is amended to read:

Section 7-5-120. (A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:

(1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;

(2) is not laboring under disabilities named in the Constitution of 1895 of this State; and

(3) is a resident in the county and in the polling precinct in which the elector offers to vote.; and

(4) has provided satisfactory evidence of citizenship pursuant to Section 7-5-285.

(B) A person is disqualified from being registered or voting if he:

(1) is mentally incompetent as adjudicated by a court of competent jurisdiction; or

(2) is serving a term of imprisonment resulting from a conviction of a crime; or

(3) is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.; or

(4) is unable to provide satisfactory evidence of citizenship pursuant to Section 7-5-170.

SECTION 2. Section 7-5-170 of the S.C. Code is amended to read:

Section 7-5-170. (1) Written application required.(A) A person may not be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application.(B) - The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, citizenship, 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 any 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 take the following oath: “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, that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.” Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C)(1) A person may not be registered to vote unless he has provided the county board with satisfactory evidence of citizenship.

(2) A person may provide any one of the following to the county board to demonstrate satisfactory evidence of his citizenship:

(a) a current, valid driver’s license or state-issued identification card issued by the Department of Motor Vehicles on or after October 1, 1996 or a current, valid driver’s license issued by another state if the person has recently taken up residence in this State;

(b) a legible copy of the person’s birth certificate indicating the person’s birth in the United States;

(c) the person’s current, valid passport or a legible copy of the relevant pages in the person’s United States passport that identifies the person’s passport number;

(d) the person’s United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the person shall not be registered until the county board verifies the number of naturalization with the federal government;

(e) the person’s Bureau of Indian Affairs card, Bureau of Indian Affairs card number, tribal treaty card, or tribal enrollment number. If only the Bureau of Indian Affairs card number or tribal enrollment number provided, then the person shall not be registered until the county board verifies the card number with the Bureau of Indian Affairs or the tribe, as appropriate; and

(f) any other documents or methods that have been established pursuant to the federal Immigration Reform and Control Act of 1986.

(3) Proof of voter registration from another state is not by itself satisfactory evidence of his citizenship for the purposes of registering to vote in this State.

(4) Once a person has demonstrated satisfactory evidence of his citizenship, the person does not have to demonstrate satisfactory evidence of citizenship if he changes residence in this State.

(5) The county board shall note the person’s citizenship in his voter registration file. The county board shall maintain copies of the documents used to demonstrate the person’s satisfactory evidence of citizenship for at least two years. After two years, the county board may destroy the copies.

(3) Date stamp voter registration applications. -– (D) The county board of voter registration and elections shall date stamp all voter registration applications delivered in person, electronically, or by mail as of the date received.

(4) Administration of oaths. -– (E) Any member of the county board of voter registration and elections, deputy registrar, or any registration clerk must be qualified to administer oaths in connection with the application.

(5) Decisions on applications. -– (F) Any member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.

SECTION 3. (A) On or before October 31, 2025, each county board of voter registration and elections shall transmit to the Attorney General a complete list of all individuals in the county who, as of the effective date of this act, are registered to vote but have not provided satisfactory evidence of citizenship as required by this act. Accompanying the list shall be the applications for each individual identified on the list.

(B) The Attorney General shall verify the citizenship of each of the individuals on the lists transmitted pursuant to subsection (A). The Attorney General shall utilize all available resources to verify the citizenship of the individuals on the list, including, but not limited to:

(1) the Department of Motor Vehicles database of licensed drivers and individuals who have a state identification card issued by the Department of Motor Vehicles;

(2) the Social Security Administration’s databases;

(3) the United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program;

(4) the National Association for Public Health Statistics and Information Systems Electronic Verification of Vital Elements system; and

(5) any other federal, state, county, or municipal database relating to voter registration to which the Attorney General may have access, including an electronic registration information center database.

(C) The Attorney General shall submit a report on or before March 1, 2026 to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning all findings relating to the citizenship status of individuals who are registered to vote and who have not provided satisfactory evidence of citizenship as required by this act.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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