**South Carolina General Assembly**

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**H. 3459**

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General Bill

Sponsors: Reps. W. Newton, B. Newton, Pedalino and Taylor

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Summary: Voter registration

**HISTORY OF LEGISLATIVE ACTIONS**

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1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 212](h:\hj\20250114.docx))

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3459_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7‑5‑290 SO AS TO REQUIRE ORGANIZATIONS THAT INTEND TO CONDUCT VOTER REGISTRATION DRIVES TO REGISTER WITH THE STATE ELECTION COMMISSION AND COMPLY WITH CERTAIN OTHER REQUIREMENTS; BY AMENDING SECTION 7‑1‑25, RELATING TO THE MEANING OF “DOMICILE” FOR VOTING PURPOSES, SO AS TO REMOVE CERTAIN FACTORS FROM CONSIDERATION IN DETERMINING A PERSON’S DOMICILE, AND TO CLARIFY THAT A PERSON IS CONSIDERED TO HAVE CHANGED HIS DOMICILE IF HE REGISTERS TO VOTE OR VOTES IN ANOTHER JURISDICTION; BY AMENDING SECTION 7‑3‑20, RELATING TO THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO INCLUDE OVERSEEING THE REGISTRATION OF THIRD‑PARTY VOTER REGISTRATION ORGANIZATIONS; BY AMENDING SECTION 7‑3‑60, RELATING TO REPORTS OF PERSONS CONVICTED OF CERTAIN OFFENSES FURNISHED BY CLERKS AND MAGISTRATES TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO ALSO REQUIRE QUARTERLY REPORTS OF PERSONS WHO HAVE INDICATED IN RESPONSE TO JUROR SUMMONSES THAT THEY ARE NOT UNITED STATES CITIZENS; BY AMENDING SECTION 7‑5‑170, RELATING TO INFORMATION CONTAINED ON VOTER REGISTRATION APPLICATIONS, SO AS TO REQUIRE AN APPLICANT TO PROVIDE HIS DRIVER’S LICENSE OR STATE IDENTIFICATION CARD NUMBER OR, IF NONE, HIS SOCIAL SECURITY NUMBER; BY AMENDING SECTION 7‑5‑185, RELATING TO ELECTRONIC APPLICATIONS FOR VOTER REGISTRATION, SO AS TO REQUIRE AN APPLICANT’S DRIVER’S LICENSE OR STATE IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY NUMBER; BY AMENDING SECTION 7‑25‑10, RELATING TO FALSE SWEARING IN APPLYING FOR REGISTRATION, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS OF THIS SECTION; AND BY ADDING SECTION 7‑25‑25 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO KNOWINGLY FILL OUT INFORMATION ON ANOTHER PERSON’S VOTER REGISTRATION APPLICATION WITHOUT THAT PERSON’S KNOWLEDGE, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1.A. Article 3, Chapter 5, Title 7 of the S.C. Code is amended by adding:

Section 7‑5‑290. (A) As used in this section:

(1) “Third‑party voter registration drive” means the solicitation, distribution, or collection of voter registration applications by a third‑party voter registration organization.

(2) “Third‑party voter registration organization” means any individual or entity that solicits, distributes, or collects voter registration applications and that is not required by law to do so. “Third‑party voter registration organization” does not include:

(a) an individual encouraging or assisting a member of his immediate family in registering to vote;

(b) an individual assisting a person who requires assistance in registering to vote because of blindness, disability, or the inability to read or write, and who is chosen by the person to provide such assistance; and

(c) an individual or entity required by law to perform voter registration activities.

(B) Each third‑party voter registration organization that intends to conduct a voter registration drive must first register with the State Election Commission either directly or through a county board of voter registration and elections in a manner prescribed by the executive director.

(C) A completed voter registration application collected through a third‑party voter registration drive shall be submitted to the county board of voter registration and elections within ten days of receipt of the completed application from the applicant.

(D) The registration required by this section must require the applicant to acknowledge the requirements applicable to voter registration activities as well as the election offenses applicable to voter registration and voter registration activities.

(E)(1) A third‑party voter registration organization that fails to register in violation of subsection (B), or otherwise conducts an unauthorized voter registration drive, must be punished by a fine not to exceed five hundred dollars for each instance.

(2) A third‑party voter registration that fails to timely submit a completed application in violation of subsection (C) may be punished by a fine not to exceed one thousand dollars in the discretion of the State Election Commission. The State Election Commission may revoke a third‑party voter registration organization’s registration under this section if it determines that the failure to timely submit an completed application also resulted in applications being submitted after the thirty‑day voter registration deadline for an election.

B. The provisions of this SECTION take effect one hundred and eighty days after approval by the Governor.

SECTION 2. Section 7‑1‑25 of the S.C. Code is amended to read:

Section 7‑1‑25. (A) A person’s residence is his domicile. “Domicile” means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B)(1) For voting purposes, a person has changed his domicile if he:

(1)(a) has abandoned his prior home; and

(2)(b) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(2) If a person goes into another state, county, or municipality and, while there, registers to vote or votes, he is considered to have changed his domicile.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes, factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

(1) a voter’s address reported on income tax returns;

(2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12‑43‑220(c);

(3) a voter’s physical mailing address;

(4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles;

(5) a voter’s address on legal and financial documents;

(6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter’s address on an automobile registration; and

(8) a voter's address utilized for membership in clubs and organizations;

(9) the location of a voter's personal property;

(10)(8) residence of a voter’s parents, spouse, and children; and

(11)(9) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.

SECTION 3.A. Section 7‑3‑20(D) of the S.C. Code is amended by adding:

(20) oversee the registration of third‑party voter registration organizations as prescribed in Section 7‑5‑290.

B. The provisions of this SECTION take effect one hundred and eighty days after approval by the Governor.

SECTION 4. Section 7‑3‑60 of the S.C. Code is amended to read:

Section 7‑3‑60. (A) The clerks of the courts of common pleas and general sessions and every magistrate in the State must, annually on or before June first, make out under their respective hands and seals and report to the executive director a complete list as shown by the records of their respective offices for the preceding calendar year of all persons convicted in that year of felonies or crimes against the election laws, together with the social security or identification numbers of these persons and the month of conviction. Where there is no person to be reported, the report shall so state. Any clerk of the court or magistrate who fails or neglects to make any report required by this section must forfeit and pay to the county in which he holds office the sum of fifty dollars for each failure or neglect to make the report.

(B) The clerks of court of each county, chief magistrate for administrative purposes in each county, and municipal clerks of court must furnish to the executive director of the State Election Commission a quarterly report of all persons who have indicated in response to juror summonses that they are not United States citizens. All reports must contain the identifying information of each such person including, without limitation, the person’s name, age, and address. Where there is no person to be reported, the report shall so state. Reports furnished under this subsection are public records pursuant to Chapter 4, Title 30, the Freedom of Information Act.

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

Section 7‑5‑170. (1) Written application required. 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 a driver’s license number, state identification card number issued by the Department of Motor Vehicles, or social security number contained in the application must not be open to public inspection.

(2) Form of application. ‑ The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security numberSouth Carolina driver’s license number or state identification card number issued by the Department of Motor Vehicles, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant’s social security number is required only if the applicant does not have a South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles. 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.

(3) Date stamp voter registration applications. ‑ 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. ‑ 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. ‑ 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 6. Section 7‑5‑185 of the S.C. Code is amended to read:

Section 7‑5‑185. (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, South Carolina driver’s license or state identification number, last four digits of 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

(4) 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.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.

SECTION 7. Section 7‑25‑10 of the S.C. Code is amended to read:

Section 7‑25‑10. It is unlawful for a person to falsely swear in making an application for registration under this chapter. A person who violates the provisions of this section is guilty of a misdemeanor felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three five years, or both.

SECTION 8. Chapter 25, Title 7 of the S.C. Code is amended by adding:

Section 7‑25‑25. It is unlawful for a person to knowingly fill out information on another person’s voter registration application without the applicant’s knowledge. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than five years.

SECTION 9. Except as provided in SECTIONS 1 and 3, the provision of this act take effect upon approval by the Governor.

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