**South Carolina General Assembly**

126th Session, 2025-2026

**S. 124**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Johnson

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Prefiled in the Senate on December 11, 2024

Currently residing in the Senate Committee on **Judiciary**

Summary: Cast Vote Records

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

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

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/124_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7‑13‑130, RELATING TO MANAGERS’ TABLE; GUARD RAIL; GENERAL ARRANGEMENT; PRESERVATION OF RIGHT TO VOTE AND SECRECY OF BALLOT, SO AS TO ALLOW FOR THE RELEASE OF CERTAIN VOTED BALLOTS AND DE‑IDENTIFIED CAST VOTE RECORDS PURSUANT TO COURT ORDER, ORDER OF THE APPROPRIATE BOARD OF VOTER REGISTRATION AND ELECTIONS, OR FREEDOM OF INFORMATION REQUEST; AND BY AMENDING SECTION 30‑4‑20, RELATING TO FREEDOM OF INFORMATION ACT DEFINITIONS, SO AS TO INCLUDE CAST VOTE RECORDS IN THE DEFINITION OF PUBLIC RECORD.

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

SECTION 1. Section 7‑13‑130 of the S.C. Code is amended to read:

 Section 7‑13‑130. (A) The polling places shall be provided with a table for the managers. The polls shall be provided with a guard rail, so that no one except as herein authorized shall approach nearer than five feet to the booths in which the voters are preparing their ballots. The managers at each voting place shall arrange the table, desk or other place upon which the ballot boxes shall be placed so that there shall be no crowding or confusion immediately around the boxes, and suitable means shall be provided to enable each voter to approach the boxes and deposit his ballot without interference or hindrance. The right to vote of each person so entitled and the secrecy of the ballot shall be preserved at all times.

 (B) Voted ballots and any paper and electronic records associated with those individual voted ballots must be treated as confidential, and no person other than election officials performing their duties may have access to those documents, except by:

 (1) court order;

 (2) order of the appropriate board of voter registration and elections as part of the resolution of an election protest or contest or an investigation of an alleged election irregularity or violation; or

 (3) a freedom of information request, as provided in Title 30, Chapter 4, for cast vote records. “Cast vote records” means a de‑identified electronic record of each voter’s ballot selections, electronically retained on a ballot tabulation machine that may be used to count election results for each ballot entry on that machine.

 (C) Voted ballots and paper and electronic records of voted ballots, including cast vote records, must not disclose the identity of a voter. Election officials must redact any information identifying the voter before releasing these documents to the public. Any person who has access to an official voted ballot or cast vote record and knowingly discloses in violation of this section how an individual has voted on that ballot is guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or imprisoned not less than ten nor more than ninety days, or both so fined and imprisoned, in the discretion of the court.

SECTION 2. Section 30‑4‑20(c) of the S.C. Code is amended to read:

 (c) “Public record” includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. “Public record” also includes cast vote records as defined in Section 7‑13‑130(B)(3), with the restrictions provided for in Section 7‑13‑130. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this act; nothing herein authorizes or requires the disclosure of those records where the public body, prior to January 20, 1987, by a favorable vote of three‑fourths of the membership, taken after receipt of a written request, concluded that the public interest was best served by not disclosing them. Nothing herein authorizes or requires the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of the institutions required to be made by law. Information relating to security plans and devices proposed, adopted, installed, or utilized by a public body, other than amounts expended for adoption, implementation, or installation of these plans and devices, is required to be closed to the public and is not considered to be made open to the public under the provisions of this act.

SECTION 3. This act takes effect upon approval by the Governor.

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