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Summary: Voter registration, party affiliation

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3643_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-5-200 SO AS TO AMONG OTHER THINGS, PROVIDE THAT ONLY ELECTORS REGISTERED AS AFFILIATED WITH A CERTIFIED POLITICAL PARTY OR AS UNAFFILIATED FOR A CERTAIN PERIOD OF TIME MAY PARTICIPATE IN A PARTISAN PRIMARY OR ADVISORY REFERENDUM HELD BY THAT PARTY, AND TO ESTABLISH PROCESSES BY WHICH ELECTORS REGISTER OR BECOME REGISTERED AS AFFILIATED WITH A POLITICAL PARTY; BY AMENDING SECTIONs 7-5-170 and 7-5-185, both RELATING TO APPLICATIONS FOR VOTER REGISTRATION, both SO AS TO INCLUDE INFORMATION REGARDING AN APPLICANT’S POLITICAL PARTY AFFILIATION; BY AMENDING SECTION 7-11-15, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO SHORTEN THE CANDIDATE FILING PERIOD, TO REQUIRE ALL CANDIDATES FROM EACH POLITICAL PARTY IN THIS STATE TO PAY A FILING FEE, AND TO AUTHORIZE POLITICAL PARTIES TO CHARGE A CERTIFICATION FEE TO ALL CANDIDATES; BY AMENDING SECTION 7-11-210, RELATING TO FILING OF PARTY PLEDGES BY CANDIDATES, SO AS TO CHANGE THE DATE BY WHICH A PARTY PLEDGE MUST BE FILED; AND BY AMENDING SECTION 7-13-40, RELATING TO THE CERTIFICATION OF NAMES BY A POLITICAL PARTY TO BE PLACED ON PRIMARY BALLOTS, SO AS TO PROVIDE THAT ONLY PERSONS WHO HAVE PARTICIPATED IN A POLITICAL PARTY’S RECENT STATEWIDE PRIMARIES AND ARE REGISTERED AS AFFILIATED WITH THE PARTY FOR A CERTAIN PERIOD OF TIME ARE ELIGIBLE TO APPEAR ON THE BALLOT FOR THAT PARTY’S PARTISAN PRIMARY UNLESS THE PARTY HAS TAKEN ACTION TO WAIVE THESE REQUIREMENTS.

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

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

 Section 7‑5‑200. (A) An elector must either be registered as a member of a certified political party or as unaffiliated with a certified political party forty‑five days prior to the date of a partisan primary or advisory referendum held by that party in order to participate. Provided, upon casting a vote in a partisan primary election or partisan advisory referendum of a certified political party, an unaffiliated elector becomes a registered member of that certified political party. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or advisory referendum of another certified political party with which that elector is not registered.

 (B) An application for voter registration, regardless of form, must provide a place for the applicant to indicate a preference to be affiliated with a certified political party, or a preference to be an unaffiliated voter. If an applicant fails to declare a preference for a certified political party or for unaffiliated status, the applicant must be assigned an unaffiliated status unless the applicant is already registered in the county as affiliated with a certified political party. A registered elector’s status as affiliated with a certified political party or as unaffiliated may not be changed except by written request or confirmation of the elector, or upon an unaffiliated elector’s participation in the partisan primary election or partisan advisory referendum of a certified political party.

 (C) A registered elector who wishes to have the record of his affiliation with a certified political party or unaffiliated status on his registration changed may indicate and submit the change on an application for voter registration or other form for updating an elector’s registration record as may be approved by the State Election Commission.

 (D) The State Election Commission shall ensure each registered elector’s political party affiliation or unaffiliated status is captured in the statewide voter registration file and poll books or precinct lists, as appropriate.

SECTION 2.A. Section 7‑5‑170(2) of the S.C. Code is amended to read:

 (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 number, date of birth, residence address, mailing address, telephone number of the applicant, political party affiliation or unaffiliated status, 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.

B. Section 7‑5‑185(B)(5) of the S.C. Code is amended to read:

 (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, political party affiliation or unaffiliated status, 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.

SECTION 3. Section 7‑11‑15(A) of the S.C. Code is amended to read:

 (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth twenty‑fifth as provided in this section. If March thirtieth twenty‑fifth is on a Saturday or Sunday, the time for filing extends to the next regular business day. For purposes of this section and Section 7‑13‑45, “next regular business day” means a day that is not a Saturday, Sunday, or legal holiday. Notwithstanding another provision of law, beginning July 1, 2026, all candidates from each political party in this State shall pay a filing fee, including candidates from parties that choose not to conduct a primary election. In addition to the filing fee required pursuant to this subsection, political parties may also charge a certification fee not to exceed the sum of one hundred dollars to all candidates seeking nomination by political party primary or political party convention.

 (1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

 (2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

 (3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

SECTION 4. Section 7‑11‑210 of the S.C. Code is amended to read:

 Section 7‑11‑210. (A) Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention, shall file with and place in the possession of the appropriate election commission, pursuant to Section 7‑11‑15 by twelve o’clock noon on March thirtieth twenty‑fifth a party pledge in the following form, the blanks being properly filled in and the party pledge signed by the candidate: “I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_\_ . I affiliate with the \_\_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write‑in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office”.

 (B) Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county board of voter registration and elections of the county in which they reside by twelve o’clock noon on March thirtieth twenty‑fifth a like party pledge.

 (C) The party pledge required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of an individual authorized by the election commission director. Any party pledge of any candidate signed by an agent on behalf of a candidate shall not be valid.

 (D) In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.

SECTION 5. Section 7‑13‑40 of the S.C. Code is amended to read:

 Section 7‑13‑40. (A) In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.

 (B)(1) Only persons who have voted in two of the last three statewide primaries of a certified political party and are registered as affiliated with that certified political party at least forty‑five days prior to the opening of the applicable candidate filing period for a particular office are eligible to appear on the ballot for that party’s partisan primary. Provided, the state executive committee of the party may, by resolution, grant a waiver to a candidate who does not meet the participation requirement prior to the deadline for certifying candidates under subsection (A). The state executive committee may also, by resolution or party rules adopted at least one hundred and twenty days prior to the opening of the applicable candidate filing period, take action to open filing to persons who are registered as unaffiliated, are registered as affiliated with another party, or both.

 (2) A political party may not refuse to certify a candidate on the basis of party affiliation who, at least forty-five days prior to the opening of the applicable candidate filing period, is registered as:

 (a) affiliated with that political party;

 (b) unaffiliated, if the party has taken action pursuant to item (1) to open candidate filing to persons registered as unaffiliated; or

 (c) affiliated with another party if the party has taken action pursuant to item (1) to open candidate filing to persons registered as affiliated with another party.

SECTION 6. The State Election Commission must establish a voter education program concerning the provisions contained in this legislation.

SECTION 7. Any changes to forms required by this act must be implemented as soon as possible, but not later than October 1, 2025.

SECTION 8. This act takes effect upon approval by the Governor and applies to all primaries conducted after March 31, 2026.

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