

Felony Disenfranchisement in **South Carolina**



Felony disenfranchisement laws are a defect in our democracy.

These laws are the enduring reminders of how state government creates and maintains a two-tiered level of citizenship. Equally troubling, these laws produce stark racial disparities that influence who can participate in and the outcomes of federal and state elections, as well as dilute communities' voting power. Because of the many troubling aspects of felony disenfranchisement laws and that they remain a fundamental part of the legal and political landscape throughout most of the United States, including in South Carolina, advocates continue to challenge them in the courts, legislatures, and streets.



South Carolina's Felony Disenfranchisement Law

People who are convicted of felonies or misdemeanors involving violations of election law are ineligible to vote while incarcerated, on parole, or on probation. Upon completion of a sentence, the State automatically restores a person's voting right. However, to cast a vote, a person must first submit a new registration application to their local county board of registration and elections.



Disenfranchised by Debt

Completion of probation is a requirement for the State to automatically restore a person's right to vote, which includes an obligation to fulfill all legal financial obligations. Therefore, a person can lose their voting right indefinitely if they are unable to pay court-related debts and monthly probation fees.



South Carolina's County Election Board Structure

The State allows each of the forty-six county boards of voter registration and elections to set up their own policies for determining whether they will ask people to provide documentation that they completed their sentence as part of the registration process. This can and has led to differing treatment of people seeking to regain their right to vote by county.



Number of South Carolinians Disenfranchised

Based 2016 data, approximately 47,238 of the voting-age population in South Carolina is disenfranchised because of a disqualifying felony or misdemeanor, and Black South Carolinians comprise 82% of those disenfranchised.

¹ S.C. Code Ann. § 7-5-120. A person's right to vote can also be restored if she receives a pardon by the South Carolina Board of Pardons and Pardoners.

² Probation may not exceed a period of five years and may be "continued or extended within the above limit" by a judge. Ann § 24-21-440.

³ Ann. § 24-21-100.

⁴ Allyson Fredericksen and Linnea Lassiter, Disenfranchised by Debt, ALLIANCE FOR A JUST SOCIETY 1, 15-16 (Mar. 2016), <http://allianceforajustsociety.org/wp-content/uploads/2016/03/Disenfranchised-by-Debt-FINAL-3.8.pdf>.

⁵ South Carolina Voter Registration Information, S.C. ELECTION COMM (2018), <https://www.scvotes.org/south-carolina-voter-registration-information>; see also South Carolina County Election Board Survey on Felony & Misdemeanor Disenfranchisement, ACLU OF S.C. (2008), https://www.aclu.org/sites/default/files/field_document/sc_survey.pdf.

⁶ State-by-State Data, THE SENTENCING PROJECT (2017), <https://www.sentencingproject.org/the-facts/#map>.

Important Notes: You may be able to vote if you are in pretrial detention. For more information, contact the South Carolina Election Commission at (803) 734-9060. If you are unsure whether your conviction qualifies as a felony or misdemeanor under election law, you should also contact the South Carolina Election Commission.



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