CHAPTER 25

Offenses Against the Election Laws

CROSS REFERENCES

Jurisdiction of state grand jury, see Section 14‑7‑1630.

**SECTION 7‑25‑10.** False swearing in applying for registration.

 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 and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

HISTORY: 1962 Code Section 23‑650; 1957 (50) 671; 1993 Act No. 184 Section 135, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

CROSS REFERENCES

Fraudulent elector address changes, violations and penalties, see Section 7‑5‑325.

LIBRARY REFERENCES

29 C.J.S., Elections Section 326.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Elections Section 94, Statutory Provisions.

Attorney General’s Opinions

An elector must reside within the limits of a municipality at least thirty days before being allowed to cast ballots in an election for a municipal official, and if the elector votes in an election he/she is not entitled to vote in, he/she could be charged with a misdemeanor, a felony, and/or perjury. S.C. Op.Atty.Gen. (September 29, 2014) 2014 WL 5073496.

**SECTION 7‑25‑20.** Fraudulent registration or voting.

 It is unlawful for a person to fraudulently:

 (1) procure the registration of a name on the books of registration;

 (2) offer or attempt to vote that name;

 (3) offer or attempt to vote in violation of this title or under any false pretense as to circumstances affecting his qualifications to vote; or

 (4) aid, counsel, or abet another in fraudulent registration or fraudulent offer or attempt to vote.

 A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both.

HISTORY: 1962 Code Section 23‑651; 1952 Code Section 23‑651; 1950 (46) 2059; 1993 Act No. 184 Section 136, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

CROSS REFERENCES

Applicability of the penalty provided in this section in the event of fraudulent registration of an elector by mail, see Section 7‑5‑155.

LIBRARY REFERENCES

29 C.J.S., Elections Sections 325, 326.

Attorney General’s Opinions

An elector must reside within the limits of a municipality at least thirty days before being allowed to cast ballots in an election for a municipal official, and if the elector votes in an election he/she is not entitled to vote in, he/she could be charged with a misdemeanor, a felony, and/or perjury. S.C. Op.Atty.Gen. (September 29, 2014) 2014 WL 5073496.

**SECTION 7‑25‑30.** Repealed by 1984 Act No. 510 Section 19, eff June 28, 1984.

Editor’s Note

Former Section 7‑25‑30 was entitled “Improperly furnishing registration certificate” and was derived from 1962 Code Section 23‑652; 1952 Code Section 23‑652; 1950 (46) 2059.

**SECTION 7‑25‑40.** Repealed by 1984 Act No. 510 Section 19, eff June 28, 1984.

Editor’s Note

Former Section 7‑25‑40 was entitled “Receiving or using illegal registration certificate” and was derived from 1962 Code Section 23‑653; 1952 Code Section 23‑653; 1950 (46) 2059.

**SECTION 7‑25‑50.** Bribery at elections; unlawful to accept bribery.

 It is unlawful for a person to procure, by the payment, delivery, or promise of money or other article of value, another to vote for or against any particular candidate or measure at any election held within this State, whether general, special, or primary, for members of the Congress of the United States, members of the General Assembly of this State, sheriff, clerk, judge of probate or other county officer, mayor, and aldermen of any city or intendant and wardens of any incorporated town, or at any other election held within this State. It is also unlawful for a person to accept such procurements. The person promising and the person voting are each guilty of a felony and, upon conviction, for the first offense, must be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not more than five years. Upon conviction for a second or subsequent offense, the person must be fined not less than five hundred dollars nor more than five thousand dollars and imprisoned not more than ten years.

HISTORY: 1962 Code Section 23‑654; 1952 Code Section 23‑654; 1950 (46) 2059; 1993 Act No. 184 Section 10, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change portions from misdemeanors to felonies and the maximum term of imprisonment to conform to the new crime classification system.

CROSS REFERENCES

Bribery and corruption of public officers, see Sections 16‑9‑210 et seq.

Bribery to obtain public office or accepting such bribes, see Sections 16‑9‑280 et seq.

LIBRARY REFERENCES

29 C.J.S., Elections Section 332.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Bribery Section 12, Procurement of Public Office.

S.C. Jur. Burglary Section 17, of Another.

**SECTION 7‑25‑60.** Procuring or offering to procure votes by bribery.

 (A) It is unlawful for a person at any election to:

 (1) procure, or offer or propose to procure, another, by the payment, delivery, or promise of money or other article of value, to vote for or against any particular candidate or measure; or

 (2) vote, offer, or propose to vote for or against any particular candidate or measure for the consideration of money or other article of value paid, delivered, or promised, vote or offer or propose to vote for or against any particular candidate or measure.

 (B) A person who violates the provisions of this section is guilty of a felony. Upon conviction for a first offense, the person must be fined in the discretion of the court and imprisoned not more than five years. Upon conviction for a second or subsequent offense, the person must be fined in the discretion of the court and imprisoned not more than ten years.

HISTORY: 1962 Code Section 23‑655; 1952 Code Section 23‑655; 1950 (46) 2059; 1993 Act No. 184 Section 11, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change portions from misdemeanors to felonies and the maximum term of imprisonment to conform to the new crime classification system.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Bribery Section 12, Procurement of Public Office.

S.C. Jur. Burglary Section 17, of Another.

**SECTION 7‑25‑70.** Procuring or offering to procure votes by threats.

 It is unlawful for a person, by threats or any other form of intimidation, to procure, offer, or promise to endeavor to procure another to vote for or against any particular candidate in any election. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than three years, or both.

HISTORY: 1962 Code Section 23‑656; 1952 Code Section 23‑656; 1950 (46) 2059; 1993 Act No. 184 Section 137, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

LIBRARY REFERENCES

29 C.J.S., Elections Section 333.

**SECTION 7‑25‑80.** Threatening, intimidating, or abusing voters.

 A person who, at any of the elections, general, special, or primary, in any city, town, ward, or polling precinct, threatens, mistreats, or abuses a voter with a view to control or intimidate him in the free exercise of his right of suffrage, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

HISTORY: 1962 Code Section 23‑657; 1952 Code Section 23‑657; 1950 (46) 2059; 1993 Act No. 184 Section 12, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change portions from misdemeanors to felonies and the maximum term of imprisonment to conform to the new crime classification system.

CROSS REFERENCES

Assault, etc., on account of political opinions or the exercise of civil rights, see Section 16‑17‑560.

Discharging employees for political opinions or the exercise of civil rights, see Section 16‑17‑560.

Ejecting a citizen from rented property because of political opinions or the exercise of civil rights, see Section 16‑17‑560.

LIBRARY REFERENCES

29 C.J.S., Elections Section 333.

**SECTION 7‑25‑90.** Repealed by 1978 Act No. 632 Part II Section 4, eff July 27, 1978.

Editor’s Note

Former Section 7‑25‑90 was entitled “Selling or giving away liquor within one mile of voting precinct” and was derived from 1962 Code Section 23‑658; 1952 Code Section 23‑658; 1950 (46) 2059.

**SECTION 7‑25‑100.** Allowing ballot to be seen, removing ballot from voting place, improper assistance, and related offenses.

 (A) It is unlawful in any election for a voter to:

 (1) allow his ballot to be seen by a person, except as provided by law;

 (2) take, remove, or attempt to take or remove a ballot from the polling place before the close of the polls;

 (3) place a mark upon his ballot by which it may be identified;

 (4) take into the election booth a mechanical device to enable him to mark his ballot; or

 (5) remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired and requested by a manager to leave the compartment or booth.

 (B) It is unlawful for a person to:

 (1) interfere with a voter who is inside of the polling place or is marking his ballot;

 (2) unduly influence or attempt to influence unduly a voter in the preparation of his ballot;

 (3) endeavor to induce a voter to show how he marks or has marked his ballot; or

 (4) aid or attempt to aid a voter by means of any mechanical device in marking his ballot.

 (C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than one year.

HISTORY: 1962 Code Section 23‑659; 1952 Code Section 23‑659; 1950 (46) 2059; 1993 Act No. 184 Section 138, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

Attorney General’s Opinions

Any voter who allows his/her ballot to be seen, through any medium, with the apparent intention of letting it be known how he/she is about to or has voted, may be found to have violated the constitutional and statutory mandate for ballot secrecy in this State. S.C. Op.Atty.Gen. (May 8, 2012) 2012 WL 1774921.

**SECTION 7‑25‑110.** Voting more than once at elections.

 It is unlawful for a person qualified to vote at any general, special, or primary election for an office whether local, state, or federal to vote more than once at such election, for the same office. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 23‑660; 1952 Code Section 23‑660; 1950 (46) 2059; 1993 Act No. 184 Section 139, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

LIBRARY REFERENCES

29 C.J.S., Elections Section 325.

**SECTION 7‑25‑120.** Impersonating a voter.

 It is unlawful for a person to impersonate or attempt to impersonate another person for the purpose of voting in a general, special, or primary election, whether municipal or State. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not less than three hundred dollars nor more than twelve hundred dollars, or both. When a person who violates the provisions of this section is placed under bond, the bond may not be less than six hundred dollars nor more than twelve hundred dollars.

HISTORY: 1962 Code Section 23‑661; 1952 Code Section 23‑661; 1950 (46) 2059; 1993 Act No. 184 Section 140, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

**SECTION 7‑25‑130.** Arrest of person who impersonates a voter.

 If any manager of election of this State report to the sheriff or other peace officer that a person has violated Section 7‑25‑120 such peace officer shall arrest such person and have a proper warrant sworn out. Any sheriff or police officer refusing to make an arrest when demand is made by the proper authorities for any violation of Section 7‑25‑120 shall be subject to prosecution in the court of general sessions for malfeasance in office.

HISTORY: 1962 Code Section 23‑662; 1952 Code Section 23‑662; 1950 (46) 2059.

**SECTION 7‑25‑140.** Copies of certain election laws may be posted.

 The authority responsible under law for conducting a party primary and the board of voter registration and elections or other electoral board in general and special elections in their discretion may post, or cause to be posted, a copy of Sections 7‑25‑120 to 7‑25‑140, printed on cardboard in as large type as a board twelve by twelve inches will carry, in each polling precinct.

HISTORY: 1962 Code Section 23‑663; 1952 Code Section 23‑663; 1950 (46) 2059; 1992 Act No. 253, Section 13, eff February 19, 1992.

Code Commissioner’s Note

Pursuant to the directive in 2014 Act No. 196, Section 8, at the direction of the Code Commissioner, references in this section to county election commissions or commissioners or county boards of voter registration were changed to the “Board of Voter Registration and Elections” and board members as appropriate.

Effect of Amendment

The 1992 amendment replaced “county committee in any” with “authority responsible under law for conducting a”, preceding “party primary”, and deleted “and every” preceding “polling district”.

**SECTION 7‑25‑150.** Swearing falsely at elections or taking oath in another’s name.

 Any voter who shall swear falsely at any election, general, special or primary, in taking the prescribed oath or shall impersonate another person and take the oath in his name in order to vote shall be guilty of perjury and be punished, upon conviction, as for perjury.

HISTORY: 1962 Code Section 23‑664; 1952 Code Section 23‑664; 1950 (46) 2059.

Attorney General’s Opinions

An elector must reside within the limits of a municipality at least thirty days before being allowed to cast ballots in an election for a municipal official, and if the elector votes in an election he/she is not entitled to vote in, he/she could be charged with a misdemeanor, a felony, and/or perjury. S.C. Op.Atty.Gen. (September 29, 2014) 2014 WL 5073496.

**SECTION 7‑25‑160.** Wilful neglect or corrupt conduct on part of poll managers.

 A manager at any general, special, or primary election in this State who wilfully violates any of the duties devolved by law upon such position is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than three years. A manager who commits fraud or corruption in the management of such election is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than three years, or both.

HISTORY: 1962 Code Section 23‑665; 1952 Code Section 23‑665; 1950 (46) 2059; 1993 Act No. 184 Section 141, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

LIBRARY REFERENCES

29 C.J.S., Elections Sections 325, 327.

**SECTION 7‑25‑170.** Wilful neglect or corrupt conduct by officers other than managers.

 An officer, other than a manager at any election, on whom a duty is imposed by this title, except under Section 7‑13‑1170, Articles 1 and 3 of Chapter 17 and Chapters 19 and 23 of this title, who wilfully neglects such duty or engages in corrupt conduct in executing it is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than three years.

HISTORY: 1962 Code Section 23‑666; 1952 Code Section 23‑666; 1950 (46) 2059; 1993 Act No. 184 Section 142, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

LIBRARY REFERENCES

29 C.J.S., Elections Section 327.

**SECTION 7‑25‑180.** Unlawful distribution of campaign literature.

 (A) It is unlawful on an election day within two hundred feet of any entrance used by the voters to enter the polling place for a person to distribute any type of campaign literature or place any political posters. The poll manager shall use every reasonable means to keep the area within two hundred feet of any such entrance clear of political literature and displays, and the county and municipal law enforcement officers, upon request of a poll manager, shall remove or cause to be removed any material within two hundred feet of any such entrance distributed or displayed in violation of this section.

 (B) A candidate may wear within two hundred feet of the polling place a label no larger than four and one‑fourth inches by four and one‑fourth inches that contains the candidate’s name and the office he is seeking. If the candidate enters the polling place, he may not display any of this identification including, but not limited to, campaign stickers or buttons.

HISTORY: 1962 Code Section 23‑658.2; 1968 (55) 2316; 1990 Act No. 393, Section 1, eff April 3, 1990; 1996 Act No. 466, Section 10, eff August 21, 1996.

Effect of Amendment

The 1990 amendment revised the section so as to prohibit distribution of campaign literature within two hundred feet of any entrance to the polling place instead of from the building in which the polling place is located.

The 1996 amendment added subsection (B).

RESEARCH REFERENCES

ALR Library

65 ALR 6th 441 , Validity, Construction, and Application of State Statutes Regulating Solicitation or Exit Polling Near Voting Precincts.

NOTES OF DECISIONS

In general 1

1. In general

State statute prohibiting solicitation of votes and display or distribution of campaign literature within 100 feet of entrance to polling place did not violate First or Fourteenth Amendment. Burson v. Freeman, 1992, 112 S.Ct. 1846, 504 U.S. 191, 119 L.Ed.2d 5.

**SECTION 7‑25‑190.** Illegal conduct at elections generally.

 A person who votes at any general, special, or primary election who is not entitled to vote, or who by force, intimidation, deception, fraud, bribery, or undue influence obtains, procures, or controls the vote of any voter to be cast for any candidate or measure other than as intended or desired by such voter, or who violates any of the provisions of this title in regard to general, special, or primary elections is guilty of a felony. Upon conviction, the person must be fined not less than one hundred nor more than one thousand dollars or imprisoned not more than five years, or both.

HISTORY: 1962 Code Section 23‑667; 1952 Code Section 23‑667; 1950 (46) 2059; 1993 Act No. 184 Section 13, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change portions from misdemeanors to felonies and the maximum term of imprisonment to conform to the new crime classification system.

CROSS REFERENCES

Crimes and offenses, generally, see Title 16.

Offense of betting on elections, see Section 16‑19‑90.

Possession of voting machine key by unauthorized person, see Section 7‑13‑1910.

Tampering with voting machine, see Section 7‑13‑1920.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Elections Section 94, Statutory Provisions.

Attorney General’s Opinions

An elector must reside within the limits of a municipality at least thirty days before being allowed to cast ballots in an election for a municipal official, and if the elector votes in an election he/she is not entitled to vote in, he/she could be charged with a misdemeanor, a felony, and/or perjury. S.C. Op.Atty.Gen. (September 29, 2014) 2014 WL 5073496.

**SECTION 7‑25‑200.** Unlawful inducement to file for or withdraw from candidacy for election.

 (A) It is unlawful to offer or accept, or attempt to offer or accept, either directly or indirectly, money, a loan of money, or any other thing of value which includes, but is not limited to, employment or the promise of employment to induce a person to file or withdraw as a candidate for any state or federal elected office.

 Nothing in this section shall be construed to prohibit legitimate campaign contributions or the pledge to make a campaign contribution as otherwise allowed by law. Nor shall this section prevent a person from paying from his own funds, the filing fee of an immediate family member which means a spouse, child, grandchild, mother, father, sister, or brother.

 Any person convicted of violating the provisions of this section shall be fined not more than ten thousand dollars or imprisoned for not more than one year.

 (B) The Attorney General or the solicitor of the judicial circuit in which the violation occurred, shall prosecute immediately a person violating the provisions of this section.

 (C) Nothing in this section shall preclude appropriate civil remedies by an aggrieved party. The court shall, upon a finding that a person violated the provisions of this section, award reasonable attorney’s fees and the costs of bringing such action as determined by the court.

HISTORY: 1992 Act No. 287, Section 1, eff March 17, 1992, (became law without Governor’s signature).

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Bribery Section 12, Procurement of Public Office.

S.C. Jur. Bribery Section 17, Sentence and Punishment.

S.C. Jur. Burglary Section 17, of Another.

**SECTION 7‑25‑210.** Vandalizing or removing political campaign sign; exceptions; penalty.

 (A) It is unlawful to deface, vandalize, tamper with, or remove a lawfully placed political campaign sign prior to the election without the permission of the candidate or party.

 (B) This section does not apply to a governmental entity when a political campaign sign is removed because of noncompliance with applicable law, or because an employee of the governmental entity removing the sign is working within the course and scope of his employment.

 (C) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

HISTORY: 2005 Act No. 116, Section 1, eff June 3, 2005.

**SECTION 7‑25‑220.** Immunity of poll workers.

 A poll worker, whether or not compensated, while acting pursuant to or in furtherance of the holding or conduct of an election, shall be immune from personal civil liability for any act or omission when the act or omission is done or made in good faith and does not constitute gross negligence, recklessness, willfulness, or wantonness.

HISTORY: 2006 Act No. 284, Section 2, eff May 19, 2006.

Editor’s Note

2006 Act No. 284, Section 5, provides as follows:

“This act takes effect upon approval by the Governor and must not be put into practice until it receives preclearance by the United States Department of Justice.” [preclearance received September 5, 2006]