**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5006**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.L. Johnson

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Introduced in the House on February 1, 2024

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

Summary: Election Official Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/1/2024 House Introduced and read first time ([House Journal‑page 9](h:\hj\20240201.docx))

2/1/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 9](h:\hj\20240201.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5006&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5006_20240201.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “ELECTION OFFICIAL PROTECTION ACT” BY ADDING ARTICLE 3 TO CHAPTER 25, TITLE 7 SO AS TO ESTABLISH OFFENSES FOR CERTAIN ACTS OR CONDUCT AGAINST AN ELECTION OFFICIAL, TO PROVIDE CERTAIN PROTECTIONS FOR THE PERSONAL INFORMATION OF ELECTION OFFICIALS FROM PUBLIC DISSEMINATION, TO PROHIBIT UNAUTHORIZED ACCESS TO, OR TAMPERING WITH, COMPONENTS OF ELECTION‑RELATED SYSTEMS, AND TO AUTHORIZE THE ATTORNEY GENERAL OR AN ELECTION OFFICIAL TO BRING A CIVIL ACTION TO PREVENT OR RESTRAIN VIOLATIONS OF THIS ARTICLE, AMONG OTHER THINGS; AND BY REPEALING SECTION 7‑13‑1920 RELATING TO TAMPERING WITH VOTING MACHINEs.

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

SECTION 1. Chapter 25, Title 7 of the S.C. Code is amended by adding:

Article 3

Election Official Protection Act

Section 7‑25‑300. For purposes of this article, “election official” means a member of the State Board of Canvassers or the county boards of canvassers, and a member, officer, employee, or other staff of the State Election Commission, county boards of voter registration and elections, or municipal election commissions, including a person employed or appointed on a temporary or part‑time basis, who has a duty to perform in connection with an election.

Section 7‑25‑310. (A)(1) It is unlawful for any person to interfere in any manner with any election official in the discharge of the official’s duty or to induce any election official to violate or refuse to comply with the official’s duty or any law regulating the same.

(2) It is unlawful for any person, whether verbally, in writing, or in person, to threaten, coerce, or intimidate an election official, with the intent to:

(a) impede or interfere with the official while the official is engaged in the performance of the official’s duties; or

(b) retaliate against the official on account of the official’s performance of the official’s duties.

(B)(1) A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, or loss against another with the intent to influence an election official in the performance of a duty of election administration.

(2) In a civil action brought to prevent and restrain violations of this subsection or to require the payment of civil penalties, the moving party may show that the action or attempted action would cause a reasonable person to feel intimidated. The moving party does not need to show that the actor intended to cause the victim to feel intimidated.

(C) A person may not intentionally and physically obstruct an election official’s access to or egress from a polling place, a meeting of a canvassing board, a place where ballots and elections equipment are located or stored, or any other place where the election official performs a duty related to election administration.

Section 7‑25‑320. (A) For purposes of this section, “personal information” means a person’s home address, home telephone number, personal mobile telephone number, pager number, or personal email address; a photograph of a person; directions to a person’s home; or a photograph or description of a person's home, vehicle, or vehicle license plate.

(B) A person may not knowingly and without consent make publicly available including, but not limited to, through the Internet, personal information about an election official or an election official's family or household member if:

(1) the dissemination poses an imminent and serious threat to the official’s safety or the safety of an official’s family or household member; and

(2) the person making the information publicly available knows or reasonably should know of any imminent and serious threat.

(C) An election official may submit a written request to a state or local government official to remove the election official’s personal information from records that are available on the Internet. If a state or local government official receives the written request, then the state or local government official must not knowingly make available on the Internet personal information about the election official.

Section 7‑25‑330. (A) A person may not access without authorization, tamper with, or facilitate unauthorized access to or tampering with any machine, device, equipment, software, or other component of the voting system, or of any other system used in the conduct of elections including, but not limited to, electronic poll books, an election management system, and an election night reporting system.

(B) A person may not knowingly publish or cause to be published passwords or other confidential information relating to the voting system or other election‑related systems. In addition to any other remedies and penalties provided by this article, the State Election Commission or county boards of voter registration and elections, as appropriate, shall immediately revoke any authorized access rights of a person found to be in violation of this subsection.

Section 7‑25‑340. A person may not wilfully tamper with or open a ballot box except for the purpose of conducting official duties as expressly authorized by law.

Section 7‑25‑350. (A) Except for the purpose of conducting official duties as expressly authorized by law, a person may not mutilate or erase any name, figure, or word on a voter registration list or polling place roster; remove or destroy a registration list or polling place roster; or mutilate, erase, or remove any part of a list or roster from the place where it has been deposited with an intention to destroy it, to procure or prevent the election of any person, or to prevent any voter from voting.

(B) A person may not knowingly access, or attempt to access, the statewide voter registration system except for the purpose of conducting official duties as expressly authorized by law.

Section 7‑25‑360. A person may be held vicariously liable for any damages resulting from the violation of this article and may be identified in an order restraining violations of this article if that person:

(1) intentionally aids, advises, hires, counsels, abets, incites, compels, or coerces a person to violate any provision of this article or attempts to aid, advise, hire, counsel, abet, incite, compel, or coerce a person to violate any provision of this article; or

(2) conspires, combines, agrees, or arranges with another to either commit a violation of this article or aid, advise, hire, counsel, abet, incite, compel, or coerce a third person to violate any provision of this article.

Section 7‑25‑370. (A) Except as otherwise provided, a person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both.

(B) The Attorney General, a solicitor, or an election official may bring a civil action to prevent or restrain a violation of this article if there is a reasonable basis to believe that an individual or entity is committing or intends to commit a prohibited act.

(C) The Attorney General, an election official, or an individual injured by an act prohibited by this article may bring a civil action to recover damages, together with costs of investigation and reasonable attorney’s fees, and receive other equitable relief as determined by the court. An action brought by an election official is in the public interest. In addition to all other damages, the court may impose a civil penalty of up to one thousand dollars for each violation.

(D) Civil remedies allowable under this section are cumulative and do not restrict any other right or remedy otherwise available. An action for a penalty or remedy under this section must be brought within two years of the date the violation is alleged to have occurred.

(E) The complaint process provided does not apply to violations of this article.

SECTION 2. Section 7‑13‑1920 of the S.C. Code is repealed.

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

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