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LWVSC Testimony, S.128, Qualifications for Voter Registration

The League of Women Voters supports voting by United States citizens only. However, this bill will not contribute to ensuring compliance with that requirement and would unnecessarily complicate the registration process for both election officials and qualified electors.

At present, those registering to vote are required to sign an oath confirming citizenship. Furthermore, the State does not just accept that oath. Since 2024, the South Carolina Election Commission has used the federal tools associated with the Citizen and Immigration Services Systematic Alien Verification for Entitlements Program (SAVE) to verify that all registrants are citizens.

Aside from its basic redundancy, we have serious concerns about specific aspects of this bill.

The forms of evidence of citizenship that would be acceptable under Section 7-5-170(c)(2) begin with “(a) a current, valid driver’s license or state-issued identification card issued by the Department of Motor Vehicles on or after October 1, 1996 or a current, valid driver’s license issued by another state if the person has recently taken up residence in this State; . . .”

First, the State of South Carolina Department of Motor Vehicles (DMV) issues driver’s licenses and identification cards to non-citizens as well as citizens. The cards provided to non-citizens are identified as temporary and are easily visually distinguishable from those issued to citizens. To properly document citizenship the DMV identification definition should specify that a current, valid permanent driver’s license or state-issued identification card is required.

Second, the number associated with this DMV identification is already required at the time of on-line voter registration. Those registering by mail must evidence of residence when registering and produce identification at the time of voting. Under Photo ID requirements all voters are required to produce DMV identification or alternatively another form of government issued photo ID, usually a Federal Military ID or U.S. Passport, at the time of voting. Some of the acceptable Photo ID methods do not distinguish citizens from non-citizens (Department of Defense identification, Concealed Weapon Permits or CWP), but for the majority of voters this would become a redundant exercise.

As we go on in this section, the next acceptable form of identification is a birth certificate. However, married women who take their husband’s name would not be able to show the transition to their current name without a marriage license to accompany the birth certificate. This would unfairly burden married women, along with others who have changed their names for other reasons.

Moving on, Section 3(B) would require verification of the documentary proof that was submitted. However, as previously noted, the citizenship of registrants is already verified through SAVE. This provision of the bill is not needed.

The further listing in Section 3(B)(5) that potentially expands the search to “any other federal, state, county, or municipal database relating to voter registration to which the Attorney General may have access, including an electronic registration information center database” appears to be a licensed fishing expedition in a very broad range of records holding private information about our citizens.

Finally, under this bill existing registrants are not to be “grandfathered” but instead are expected to individually provide documentation to election offices under a short time frame before the next election or be prohibited from voting. The administrative burden of handling this aspect of compliance with S.128 would be very substantial and potentially very costly. It is also an understatement to say that this is not likely to be met with a favorable reception among most of the electorate.

In short, this bill is unnecessary and redundant, while creating significant problems for both election offices and voters. The creation of new impediments to voter registration without discernible benefit to election integrity will discourage qualified electors from voting. Avoiding this should be a central consideration in developing any new election requirements.

The League of Women Voters of South Carolina asks you not to forward this bill with a favorable recommendation.

Note

The bill includes problematic dates. Section 3 requires a list of those who have not provided evidence of citizenship by October 31, 2025. It is now 2026. Further, the bill appears to require that voters comply by March 1, 2026. This is in less than two months. The bill must be amended to correct these problems.

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