

SOUTH CAROLINA VOTER PHOTO ID: FREQUENTLY ASKED QUESTIONS

How will South Carolina's new voter ID law, Act R54, affect elections beginning in 2013?

Beginning in 2013--The new law permits individuals to vote in person by showing one of the following current and valid forms of ID: a passport, military ID card, a driver's license or photo ID card issued by the S.C. DMV, or a photo voter registration card obtained from the voter's county election office.

South Carolina's new law does not require a photo ID to vote in person. Voters with the non-photo voter registration card used to vote under law prior to 2013 can still vote without a photo ID. Those voters simply must sign an affidavit at the polling place and state the reason that they have not obtained a photo ID. Act R54's expansive "reasonable impediment" provision allows a broad interpretation of acceptable reasons for not having a photo ID (for example, family or work obligations, lack of transportation to the county election office or DVM office).

Reasonable impediment affidavits will be witnessed at the polling place by notaries recruited by election officials or by poll managers.

Where can I get a free photo ID card?

Photo ID cards may be obtained at a voter's county election office or any DMV office at no charge.

What do I need to bring in order to obtain a photo ID card at a county election office? DMV office?

At his or her county election office, a citizen may obtain a photo voter registration card by presenting the citizen's current non-photo voter registration card. Alternatively, a citizen who is already registered to vote may verbally confirm his or her date of birth and the last four digits of his or her Social Security number. A citizen may also present any photo ID, utility bill, bank statement, government check, paycheck or other government document that shows his or her name and address.

A citizen may obtain a photo ID card at a local DMV office by presenting proof of South Carolina residency, U.S. citizenship, and Social Security number. Such proof typically requires a voter to provide, among other things, either a certified birth certificate or a passport.

What happens if I do not possess any of the required forms of identification and am unable to get a photo voter registration card before elections in 2013?

Voters with a non-photo voter registration card used under pre-existing law may still vote in person in the future without a photo ID. They can sign a *reasonable impediment affidavit* at the polling place and give the reason that they have not obtained a photo ID (for example, I was working; I am unemployed and looking for work; I didn't have transportation or money to get to the county office; I was taking care of my family).

Will my vote count if I do not have any of the required ID's?

Yes. A voter who claims a reasonable impediment that prevented him or her from obtaining one of the qualifying photo ID's will vote using a special provisional ballot at the polling place.

A reasonable impediment ballot is presumed valid. Election officials are not allowed to question whether the reason given was a reasonable impediment for not having a photo ID. They are only allowed to review a statement of reasonable impediment for *falsity*, and only if someone challenges the ballot in question. However, election officials need not accept statements that simply denigrate the law such as, "I hate this law," or nonsensical statements such as, "I couldn't get a photo ID because the moon is made of green cheese."

Reasonable impediment ballots will be counted in the same manner as absentee ballots.

Will I have to appear after the election at my county election office for my vote to count?

No. A voter who casts a reasonable impediment provisional ballot is not required to attend the canvassing at the county office when the provisional ballots are counted. County election boards must first notify and hear from the voter before they can reject a provisional ballot as false.

Under the new law is a photo ID required to vote absentee by mail?

No. The new law does not require a photo ID to vote by mail-in absentee ballot.

Does the new law change how citizens register to vote in South Carolina? No. The voter registration procedure remains the same. However, South Carolinians can register to vote online at <https://info.scvotes.sc.gov/eng/ovr/start.aspx>. To complete your Voter Registration online, you MUST have a valid driver's license or identification card issued by the S.C. Department of Motor Vehicles.

Will the state be providing details about the new law in the coming months?

Yes. Act R54 requires the South Carolina State Election Commission (SEC) to establish an "aggressive voter education program" prior to enactment of the law. Among other things, the SEC must post information at county election offices, train poll managers and poll workers, coordinate with local and service organizations, advertise the changes in South Carolina newspapers, and disseminate information through local media outlets. In advance of the elections, the Commission must also notify each registered voter who does not currently have a driver's license or DMV photo ID card of the law's effects and of the availability of free photo IDs.

In addition, Section 8 of the Act requires the SEC to distribute a list of registered voters without a driver's license or DMV photo ID card to third parties upon request in order to facilitate outside groups in educating and assisting voters in obtaining the necessary IDs.

Prior to 2013, what kind of identification was required to vote?

South Carolina had a voter ID law for decades. The most recent version of the law had been in effect since 1988. It required a voter to show a S.C. Department of Motor Vehicles (DMV)-issued driver's license or photo ID card, or a non-photo voter registration card in order to vote in person. Under that pre-existing South Carolina law, a voter with a blue non-photo voter registration card did not need to show a photo ID to vote.

What was opinion handed down by a Federal court in *South Carolina v. Holder*?

A federal court blocked the state of South Carolina from requiring photo ID from all eligible voters on November 6th. On October 10, 2012, the United States District Court for the District of Columbia handed down its holding in *State of South Carolina v. United States of America*. The three-judge panel held that there was insufficient time to implement South Carolina's new voter ID law, Act R54, prior to the November 6, 2012 election, but that the law would take effect for elections beginning in 2013.

Why did South Carolina have to get pre-approval for any changes to its voting procedures or laws?

Congress passed the Civil Rights Act of 1965 to break the grip of disenfranchisement of minority voters by states. Among its other provisions, the Act contained special enforcement provisions targeted at those areas of the nation where Congress believed the potential for voter discrimination to be the greatest. South Carolina is one of the nine states, as well as counties and townships from seven additional states, that is still required to obtain "pre-certification" of any changes affecting voting from the U.S. Attorney General or the United States District Court for the District of Columbia.