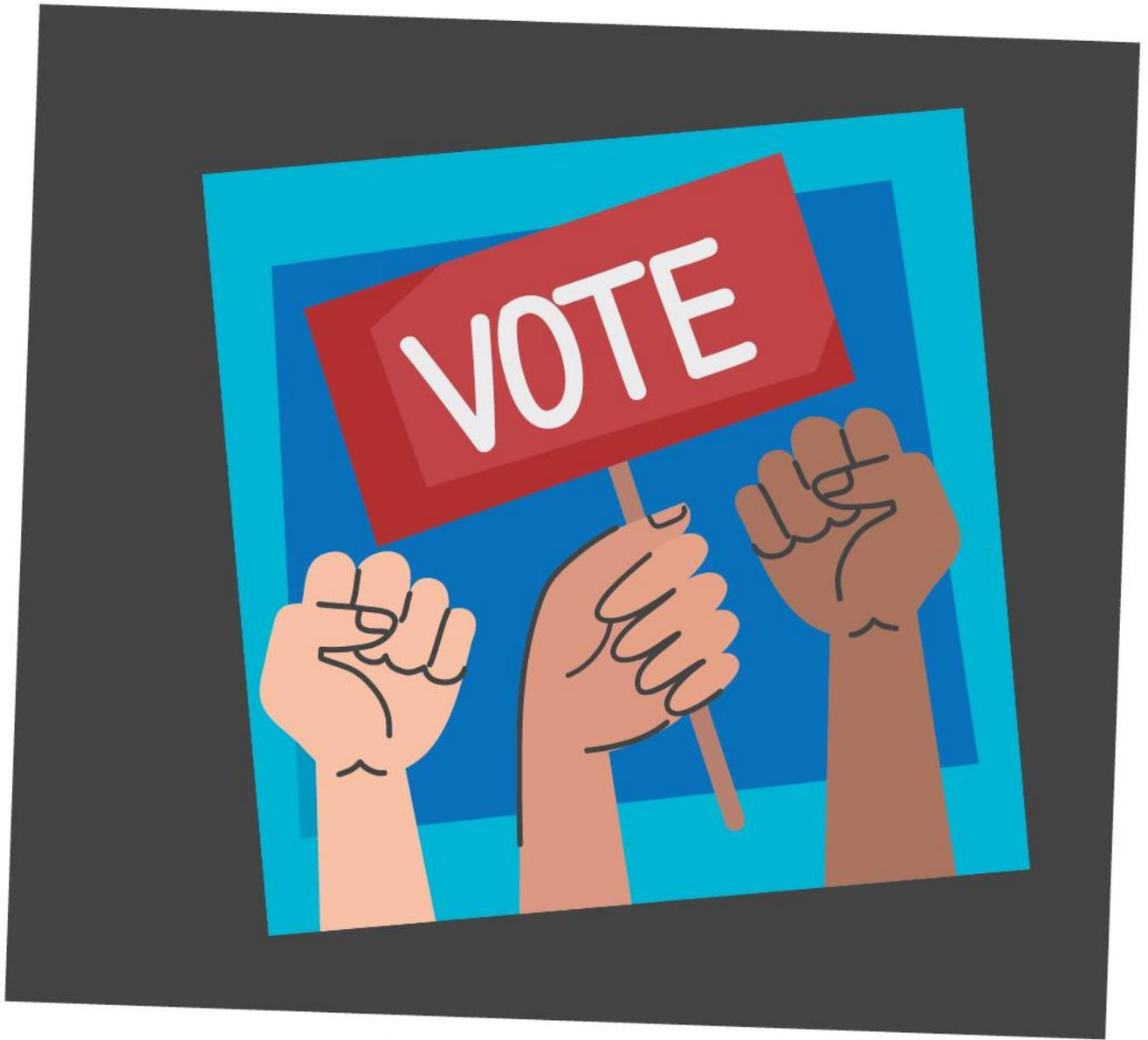


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

SOUTH CAROLINA





Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – Nonprofit Voter Assistance resource is designed to help your organization determine how state or local regulations might apply (or not!) to your existing or proposed voter engagement and Get Out the Vote (GOTV) work in your state.

For each FAQ in this Practical Guidance, we have provided links where you can find additional information to familiarize yourself with the applicable rules.

We've also provided links to some helpful fact sheets and best practices toolkits that other organizations have created, to help you save time and avoid repeating work.



Practical Tip

- Where appropriate, we make practical suggestions about how you might make the operational task of complying with these state rules easier.



Watch Out

- Some voter engagement activities involve some measure of risk for nonprofit organizations doing the work. There are certain actions you will need to avoid, but as long as you read up on the rules before you begin, you should be able to successfully navigate these voter engagement and GOTV activities in your state.



Danger Zone

- Some activities are much more dangerous for nonprofits because the relevant rules are vague, in rapid flux, unpredictably enforced, or all of the above. It may be best to avoid including these activities in your programming, unless you have a good lawyer on speed dial to help you!
- There are also some activities that are prohibited under current law. We highlight where nonprofits are advised to steer clear.

In giving you concise and accessible information about relevant laws in your state we hope that this Practical Guidance will help you choose activities that make the most sense for your civic engagement and GOTV programming. Knowing about the details of the rules can also help you make your programs bolder, more effective, and operationally easier to carry out.

We wish you every success in your work!



Q: What federal rules do we need to remember to think about?

In addition to any state and local rules that might apply to your organization's civic engagement and GOTV work, you also always need to keep in mind the federal tax law that applies to nonprofit organizations, federal election laws that are applicable when federal candidates are on the ballot, and federal telecom rules relating to calling or texting.

IRS regulations for 501(c)(3) public charities: If you are a 501(c)(3) organization, you must always remain nonpartisan and never do or fund work that could be deemed to support or oppose candidates for public office (electioneering activities).

IRS regulations for 501(c)(4) social welfare organizations: You can support or oppose candidates for public office, but this work cannot be your primary purpose. This generally means that more than half of your work must be nonpartisan and be designed exclusively to promote social welfare.

Federal elections and voting laws: In elections where there is a federal contest on the ballot, it is a crime to knowingly or willfully pay, offer to pay, or accept payment for registering to vote or for voting. Any type of incentive can be considered a "payment" (e.g., something as seemingly innocent as giving out cupcakes) if they are tied to registering or voting. Federal law also prohibits making or offering to make an expenditure to any person, either to vote or withhold their vote, or to vote for or against any candidate. For more details see: <https://bolderadvocacy.org/resource/can-a-nonprofit-provide-incentives-to-encourage-citizens-to-register-to-vote-or-vote/>

Federal communications laws: There are many federal laws relating to how you may communicate via landline or mobile phones. We give some practical tips on how to deal with these laws in the FAQ on other GOTV activities in this Practical Guidance.



Practical Tip: Read up on how 501(c)(3)s stay nonpartisan

- **Comparison of 501(c)(3) and 501(c)(4) permissible activities:** <https://bolderadvocacy.org/resource/comparison-of-501c3-and-501c4-permissible-activities/>
- **Keeping nonpartisan during election season:** <https://bolderadvocacy.org/resource/keeping-nonpartisan-during-election-season/>
- **How to stay nonpartisan while conducting a voter registration drive:** <https://bolderadvocacy.org/resource/want-to-conduct-or-fund-a-voter-registration-drive/>
- **Social media:** It is sometimes particularly hard to recognize when social media postings might cross the line into supporting or opposing a candidate for public office. This is especially true if you are a 501(c)(3) organization affiliated with, or working in a coalition with, a 501(c)(4) organization. See: <https://bolderadvocacy.org/resource/influencing-public-policy-in-the-digital-age>



Watch Out

- **No exceptions for 501(c)(3)s:** There are no exceptions and no minimum amount of electioneering that you can do without jeopardizing your tax-exempt status if you are a 501(c)(3) public charity or private foundation!



Q: Can we put out information about how to register and vote?



Sure! Just be careful how you do it.

Practical Tip: Use official sources

- Generally, it's best to link to either the official voting authority sources in your state or city, or to a trusted aggregator of voting-related information with dedicated legal staff working to confirm the information is always current and accurate.
- It's just too easy to include a typo or an accidental miscommunication if you try to reproduce the information yourself.

Elections Division: South Carolina's elections are overseen by the South Carolina Election Commission. Their voter-facing information page is here: <https://scvotes.gov/voters/>

County Board of Voter Registration & Elections: Each county has its own County Board of Voter Registration & Elections. You can find contact information here: <https://scvotes.gov/contact/county-voter-registration-election-offices/>

Some counties have great information on their sites and may include well-produced voter guides or posters that you can link to. For example, Beaufort County's very user-friendly website contains a lot of information. <https://www.beaufortcountysc.gov/vote/>

Election Protection: Election Protection's website <https://866ourvote.org/states/> is regularly updated and reviewed by lawyers, and lawyers staff the Election Protection Hotline available by both phone and text at 1-800-OUR VOTE (1-866-687-8683). There are also multiple assistance hotlines for non-English speakers. See the additional options available here: <https://866ourvote.org/about/>

Watch Out

- **TYPOS! TYPOS! TYPOS!** Do you really want your group to be the one that accidentally tells voters that the polls close an hour later than they do? Don't try to reproduce the information yourself. Use links to official information and established websites instead!
- **County Boards of Voter Registration & Elections offices sometimes apply laws differently:** In South Carolina, each County Board of Voter Registration & Elections' office may have its own way of doing things. It is worth taking the time to check the website for the county in which you will be working.

Q: What rules do we need to follow to run a voter registration drive?

South Carolina does not require notice, registration, or training to conduct a voter registration drive.

To register, a voter must provide a state-issued photo ID. If they don't have one, they can provide a copy of a government document, utility bill, or paycheck that includes their name and address. Voters must be registered to vote 30 days before an election to be able to participate in it.

To vote, South Carolina requires voters to show a current and valid photo ID at the time of voting. Acceptable IDs include Driver's License, Department of Motor Vehicles ID Card, Voter Registration Card with Photo, Military ID, and US Passport.

If you organize a voter registration drive, registration applications must be returned to the county of the voter's residence. You can return them in-person or by mail. Remember that registration applications must be either received (if delivered in person) or postmarked (if mailed) thirty days before the next election to be effective (if the deadline is on a weekend or holiday, it is automatically extended to the next day that is neither). Don't keep copies of voters' applications, unless you redact sensitive personal information like their social security number (whether fully or partially included on the form) or driver's license number.

You can download a copy of the registration form via this page:
<https://scvotes.gov/voters/register-to-vote/>

Fair Elections Fact Sheet: The Fair Elections Center also has a good summary fact sheet called Conducting a Voter Registration Drive in South Carolina that you can access here: <https://www.fairelectionscenter.org/voter-registration-drive-guides>

✓ **Practical Tip: Work with your County Board of Voter Registration and Elections!**

- The relevant County Board of Voter Registration & Elections can provide you with the documents you need to register voters. They can also be helpful in making sure that registrations are completed properly and submitted in a timely fashion.

👁️ **Watch Out**

- **Don't pay your drive workers by the piece:** While it is not illegal in South Carolina to pay someone to solicit registrations based on the number of registrations obtained, doing so can create incentives for signature gatherers to submit false registrations, which is illegal. Pay by the shift or by the hour instead.
- **Potential funder restrictions:** Some funders do not allow the use of their funds for voter registration drives. You will need to check your grant paperwork to make sure that you are using funds that are available for this work.



Q: How can our organization help people vote by mail?

South Carolina voters must have a qualifying reason to do what it calls “absentee voting.” Certain voters can always vote absentee: voters with disabilities, voters who are 65 or older, members of the military and any spouses or dependents who reside with them, and voters who are admitted to the hospital in an emergency within four days of the election. Other voters can only vote absentee if they meet one of a set list of reasons – they are unable to vote during the early voting period and on Election Day because they are absent for work (so long as they present certification to their local Board), they are caring for someone with a physical disability, they are confined in jail awaiting trial, or they are generally absent from their county of residence.

Requesting an absentee ballot: South Carolina law makes it difficult for third parties who are not immediate family members to request absentee ballots on behalf of voters at scale. Voters with illness or physical disabilities may authorize another to request absentee ballots on their behalf. Requests must be authorized by the voter and include a signed attestation by authorized requester. The authorized requester must be a registered voter in South Carolina, and no person may submit authorized requests for more than five voters for a given election. Third party requests for absentee ballots must be returned either by mail (if sent by the voter themselves), or in person, to the appropriate County Board by 5pm on the 11th day before the election.

Voting an absentee ballot: South Carolina law also provides very little opportunity for nonprofit organizations to help voters complete and return absentee ballots. To vote an absentee ballot, the voter must sign an oath that they are qualified to vote in South Carolina and that they have not received help in completing their ballot, and the oath must be witnessed by another individual at least 18 years old. The voter may mail back their sealed ballot, return it in person, or have an immediate family member return it. Voters with an illness or physical disability who are unable to vote in person may also have an authorized representative return their ballots on their behalf. To do so, the voter must complete and sign an authorizing form, which the representative must submit when they bring the ballot in person to the County Board office. The representative will also need to show government issued identification. An individual may not be the authorized representative for more than five other voters in a single election.

The authorizing forms are linked from the FAQs on this page:
<https://scvotes.gov/voters/absentee-voting/>

✓ **Practical Tip: Focus on information instead of action**

- Given the limited role for nonprofit organizations in helping with absentee voting, it may be wiser to focus on getting your constituents trustworthy official information about the absentee voting process instead of running a full assistance program.

✗ **Danger Zone: Do not provide anything of value to voters (even postage!)**

- In South Carolina it is a felony for anyone to give anything of value in exchange for requesting, collecting, or delivering an absentee ballot. This crime is punishable by up to five years in prison – don’t risk it!

Q: Can we help voters fix problems with their vote-by-mail ballots?

Running a full vote-by-mail “cure program” (where organizations help track down voters whose ballots have been rejected and help them “cure” the ballots) can be complicated and is usually beyond the capacity of smaller organizations. That said, in many jurisdictions it can be helpful for a nonprofit organization to educate its constituents about how to track their own ballots, and how to contact the appropriate election official’s office if they need to cure their ballot.

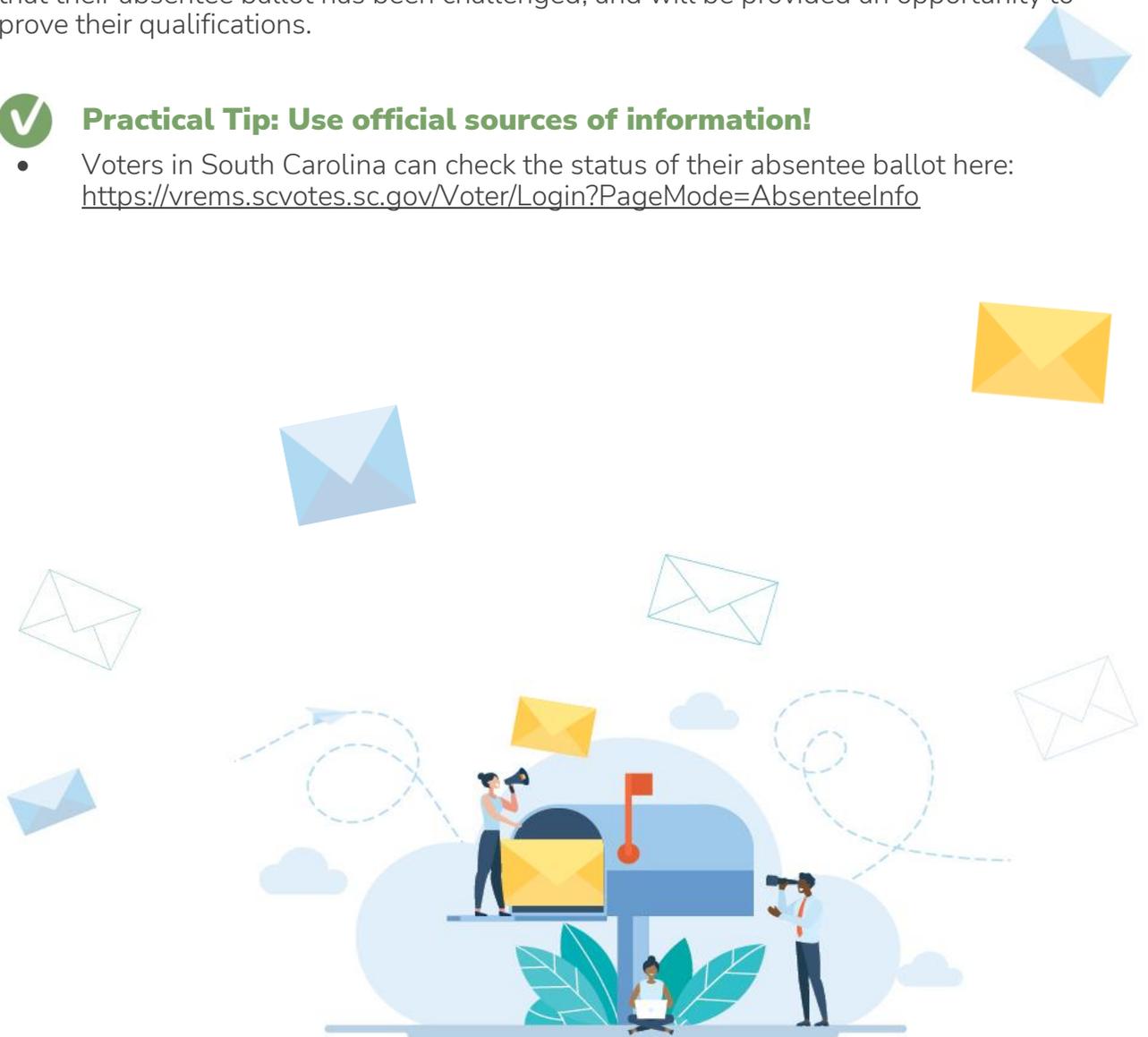
South Carolina provides no mechanism for voters to cure ballots that have been rejected for failure to sign the oath that is included on the absentee ballot. Elections officials have no legal obligation to contact any voter regarding curing a ballot that is defective for this reason. In fact, they are obligated to reject any ballot that does not include both required signatures on the ballot’s return envelope.

Ballots that contain the required signatures may still be challenged for other reasons. In such cases, the return-addressed envelope will not be opened, the voter will be notified that their absentee ballot has been challenged, and will be provided an opportunity to prove their qualifications.



Practical Tip: Use official sources of information!

- Voters in South Carolina can check the status of their absentee ballot here: <https://vrem.scvotes.sc.gov/Voter/Login?PageMode=AbsenteeInfo>



Q: Can we help with a rides to the polls program?

It is currently legal to give voters rides to the polls in South Carolina.



Practical Tip: Consider partnering with existing programs

- You don't necessarily need to organize a rides to the polls program on your own. You might consider partnering with another organization that is already doing this work. Many of the major rideshare companies offer free or discounted ride codes to help facilitate voting. Other organizations also help coordinate carpools to the polls.



Watch Out

- **Staying nonpartisan:** If your organization is a 501(c)(3) public charity, all of your work must remain strictly nonpartisan. In the context of a rides to the polls program, this means you must offer rides in a nonpartisan way. You should not turn away voters because you think they are likely to vote for a particular political party or candidate. You should also avoid targeting your services to local communities based on partisan criteria.
- **Auto insurance and driver's licenses:** If you do decide to put together your own rides to the polls program you should contact your organization's insurance broker to make sure that your insurance program covers the use of staff cars or volunteers' cars for this purpose! You should of course also ensure that all of your drivers (both employees and volunteers) are themselves licensed and insured in accordance with the rules of your state before they participate in your program.



Q: How can we help voters who are already at the polls?

Many nonprofit organizations put on programming designed to provide support and encouragement for voters who may face long lines or tough weather conditions, and to make voting a fun and festive occasion. These activities are often referred to as “**line warming**.” Nonprofits participating in line warming activities need to carefully think through which state and local laws may apply to them. In today’s environment, these rules are also constantly changing, so it’s worth checking on the current status of the law before you begin planning any line warming program.

In South Carolina, activities prohibited within 500 feet of an entrance to a polling place include distributing campaign literature, placing political posters, or displaying campaign materials.



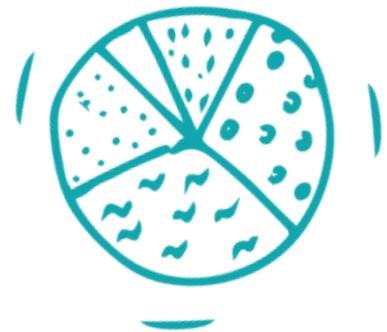
Practical Tips

- Stay well outside the 500-foot no solicitation perimeter with all of your line warming activities!
- Allow both voters and nonvoters to participate.
- You can call Election Protection if you need assistance with what is happening at your polling place: 1-866-OUR-VOTE (1-866-687-8683). Election Protection also tries to staff volunteer lawyers on the ground on election day who can assist in person if needed.



Watch Out

- **Remember IRS rules still apply:** IRS rules for nonprofit organizations always apply – even to your state level work. 501(c)(3) organizations must remain strictly nonpartisan in all of their line warming activities.
- **Federal election and bribery rules may also apply:** In any election where federal candidates are also on the ballot, federal election rules also apply. See: <https://bolderadvocacy.org/resource/can-a-nonprofit-provide-incentives-to-encourage-citizens-to-register-to-vote-or-vote/>



Q: What other state rules might apply to our GOTV work?

Observers inside the polling area: Most states have fairly strict rules for what kind of observers are allowed into the polling area while people are voting, and what they are allowed to do while inside. Although South Carolina allows any member of the public to observe a polling place, nonprofit organizations usually find that running an observer program is complicated, and it may be more effective to focus on other civic engagement and GOTV work in their communities.

State rules about lawn signs and road signs: It is a crime in South Carolina to affix any sign within or visible from a state right-of-way. However, temporary political signs are allowed along interstate and federal-aid highways. Lawn signs are regulated at the local level. See the FAQ on campaign finance rules below for more information.

Partisan or nonpartisan GOTV clothing and buttons: No individual may wear clothing containing campaign messages within 500 feet of the entrance of a polling place. Voters may cover up the material (or turn their shirts inside out), but they may not display any campaign messages on their clothing, including buttons, pins, etc.

Selfies in or near the polling place: In South Carolina, no one may use a wireless communication device or camera within the polling location. It is also illegal to show one's marked ballot to another person. Instead of asking your constituents to take ballot selfies, have them post pictures of themselves with an "I Voted" sticker instead (taken somewhere outside of the polling place perimeter!).

Phone and text banking: As discussed earlier in this Practical Guidance, you will need to comply with federal telecom rules applicable to phone and text banking programs in all states. In general, these rules cover how you are allowed to reach out to landline or mobile phones depending on whether or not you have consent from the phone owner, and what rules apply if the communication is automated (e.g., robocalls, autotexting, etc.). In addition, partisan communications will likely have additional disclaimer requirements pursuant to campaign finance laws.

✓ Practical Tips

- If a nonprofit organization is doing text or phone banking, it is often simplest from a practical perspective to have volunteers use a call list, or text banking interface, that is only partially (not fully) automated, so that federal robocall rules are not implicated.
- If your program is nonpartisan, so long as it is not fully automated, it is unlikely that you will implicate state-based telecom robocall rules. If your organization is allowed to do partisan activity, phone or text banking may implicate campaign finance rules. See the next FAQ for more details.

👁 Watch Out

- **Don't use the phone or text banking program to do something you can't do in person!**



Q: When might our work also trigger state campaign finance laws?

State-level campaign finance laws can apply not only to giving cash or in-kind contributions to candidates, but to other activities as well. For example, they also often apply to political-related advertising, political speech on signs and billboards, and to partisan phone or text banking programs.

Nonprofits that are allowed to do partisan electioneering work need to be particularly aware that their support or opposition of candidates will likely trigger campaign finance related reporting to the state.

Article 1, Chapter 13 of Title 8 of the South Carolina Code of Laws outlines the state level campaign finance regulations that might apply to your work.

<https://www.scstatehouse.gov/code/t08c013.php>

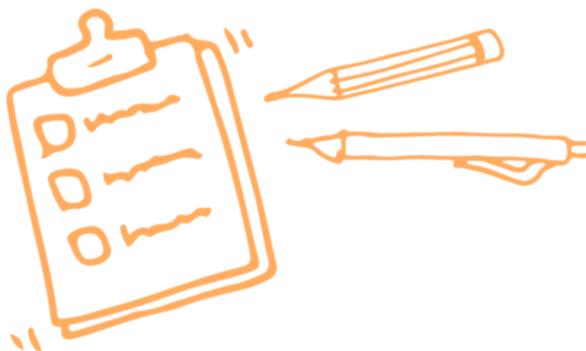


✓ Practical Tip

- **Bolder Advocacy's Technical Assistance Hotline:** Bolder Advocacy's free Technical Assistance Hotline team can help lead you to some current state law resources on campaign finance for your state. You can e-mail advocacy@afj.org or call 866-NP-LOBBY (866-675-6229) during standard business hours.

👁 Watch Out

- **Partisan GOTV work:** Partisan GOTV work will likely implicate campaign finance regulations. In South Carolina, state campaign finance rules cover, among other things, adding disclaimers to political ads, regulating when physical political advertisements must be taken down after an election, and text and phone banking rules. If you are doing partisan GOTV work, you will need to carefully examine the South Carolina campaign finance statute and consider seeking additional legal advice.
- **Working on ballot measures:** Ballot measure advocacy can also trigger state campaign finance rules, even for nonpartisan groups. 501(c)(3) organizations are allowed to work on ballot measure initiatives because the IRS considers such work legislative lobbying (as opposed to prohibited electioneering), but state law usually regulates this activity under campaign finance laws.



Q: How can we help recruit poll workers?

Poll worker recruitment is handled in South Carolina by the state Election Commission.

Each poll worker (called a “poll manager”) must be registered to vote in South Carolina and attend a training. Persons 16 and 17 years of age can also apply to be poll manager assistants.

Anyone interested may submit an application through the South Carolina Election Commission’s website, here: <https://scvotes.gov/poll-managers/apply-to-be-a-poll-manager/>



Practical Tip

- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to get started. You may need to start this process early and have some patience with your poll worker recruitment plan.
- If your organization is considering doing a poll worker recruitment drive and has trouble reaching the right person at the state Election Commission, it may be worth considering partnering with an organization that can help manage the initial intake and encourage your potential recruits to be persistent.
- We like the work of **Power the Polls**: <https://www.powerthepolls.org/faq> and you can e-mail them to discuss potential partnering opportunities here: partners@powerthepolls.org



Watch Out

Managing volunteer expectations: This kind of programming doesn’t have too many legal compliance issues to deal with – but you’ll need to manage the expectations of your volunteers.

- It may take a bit of persistence to get set up as a poll worker with the state.
- In particularly contested election districts, there is a possibility of tension at the polls and potential confrontation with members of the public that could make your recruits uncomfortable.



Q: How can we advocate for a new polling place?

Asking for a new polling place is often a multi-step process, but some great materials exist that explain best practices for this kind of program!

✓ Practical Tip

- **+1 The Polls Toolkit:** We like the +1 The Polls Toolkit, created by a collaboration between MTV, the SLSV Coalition, Campus Vote Project, and the Alliance for Youth Organizing. It's geared towards student organizers, but its best practices are relevant even if your work is not on campus. <https://slsvcoalition.org/resource/1-the-polls-toolkit-bringing-a-voting-site-to-your-campus/>

👁 Watch Out

- **It's possible this work can trigger lobbyist registration requirements:** In some cases, your advocacy for a new polling place might count as lobbying under state or local lobbyist registration rules. In South Carolina some county and municipal jurisdictions have their own lobbyist ordinances, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in South Carolina for further information: <https://www.democracycapacity.org/sc-lobbying>



Q: Where can we get additional help?

Bolder Advocacy’s Technical Assistance Hotline: Bolder Advocacy’s free Technical Assistance Hotline team can help nonprofits and attorneys with questions about the content covered by this Practical Guidance. You can contact Bolder Advocacy’s team of experts by e-mailing Bolder Advocacy at advocacy@afj.org or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

Your state or local nonprofit coordinating group: Most states have several nonprofit coordinating groups that you can seek advice from. Some of these groups coordinate programming with their members and offer free or reduced price access to canvassing tools, voter lists, and more. If you are having trouble locating such a group in your area, please reach out to the Democracy Capacity Project at info@democracycapacity.org for referrals.

Links to some key South Carolina laws: Unless otherwise noted, the South Carolina statutes referenced below can be accessed here:
<https://www.scstatehouse.gov/code/title7.php>

- **Assistance with Vote-By-Mail Ballots:** SC Code Section 7-15-330 – Time of application for absentee ballot; application in person.
- **Line Warning:** SC Code Section 7-25-180 – Unlawful distribution of campaign literature.
- **State Rules About Lawn and Road Signs:** SC Code Section 57-25-10 – Unlawful to display, place, or affix posters within right-of-way. SC Code Section 57-25-140 – Signs permitted along interstate or federal-aid primary highways. (For both sections, see <https://www.scstatehouse.gov/code/t57c025.php>)
- **GOTV Clothing/Hats/Buttons in Polling Places:** South Carolina Poll Manager’s Handbook – <https://scvotes.gov/poll-managers/south-carolina-poll-managers-handbook/>
- **Campaign Finance:** SC Code Section 8-13-1300 *et seq.* – Ethics, Government Accountability, and Campaign Reform. (See <https://www.scstatehouse.gov/code/t08c013.php>)

While this Practical Guidance is designed to give you information about certain laws and rules, it is not legal advice, and does not create an attorney-client relationship. If you need additional advice about your specific situation, you should seek your own legal counsel.

We do our best to keep these Practical Guidance resources up to date, but new laws are put forward every day in this space, as are new lawsuits challenging those laws! Please refer to the “Last Updated” date for this Practical Guidance and seek further assistance if you believe you may need updated guidance.

We reference and link other organizations and other resources in this Practical Guidance because we believe they may be helpful to your work. These resources are publicly accessible to all users, and to the best of our knowledge the original host of the resources has all rights required to make them publicly accessible and usable by you. Your use of such resources is subject to any terms and conditions noted on those resources or in the terms of use or other policies of the host website. The Democracy Capacity Project, a special project of NEO Philanthropy, Inc., makes no representation or warranty regarding the accuracy or applicability of the substantive content of any such linked resources, their fitness for use in your situation, or the intellectual property rights of the works presented.



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The Democracy Capacity Project and Alliance for Justice are strictly nonpartisan, and nothing in this Practical Guidance or any of the resources linked herein is intended as a partisan or electioneering communication.

You can contact the Democracy Capacity Project at info@democracycapacity.org.

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