



# Voting & Civic Participation



The VOTING & CIVIC PARTICIPATION CHAPTER explains voting rights, registration, and other parts of civic participation. Voting is an important way to have your voice heard, through which people can participate in government elections and influence decisions made at the federal, state, and local level. This chapter also discusses jury participation and has information about running for office. Finally, Selective Service registration for the military is required of most men in the U.S., and is critical for going back to school in reentry.

*DISCLAIMER - YOUR RESPONSIBILITY WHEN USING THIS GUIDE:* When putting together the *Roadmap to Reentry: A South Carolina Legal Guide*, we did our best to give you useful and accurate information. However, the laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this informational material every time the law changes. If you use information from the *Roadmap to Reentry* legal guide, it is *your responsibility* to make sure that the law has not changed and applies to your particular situation. If you are incarcerated, most of the materials you need should be available in your institution's law library. The *Roadmap to Reentry* guide is not intending to give legal advice, but rather legal information. No attorney-client relationship is created by using any information in this guide. You should always consult your own attorney if you need legal advice specific to your situation.



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# I. VOTING RIGHTS & VOTER REGISTRATION

## WHAT WILL I LEARN ABOUT VOTING RIGHTS & REGISTRATION?

- Why voting is important
- Whether your supervision or custody status affects your right to vote
- How to get your voting rights back
- How to register to vote, either online or by mail, and when to register
- How to vote if you don't have a photo ID or are homeless
- How to get time off work to vote
- How to vote by mail or in person at a polling place
- How to vote in person if you have a disability; vote in a language other than English; and/or get help reading or filling out a voting ballot
- Who to call if you have any questions about voting

### WHY REGISTER TO VOTE?

Voting is a way to participate in *choosing the laws and the decision-makers* in your community. Voting can be a meaningful way to *exercise your rights* as a citizen, and an opportunity to *express your political wishes* for your city, county, state, and country.

Each state has the power to restrict or restore the voting rights of people with criminal records.<sup>1</sup> Continue reading to learn more!

### WHO CAN REGISTER TO VOTE IN SOUTH CAROLINA?

**GENERALLY, TO REGISTER TO VOTE IN THE NEXT ELECTION, YOU MUST BE A U.S. CITIZEN, A SOUTH CAROLINA RESIDENT, AND AT LEAST AGE 18 YEARS OLD BY ELECTION DAY. BUT EVEN IF YOU MEET THOSE REQUIREMENTS, YOU MAY LOSE YOUR RIGHT TO VOTE DEPENDING ON YOUR CUSTODY OR SUPERVISION STATUS—SEE THE NEXT QUESTION.**

### I HAVE A CRIMINAL RECORD. CAN I REGISTER TO VOTE IN SOUTH CAROLINA?

Probably! Most people with criminal records are eligible to vote in South Carolina unless they are currently incarcerated or on supervision!<sup>2</sup>

In South Carolina, you lose your right to vote if you are: 1) *currently incarcerated* in state or federal *prison* (or in county jail, having been convicted, awaiting transfer to state prison), 2) actively on state parole or probation, OR 3) *currently involuntarily committed* because a judge found you mentally ill and required involuntary hospitalization.<sup>3</sup>

You must re-register with your county's election office in order to regain your right to vote after any of those circumstances ends—after you are no longer in prison, are off of parole or probation, *and/or* no longer involuntarily committed.

Unless you fall into one of these three categories, you have the right to vote! You only have to re-register with your county's election commission. *You can also see the chart on the next page to understand how your criminal record and supervision status will affect your voting rights.*

<sup>1</sup> U.S. CONST. AMEND. 14, §2; *Richardson v. Ramirez*, 418 U.S. 24, 56 (1974).

<sup>2</sup> See S.C. Code Ann. § 7-5- 120, SEE [WWW.SCJUSTICE.ORG/PEOPLE-FELONY-RECORDS-CAN-VOTE-SOUTH-CAROLINA-HERES/](http://WWW.SCJUSTICE.ORG/PEOPLE-FELONY-RECORDS-CAN-VOTE-SOUTH-CAROLINA-HERES/).

<sup>3</sup> SEE [WWW.SCJUSTICE.ORG/PEOPLE-FELONY-RECORDS-CAN-VOTE-SOUTH-CAROLINA-HERES/](http://WWW.SCJUSTICE.ORG/PEOPLE-FELONY-RECORDS-CAN-VOTE-SOUTH-CAROLINA-HERES/)



THE CHART BELOW EXPLAINS IF YOU CAN VOTE IN SOUTH CAROLINA BASED ON YOUR SUPERVISION AND CUSTODY STATUS. IF YOU FALL UNDER MORE THAN ONE CATEGORY, AND THE ANSWER IS “NO” FOR EITHER ONE, THEN YOU CANNOT VOTE.

<b>VOTING RIGHTS WITH A CRIMINAL RECORD IN SOUTH CAROLINA</b>	
<b>People with <u>State</u> Convictions and Pending Charges</b>	
<b>CUSTODY OR SUPERVISION STATUS</b>	<b>CAN I VOTE?</b> <i>(Note: You must also be age 18 or older by the next election day, a U.S. citizen, and a South Carolina resident)</i>
Currently incarcerated in state prison	NO
On state parole	NO
On probation	NO
Currently incarcerated in county jail	IT DEPENDS - <ul style="list-style-type: none"> <li>• Because jail time is a condition of your probation: NO</li> <li>• Because you were sentenced to serve time in jail: NO</li> <li>• Because of a parole violation: NO</li> <li>• Because you have been convicted and sentenced of a felony and are waiting to be transferred to federal or state prison: NO</li> <li>• Because you are in pretrial detention and have not yet been convicted: YES</li> </ul>
Pending felony charge(s) (meaning you are charged, but not yet convicted)	YES
Have a juvenile adjudication on my record	YES. A juvenile adjudication is NOT considered a conviction and thus does not affect a person’s eligibility to vote when they reach the age of majority.
<b>People with <u>Federal</u> Convictions</b>	
<b>CUSTODY OR SUPERVISION STATUS</b>	<b>CAN I VOTE?</b> <i>(Note: You must also be age 18 or older by the next election day, a U.S. citizen, and a South Carolina resident)</i>
Currently incarcerated in federal prison	NO
On federal probation	NO
On federal supervised release	NO
On federal parole (applies to very few people)	NO

### **I LOST MY VOTING RIGHTS WHILE IN PRISON/ON PAROLE. HOW DO I REGAIN MY ABILITY TO VOTE?**

You *automatically* regain your right to vote after you are no longer in prison and get off state parole or probation (and for those who were involuntarily committed due to mental illness, after you are no longer involuntarily committed). All you have to do is register (or re-register) to vote before the next election (learn how on [PG. 7](#)).<sup>4</sup>

A lot of times, people have questions as to whether they are still on supervision, especially if they haven’t been able to pay all of their fines and fees. It’s a good question and it’s not an easy one to answer, even for the Department of Parole, Probation and Pardon (“PPP”) and voter registration.<sup>5</sup> Based upon the latest emails and

<sup>4</sup> See South Carolina State Election Commission, <https://www.scvotes.org/south-carolina-voter-registration-information>. See also <https://www.scjustice.org/people-felony-records-can-vote-south-carolina-heres/>

<sup>5</sup>See Who Must Pay to Regain the Vote? A 50 State Survey, Collateral Consequences, <https://ccresourcecenter.org/wp-content/uploads/2020/07/Who-Must-Pay-to-Regain-the-Vote-A-50-State-Survey.pdf>



information from PPP cited here, if you have completed all of your probation except for the fines, fees and restitution, you should have your write to vote restored. If you have questions about your rights or run into issues with Voter Registration or PPP, please reach out to us at [southcarolina@rootandrebond.org](mailto:southcarolina@rootandrebond.org).

Not allowing people to vote because of outstanding fines and fees amounts to a poll tax, which was a tax that people were historically required to pay before they could vote, and which was used to keep many Black Americans from voting.

### **I DON'T KNOW MY SUPERVISION STATUS. HOW DO I FIND OUT?**

If you are unaware or unsure of your supervision status, talk to your supervising officer or your public defender/defense attorney and ask what type it is. Tell them you are trying to determine if you can vote. Feel free to bring the chart from PG. 5 with you.

### **I'M IN JAIL PRETRIAL. HOW DO I VOTE?**

People who are incarcerated pretrial have the right to vote! You have the statutory right to vote by an absentee ballot.<sup>6</sup> You need to be registered to vote and request an absentee ballot. You should request a registration form from the jail administration, by filing a request in the kiosk or otherwise following the jail's procedure for filing a grievance or request. If you have issues, please have a family member reach out to us so we can assist. We can be reached at [southcarolina@rootandrebond.org](mailto:southcarolina@rootandrebond.org). Information on the specifics of registration is below.

### **WHAT COULD HAPPEN IF I VOTED IN AN ELECTION THAT I WAS NOT LEGALLY ALLOWED TO VOTE IN?**

It depends. If you ACCIDENTALLY voted in an election when you weren't legally allowed to, you will probably not be in trouble with the law. Voter fraud typically requires that when you voted, you knew that you were illegally voting, and voted with the purpose of breaking the law. If you PURPOSEFULLY voted in an election when you had no legal right to do so, you could be found guilty of voter fraud.<sup>7</sup> The punishment can be up to 30 days in jail and a \$500 fine.<sup>8</sup> Be sure to understand your eligibility before voting in future elections, and again, please contact us with questions.

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South Carolina restores the vote automatically upon "service of the sentence, including probation and parole time unless sooner pardoned." S.C. Code Ann. § 7-5- 120(B)(3). A schedule of payments for a fine must take account of ability to pay. Id. § 17- 25-350. Payment of a fine may be a condition of probation, and failure to pay is potentially grounds for extension of the probation term to a maximum of five years. Id. §§ 24-21-430(2), 24-21-440. An order of restitution may take account of the defendant's ability to pay. Id. § 17-25-322(B). If restitution is not paid by the conclusion of the term of the sentence, the court may hold a hearing "to require the defendant to show cause why his default should not be treated as a civil judgment and a judgment lien attached." Id. § 17-25-323. There appears to be no provision for early termination of supervision based on payment of LFOs (legal financial obligations). A person who completes a term of probation and parole is not required to pay LFOs to regain the vote. E-mail from Pete O'Boyle, Pub. Info. Dir., S.C. Prob. and Pardon Bd., to Margaret Love (June 16, 2020, 4:31 p.m. (on file with authors)).

<sup>6</sup> S.C. Code Ann. § 7-25-320

<sup>7</sup> S.C. Code Ann. § 7-25-20

<sup>8</sup> S.C. Code Ann. § 7-25-20



## **REGISTERING TO VOTE IN SOUTH CAROLINA:**

### **I WANT TO VOTE IN THE NEXT ELECTION. WHEN IS THE LAST DAY I CAN REGISTER TO VOTE IN SOUTH CAROLINA?**

The deadline to register is 30 days *before* the next local, state, or federal election. You must submit the voter registration application form before midnight on the deadline.

- If you register using the online form, the timestamp must be before midnight on the deadline date (by 11:59 p.m.).
- If you register using a paper form, it must be postmarked or hand-delivered to your county elections office at least 30 days before the election. (See [PG. 8](#) to learn how to find your county elections office).<sup>9</sup>
- “Federal legislation<sup>10</sup> permits a voter who moves to a new state within 30 days prior to the Presidential election (and who may therefore fail to qualify for voter registration in their new state) to vote for President and Vice President only in their state of former residence.”
  - “In South Carolina, this means a registered voter of another state who has moved to SC after the registration deadline may vote in their former state for President and Vice President only. That voter should contact their former voting office to request a ballot. If a registered voter of a South Carolina county moves to another state within 30 days (or after that state’s registration cut-off), this voter may contact their former county office and request an absentee ballot for President and Vice-President only. The voter would go through the normal absentee voting procedures, either by mail or in person. The former county is responsible for furnishing this voter a ballot for President/Vice President. A voter who has moved to another state within this deadline also has the option of returning to their former precinct and voting in person at the polls for President and Vice President only. This will probably require the voter to cast a provisional ballot.”<sup>11</sup>

### **CAN I USE MY PRISON ID TO VOTE?**

No. The only acceptable forms of identification according to the South Carolina State Election Commission are: a valid state driver’s license, a valid state ID (issued through the Department of Motor Vehicles), a passport, a South Carolina voter registration with a picture attached, or a South Carolina or Federal Military ID.

### **I DON’T HAVE AN OFFICIAL PHOTO ID. CAN I STILL REGISTER TO VOTE?**

Yes. In South Carolina you may register to vote if you do not have an official photo ID if:

- 1) You have a religious objection to being photographed;
- 2) You have a reasonable obstacle that prevents you from obtaining a photo ID (like having a disability that prevents you from getting to the DMV, lack of transportation, or an inability to get off of work);<sup>12</sup>

You can get a free photo ID to vote, and register on the same day!<sup>13</sup> You can find your county board of elections information here: <https://www.scvotes.org/how-register-absentee-voting>. Contact the board in the county where you live for information on how to register and get your ID in person.

If you are not able to get your ID because of a religious objection or a reasonable obstacle, you should register. After you register, you should go to your polling place on election day and tell the polling place workers that you do not have a photo ID because of a religious objection or a reasonable obstacle.<sup>14</sup> Bring your registration card. The polling place worker will give you a provisional ballot and ask you to sign an affidavit (an oath written

<sup>9</sup> South Carolina State Election Commission, <https://www.scvotes.org/south-carolina-voter-registration-information>

<sup>10</sup> 1965 Voting Rights Act, as amended, 42 USC § 1973aa-1.

<sup>11</sup> South Carolina Election Commission, I have moved to South Carolina after the 30 day voter registration deadline. Can I still vote?, <https://scvotes.gov/i-have-moved-south-carolina-after-30-day-voter-registration-deadline-can-i-still-vote>.

<sup>12</sup> See S.C. Code Ann. § 7-13-719 (C)(1).

<sup>13</sup> South Carolina Election Commission, Photo ID Requirements, <https://www.scvotes.org/node/235>

<sup>14</sup> Id.



out on paper) that you are who you say you are.<sup>15</sup> Your vote will be counted unless election officials have reason to believe you weren't honest.

If a poll worker did not give you an affidavit to sign, you must go to your county board of voter registration and elections *after* submitting a provisional vote but before the votes are counted by the county board and fill out an affidavit, that says:

- 1) The person filling out the affidavit is the same person who submitted the provisional ballot;
- 2) The person filling out the affidavit is the same person who appeared at the polling place on election day; and
- 3) The person has either a religious objection to being photographed or has a reasonable impediment prohibiting them from getting an ID

### I'M HOMELESS. CAN I STILL REGISTER TO VOTE IN SOUTH CAROLINA?

Yes. You don't need a home address to register. Your voter registration office in your county should allow you to use a former address, a shelter address, a friend or family member's address, or the address of the voter registration office.<sup>16</sup>

### SINCE THE LAST TIME I REGISTERED TO VOTE, MY ADDRESS, NAME, POLITICAL PARTY OR SUPERVISION STATUS HAS CHANGED. DO I HAVE TO RE-REGISTER?

Probably. You need to re-register if any one of the following is true:

- You've completed a felony prison sentence *AND* you're no longer on parole or probation; OR
- You've completed your sentence for a misdemeanor; OR
- You've completed any type of felony sentence that prevented you from voting (including all of your supervision requirements).<sup>17</sup>
- You will also need to update your voter registration if you move or change or your name.

You do NOT need to reregister if you change political parties. That is not recorded in South Carolina.

### I HAVE OTHER QUESTIONS ABOUT REGISTERING TO VOTE IN SOUTH CAROLINA. WHO CAN I ASK FOR HELP?

- Call the South Carolina State Election Commission at 1-803-734-9060<sup>18</sup> OR

**Contact your county elections office.** This office maintains your voter registration record (if you have one).<sup>19</sup> To locate your local county elections office, visit the South Carolina State Election Commission website at <https://www.scvotes.org/how-register-absentee-voting>

- There you will see an alphabetical directory of county elections offices. If you don't know your county, you can call the contact numbers above and they will be able to tell you your county office.

LEARN HOW TO FIND YOUR COUNTY ELECTIONS OFFICE HERE!

### HOW DO I REGISTER TO VOTE IN SOUTH CAROLINA? WHAT IS THE APPLICATION PROCESS?

To register to vote, you need to fill out a voter registration form and submit it to your county elections office (learn how to find your county elections office directly above). You can do this by (1) filling out an online form (if you have access to a computer that's connected to Internet and a printer) or (2) filling out a paper form.<sup>20</sup> Both methods are completely acceptable, so do what is best and easiest for you! Read on for details.



**IMPORTANT: If you want to vote in the next election, you must register at least 30 days before that election. Once you're registered, you can vote in all state and local elections.**

<sup>15</sup> See id.

<sup>16</sup> Voter Registration Application, South Carolina State Election Commission: <https://www.scvotes.org>. See also: <https://nationalhomeless.org/wp-content/uploads/2017/09/VotingRightsUpdate.pdf>.

<sup>17</sup> South Carolina State Election Commission <https://www.scvotes.org>.

<sup>18</sup> Contract Information, South Carolina State Election Commission <https://www.scvotes.org/about-sec>

<sup>19</sup> For a directory of South Carolina County Elections Offices, including location, office hours, and contact information, visit South Carolina State Election Commission, <https://www.scvotes.org/how-register-absentee-voting>

<sup>20</sup> South Carolina State Election Commission <https://www.scvotes.org/south-carolina-voter-registration-information>. South Carolina State Election Commission <https://www.scvotes.org/south-carolina-voter-registration-information>.



## ➤ **REGISTERING THROUGH THE ONLINE FORM:**

Choose this option only if you have access to a computer that's connected to the Internet and a printer.

### **STEP 1:** Go to the online form.

Visit <https://www.scvotes.org/south-carolina-voter-registration-information>. Click “Click here for online voter registration,” and the online form will open.

### **STEP 2:** Complete the online form.

Click through the pages and enter your information in the boxes. Be sure to answer all questions that are marked by a star (\*). **NOTE:** The form asks for your South Carolina driver's license or state ID number, birthdate, and the last 4 digits of your Social Security Number (SSN). Enter this if you can, but know that you may still be able to vote even if some information is missing. Your county elections official may assign you a special number to vote.<sup>21</sup>

### **STEP 3:** Submit the online form.

What happens next depends on whether you have a signature on file with the DMV.

- *If you do have a valid South Carolina driver's license or state ID:* You probably have a signature on file with the DMV. Click “Submit” when you finish the form, and the website will most likely find your signature in the DMV database and send your information to your county elections office.
- *If you don't have a valid South Carolina driver's license or state ID:* You probably don't have a signature on file with DMV. Click “Print” when you finish the form, sign the printed form, and submit the printed form to your county elections office – either by mail or in person.

### **STEP 4:** Wait to hear from for your county elections office.

Your county elections office will contact you if it approves your voter registration, or if it needs more information to confirm that you can vote.<sup>22</sup>

## ➤ **REGISTERING WITH THE PAPER FORM:**

### **STEP 1:** Get the paper form. There are a few different ways to get it:

- Pick up a paper form at any county elections office (see [PG. 8](#) for how to find one),<sup>23</sup> public library, DMV office (go to <http://www.scdmvonline.com/locations> to locate one), or U.S. post office;
- Call 1-803-734-9060 and ask to get a paper form mailed to you; OR
- Contact the South Carolina State Election Commission, and ask that a paper form be mailed to you. You can ask by sending a letter, calling, or emailing the office:<sup>24</sup>

South State Election Commission  
PO Box 5987  
Columbia, SC 29250  
Phone: (803) 734-9060  
Email: [elections@elections.sc.gov](mailto:elections@elections.sc.gov)

### **STEP 2:** Complete the paper form.

Fill in as much information as possible. Note that the form asks for your South Carolina driver's license or state ID number, birthdate, and last 4 digits of your Social Security Number. Enter everything you can.

### **STEP 3:** Submit the paper form. Mail it to your county elections office or drop it off in person.

### **STEP 4:** Wait to hear from for your county elections office. The office will contact you if it approves your voter registration or if it needs more information to confirm that you can vote.<sup>25</sup>

### **IMPORTANT TIP**

#### ***Filling out the Voter Registration Form***

The voter registration form asks: “Have you ever been convicted of a felony?” By law, you must answer this question truthfully.<sup>26</sup> Even if you have fully served your sentence and your voting rights have been restored, you must check the “yes” box. If you lie, you could be found guilty of perjury.

<sup>21</sup> South Carolina State Election Commission <https://www.scvotes.org/south-carolina-voter-registration-information>

<sup>22</sup> South Carolina State Election Commission, <http://www.scvotes.org>

<sup>23</sup> For a directory of South Carolina County Elections Offices, including location, office hours, and contact information, visit <https://www.scvotes.org/how-register-absentee-voting>

<sup>24</sup> South Carolina State Election Commission, <https://www.scvotes.org/about-sec>

<sup>25</sup> South Carolina State Election Commission, <http://www.scvotes.org>

<sup>26</sup> S.C. Code Ann. § 16–9–10 (A)(2), “It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.”



## **VOTING ON ELECTION DAY**

### **I AM REGISTERED TO VOTE. WHERE, WHEN, AND HOW DO I VOTE IN THE NEXT ELECTION?**

In South Carolina, you can vote in two ways: (1) by mail ballot or (2) in person at your polling place.

**Voting by Mail** — Once you are registered to vote at your current home address, contact your county elections office to request an absentee ballot application form (see [PG. 8](#) to learn how to find the nearest county elections office).<sup>27</sup> Once you get this form in the mail, complete and return it to the county elections office by 5:00 pm on the 4<sup>th</sup> day prior to the election.<sup>28</sup>

**Voting in Person** — Once you are registered, you will receive a sample ballot in the mail (you do not have to fill it out; this sample is only intended to help you prepare for election day, or you can download and print a sample ballot from <https://www.scvotes.org>). Your voting location (called a “polling place”) is listed on this ballot. You can also call your county elections office to ask about your voting location.<sup>29</sup> On election day, go to your assigned polling place to vote. South Carolina polls are open 7 a.m. to 7 p.m.<sup>30</sup>

### **WHEN IS ELECTION DAY?**

The General Election is on the first Tuesday after the first Monday in November.<sup>31</sup>

### **CAN I GET TIME OFF FROM WORK TO VOTE IN SOUTH CAROLINA?**

There are no laws in South Carolina that require a company to give employees time off to vote. However, employers cannot fire a worker because of political opinions or the exercise of political rights and privileges.<sup>32</sup> Also, even if you aren’t entitled to paid time off, you are still entitled to take a reasonable time off to vote, because federal law prohibits interfering with citizens’ right to vote.<sup>33</sup>

### **I HAVE A PHYSICAL DISABILITY. CAN I GET HELP ACCESSING MY VOTING LOCATION?**

Yes. Follow these two steps:

**STEP 1:** First, contact your county elections office to find out if your voting location (“polling place”) is accessible to you, given your disability.

**STEP 2:** Second, if your voting location isn’t accessible to you, curbside voting should be available. With curbside voting, you will be asked to get as close to the voting area as you can, and elections officials will bring you a sign-in sheet, ballot, and any other voting materials you need.

### **ENGLISH ISN’T MY FIRST LANGUAGE. CAN I GET A BALLOT IN MY NATIVE LANGUAGE?**

Maybe. Call your county elections office to find out in what languages your county has the ballot available.<sup>34</sup> If your county doesn’t have ballots in your native language, you can bring an interpreter with you to vote (but this person can’t be your employer or labor union officer).<sup>35</sup>

### **I CAN’T READ, AND/OR I PHYSICALLY CAN’T VOTE BY MYSELF. CAN I GET HELP IN THE VOTING BOOTH?**

Yes. If you can’t mark a ballot because you can’t read, and/or because you have a disability, tell a poll worker when you get to your voting location (“polling place”).

- You have the right to use a voting machine that is accessible to you. Poll workers should explain how to use the voting equipment before you go into the booth, and should also provide further help if you need it after you go into the booth. They are legally required to do so.<sup>36</sup>
- You also have the right to select up to 2 people (including a poll worker) to help you in the booth, as long as these people aren’t your employer, agents of your employer, or officers/agents of your labor union.<sup>37</sup>

<sup>27</sup> For a directory of South Carolina County Elections Offices, including location, office hours, and contact information, visit <https://www.scvotes.org/how-register-absentee-voting> or see [PG. 68](#).

<sup>28</sup> The fourth day before an election is the Friday prior to the Tuesday election. See: <https://www.scvotes.org/absentee-voting>

<sup>29</sup> For a directory of South Carolina County Elections Offices, including location, office hours, and contact information, visit <https://www.scvotes.org/absentee-voting> or see [PG. 68](#).

<sup>30</sup> S.C. Code Ann. § 7-13-60. See also South Carolina State Election Commission, <https://www.scvotes.org/south-carolina-voting-information-page>

<sup>31</sup> Statutes at Large, 28th Congress, 2nd Session, p. 721.

<sup>32</sup> S.C. Code Ann. § 16-17-560, See also <https://www.workplacefairness.org/voting-rights-time-off-work?state=SC#SC>

<sup>33</sup> Voting Rights Act of 1965, Pub. L. 89-110 (1965).

<sup>34</sup> For a directory of South Carolina County Elections Offices, including location, office hours, and contact information, visit <https://www.scvotes.org/how-register-absentee-voting>.

<sup>35</sup> Know Your Voting Rights: What to do when faced with voter intimidation, ACLU, <https://www.aclu.org/know-your-rights/what-do-when-faced-voter-intimidation>.

<sup>36</sup> S.C. Code Ann. § 7-13-780. Designation of Voters Who May Receive Assistance.

<sup>37</sup> S.C. Code Ann. § 7-13-770. See also, South Carolina State Election Commission. See <https://www.scvotes.org/voters-disabilities>



## II. SELECTIVE SERVICE REGISTRATION

### WHAT IS THE SELECTIVE SERVICE SYSTEM, AND WHY IS IT IMPORTANT?

The Selective Service System is a federal agency that keeps a list of all adult males in the U.S. In case of a military emergency, the federal government uses the Selective Service registration list to draft men for military service<sup>38</sup> — and to provide public service work assignments for men who are morally opposed to military service.<sup>39</sup> If you're a male between ages 18 and 25 and you live in the United States, and you don't fall under one of the legal exceptions, you *must* register with the Selective Service *before you turn 26*.<sup>40</sup> To learn about the legal exceptions to registration, see the question below: "WHO IS NOT REQUIRED TO REGISTER...?"

If you do not register in time, there could be negative consequences. Failing to register is a federal felony punishable by a fine of up to \$250,000 or a prison term of five years, or a combination of both.<sup>41</sup> You can also be denied certain government benefits — such as student financial aid, citizenship, federal job training, or federal jobs.<sup>42</sup> Read on for more information.

### WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE?

Selective Service registration is required for nearly ALL men ages 18 to 25 (before their 26th birthday) who live in the United States. There are a few exceptions, listed in the next question.<sup>43</sup>

### WHO IS NOT REQUIRED TO REGISTER WITH SELECTIVE SERVICE?

You are NOT required to register with the Selective Service if you fall into a category below:<sup>44</sup>

#### (1) Certain people who are confined:

- *People who are incarcerated in jail or prison* — You DO NOT have to register for the Selective Service *while incarcerated*, even if you are a male between ages 18 and 25. But if you are age 25 or younger *at the time of your release*, you must register within 30 days of getting out.
- People who are being kept in a hospital or institution for medical reasons.

#### (2) Certain people who have disabilities:

- People with a mental or physical disability that prevents them from functioning in public, with or without assistance.
- People who have been confined continuously to a residence, hospital, or institution from age 18 to age 25.

#### (3) Certain noncitizens:

- Lawful non-immigrants holding visas in the United States.
- Seasonal agricultural workers holding visas (H-2A).<sup>45</sup>

#### (4) Certain military members:

- Members of the U.S. Armed Forces on active duty.
- Cadets or midshipmen in a U.S. Service Academy or Coast Guard Academy.
- Students in Officer Procurement Programs at certain U.S. military colleges.

#### (5) Certain people who have had sex reassignment:

- People who were born female (assigned female at birth) and have had a sex reassignment *are not required* to register with the Selective Service. However, people who were born male (assigned male at birth) and have had a sex reassignment *are required* to register.

### WHEN DO I REGISTER WITH THE SELECTIVE SERVICE?

You must register within 30 days of your 18<sup>th</sup> birthday. The Selective Service will accept your late registration through age 25 (up until the last day *before* you turn 26, but *not after*).<sup>46</sup>

<sup>38</sup> See 50 U.S.C. § 3801 et seq.; Agency Mission, SELECTIVE SERV. SYS., <https://www.sss.gov/>.

<sup>39</sup> See 32 C.F.R. § 1656.1.; Agency Mission, SELECTIVE SERV. SYS., <https://www.sss.gov/consobj>.

<sup>40</sup> 50 U.S.C. § 3802.

<sup>41</sup> Benefits and Penalties, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>.

<sup>42</sup> Benefits and Penalties, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>.

<sup>43</sup> Who Must Register - Chart, SELECTIVE SERV. SYS., <https://www.sss.gov/Portals/0/PDFs/WhoMustRegisterChart.pdf>; *see also* Back to School: A Guide to Continuing Your Education after Prison, PRISONER REENTRY INSTITUTE, JOHN JAY COLLEGE OF CRIMINAL JUSTICE (July 2010), 23-24.

<sup>44</sup> Who Must Register - Chart, SELECTIVE SERV. SYS., <https://www.sss.gov/Portals/0/PDFs/WhoMustRegisterChart.pdf>.

<sup>45</sup> NOTE: Most other categories of noncitizens are required to register. These include legal permanent residents ("green card" holders), undocumented immigrants, refugees, and asylum grantees. *See* <https://www.sss.gov/Portals/0/PDFs/WhoMustRegisterChart.pdf>

<sup>46</sup> Men Cannot Register after Reaching Age 26, SELECTIVE SERV. SYS., <http://www.sss.gov/FSmen.htm>.



## HOW DO I REGISTER WITH THE SELECTIVE SERVICE?

You can register in 3 ways, and all are equally acceptable. You can register (1) online, (2) by filling out a paper registration form and mailing it to the Selective Service System, OR (3) by checking the “Register Me” option on the Federal Student Financial Aid Application (called the “FAFSA”).

### (1) Registering online:

If you have access to a computer with Internet access, this is the fastest and easiest way to register. (Most public libraries have free computer access; visit your local library’s website for more information.)

- Go to <https://www.sss.gov/Home/Registration>.
- Fill out the online form and then click “Submit Registration.”

### (2) Registering by mail:

You can find the Selective Service registration form at any U.S. post office and at many high schools. If you want to find it online and print it out to send in by mail, you can go to [https://www.sss.gov/Portals/0/PDFs/regform\\_copyINT\\_1.pdf](https://www.sss.gov/Portals/0/PDFs/regform_copyINT_1.pdf).<sup>47</sup> Fill out the form and mail it to:

Selective Service System  
Registration Information Office  
P.O. Box 94739  
Palatine, IL 60094-4638

### (3) Registering through FAFSA (Free Application for Federal Student Aid):

If you are a student applying for federal student financial aid using the FAFSA, you can register simply by checking “Register Me” on Box #22 of that application form. The U.S. DEPARTMENT OF EDUCATION will send your information to the Selective Service, and you are done!

### DO I NEED A SOCIAL SECURITY NUMBER (SSN) TO REGISTER WITH THE SELECTIVE SERVICE?

No. If you have a SSN, you must provide it when registering; but if you don’t have one, it’s not required.

## ISSUES WITH SELECTIVE SERVICE REGISTRATION

### I REGISTERED WITH THE SELECTIVE SERVICE, BUT I LOST MY REGISTRATION NUMBER AND MY PROOF OF REGISTRATION. HOW CAN I GET THESE?

Contact the Selective Service to request your number and get new proof of registration. Be ready to provide your *name, birthdate, Social Security Number, AND current mailing address*. **TO CONTACT:**

- *By phone:* Call 1-847-688-6888 or 1-888-655-1825.
- *By mail:* Mail a request to Selective Service System; P.O. Box 94638; Palatine, IL 60094-4638.
- *Online:* Visit <http://www.sss.gov> and click “Check Registration.” You’ll need to enter your SSN.

### IT’S BEEN MORE THAN 30 DAYS SINCE I TURNED 18, AND I HAVEN’T REGISTERED WITH THE SELECTIVE SERVICE. CAN I STILL REGISTER?

- IF YOU ARE AGE 25 OR YOUNGER, then YES, you can still register. You should do so immediately!<sup>48</sup> To register, follow the steps listed above on [PG. 12](#).
- IF YOU ARE AGE 26 OR OLDER, it’s probably too late to register. HOWEVER, if you have *good reasons* for not registering earlier — such as being incarcerated continuously between the ages of 18 and 25 — then you might be able to get an official “Status Information Letter” from the Selective Service stating that you were not required to register.<sup>49</sup> To learn how to request a Status Information Letter, go to [PG. 13](#).

### I AM 26 OR OLDER AND NEVER REGISTERED WITH THE SELECTIVE SERVICE — AND I DON’T FALL INTO ANY OF THE LEGAL EXCEPTIONS. WHAT ARE SOME POSSIBLE CONSEQUENCES?

If you are age 26 or older, failed to register with the Selective Service, and don’t fall into any of the legal exceptions to the registration requirement — then, by law, you could face a fine of up to \$250,000 and/or a prison term of up to 5 years.<sup>50</sup> Even if you don’t face charges, you may be disqualified from certain government programs and benefits — including *federal student financial aid, naturalized citizenship, federal job training, and federal jobs*.<sup>51</sup>

<sup>47</sup> How to Register, SELECTIVE SERV. SYS., <http://www.sss.gov/FSregist.htm>.

<sup>48</sup> Who Must Register, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration-Info/Who-Registration>.

<sup>49</sup> Status Information Letter, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration/Status-Information-Letter>.

<sup>50</sup> See Benefits and Penalties, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>.

<sup>51</sup> See Benefits and Penalties, SELECTIVE SERV. SYS., <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>.



## I AM 26 OR OLDER AND NOW I'M DISQUALIFIED FROM CERTAIN GOVERNMENT BENEFITS AND PROGRAMS BECAUSE I NEVER REGISTERED WITH THE SELECTIVE SERVICE. WHAT CAN I DO?

It depends on 2 factors – (1) whether you had good reason for not registering, and (2) what program or benefit you are applying for.

HOW FAILURE TO REGISTER WITH THE SELECTIVE SERVICE MAY IMPACT YOUR ABILITY TO RECEIVE PUBLIC BENEFITS	
YOUR REASON FOR NOT REGISTERING	IMPACT ON YOUR ABILITY TO GET PUBLIC BENEFITS
<p>... You were incarcerated between the ages of 18 and 26.</p>	<p>You may be able to prove that you should qualify for the benefits or programs you are trying to get. To do this, you must fill out a form requesting a “Status Information Letter” from the Selective Service System (see <a href="#">PG. 13</a>). You will have to list the dates during which you were incarcerated, and attach any documents that show when and where you were incarcerated. If you can prove that you were incarcerated during the relevant time, the Selective Service System will send you an official letter stating that you <i>were not required to register</i>. If you show this letter to the benefit-issuing agency to which you are applying, it can’t legally deny you benefits because of your Selective Service status.</p>
<p>... You didn’t know about the registration requirement, OR mistakenly believed it didn’t apply to you <u>OR</u></p> <p>... You thought you were already registered, but the Selective Service has no record of your registration</p>	<p>You may still be eligible for government benefits if you can prove to the benefit-issuing agency that you did not “<i>knowingly or willfully</i>” fail to register.<sup>52</sup> The agency handling your case – NOT the Selective Service System – is in charge of deciding whether you have provided enough proof.<sup>53</sup></p> <p>You must send the benefit-issuing agency certain documents as proof.</p> <ul style="list-style-type: none"> <li>• First, you must request a “Status Information Letter” (see <a href="#">PG. 13</a>) from the Selective Service System, which summarizes your status with the Selective Service.<sup>54</sup></li> <li>• Second, send this letter along with a detailed “explanation letter” stating in your own words why you didn’t register.<sup>55</sup> This letter should include any information that might be relevant to the agency’s decision – such as where you were living between the ages of 18 and 25, if you wrongly believed you had already registered, and/or why you didn’t know about the registration requirement.<sup>56</sup></li> <li>• To present the most persuasive case, you should provide any documentation you have that supports your story.</li> </ul>

### HOW DO I GET A SELECTIVE SERVICE “STATUS INFORMATION LETTER”?

You can request a Status Information Letter from the Selective Service by (1) calling, OR (2) sending a written request. If you want to show that you were incarcerated, institutionalized, and/or hospitalized between the ages of 18 and 25, be prepared to describe ALL the circumstances that prevented you from registering during that time, and have copies of documents showing all the dates you were confined.<sup>57</sup>

If you are requesting a Status Information Letter because you failed to register for other reasons, you must summarize these reasons on the request form. Note: You do not have to send a separate “explanation letter” to the Selective Service System – that’s only for the agency that denied you the benefits.

#### TO REQUEST:

- *By phone:* Call 1-847-688-6888 and connect to an operator. Ask for a Status Information Letter.
- *By mail:* Get a copy of the “Request for Status Information Letter” form. You can find the form by visiting <https://www.sss.gov/Portals/0/PDFs/Status.pdf> and printing it from a computer. Fill out the form, sign it, and attach copies of documents to prove the information you write in the form. Mail the form, along with your documents, to: Selective Service System, ATTN: SIL, P.O. Box 94638, Palatine, Illinois, 60094-4638.

<sup>52</sup> See Men 26 and Older, SELECTIVE SERV. SYS., <https://www.sss.gov/Home/Men-26-and-OLDER>. For information about student financial aid, see 34 C.F.R. § 668.37(d)(2)(i); 34 C.F.R. § 668.37(e); U.S. DEP’T OF EDUC. & FED. STUDENT AID, 2014-2015 FEDERAL STUDENT AID HANDBOOK.

<sup>53</sup> See Men 26 and Older, SELECTIVE SERV. SYS., <https://www.sss.gov/Home/Men-26-and-OLDER>; see also Online Verification, SELECTIVE SERV. SYS., <https://www.sss.gov/Home/Verification>.

<sup>54</sup> The Status Information Letter will include a code that summarizes the Selective Serving’s findings in your case. Different codes correspond to different categories. For example, the Selective Service might include a code indicating that you were sent a letter to inform you of the registration requirement, but that it was returned by the post office as undeliverable. See U.S. DEP’T OF EDUC. & FED. STUDENT AID, 2018-2019 FEDERAL STUDENT AID HANDBOOK, [HTTPS://IFAP.ED.GOV/FSAHANDBOOK/ATTACHMENTS/1819FSAHBKVol1Ch5.PDF](https://ifap.ed.gov/FSAHANDBOOK/ATTACHMENTS/1819FSAHBKVol1Ch5.PDF).

<sup>55</sup> See Request for Status Information Letter, SELECTIVE SERV. SYS., <https://www.sss.gov/Portals/0/PDFs/Status.pdf>.

<sup>56</sup> See U.S. Dep’t of Educ. & Fed. Student Aid, 2018-2019 Federal Student Aid Handbook,

[HTTPS://IFAP.ED.GOV/FSAHANDBOOK/ATTACHMENTS/1819FSAHBKVol1Ch5.PDF](https://ifap.ed.gov/FSAHANDBOOK/ATTACHMENTS/1819FSAHBKVol1Ch5.PDF).

<sup>57</sup> See Men 26 and Older, SELECTIVE SERV. SYS., <https://www.sss.gov/Home/Men-26-and-OLDER>.



## **HOW SELECTIVE SERVICE REGISTRATION AFFECTS ACCESS TO SCHOOL**

### **I'VE HEARD THAT IF I DIDN'T REGISTER WITH THE SELECTIVE SERVICE WHEN I WAS YOUNGER, I MAY NOT BE ABLE TO GET FINANCIAL AID FOR SCHOOL. IS THAT TRUE? WHAT CAN I DO?**

It's true. If you failed to register with the Selective Service between the ages of 18 and 25 (*before* your 26th birthday), you are not eligible for state or federal financial aid – unless you fall into an exception, or you had a really good reason for not registering, such as being incarcerated during the relevant time period.

However, even if you weren't incarcerated and don't have a good reason for not registering, you still may be able to get student financial aid, if you can prove that your failure to register was *unintentional*. In other words, you have to prove that even though you knew you were supposed to register, you weren't avoiding it on purpose.<sup>58</sup>

To prove this, you will have to request a Status Information Letter from the Selective Service System (see [PG. 13](#)), then send that letter to the relevant department at your school, along with a letter explaining why you didn't register. Generally, an employee of your school will be the one who decides whether you have provided enough proof to qualify for financial aid.<sup>59</sup>

#### **HELPFUL HINT**

##### ***Explaining a Failure to Register with the Selective Service to your School***

The school employee in charge of your case is required to consider ALL information related to your situation – not just the Letter from the Selective Service System that says what happened – so provide as much detail as possible to make your case stronger. This may include information about where you were living between the ages of 18 and 25, whether you thought you were already registered, and/or why you weren't aware of the registration requirement.<sup>60</sup>

## **III. CONCLUSION**

To review, the VOTING & CIVIC PARTICIPATION CHAPTER covered the following topics:

- 1) Voting Rights and Voter Registration
- 2) Registering to Vote in South Carolina
- 3) Voting on Election Day
- 4) Selective Service Registration
- 5) Common Issues with Selective Service Registration

*Congratulations on all you have accomplished!* If you require further assistance, feel free to email Root & Rebound's South Carolina hotline at [southcarolina@rootandrebound.org](mailto:southcarolina@rootandrebound.org). Our legal team will do its best to provide you with information about reentry and your rights with a record. You can also write a confidential, legal letter to: [Root & Rebound, 210 Shaw Street, Greenville, SC 29609](#).

<sup>58</sup> See U.S. Dep't of Educ. & Fed. Student Aid, 2018-2019 Federal Student Aid Handbook, [HTTPS://IFAP.ED.GOV/FSAHANDBOOK/ATTACHMENTS/1819FSAHbkVOL1CH5.PDF](https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkVOL1CH5.PDF).

<sup>59</sup> See U.S. Dep't of Educ. & Fed. Student Aid, 2018-2019 Federal Student Aid Handbook, [HTTPS://IFAP.ED.GOV/FSAHANDBOOK/ATTACHMENTS/1819FSAHbkVOL1CH5.PDF](https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkVOL1CH5.PDF).

<sup>60</sup> See U.S. Dep't of Educ. & Fed. Student Aid, 2018-2019 Federal Student Aid Handbook, [HTTPS://IFAP.ED.GOV/FSAHANDBOOK/ATTACHMENTS/1819FSAHbkVOL1CH5.PDF](https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkVOL1CH5.PDF).



# ***VOTING & CIVIC PARTICIPATION APPENDIX***

Status Information Letter for Selective Service System

See next page.





NON-CITIZEN / UNDOCUMENTED IMMIGRANT:

\* Date you entered the United States for the first time: \_\_\_\_\_  
\* Month / \* Day / \* Year

\* USCIS (formerly INS) status at time of entry: \_\_\_\_\_

\* REQUIRED: List all immigrant status(es) held since entering the country, and give dates:  
(Attach separate sheet if necessary)

_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____

\* Attach copies of supporting documentation (see the included INSTRUCTIONS for details)

TRANSGENDER:

At birth my gender was: \_\_\_\_\_

\*Attach copy of original birth certificate or similar documentation. If name on form is different from name on birth certificate due to name change, please include court order or other name change documentation.

\* REASON WHY YOU FAILED TO REGISTER WITH SELECTIVE SERVICE UPON REACHING AGE 18 AND BEFORE REACHING AGE 26:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 3:

IMPORTANT NOTE: No action can be taken until we receive ALL required information / documentation with an asterisk (\*) are received. You should retain a copy of all documents and correspondence submitted to us.

Print, sign and date, and mail this letter to the address below, together with ALL copies of required documents and all other supporting information you may wish to include.

\_\_\_\_\_  
\* Signature

\_\_\_\_\_  
\* Date

Selective Service System  
ATTN: SIL  
PO Box 94638  
Palatine, IL 60094-4638



## INSTRUCTIONS

### For filling out the “Request for Status Information Letter”

#### SECTION 1:

- Name (required):** you must provide your complete name, and any other names you have ever used. If you have more than one last name, you must provide both names.
- Address (required):** you must include your complete mailing address. Forms received without a mailing address will not be processed.
- Social Security Number (required, if you have one):** If you have a social security number, you must provide it. Also, if you have ever used a different social security number, provide it as well.
- Date of Birth (required):** This form is only for men born after December 31, 1959, who are 26 years old or older. You must provide your complete date of birth.
- Daytime Telephone Number:** If possible, provide a telephone number where you can be reached during the day, in case we need to contact you.
- Email Address:** If possible, provide your email address in case we need to contact you.

#### SECTION 2: (Requires dates and supporting documentation)

This section is for explaining and documenting why you did not register with Selective Service. This section consists of five different parts. You must complete and submit documentation for any and all parts that apply to you.

##### **Military:**

To obtain proof of military service (DD-214, Official Military Personnel File) write to: National Personnel Records Center, GSA, Military Personnel Records Center, 9700 Page Blvd., St. Louis, MO, 63132. Or visit <http://www.archives.gov/veterans/military-service-records>

##### **Incarcerated, institutionalized, hospitalized, or home confined:**

For each instance, provide type of confinement, dates of confinement, and supporting documentation.

##### **Non-Citizen / Non-Immigrants:**

If you entered the United States for the first time after your 26th birthday, you must provide documentation to support your claim. Valid documentation includes: entry stamp in your passport, I-94 with entry stamp on it. If you entered the United States illegally after your 26th birthday, you must provide proof that you were not living in the United States from age 18 to age 26. **Please note:** your Resident Alien Card (Green Card) is not proof of entry to the United States.

If you entered the United States as a valid non-immigrant, and remained in that status to your 26th birthday, you must provide documentation to support your claim. For example, if you entered the United States as an F-1 student, and remained in that status until your 26th birthday, you would need to provide documentation indicating that you were admitted on an F-1 visa and attended school full-time as required. (Acceptable documents for this situation include copies of your I-20s or a letter from the school you attended indicating your full time attendance as a non-immigrant). The same thing applies for all non-immigrant statuses. You must explain, if at any point, you violated the terms of your visa, or overstayed your visa and became an undocumented immigrant.

You should provide as much information as possible. We will use the information you provide to determine your registration status. A list of documents to provide can be found at:

<https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf>



**Transgender:**

For individuals who have had a gender change. You must indicate what sex you were at birth, and attach documentation which indicates this as well. If your name has changed, please provide court orders or other name change documentation.

**Reason why you failed to register with Selective Service upon reaching age 18 and before reaching age 26:**

Provide a written explanation for not registering with Selective Service.

**SECTION 3:**

Sign and date the letter (**required**). Return this letter to the address listed with copies of supporting documents, showing proof and anything else you may wish to include. **IMPORTANT: Do not send original documents**, as they will not be returned. **You should retain a copy of all documents and correspondence submitted.**

**HELPFUL INFORMATION**

- This form is designed to be printed for use, and cannot be submitted online. After printing, complete the form, attach **ALL** supporting documentation, and mail to: Selective Service System, ATTN: SIL, PO Box 94638, Palatine, IL 60094-4638.
- This form is for use only by men born after December 31, 1959, who are not registered and are now 26 years old or older.
- **This form is not a registration form, and by submitting it, you will not be registered.**
- If you feel that you have already registered, verify your registration on our website (**[www.sss.gov](http://www.sss.gov)**), or call our Registration Information Office at (847) 688-6888 to obtain your Selective Service registration number.
- We will issue a Status Information Letter based on the information you provide. This letter will clarify your status with Selective Service. **KEEP your status information letter from Selective Service in your permanent files for future reference.**
- If you are being denied a right, benefit, or privilege because you are not registered, submit a **copy** of your status information letter from Selective Service and a separate letter in which you explain in the best of your ability the reasons surrounding your failure to register, to the agency administering the right, benefit, or privilege. That agency will make the final determination regarding your eligibility. The Selective Service System does not determine your eligibility for any right, benefit, or privilege.

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**Remember to KEEP your original Status Information Letter in your permanent files.**