Proskauer

Proskauer Partners with the ACLU to Challenge Voting Restrictions in South Carolina

Proskauer For Good on **March 9, 2026**

In partnership with the American Civil Liberties Union's Voting Rights Project (ACLU VRP) and the ACLU of South Carolina, Proskauer filed a lawsuit on behalf of the NAACP of South Carolina and individual South Carolina voters seeking to enjoin three South Carolina voting laws that restrict absentee voting and voter assistance. South Carolina's restrictions are similar to laws enacted by several other states, but the new South Carolina laws conflict with—and thus are pre-empted by—federal law, specifically by Section 208 of the Voting Rights Act of 1965, as amended (VRA), which provides that voters who are blind, disabled, or unable to read or write can obtain assistance from a person of their choosing when voting.

The lawsuit challenges three provisions of South Carolina's election code. One provision makes it illegal for someone to assist more than five voters with requesting or returning a mail ballot. This limit directly conflicts with the VRA's provision that a covered voter can get assistance from *anyone* they choose and trust. South Carolina's restriction is especially harmful to voters living in nursing homes and other group homes where 20 or more voters may want assistance from the same one or two staff members who have experience receiving and returning ballots on voters' behalf. South Carolina law now subjects anyone who violates this section of the law to felony charges and up to five years imprisonment.

A second provision makes it unlawful for voters to receive assistance unless they are "physically unable or incapacitated from preparing a ballot." This provision conflicts with the VRA, which provides a right to assistance for any voter who is blind, illiterate, or has any disability, *not*, as South Carolina would have it, only for those disabled voters who are physically incapacitated.

A third restriction enacted by South Carolina bars voters from receiving assistance from anyone other than an immediate family member or an authorized representative who is registered to vote in South Carolina but who may only assist a voter who is confined to a nursing home, hospital, or similar facility, is physically incapable of accessing a polling location or cannot be transported to a polling location. This restriction also violates the plain language of the VRA, which was enacted to protect the rights of the blind, disabled, and limited literacy voters, and to ensure that all covered voters can get assistance to vote.

These laws make it difficult or impossible for many disabled South Carolinians to exercise their fundamental right to vote, the cornerstone of American democracy. The lawsuit seeks a declaratory judgment that South Carolina's restrictive voting provisions are preempted by the VRA and should be enjoined. The case is *NAACP South Carolina State Conference, et al. v. Alan Wilson, et al.,* Case No. 3:25-cv-13754-MGL (D.S.C.). The Proskauer team includes Stephen Hibbard, Robert Pommer, Amy Gordon, Bradley Presant, Michael Beckwith, Alexander Guzy-Sprague, and Roberta Preyer.

Related Professionals

- **Stephen Hibbard**
  Partner