



South Carolina Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

May 13, 2024

PRELIMINARY INQUIRY REPORT

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Alleged Voter Fraud

COUNTY: Spartanburg

Introduction

On May 1, 2024, Governor Henry McMaster, sent a letter (**Attachment 1**) to Representative Adam Morgan in response to a letter (**Attachment 2**) from the South Carolina Freedom Caucus (SCFC), alleging that the Department of Health and Human Services (HHS) provided voter registration forms to a non-citizen of the United States in violation of state law 7-5-310. The letter stated that Representative Adam Morgan was contacted by a non-citizen refugee with proof that the South Carolina Medicaid office provided her with multiple voter registration forms even after she informed office personnel that she was not a citizen. Governor McMaster requested South Carolina State Law Enforcement Division (SLED) Chief Mark Keel contact Representative Morgan in response to the allegations. On May 1, 2024, Chief Keel assigned Lieutenant (Lt.) Jeremy C. Smith to conduct a preliminary inquiry into the allegations.

Summary

Agent's Note: The interviews summarized in this report represent the synopsis of the interviews and are not verbatim transcripts unless otherwise indicated. Please refer to the corresponding attachments for complete interviews.

On May 1, 2024, Lt. Smith contacted Representative Adam Morgan by telephone. Rep. Morgan provided the following information as documented in a Memorandum to the File (**Attachment 3**). Morgan was contacted by Natalya Camp who had family that were refugees from Ukraine that were now residing in Spartanburg, SC. Those applications came through the mail. He said the application in question was sent to Camp's sister. Rep. Morgan did not have the documents but he had posted them on his social media (**Attachment 4**). Camp could provide further information and was in possession of the documents.

On May 07, 2024, Lieutenant (Lt.) Jeremy C. Smith and Senior Special Agent (SS/A) Adam Slizewski interviewed Natalya Camp at her residence located at [REDACTED] Spartanburg, SC. The interview was audio and video recorded (**Attachment 5**). Camp provided the following information as documented in a Memorandum of Interview (MOI) (**Attachment 6**). Camp came to the United States of America (USA) from Ukraine twenty-one years ago and is U.S. citizen. Approximately one year ago, she sponsored her mother, sister and two nephews through the Uniting for Ukraine program. *Agent's Note: Uniting for Ukraine provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a 2-year period of parole. Ukrainians participating in Uniting for Ukraine must have a supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States. This is through the U.S. Citizenship and Immigration Services.* All four came to the USA and lived with her and have since moved to another residence.

According to Camp, her family received numerous benefits to include but not limited to Social Security Numbers, Identification Cards, Driver's license (nephew), food stamps, cash assistance for eight months, "pensions" (SSI) as well as an additional \$ [REDACTED] through what she described as "Work to Live" program. Cash and food stamp benefits have now stopped but her seventy-five-year-old mother receives \$ [REDACTED] a month for Social Security and her sister gets money for caring for her disabled son.

Camp was concerned about voter registration forms her family received in the mail. She presented a copy of a form (**Attachment 7**) that she said her sister received in the mail. This form was double sided, on the front was a voter declination form and on the back was a voter registration mail application form. Lt. Smith examined the actual voter registration form on the back and read the first box that explained if you were a non-citizen, you **DO NOT** complete the form. Camp was very concerned that her sister was a non-citizen and was receiving a voter registration form in the mail. Camp did not have the envelope the form came in. She said the form came from the Department of Health and Human Services in Columbia (HHS). She said that all four of her family members had received similar forms in the mail four different times. She did not have any of the other forms or the envelopes they came in. She said the first time the form came from “Medicaid.” The other three times they received the voter registration form with another form explaining to them that the information on the form would not affect benefits.

Camp said her sister did not wish to cooperate with this investigation. Camp contacted Bryan Alverson, a candidate for Spartanburg County Council, about the issue, and he contacted Representative Adam Morgan.

On May 08, 2024, Lieutenant (Lt.) Jeremy C. Smith met with South Carolina Department of Health and Human Services (HHS) Director Robert Kerr at his office, 1801 Main Street, Columbia, SC 29201. The interview was audio and video recorded (**Attachment 8**). Camp provided the following information as documented in a Memorandum of Interview (MOI) (**Attachment 9**). Also present for the interview were General Counsel Byron Roberts and Deputy Director of Enrollment and Member Services, Nicole Threatt. Director Kerr was shown the form (ref attachment 7) Lt. Smith received from Natalya Camp. They identified the form as one the agency sends out. The information is required to be given to anyone who applies for benefits. This is all in compliance with the National Voter Registration Act of 1993(NVRA). They are required to give mail application voter registration information to anyone who applies for public assistance whether they are eligible or not. The forms can be mailed or given in person. They keep a record of what they get back. HHS does not determine voter eligibility.

For the purposes of applying for benefits, in this matter, they provided the federal regulation in 42 C.F.R. 435.406 Citizenship and non-citizen eligibility that implements the statute. Camp's family met the definition of (b) Qualified Alien under 42 C.F.R 435.406 of Citizen and non-citizen eligibility (**Attachment 10**). This meant they were qualified to apply for benefits not that they were eligible. That would have been determined later. *Agent's Note: Camp's relatives received benefits as refugees as defined in 42 C.F.R. 435.406.*

In reference to the form Camp's family received in the mail. HHS will provide an application for voter registration information to anyone who asks for public assistance as required by the NVRA, along with the information on the front of the form (Voter Registration Declination Form). NVRA applies to any agency that offers public assistance. They provided a copy of relevant law under 52 USC 20506, Voter registration agencies (**Attachment 11**). An individual could receive a voter registration form multiple times, depending on how many times they apply for benefits. They could also get the forms multiple times from multiple agencies for the same reasons. The Voter Registration Mail Application will be distributed with each recertification, renewal, or change of address form relating to the service or assistance. The non-citizen family in question got the forms multiple times because they met the definition of qualified alien and HHS sends a voter registration form with each application for benefits or as described above.

Kerr added that, per the law, they are required to assist anyone who asks for help in filling out the relevant voter registration form, the same degree of assistance as they would with their own forms should the applicant not decline to register to vote. Kerr added they do not have one person they deal with at the South Carolina Election Commission (SEC), but should they receive a voter registration form in person or via mail, they would forward it to the SEC.

HHS provided a list of other voter registration agencies in SC subject to the NVRA (**Attachment 12**). That list includes:

- Department of Social Services
- Department of Health and Environmental Control - WIC program
- Department of Disabilities and Special Needs
- Department of Mental Health
- Department of Alcohol and Other Drug Abuse Services
- Commission for the Blind

- Department of Vocational Rehabilitation
- Disability Rights South Carolina (formerly South Carolina Protection and Advocacy System)
- Armed Forces recruiting offices
- The Department of Motor Vehicles is not on the list because each state motor vehicle driver's license application, including a renewal application, submitted to the DMV serves as an application for voter registration unless the applicant fails to sign the voter registration application.

On May 8, 2024, Lieutenant Smith met with South Carolina Election Commission (SEC) General Counsel Thomas W. Nicholson. Nicholson provided the following information as documented in a Memorandum to the File (**Attachment 13**). Nicholson referenced the NVRA and provided the relevant federal law 52 U.S.C.A 20506 (**Attachment 14**). Nicholson reiterated that NVRA designates public assistance agencies as voter registration agencies and that the mail in voter registration application form specifies each eligibility requirement to include citizenship. The South Carolina State Law 7-5-310 (**Attachment 15**) also mirrors the federal law and specifies each eligibility requirement including citizenship. The signature of the applicant on the form is under penalty of perjury. There was no requirement to use an SEC form to convey the information, but the voter registration form was universal. Agencies process the information differently. The SEC and Department of Motor Vehicles (DMV) audit data from Systemic Alien Verification for Entitlements (SAVE) database to ensure only U.S. Citizens are included on the active list of registered voters. Should any fraudulent registrations come to the attention of SEC they forward the information to law enforcement. *Agent's Note: SAVE is the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Program database.*

On May 9, 2024, Lieutenant Jeremy C. Smith spoke with SEC Public Information Officer John Catalano via telephone. Catalano provided the following information as documented in a Memorandum to the File (**Attachment 16**). Catalano said there is no uniformity of forms from agency to agency, but the voter registration form was universal. When the SEC gets a voter registration form from a public assistance agency, it is forwarded to the appropriate county voter registration office. He said the SAVE program was in place on the back end as a method of checks and balances and added the form itself asks the person if they are a citizen and advises

that they should not proceed filling out the form if they are not a citizen. Catalono said the Legislative Audit Council (LAC) conducted a review of South Carolina Elections from 2022-2023. *Agent's Note: The South Carolina Legislative Audit Council conducts independent, objective performance audits of state agencies and programs, as requested by the General Assembly and mandated by law. The purpose of this oversight role is to provide information which will assist the General Assembly and the public in determining whether state agencies are efficiently, effectively, and lawfully managing public resources, and whether agency programs are meeting their intended objectives.*

The LAC 2024 summary (**Attachment 17**) states “We found no incidences where non-U.S. citizens with state IDs or driver’s licenses had voted.”

Page 15 of the full report (**Attachment 18**) states “We matched the list of active and inactive registered voters against the DMV’s list of non-U.S. citizens with driver’s licenses and state IDs and found no non-U.S. citizens on the list were registered to vote or had recently voted.”

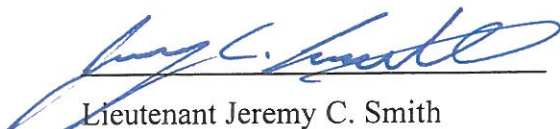
On May 14, 2024, Lieutenant Jeremy C. Smith received correspondence from SEC General Counsel Nicholson. Nicholson provided the following information as documented in a Memorandum to the File (**Attachment 19**). Nicholson had reviewed the form HHS sent to the non-citizens in Spartanburg. He advised that the SEC provided that form to the voter registration agencies that complied with the NVRA. SEC referred to it as the “Declination Form”. However, there was no requirement that this exact form must be used, just that the voter registration agency must provide a form that includes information required by NVRA for the form. When Lt. Smith met with Nicholson he was shown the DSS Voter Preference Form (**Attachment 20**) and found that form presented the same information as found in the SEC Declination Form, but that was not otherwise identical. Regarding the Voter registration Form on the other side of the HHS form, Nicholson said that was an older, but not invalid, form. A newer form was issued in May of 2023 (**Attachment 21**). Ideally the voter registration agencies would use the new form, but it may be that they retained stocks of the old form material and continued to use it.

The new form was prepared after Act 150 passed in 2022. The changes made mostly involved printing the full text of the oath required rather than the “bullet point” version of the oath present earlier. Also, SEC removed the “map” where applicants could indicate the location of their home; this was a relic of older days when there were more people living down unnamed roads without a number designation for their residence. Otherwise, the content of the new and old forms is substantially the same.

Conclusion

The following statements are based upon facts obtained during the investigation:

- The non-citizen family in question was able to apply for benefits under federal regulation in 42 C.F.R. 435.406 Citizenship and non-citizen eligibility. (Attachments 8, 9 and 10)
- The non-citizen family met the definition of (b) Qualified Alien under 42 C.F.R 435.406 of Citizen and non-citizen eligibility. (Attachment 10)
- The non-citizen family received voter registration mail application forms from HHS. (Attachments 5,6,7, 8 and 9)
- The NVRA, designates public assistance agencies as voter registration agencies. (Attachments 8, 9, 11, 12, 13, and 14)
- The NVRA 52 USC 20506, specifies each eligibility requirement (including citizenship). (Attachments 8, 9, 11, 12, 13 and 14)
- State Law, 7-5-310, mirrors federal law. (Attachments 13, 14 and 15)
- There are multiple voter registration agencies in South Carolina. (Attachments 12)
- The voter registration form asks if you are a citizen of the United States and if you check NO, then the form instructs to not complete the form. (Attachments 13, 14, 15 and 16)
- The LAC found no incidences where non-U.S. citizens with state IDs or driver’s licenses had voted. (Attachments 17 and 18)
- The form HHS mailed to the non-citizen family was a valid SEC form and in compliance with the NVRA. (Attachments 19, 20 and 21)



Lieutenant Jeremy C. Smith

Attachments

1. Governor's Letter to Representative Adam Morgan
2. SCFC Letter to Governor McMaster
3. MTF- Representative Adam Morgan
4. Representative Adam Morgan's Social Media Post
5. Interview of Natalya Camp on May 07, 2024
6. MOI-Natalya Camp
7. HHS Voter Declination and Voter Registration Form
8. Interview with Director Robert Kerr
9. MOI Robert Kerr
10. Copy of 42 C.F.R. 435.406 Citizenship and non-citizen eligibility
11. Copy of 52 USC 20506, Voter Registration Agencies
12. List of voter registration agencies in SC subject to the NVRA
13. MTF-Thomas Nicholson
14. Copy of 52 USC 20506 provided by SEC
15. Copy of 7-5-310, State Election Law
16. MTF-John Catalano
17. LAC 2024 Summary
18. LAC Full Report
19. MTF-Thomas Nicholson
20. DSS Voter Preference Form
21. 2023 Voter Registration Form and copy of 7-5-170

*Agent's Case Management History maintained in the case file.



ATTACHMENT # 1



HENRY McMASTER
GOVERNOR

May 1, 2024

TRANSMITTED VIA EMAIL

The Honorable Adam Morgan
South Carolina House of Representatives
312 D Blatt Building
Columbia, South Carolina 29201

Dear Representative Morgan,

I am in receipt of your letter of May 1, 2024, requesting an investigation into your allegations that the South Carolina Department of Health and Human Services is “providing non-citizens with voter registration forms” and that you were contacted by a “non-citizen refugee with proof” of these actions.

By copy of this letter, I am requesting that Chief Keel of the South Carolina Law Enforcement Division (SLED) immediately contact you for the purpose of arranging a meeting. This will allow you to provide SLED with any and all evidence, documents and information that you possess in order to evaluate the authenticity of your allegations of illegalities.

These are very serious allegations. The integrity of our elections is indeed a top concern. I ask that you give Chief Keel your full and immediate cooperation.

Yours very truly,

A handwritten signature in blue ink, reading "Henry McMaster".

Henry McMaster

HDM/tw

cc: Chief Mark Keel, South Carolina Law Enforcement Division



ATTACHMENT # 2



Rep. Adam Morgan
District 20 – Greenville
Chairman

Rep. RJ May
District 88 – Lexington
Vice Chairman

Rep. Josiah Magnuson
District 38 –
Spartanburg *Secretary*

Rep. Mike Burns
District 17 – Greenville

Rep. Bill Chumley
District 35 –
Spartanburg

Rep. Thomas Beach
District 10- Pickens

Rep. Stewart Jones
District 14 – Laurens

Rep. Ryan McCabe
District 96 – Lexington

Rep. Alan Morgan
District 18 – Greenville

Rep. Melissa Oremus
District 84 – Aiken

Rep. Ashley Trantham
District 28 – Greenville

Rep. April Cromer
District 6- Anderson

Rep. David O'Neal
District 66- York

Rep. Jay Kilmartin
District 85- Lexington

Rep. Rob Harris
District 36-
Spartanburg

Rep. Jordan Pace
District 117- Berkleley

Rep. Joe White
District 40- Newberry

**Governor McMaster and Lt.
Governor Pam Evette,**

Governor McMaster and Lt. Governor Evette,

As you know, election integrity is a top concern in our country as we rapidly approach the 2024 election.

We write to you today expressing our collective concern regarding the Department of Health and Human Services providing non-citizens with voter registration forms. Earlier this week, a non-citizen refugee contacted Representative Adam Morgan with proof that the South Carolina Medicaid office provided her with multiple voter registration forms – even after she informed office personnel that she was not a citizen.

Given that the South Carolina Department of Health and Human Services is a Cabinet agency and directly accountable to the executive branch of government, we are writing to express our grave concern with this breach of election integrity. We are asking the Office of the State Inspector General to launch an immediate investigation to determine whether or not this Cabinet agency should be held accountable for mispending taxpayer funds to illegally register non-citizens to vote. We also request that you immediately order state agencies cease and desist distributing voter registration and voter registration declination forms to non-citizens. Lastly, we request that you order the SC Election Commission add a question about citizenship status on these forms to comply with SC Code 7-5-310.

We look forward to your quick response to this important matter.

Sincerely,
The South Carolina Freedom Caucus



ATTACHMENT # 3



South Carolina Law Enforcement Division

P.O. Box 21398
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29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM TO THE FILE

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Elections and non-Citizens

COUNTY: Richland

On May 1, 2024, Lieutenant Jeremy C. Smith spoke with Representative Adam Morgan via telephone. He explained that in Spartanburg County there was a constituent who had family that were refugees from Ukraine, and they had received applications to register to vote. Those applications came through the mail. I offered to meet with him to pick up any documentation he may have. He directed me to his social media. He also provided me with the contact information for Natalya Camp, who made the complaint. Lt. Smith checked Rep. Morgan's twitter account and found that Rep. Morgan posted a copy of a form that appeared to be from the South Carolina Election Commission and reads that it is a Voter Registration Declaration Form.



ATTACHMENT # 4

2:12

LTE

**Adam Morgan**

1.5K posts

Follow

Posts Replies Highlights Media Likes

**Adam Morgan** · [@RepAdamMorgan](#) · 2d

🇺🇸 Is the Federal Gov giving voter registration forms to non-citizens?

Yes, at least in SC. A refugee sent us this form that was given to her in a packet at the Social Security Office in Spartanburg. She asked "Why are they giving these to non-citizens?"

EXACTLY.

**SOUTH CAROLINA
ELECTION COMMISSION
SOUTH CAROLINA
VOTER REGISTRATION DECLINATION FORM**

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

☐ Yes ☐ No

☐ Already registered to vote

☐ Will use vote registration by mail application

- Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
- If you do not check either box, you will be considered to have decided not to register to vote at this time.
- If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.
- If you register to vote, information regarding the office in which the application was submitted will remain confidential to be used only for voter registration purposes.
- If you decline to register to vote, that decision will remain confidential and be used only for voter registration purposes.

Signature of Applicant/Declinee Date

If you believe that someone has interfered with your right to register to vote or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the following:

Executive Director
S.C. Election Commission
P.O. Box 5987
Columbia, S.C. 29250
803.734.9960

**EVERY VOTE MATTERS.
EVERY VOTE COUNTS.**

🗨 509 ↻ 4.3K ❤ 5.8K 📊 375K 📌 ⬆

**Adam Morgan** · [@RepAdamMorgan](#) · 2d

But the story gets worse. Her relative mailed the forms back and criticized the office for



ATTACHMENT # 5

RECORDING AVAILABLE UPON
REQUEST



ATTACHMENT # 6



**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM OF INTERVIEW

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith
Senior Special Agent Adam Slizewski

RE: Interview with Natalya Camp

COUNTY: Spartanburg

Name: Natalya Camp

DOB:

Address: [REDACTED] *Spartanburg, SC 29302*

Phone: [REDACTED]

On May 07, 2024, Lieutenant (Lt.) Jeremy C. Smith and Senior Special Agent (SS/A) Adam Slizewski interviewed Natalya Camp at her residence located at [REDACTED] Spartanburg, SC. The interview was audio and video recorded. Camp provided the following information: Camp came to the United States of America (USA) from Ukraine twenty-one years ago and is a citizen. Approximately one year ago, she sponsored her mother, sister and two nephews through the Uniting for Ukraine program. *Agent's Note: Uniting for Ukraine provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a 2-year period of parole. Ukrainians participating in Uniting for Ukraine must have a supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States. This is through the U.S. Citizenship and Immigration Services.* Svitlana Pecherskykh (Mother),

Tetiana Samoilova (Sister), Andri Zhykol (Nephew) and Eugeni Zhykol (Nephew) all came to the USA and lived with her and have since moved to another residence.

According to Camp, her family received numerous benefits to include but not limited to Social Security Numbers, Identification Cards, Driver's license (nephew), food stamps, cash assistance for eight months, "pensions" (SSI) as well as an additional \$ [REDACTED] through what she described as "Work to Live" program. Cash and food stamp benefits have now stopped but her seventy-five-year-old mother receives \$ [REDACTED] a month for Social Security and her sister gets money for caring for her disabled son.

Camp was concerned about voter registration forms her family received in the mail. She presented a copy of a form that she said her sister received in the mail. This form (Attachment 1) was double sided, on the front was a voter declination form and on the back was a voter registration form. She was originally going to mail the form in with her sister's information on it but did not do that. She completed the back with her sister's information. She wanted to see what would happen. Camp was very concerned that her sister was a non-citizen and was receiving a voter registration form in the mail. Lt. Smith examined the form and read the first box out loud that explained if you were a non-citizen, you DO NOT complete the form. Camp did not have the envelope the form came in. She said the form came from the Department of Health and Human Services in Columbia (SCDHHS). She said that all four of her family members had received similar forms in the mail four different times. She did not have any of the other forms or the envelopes they came in. She said the first time the form came from "Medicaid." The other three times they received the voter registration form with another form explaining to them that the information on the form would not affect benefits. Camp went to the Spartanburg Department of Social Services (DSS) and picked up another form (Attachment 2) that she also found concerning. This form was a DSS Voter Preference Form.

Camp said her sister did not wish to cooperate with this investigation. Camp contacted Bryan Alverson, a candidate for Spartanburg County Council, about the issue, and he contacted Representative Adam Morgan.

(Agent's Note: The interview was captured in its entirety by Lt. Smith's SLED issued body-worn camera. The video should be reviewed for full and accurate detail. The above narrative is a summation.)



ATTACHMENT # 7

**SOUTH CAROLINA
ELECTION COMMISSION**

**SOUTH CAROLINA
VOTER REGISTRATION DECLINATION FORM**

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

☐

Yes

☐

No

☐

Already registered to vote

☐

Will use vote registration by mail application

- Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
- If you do not check either box, you will be considered to have decided not to register to vote at this time.
- If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.
- If you register to vote, information regarding the office in which the application was submitted will remain confidential to be used only for voter registration purposes.
- If you decline to register to vote, that decision will remain confidential and be used only for voter registration purposes.

Signature of Applicant/Declinee

Date

If you believe that someone has interfered with your right to register to vote or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the following:

Executive Director
S.C. Election Commission
P.O. Box 5987
Columbia, S.C. 29250
803.734.9060

**EVERY VOTE MATTERS.
EVERY VOTE COUNTS.**

SOUTH CAROLINA VOTER REGISTRATION

MAIL APPLICATION

SOUTH CAROLINA

ELECTION COMMISSION

Registration Number

Are you a citizen of the United States of America? Yes ☐ No ☒ Will you be 18 years of age on or before election day? Yes ☒ No ☐ If you checked 'NO' in response to either of these questions, DO NOT complete this form.				Check One: ☐ New Registration (Check above if moving from one county to another) ☐ Address or name change within the same county			
NAME		Last <u>Zhykol</u>		First <u>Andrii</u>		MI <u>M</u>	Suffix
SEX	Male ☒ Female ☐	RACE		White ☒ Black/African American ☐ Asian ☐ Hispanic ☐ Native American ☐ Other Specify ☐		SOCIAL SECURITY NUMBER *	
ADDRESS WHERE YOU LIVE (Physical Address)		Street <u>Spartanburg</u>		Apt Number		Inside City Limits Yes ☒ No ☐	
		City <u>Spartanburg</u>		State <u>SC</u>	Zip Code <u>29302</u>	Would you like to be a poll worker? Yes ☐ No ☒	
MAILING ADDRESS (if different from above)		Street or Post Office Box					
		City		State	Zip Code		
BIRTHDATE		Month	Day	Year	PHONE #	Home	Work
PREVIOUS REGISTRATION/NAME		Precinct		County	State	Previous Name	

Voter Declaration – (read and sign below)

I swear or affirm that:

- I am a citizen of the United States of America
- I will be 18 years of age on or before Election Day
- I am a resident of South Carolina, this county and precinct
- I am not under a court order declaring me mentally incompetent
- I am not confined in any public prison resulting from a conviction of a crime
- I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction
- the address listed above is my only legal place of residence, and I claim no other place as my legal residence

Andrii Zhykol

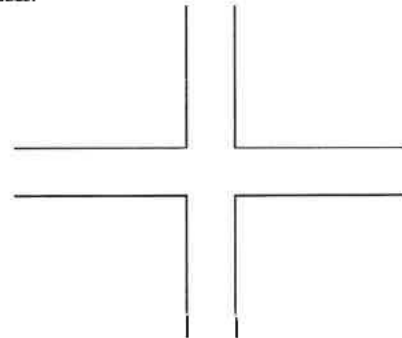
Signature

09/06/23

Date of Application

Whoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

If you do not have a street name or number, draw a diagram of the area in which you live. Show your house in relation to local landmarks such as schools, churches, stores, etc. Be sure to label the streets or roads.



ID Required: If you are registering for the first time in this county, you must attach a copy of a current valid photo ID or a copy of a current utility bill, bank statement, paycheck or other government document that shows your name and address in this county. If you do not provide this identification now, you will be required to provide this information when you vote. Voters who are age 65 and over, voters with disabilities, members of the U.S. Uniformed Services or Merchant Marines and their families, and U.S. Citizens residing outside the U.S. are exempt from this requirement.

☐ Check here if you are exempt.

* Social Security Number (SSN) is required by the S.C. Code of Laws 7-5-170. Applications containing only the last four digits of your SSN will not be rejected. Your SSN is used for internal purposes only and eliminates multiple registrations by a single individual. Your SSN is not released to any unauthorized individual.

For Voter Registration Board Use Only

scVOTES.org

☐ Approved ☐ Disapproved by _____ (Member, Voter Registration Board) Date _____

Attach ID Here

009542 000855
0003 of 0003



ATTACHMENT # 8

RECORDING AVAILABLE UPON
REQUEST



ATTACHMENT # 9



**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM OF INTERVIEW

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Interview with Director Robert Kerr

COUNTY: Richland

Name: *Robert Kerr*

DOB:

Address: [REDACTED] *Columbia, SC 29201*

Phone: [REDACTED]

On May 08, 2024, Lieutenant (Lt.) Jeremy C. Smith met with South Carolina Department of Health and Human Services (HHS) Director Robert Kerr at his office, 1801 Main Street, Columbia, SC 29201. Also present for the interview were General Counsel Byron Roberts and Deputy Director of Enrollment and Member Services, Nicole Threatt. The interview was audio and video recorded. They provided the following information: Director Kerr was shown the form Lt. Smith received from Natalya Camp. They identified the form as one that HHS sends out. The information is required to be given to anyone who applies for benefits. This is all in compliance with the National Voter Registration Act of 1993(NVRA). They are required to give information to anyone who applies for public assistance whether they are eligible or not. The forms can be mailed or given in person. They keep a record of what they get back. HHS does not determine voter eligibility.

For the purpose of applying for benefits in this matter they provided the law in 42 C.F.R. 435.406 Citizenship and not-citizen eligibility. Camp's family met the definition of (b) Qualified Alien under 42 C.F.R 435.406 of Citizen and non-citizen eligibility (**Attachment 1**). This meant they were qualified to apply for benefits not that they were eligible. That would have been determined later.

In reference to the form Camp's family received in the mail. HHS will give that form to anyone who asks for public assistance as required by the NRVA. NRVA applies to any agency that offers public assistance. They provided relevant law under 52 USC 20506, Voter registration agencies (**Attachment 2**):

- (4)(A) At each voter registration agency, the following services shall be made available:
 - (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
 - (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
 - (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(6) A voter registration agency that is an office that provides service or assistance or assistance in addition to conducting voter registration shall-

(A) distribute with each application for such service or assistance, and with each recertification, renewal or change of address form relating to such service or assistance-title including statement that-

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including statement that

- (I) specifies each eligibility requirement (including citizenship)
- (II) contains an attestation that the applicant meets each such requirement:

and

(III) requires the signature of the applicant under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title.

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes-

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph C)) together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THS TIME."

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private." and

(v) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, your right to choose your own political party or other political preference, you may file a complaint with____.", the blank being filled by the name, address, and telephone of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to completion of the registration application form as is provide by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

Kerr added that per the law they are required to assist anyone who asks in filling out the relevant voter registration form. Threatt later provided a list of other agencies that are required to give voter registration information (Attachment 3). Kerr added they do not have one person they deal with at the South Carolina Election Commission (SEC), but should they receive a voter registration form they would forward it to the SEC.

Kerr also provided two documents (**Attachments 3 & 4**) to give historical context to HHS and their history with NVRA.

(Agent's Note: The interview was captured in its entirety by Lt. Smith's SLED issued body-worn camera. The video should be reviewed for full and accurate detail. The above narrative is a summation.)

42 C.F.R. § 435.406 Citizenship and non-citizen eligibility.

(a) The agency must provide Medicaid to otherwise eligible individuals who are—

(1) Citizens and nationals of the United States, provided that—

...

(2)(i) Except as specified in 8 U.S.C. 1612(b)(1) (permitting States an option with respect to coverage of certain qualified non-citizens), **qualified non-citizens as described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)** (including qualified non-citizens subject to the 5-year bar) who have provided satisfactory documentary evidence of Qualified Non-Citizen status, which status has been verified with the Department of Homeland Security (DHS) under a declaration required by section 1137(d) of the Act that the applicant or beneficiary is an non-citizen in a satisfactory immigration status.

8 U.S.C. § 1641 Definitions

(a) In general

Except as otherwise provided in this chapter, the terms used in this chapter have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(b) Qualified alien

For purposes of this chapter, the term “qualified alien” means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is--

(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act,

(2) an alien who is granted asylum under section 208 of such Act,

(3) a refugee who is admitted to the United States under section 207 of such Act,

(4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year,

(5) an alien whose deportation is being withheld under section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104-208),

(6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980,

(7) an alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980), or

(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 1612(b)(2)(G) of this title, but only with respect to the designated Federal program defined in section 1612(b)(3)(C) of this title (relating to the Medicaid program).

52 USC §20506. Voter registration agencies

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies-

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include-

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not-

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall-

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance-

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including a statement that-

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title,

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes-

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

FOSTER LAW FIRM, L.L.C.

Attorneys and Counselors at Law

PAUL J. FOSTER, JR., 1928-1999

NANCY BLOODGOOD
nbloodgood@fosterfoster.com
REPLY TO CHARLESTON

October 11, 2013

Via Email and 1st Class Mail

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Our File No.: 11287

Dear Ms. Andino, Mr. Keck, Ms. Koller, and Ms. Templeton:

We write to provide formal notice on behalf of the League of Women Voters of South Carolina ("the League"), the South Carolina State Conference of the NAACP ("NAACP"), the

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persons eligible to register to vote that the NAACP represents, and others similarly situated that, based on our review and investigation, we conclude that South Carolina agencies providing public assistance benefits, including but not limited to the South Carolina Department of Health and Environmental Control ("DHEC"), the South Carolina Department of Health and Human Services ("DHHS"),¹ and the South Carolina Department of Social Services ("DSS"), are not offering voter registration to public assistance clients as required by Section 7 of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-5 ("NVRA"). We urge you to take immediate steps to bring South Carolina agencies providing public assistance benefits, including but not limited to DHEC, DHHS and DSS, into compliance with the NVRA.

Section 7 establishes clear obligations on the part of state public assistance agencies to provide voter registration services. Under the NVRA, state public assistance agencies shall be designated as "voter registration agencies" and are required to provide certain specified voter registration services. 42 U.S.C. § 1973gg-5. With each application, recertification, renewal and change of address transaction (collectively, "covered transactions"), South Carolina's public assistance agencies must (i) distribute voter registration application forms; (ii) provide assistance in completing the voter registration forms; and (iii) accept completed voter registration application forms and forward them to the appropriate election official. 42 U.S.C. § 1973gg-5(a)(4)(A).

Also, during each covered transaction, agencies must provide clients and applicants written documentation (a "voter preference form" or "declination form") that: (i) includes the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" ("the voter preference question"); and (ii) includes several statutorily required disclaimers, including, among others, that the decision to register or to decline to register to vote will not affect the amount of public assistance provided by the agency. 42 U.S.C. § 1973gg-5(a)(6)(B). The NVRA requires that public assistance offices distribute voter registration applications to all public assistance applicants and clients, unless the individual applicant or client affirmatively opts out of voter registration by declining "in writing" to register to vote. 42 U.S.C. § 1973gg-5(a)(6)(A); *Valdez v. Squier*, 676 F.3d 935, 947 (10th Cir. 2012) ("[A]n applicant's failure to check either the 'YES' or 'NO' box on the voter declination form does not constitute a declination 'in writing.' The [NVRA] requires an applicant to affirmatively, by way of writing, 'opt out' of receiving a voter registration form."). Finally, public assistance agencies must also provide assistance in completing the voter registration forms to the same degree the agencies provide assistance in completing their own forms. 42 U.S.C. § 1973gg-5(a)(6)(C).

Furthermore, voter registration services must be offered by public assistance agencies regardless of whether a covered transaction occurs at the office or remotely (via mail, telephone,

¹ It appears that South Carolina has failed to designate DHHS as a voter registration agency. See S.C. Code Ann. 7-5-310 (2012). DHHS administers Medicaid, and therefore is a state agency providing public assistance that must be designated as a voter registration agency. 42 U.S.C. § 1973gg-5(a)(2)(A). If South Carolina has not designated DHHS as a voter registration agency, that failure violates the NVRA.

or the internet). *Ferrand v. Schedler*, No. 2:11-cv-00926-JTM-JCW, 2012 WL 1570094, at *9 (E.D. La. May 3, 2012) (“Indeed, [Section 7’s] plain language makes clear that voter registration must be offered to clients and applicants with ‘each’ covered transaction, including remote transactions.”); *Georgia State Conference of the NAACP v. Kemp*, 841 F.3d 1320, 1331 (N.D. Ga. 2012) (voter registration must be provided during remote transactions).

Our investigation demonstrates that South Carolina’s public assistance agencies are systematically failing to provide the voter registration services mandated by the NVRA. The investigation included review of relevant voter registration data, South Carolina’s laws and regulations, and agency program manuals, as well as visits to DHEC, DHHS and DSS offices at multiple locations throughout the state and conversations with workers and clients at those offices.

At the outset, the State’s own reports to the U.S. Election Assistance Commission reveal that new registrations at public assistance agencies have declined steeply over time. New voter registrations collected by South Carolina public assistance agencies during the most recent reporting period, 2011-2012, totaled 2,298, which represents a reduction of 85 percent from the number of new registrations reported in 2007-2008. <http://www.eac.gov/registration-data/>.²

Although the number of South Carolina public agency registrations would be expected to roughly track changes in the numbers of public assistance clients, this is not the case. At DSS, for example, the relationship between clients and registrations is inversely proportional. The average number of households participating per month in the SNAP program increased by 61 percent during the 2008 to 2012 period, rising from 255,702 in 2008 to 410,491 in 2012. <http://www.fns.usda.gov/pd/16SNAPpartHH.htm>. In contrast, the number of new registrations collected by DSS decreased by 78 percent, from 2,631 in 2008 to 567 in 2012. See Response to Public Information Request, from Chris Whitmire, South Carolina Elections Commission to Niyati Shah, Project Vote, dated January 22, 2013.

Similarly, data for 2012 confirm that the agencies’ violations are occurring statewide. DHHS offices in 42 of 46 counties failed to produce more than 10 new registrations in all of 2012. Twenty-five DHHS offices did not register a single new voter last year. DHEC collected more than 10 new registrations in only four counties during 2012, and 32 DHEC offices did not collect a single new registration. DSS offices in 24 of the 46 counties failed to collect more than 10 new registrations during the year, and in nine counties DSS offices did not register any new

² In 2007-2008, South Carolina informed the U.S. Election Assistance Commission that the figure it reported as “Total Registrations” (15,320) actually represented only “New Registrations. U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007-2008*, 41. South Carolina reported an increase in Total Registrations from public assistance agencies in 2011-2012; however, the State’s “Notes” indicate that this figure is “more accurately described as changes to voter records” which includes changes resulting from redistricting. U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act on the Administration of Elections for Federal Office, 2011-2012*, 45. The number of actual New Registrations, the same category reported as 15,320 in 2007-2008, was 2,298 in 2011-2012. *Id.* at 47.

voters.

Indeed, due in part to inadequate registration by public assistance agencies, South Carolina suffers from a severe disparity between the registration rates of poor and affluent citizens. Census data from 2012 indicate that only 29 percent of low-income voters in South Carolina were registered to vote, while 71 percent of high-income voters were on the rolls, a registration gap of over 40 percentage points. CPS Supplements, National Bureau of Economic Research. "Current Population Survey, Voting and Registration Supplement File" (2012); "Machine-Readable Data File" 2012. <http://www.nber.org/data/current-population-survey-data.html>.

Our field investigation confirmed that South Carolina public assistance agencies are engaging in ongoing violations of Section 7. Our investigation included visits to 24 offices of DHEC, DHHS and DSS located throughout South Carolina. We spoke with 54 citizens engaging in covered transactions with the three agencies. At each of the agencies, the majority of the individuals surveyed reported that agency staff did not give them a voter preference form or a verbal offer of voter registration services.³ Also, the majority of clients stated they were not provided with an application to register to vote. More specific information relating to our investigation at agency offices follows:

DHEC. Ninety-four percent of the individuals interviewed indicated they were neither orally asked during the transaction whether they wanted to register to vote nor given a form that included a voter preference question. All of the individuals indicated they were not given a voter registration application during the transaction.

DHHS. Eighty-two percent of the clients interviewed indicated they were not asked orally during the transaction whether they wanted to register to vote and 70 percent indicated they were not given a form that included a voter preference question. Seventy-six percent of the individuals indicated they were not given a voter registration application during the transaction. Only six percent of those interviewed received a voter registration application and assistance from an agency employee in completing it.

DSS: Ninety-five percent of the clients interviewed indicated they were not orally asked during the transaction if they wanted to register to vote and eighty percent indicated they were not given a form that included a voter preference question. Eighty-five percent indicated they were not given a voter registration application during the transaction. Only five percent of those interviewed received a voter registration application and assistance from an agency employee in completing it.⁴

³ It is our understanding that South Carolina public assistance agencies use a separate voter preference form. However, the vast majority of the clients we interviewed at all offices had not seen the form.

⁴ The DSS clients interviewed were engaged in covered transactions relating to the Supplemental Nutrition Assistance Program ("SNAP") and/or Family Independence ("FI") program.

Moreover, our investigation revealed that DHEC, DHHS and DSS offices are not prepared to fulfill their voter registration obligations. At 40 percent of the DHEC offices visited, staff indicated the office had no voter registration applications on site. None of the DHEC waiting rooms we visited displayed signs or voter registration applications in their waiting rooms that would alert clients that voter registration services were available, an indication of the low priority that the offices accord NVRA requirements. At 25 percent of the DHHS offices visited, staff indicated the office had no applications on site, and in 75 percent of those offices no signs or voter registration applications were displayed. At 36 percent of the DSS offices visited, staff indicated that the office had no applications on site, and 82 percent of those offices had no signs or voter registration applications on display.

The results of our investigation demonstrate that DSS, DHHS, and DHEC are engaged in continuing violations of the NVRA. Each agency is failing to provide the voter preference form and to distribute voter registration applications as mandated by the NVRA. Because they are not providing applications, the agencies obviously cannot offer the required assistance in completing them.

Additionally, DSS, DHHS, and DHEC are violating the NVRA because they are failing to offer voter registration services during remote transactions. As explained above, voter registration services required by Section 7 must be provided whether the individuals participate in covered transactions in-person at an office or remotely, such as online, by mail, or over the telephone. South Carolina has an online system that allows individuals to apply for public assistance benefits over the internet, the South Carolina Multi-Agency Partnership Portal (SCMAPP). See <https://scmapp.sc.gov/Default.aspx>. This portal appears to be operated by DSS and allows individuals to apply for SNAP and FI, along with other benefits. The application provided by this portal offers no voter registration services.

See <https://scmapp.sc.gov/BenefitForms/English/QuickReferenceGuide.pdf>. Indeed, there is no mention of voter registration anywhere on the website. Additionally, DHHS fails to provide voter registration services during all covered remote transactions. See Medicaid Policy and Procedures Manual, Section 101.19 and Appendix V; available at http://medswb.scdhhs.gov/mppm/HTML/Section100/Chapter%20104%20%20Appendix.htm#_Toc358036621; http://medswb.scdhhs.gov/mppm/HTML/Section100/Chapter%20101%20%20Administrative%20Requirements.htm#_Toc359233916.

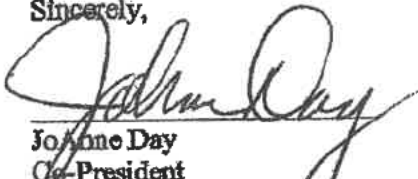
Finally, the South Carolina Elections Commission is not fulfilling its duties under the NVRA. See *Harkless v. Brunner*, 545 F.3d 445, 452 (6th Cir. 2008) (under NVRA, chief election officer is responsible for implementation and enforcement of a state's Section 7 program). Providing guidance, training, and information to public assistance agencies about their voter registration obligations are aspects of such implementation and enforcement. It is our understanding that the Commission provided such training before 2010, after which it stopped making training available.

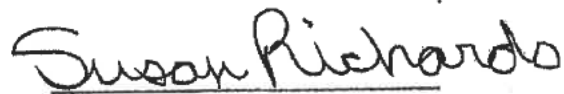
We would be pleased to work cooperatively with the DHEC, DHHS, DSS, and the Elections Commission to develop a plan for bringing South Carolina into compliance with the NVRA, as we have successfully done with other states. However, if South Carolina fails to take steps to remedy its violations of Section 7 of the NVRA, we are prepared to initiate litigation.

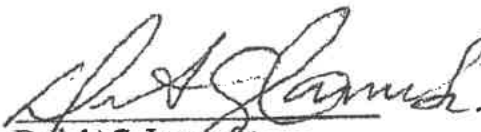
Please be advised that, pursuant to 42 U.S.C. § 1973gg-9(b), this letter serves as notice of NVRA violations by South Carolina agencies offering public assistance benefits, including but not limited to DHEC, DHHS, and DSS. The NVRA allows us to file suit at the end of the statutory 90-day waiting period if the violations have not been fully remedied.

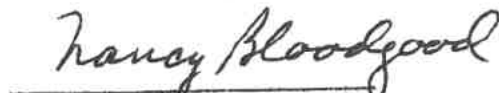
We look forward to hearing from you.

Sincerely,


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October 11, 2013

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January 9, 2014

Nancy Bloodgood, Esquire
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Charleston, SC 29492

Dear Ms. Bloodgood:

The South Carolina Department of Health and Human Services ("SCDHHS") is in receipt of your October 11, 2013 letter written on behalf of the League of Women Voters of South Carolina ("the League") and the South Carolina State Conference of the NAACP ("NAACP") wherein you provide formal notice of your conclusion that SCDHHS, as well as other state agencies, is not offering voter registration to public assistance clients as required by Section 7 of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-5 ("NVRA").

SCDHHS met with the South Carolina Election Commission and the other agencies involved to discuss the issues raised in your letter. We understand that a meeting will be scheduled later this month with all parties to work through these issues. We look forward to meeting with you then but would like to share with you know our current plans to update SCDHHS' policies and procedures to address the concerns outlined in your letter.

SCDHHS takes compliance with the NVRA seriously and has policies in place to implement its requirements. After reviewing such policies and procedures, SCDHHS has determined that revisions should be made to better comply with federal and state law requirements. SCDHHS staff, including employees of third parties, will provide Voter Registration Services (VRS) at the time of application, at renewal or recertification of Medicaid eligibility, and at any time a change of address is submitted. Under the revised policies and procedures, assistance will be offered as part of face-to-face, telephone, facsimile, mail or email interactions. Development is also in process for integration of these procedures into the online application system. SCDHHS will also offer voter registration assistance to any individual who visits or calls a local office or the Healthy Connections Help Center. A link to the State Election Commission website containing voter registration information is currently provided on the Healthy Connections Medicaid application.

Nancy Bloodgood, Esquire
January 9, 2014
Page 2

VRS will include: an explanation by staff of VRS available and the associated process; a Voter Registration Application; a Voter Registration Declination Form; a cover letter explaining the intent and instructions for the voter registration process; and assistance completing the appropriate form, if requested. Applicants and beneficiaries can complete forms on site, if desired. Otherwise, forms can be returned by mail to SCDHHS or directly to the Election Commission. SCDHHS will submit completed forms to the Election Commission within two business days of receipt. It will be made clear to the applicant that completion of the Voter Registration Form or Voter Registration Declination Form does not impact eligibility for Medicaid in any way and is offered strictly as a public service.

SCDHHS will track the distribution of voter registration materials, as well as the return of Voter Registration Declination Forms. Voter Registration Declination Forms will be stored at an assigned central location for one (1) year. Prior to the implementation of the revised policies and procedures, training will be provided to all staff to ensure the policy and procedures are understood. All new employees will receive NVRA training within sixty days of employment. All existing employees must participate in web-based NVRA training annually. A periodic audit of case records and documentation tracking distribution of voter registration materials, as well as applicant/beneficiary response, will be performed to verify compliance with voter registration policies. We are prepared to implement these updated policies effective February 3, 2014.

SCDHHS is confident that these revised policies and procedures will ensure the requirements of the NVRA and state law are met. We believe these actions address the concerns raised in your notice letter dated October 11, 2013. SCDHHS appreciates your offer to work cooperatively with SCDHHS, SCDHEC, SCDSS and the Elections Commission regarding these issues, and we look forward to meeting with you to discuss our plans in more detail. If you any questions or additional concerns about this matter, please contact Shealy Reibold in the Office of General Counsel at (803) 898-2792.

Sincerely,



Byron R. Roberts
General Counsel

BRR/b

cc: Anthony E. Keck, SCDHHS Director
Marci Andino, Executive Director, State Election Commission
Catherine Templeton, DHEC Director
Lillian Koller, SCDSS Director
Beverly A.H. Buscemi, Ph.D., DDSN Director



ATTACHMENT # 10

52 USC §20506. Voter registration agencies

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies-

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include-

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not-

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall-

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance-

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including a statement that-

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title,

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes-

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.



ATTACHMENT # 11

42 C.F.R. § 435.406 Citizenship and non-citizen eligibility.

(a) The agency must provide Medicaid to otherwise eligible individuals who are—

(1) Citizens and nationals of the United States, provided that—

...

(2)(i) Except as specified in 8 U.S.C. 1612(b)(1) (permitting States an option with respect to coverage of certain qualified non-citizens), **qualified non-citizens as described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)** (including qualified non-citizens subject to the 5-year bar) who have provided satisfactory documentary evidence of Qualified Non-Citizen status, which status has been verified with the Department of Homeland Security (DHS) under a declaration required by section 1137(d) of the Act that the applicant or beneficiary is an non-citizen in a satisfactory immigration status.

8 U.S.C. § 1641 Definitions

(a) In general

Except as otherwise provided in this chapter, the terms used in this chapter have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(b) Qualified alien

For purposes of this chapter, the term “qualified alien” means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is--

(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act,

(2) an alien who is granted asylum under section 208 of such Act,

(3) a refugee who is admitted to the United States under section 207 of such Act,

(4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year,

(5) an alien whose deportation is being withheld under section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104-208),

(6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980,

(7) an alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980), or

(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 1612(b)(2)(G) of this title, but only with respect to the designated Federal program defined in section 1612(b)(3)(C) of this title (relating to the Medicaid program).



ATTACHMENT # 12

Other Voter Registration Agencies in SC subject to the National Voter Registration Act of 1993:

Department of Social Services

Department of Health and Environmental Control - WIC program

Department of Disabilities and Special Needs

Department of Mental Health

Department of Alcohol and Other Drug Abuse Services

Commission for the Blind

Department of Vocational Rehabilitation

Disability Rights South Carolina (formerly South Carolina Protection and Advocacy System)

Armed Forces recruiting offices

The Department of Motor Vehicles is not on the list because each state motor vehicle driver's license application, including a renewal application, submitted to the DMV serves as an application for voter registration unless the applicant fails to sign the voter registration application.



ATTACHMENT # 13



South Carolina Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM TO THE FILE

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Elections and non-Citizens

COUNTY: Richland

On May 8, 2024, Lieutenant Jeremy C. Smith met with South Carolina Election Commission General Counsel Thomas W. Nicholson. Nicholson was familiar with the information concerning the issues raised by Representative Adam Mogan. He referenced the NRVA and provided the relevant federal law 52 U.S.C.A 20506. He reiterated that NRVA designates public assistance agencies as voter registration agencies and that the mail voter registration application form specifies each eligibility requirement to include citizenship. The South Carolina State Law 7-5-310 also mirrors the federal law and specifies each eligibility requirement including citizenship. The signature of the applicant on the form is under penalty of perjury. There was no requirement to use an SEC form to convey the information, but the voter registration form was universal. Agencies process the information differently. The SEC and Department of Motor Vehicles audit data from Systemic Alien Verification for Entitlements (SAVE) database to ensure only U.S. Citizens are included on the active list of registered voters. Should any fraudulent registrations come to the attention of SEC they forward the information to law enforcement. Nicholson would get John Catalano to contact Lt. Smith with further information.



ATTACHMENT # 14

United States Code Annotated

Title 52. Voting and Elections (Refs & Annos)

Subtitle II. Voting Assistance and Election Administration (Refs & Annos)

Chapter 205. National Voter Registration

52 U.S.C.A. § 20506

Formerly cited as 42 USCA § 1973gg-5

§ 20506. Voter registration agencies

Currentness

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies--

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include--

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices,

and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not--

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall--

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance--

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including a statement that--

(I) specifies each eligibility requirement (including citizenship); ✓

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title,

unless the applicant, in writing, declines to register to vote;)

(B) provide a form that includes--

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”;

(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”; and

(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.”, the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and private sector cooperation

All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Armed Forces recruitment offices

(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this chapter.

(d) Transmittal deadline

(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

CREDIT(S)

(Pub.L. 103-31, § 7, May 20, 1993, 107 Stat. 80.)

52 U.S.C.A. § 20506, 52 USCA § 20506

Current through P.L. 118-41. Some statute sections may be more current, see credits for details.



ATTACHMENT # 15

Code of Laws of South Carolina 1976 Annotated

Title 7. Elections

Chapter 5. Qualifications and Registration of Electors

Article 4. Multiple Site Voter Registration and Responsibilities of the State Election Commission in Implementing the National Voter Registration Act of 1993

Code 1976 § 7-5-310

§ 7-5-310. Definitions; designations.

Currentness

(A) As used in this article:

(1) "Voter registration agency" means an office designated to perform specific voter registration activities;

(2) "Motor vehicle driver's license" means any personal identification document issued by the Department of Motor Vehicles.

(B) There are designated the following voter registration agencies:

(1) Department of Social Services;

(2) Department of Health and Environmental Control - WIC program;

(3) Department of Disabilities and Special Needs;

(4) Commission for the Blind;

(5) Department of Vocational Rehabilitation;

(6) South Carolina Protection and Advocacy System for the Handicapped;

(7) Armed Forces recruiting offices;

(8) Alcohol and Other Drug Abuse Services;

(9) Department of Mental Health.

(C) At each voter registration agency, the following services must be made available:

(1) distribution of voter registration application forms in accordance with subsection (F);

(2) assistance to applicants in completing voter registration application forms, unless the applicant refuses the assistance;

(3) acceptance of completed voter registration application forms for transmittal to the county board of voter registration and elections.

(D) If a voter registration agency designated under the provisions of this section provides services to a person with a disability at the person's home, the agency shall provide the services described in subsection (C) at the person's home.

(E) A person who provides services described in subsection (C) may not:

(1) seek to influence an applicant's political preference;

(2) display a political preference or party allegiance;

(3) make any statement to an applicant or take any action, the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action, the purpose or effect of which is to lead the applicant to believe that a decision to register to vote has any bearing on the availability of services or benefits.

(F) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall:

(1) distribute to each applicant for the service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance the voter registration application form, including a statement that:

(a) specifies each eligibility requirement (including citizenship);

(b) contains an attestation that the applicant meets the requirement; and

(c) requires the signature of the applicant, under penalty of perjury; or

(2)(a) provide a form that includes:

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being considered to constitute a declination to register for purposes of subsection

(G), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the State Election Commission." The name, address, and telephone number of the Executive Director of the State Election Commission must be printed on the form; and

(b) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses the assistance.

(G) No information relating to a declination to register to vote in connection with an application made at an office described in subsection (B) may be used for any purpose other than voter registration.

(H)(1) A completed registration application accepted at a voter registration agency must be transmitted to the county board of voter registration and elections not later than ten days after acceptance.

(2) If a registration application is accepted within five days before the last day for registration to vote in an election, the application must be transmitted to the county board of voter registration and elections not later than five days after the date of acceptance.

Credits

HISTORY: 1996 Act No. 466, § 1, eff August 21, 1996.

Code 1976 § 7-5-310, SC ST § 7-5-310

Current through 2024 Act No. 120, subject to final approval by the Legislative Council, technical revisions by the Code Commissioner, and publication in the Official Code of Laws.

End of Document

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ATTACHMENT # 16



South Carolina Law Enforcement Division

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Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM TO THE FILE

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Elections and non-Citizens

COUNTY: Richland

On May 9, 2024, Lieutenant Jeremy C. Smith spoke with South Carolina Election Commission Public Information Officer John Catalano via telephone. Catalano said there is no uniformity of forms from agency to agency, but the voter registration form was universal. When the SEC gets a voter registration form from a public assistance agency, it is forwarded to the appropriate county voter registration office. He did not believe there was a database of non-Citizens who attempted to vote but would check further. He said the SAVE program was in place on the back end as a method of checks and balances and added the form itself asks the person if they are a citizen and advises that they should not proceed filling out the form if they are not a citizen. Catalano said the Legislative Audit Council (LAC) conducted a review of South Carolina Elections from 2022-2023. In their January 2024 report they found no incidences where non-U.S. citizens with state IDs or driver's licenses had voted. Catalano provided a link to the LAC report via email.



ATTACHMENT # 17



SUMMARY

A REVIEW OF THE SOUTH CAROLINA ELECTION PROCESS



JANUARY
2024

VOTER REGISTRATION LIST MAINTENANCE

INDIVIDUALS WHO MAY HAVE VIOLATED STATE LAW

Among SEC's list of 3.7 million registered voters, we found instances of individuals who may have violated state law, but further investigation by a law enforcement agency is needed to verify any criminality. We also found a few thousand individuals whose statuses were listed as active who should not be active. We found no incidences where non-U.S. citizens with state IDs or driver's licenses had voted.

3	Ballots cast in elections spanning 2022-2023 under a dead registered voter's name.
1,502	Dead individuals whose voter registration status was listed as active as of March 1, 2023.
10	SCDC inmates who voted in elections spanning 2010-2021 while incarcerated.
203	SCDC inmates whose voter registration status was listed as active as of March 1, 2023.
212	PPP offenders who voted in elections spanning 2000-2022 while on probation or parole for a felony offense.
1,189	PPP offenders on probation or parole for a felony offense whose voter registration status was listed as active as of March 1, 2023.

DUPLICATIVE SOCIAL SECURITY NUMBERS

In analyzing SEC's voter registration list as of March 1, 2023, we found 4,950 registered voters with duplicative Social Security numbers and 766 registered voters whose name, Social Security number, and date of birth had multiple matches.

UTILIZATION OF ERIC INFORMATION AND RISING COSTS

In 2018, SEC joined the Electronic Registration and Information Center (ERIC), an organization that helps states in voter registration list maintenance and voter registration outreach efforts. Since joining, SEC has paid over \$200,000 in membership dues and over \$300,000 on mailings the organization requires its members to send to unregistered residents. However, SEC has not implemented all voter registration list maintenance reports that could allow the agency to determine instances of improper voting. Moreover, SEC's membership dues will likely increase in the future as nine states, including several in the Southeast, have left the organization since 2022.

SECURITY AND INVENTORY ISSUES

VULNERABILITIES AT COUNTY ELECTION OFFICES AND STORAGE FACILITIES

Based on physical security assessments conducted in partnership with the Department of Homeland Security, SEC learned multiple county election offices and storage facilities have insufficient or no lighting, cameras, locks, panic alarms, and back-up power generators. Despite receiving several million dollars from the federal government in HAVA funding,

SEC has given no money to county election offices to improve their physical security vulnerabilities even though these funds can be used for this purpose.

NO INVENTORY OF VOTING EQUIPMENT

SEC never created an inventory list of voting equipment procured using state funds. Since 2021, SEC has spent more than \$450,000 on a cloud-based asset management system and has not fully implemented it.

Members of the S.C. General Assembly requested that we review the state's overall process for handling elections.

OBJECTIVES

- Review South Carolina's overall process for handling elections.
- Examine state/county relationship regarding the administration of elections.
- Review the process for maintaining voter registration records.
- Conduct a follow-up of the 2013 LAC report *A Review of Voting Machines in South Carolina*.

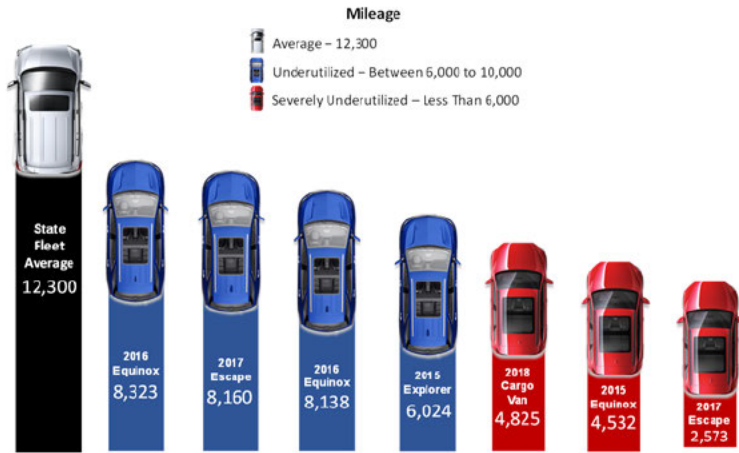
BACKGROUND

The State Election Commission (SEC) is South Carolina's chief election agency. The agency:

- Maintains the statewide voter registration system.
- Supervises 46 county boards of voter registration and elections.
- Performs audits and post-election analyses of county boards of registration and elections.
- Conducts training and certification programs for local election officials.

While SEC has numerous responsibilities regarding South Carolina's election system, elections in South Carolina are run by the 46 county boards of voter registration and election. Among the responsibilities of the county boards are the registration of voters and establishing voting locations.

SEC's AVERAGE UTILIZATION OF VEHICLES PER YEAR (IN MILES)



PROCUREMENT

PROCUREMENT OF TEN NEW SUVs

SEC spent approximately half a million dollars in state funds in FY 22-23 to procure 10 additional SUVs despite having an unsound justification for purchasing these vehicles and the fact that the agency underutilized or significantly underutilized the SUVs it already owned.

SOLE SOURCE PROCUREMENT VIOLATIONS

SEC awarded a cloud-based election asset management program contract and a ballot tracking solution contract to EasyVote Solutions, LLC in violation of the S.C Consolidated Procurement Code.

PRIVATE GRANTS

For the 2020 election, 41 of the 46 county election offices received \$5,201,955.25 from the Center for Tech and Civil Life, and some counties used these funds to purchase vehicles and to give extra pay to county election board members and staff at county election office. For the 2020 election, SEC received \$1,267,500 in Center for Election Innovation and Research grant funding and the agency spent most of this grant funding (\$1,069,727.23) on advertising services provided by Chernoff Newman.

POST-ELECTION AUDITS

Our review of hand count audits of the 2022 general election found counties did not uniformly conduct hand count audits or provide public notice of hand count audits. Additionally, SEC assigned Dorchester and Sumter counties to conduct a hand count audit of early voting for the 2022 general election but failed to do so. Florence County incorrectly conducted its hand count audit and had to redo it the next day.

ELECTION LAW CHANGES

Act 150 revised the state's ballot collection law by limiting the number of absentee ballots an individual may return on behalf of others to five (not including the returnee's absentee ballot). During the 2022 election cycle, we found one person violated the new ballot collection law by returning 12 absentee ballots during the 2022 primary election and another person potentially violated the new ballot collection by returning 6 absentee ballots during the 2022 general election.

BOARD MEMBER TRAINING

There are 50 board of voter registration and election members in 26 counties missing statutorily required continuing education credits. However, SEC has few remedies to sanction individuals who have not received proper training.

ELECTION DAY OBSERVATIONS

Electronic poll books used during the 2022 general election showed people who had already voted during early voting period as still being eligible to vote on election day. This created a situation where early voters could vote more than once, but SEC did not receive any reports that any person took advantage of this error.

SOUTH CAROLINA GENERAL ASSEMBLY
Legislative Audit Council
Independence, Reliability, Integrity

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ATTACHMENT # 18



LAC

SOUTH CAROLINA GENERAL ASSEMBLY

Legislative Audit Council

JANUARY 2024

A REVIEW OF THE SOUTH CAROLINA ELECTION PROCESS



Legislative Audit Council

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Legislative Audit Council

A REVIEW OF THE
SOUTH CAROLINA
ELECTION PROCESS

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Introduction and Background

Audit Objectives

Members of the S.C. General Assembly asked the Legislative Audit Council (LAC) to review the state's overall process for handling elections. Our objectives for this audit were to:

- Review South Carolina's overall process for handling elections.
- Examine the state/county relationship regarding the administration of elections.
- Review the process for maintaining voter registration records.
- Conduct a follow-up of the 2013 LAC report *A Review of Voting Machines in South Carolina*.

Scope and Methodology

The period of our review was generally 2020 to 2023, with consideration of earlier or later periods, when relevant. We used the following sources of evidence:

- Interviews with State Election Commission (SEC) employees and board members, interested parties, employees of other state agencies, and county election officials.
- Federal and state laws and regulations.
- SEC policies and procedures.
- County election policies, procedures, and audit reports.
- SEC training materials.
- LAC survey of county election offices.
- Observations of the 2022 primary and general elections, including observations of early voting centers.
- Observations of post-election canvassing, certification, and auditing.
- Information and documentation from applicable federal and state agencies, including information and documentation related to voter registration eligibility.
- Visits to county election facilities and examination of voting machines.
- Information and documentation from other states and the federal Election Assistance Commission (EAC).
- Contracts and information from Election Systems & Software (ES&S) and the Electronic Registration and Information Center (ERIC).
- Act 150 of 2022, which made substantial changes to South Carolina election laws.
- State contracts and data from the State Fiscal Accountability Authority's Division of Procurement Services.

Criteria used to measure performance included primarily state and federal laws, agency policies, agency training courses, and the practices of other states and organizations. We reviewed internal controls in several areas, including SEC policies and procedures, county policies and procedures, and agency training. Our findings are detailed in the report.

We also interviewed staff regarding the various information systems used by SEC to determine how data was maintained and what levels of control were in place. We also identified ongoing legal proceedings and considered those in relation to our audit objectives.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

S.C. Code §2-15-50(b)(2) requires us to review the effectiveness of an agency to determine if it should be continued, revised, or eliminated. We did not conclude from this review that SEC should be eliminated; however, our audit includes recommendations for improvement in several areas.

Background

The State Election Commission (SEC) is South Carolina's chief election agency. Its mission is to ensure every eligible citizen has the opportunity to register to vote and participate in fair and impartial elections with the assurance that every vote will count. The agency's primary duties include:

- Maintaining the statewide voter registration system.
- Supporting the statewide voting system.
- Supervising 46 county boards of voter registration and elections.
- Performing audits and post-election analyses of county boards of voter registration and elections.
- Assisting with county operations if a county election office fails to comply with state and federal law or SEC policies and procedures, or if a county is unable to certify election results in a timely manner.
- Conducting training and certification programs for local election officials.
- Conducting candidate filings and providing a candidate tracking system.

SEC is established by Chapter 3 of Title 7 of the S.C. Code of Laws. The commission consists of five members appointed by the Governor to serve four-year terms. The commission elects an executive director, and the commission serves as the State Board of Canvassers, which is responsible for declaring persons elected and hearing election appeals in federal, state, and multi-county elections.

While SEC has numerous responsibilities regarding South Carolina's election system, elections in South Carolina are run by the 46 county boards of voter registration and election. Per S.C. Code §7-5-10, the county boards of voter registration and elections are appointed by the Governor, upon the recommendation of the legislative delegation of the counties, to four-year terms. S.C. Code §7-5-30 states that the county boards of voter registration and elections "...shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required." The county boards of voter registration and elections hire county directors who are responsible for hiring and managing staff of the county election office, establishing voting locations (including early voting centers), and canvassing and certifying county election results.

LAC Survey of County Election Directors

Pursuant to state law, we do not have the authority to audit counties. However, given the importance of county boards of voter registration and elections, we sent a survey to all county election directors. Twenty-seven (27) of 46 counties responded to the survey in some way. Our survey covered many issues, including the relationship between SEC and the county election offices, training, election security, and conduct of elections. The results of our survey are located in *Appendix A* and are also referenced throughout this report.

Election Law Changes

On May 13, 2022, South Carolina's Governor signed into law Act 150, which resulted in several changes to how elections are conducted in South Carolina. Among the changes enacted by Act 150 are:

- The creation of no excuse, early voting.
- A reduction in qualifying reasons for a person to be considered an absentee voter.
- A revised ballot collection law that limits the number of absentee ballots that can be returned by any individual.
- An earlier examination date for processing and tabulating absentee ballots.
- An increase in penalties for election offenses.

No Excuse, Early Voting

With the enactment of Act 150, South Carolina joins 45 other states that offer no excuse, early voting. Prior to the passage of this Act, a person could only cast a ballot before election day if the person qualified for absentee voting.

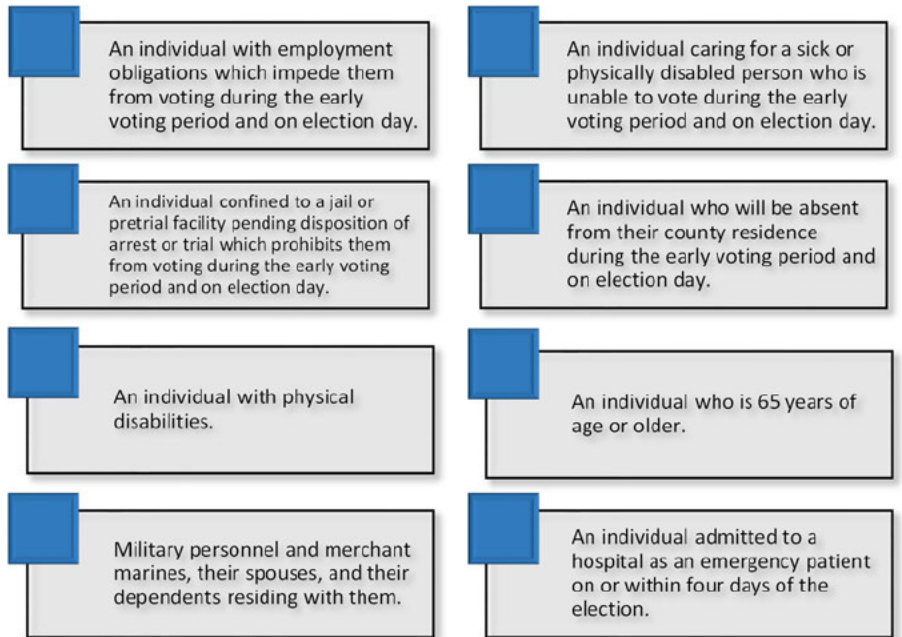
In South Carolina, the early voting period for a general election runs from Monday through Saturday for a two-week period immediately preceding an election. Each county board of voter registration and elections must have at least one, but no more than seven, early voting centers. County election officials must publish the location of early voting centers and their hours at least 14 days before the early voting period begins. At a minimum, the publication must be made to a website or webpage managed by, or on behalf of, each county board of voter registration and elections.

Each early voting center must be supervised by an employee of the county board of voter registration and elections or SEC. A qualified voter may vote at an early voting center in the county in which the voter resides. The daily closing procedures of each early voting center require all ballots to be transported to the county election office and securely stored.

New Qualifications for Absentee Voters

Act 150 shortens the list of persons who qualify to vote absentee in South Carolina. Prior to the passage of Act 150, South Carolina had 15 qualifying reasons to vote absentee. Act 150 reduced the number of qualifying reasons to vote absentee to eight. This reduction is mainly attributed to the fact that no excuse, early voting made some of the absentee voter qualifications superfluous. To qualify to vote absentee, a person must now meet at least one of the qualifications described in Exhibit 1.1.

Exhibit 1.1: S.C. Absentee Voter Qualifications



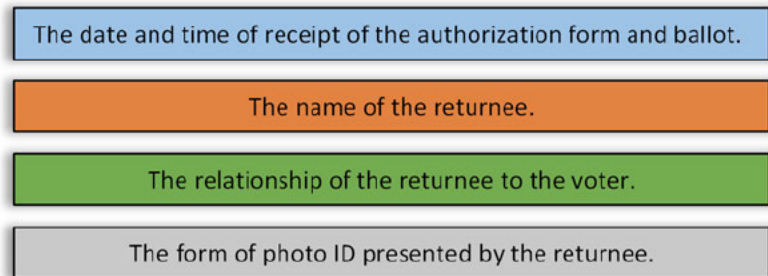
Source: SEC Website

Revised Ballot Collection Law

South Carolina is one of 31 states that permits a voter to entrust a designee to return an absentee ballot to the local election office. This is known as ballot collection or “ballot harvesting.” Before Act 150, any authorized person could return an unlimited number of ballots on behalf of absentee voters so long as the person submitted an authorization form with each returned ballot. With the signing of Act 150, an absentee voter’s immediate family member or authorized representative is permitted to return an absentee voter’s ballot, and this person is limited to returning no more than five absentee ballots on behalf of others. For the purposes of the Act, “immediate family member” means a person’s spouse, parents, children, brothers, sisters, grandparents, grandchildren, or in-laws. An “authorized representative” is a registered voter who receives permission from another registered voter who is physically handicapped or unable to go to the polls because of illness or disability resulting in confinement to a hospital, sanatorium, nursing home, or place of residence.

Like before, the immediate family member or authorized representative must submit an authorization form when returning the absentee voter's ballot. With the passage of Act 150, all returnees must verify their identity by presenting a valid photo identification to an election official when returning an absentee ballot. To ensure a returnee follows the five-ballot-return limitation, the election official must record information into the Voter Registration and Election Management System (VREMS) as illustrated in Exhibit 1.2.

**Exhibit 1.2: VREMS Required
Information for Absentee Ballot
Returnees**



Source: SEC

VREMS compares the returnee's first name, last name, and date of birth with the database of all returnees to determine if a person has exceeded the five-ballot-return limit. Due to limited matching information, VREMS may display returnee matches that have the same data points (i.e., same first name, last name, and date of birth), but these matches may not be the same individual. As such, it is the election official's responsibility to determine if the returnee has exceeded the five-ballot-return limitation by comparing the returnee's information with the matching results yielded by VREMS.

SEC provided us with its data on immediate family members and authorized representatives used during the 2022 election cycle. We analyzed this data and found:

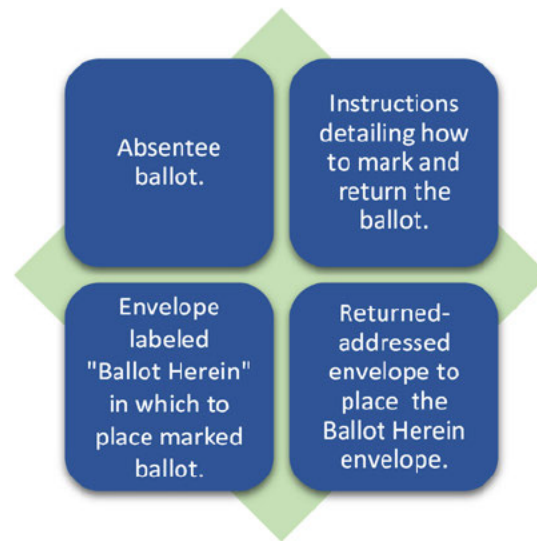
ONE PERSON exceeded the five-ballot-return limitation by returning 12 absentee ballots during the 2022 primary election.

ONE PERSON returned 6 absentee ballots during the 2022 general election. Legally, a returnee can return his/her own absentee ballot and five absentee ballots on behalf of others. It is unclear from the data if this individual exceeded the five-ballot-return limit because we are unable to determine if one of the six ballots is the returnee's own absentee ballot.

We asked SEC about these individuals, and an SEC official provided documentation showing the agency reported the individual who returned 12 absentee ballots during the 2022 primary election to South Carolina Law Enforcement (SLED). However, we did not receive any documentation showing that SEC reported the other individual to SLED.

**Exhibit 1.3: Information Received
in an Absentee Voter Packet**

In South Carolina, absentee voters receive a packet, including:



Source: S.C. Code §7-15-370

The oath on the return-addressed envelope must be signed by the voter and a witness, and the witness must provide his/her address. An absentee ballot will not be accepted if the voter's or witness' signature is missing, or if the absentee ballot is returned to the local election office after the polls closed on election day. When a county election office receives a return-addressed envelope with an absentee ballot, the local county election office must record the date it was received and securely store the envelopes in a locked box until it is time to process and tabulate them.

Prior to Act 150, county election offices could not start examining the return-addressed envelopes for properly signed oaths until 9:00 a.m. on election day. Also, county election offices could not start removing ballots from the "Ballot Herein" envelopes and begin tabulating the absentee ballots until 9:00 a.m. on election day.

Act 150 now allows the county election offices to start examining the return-addressed envelopes for properly signed and witnessed oaths two days before the election starting at 7:00 a.m.—50 hours earlier than before. Additionally, county election offices are now permitted to remove ballots from the “Ballot Herein” envelopes and tabulate absentee ballots at 7:00 a.m. on election day—two hours earlier than before.

**Exhibit 1.4: Increased Penalties
for Election Offenses**

Act 150 increased the following crimes from misdemeanors to felonies with up to a \$5,000 fine and a five-year imprisonment:



Fraudulent voting or attempt to fraudulently vote, aiding in fraudulent voting or attempt to fraudulently vote.



Voting more than once in a single election.



Impersonating or attempting to impersonate a voter.



Willful violation of duties, fraud, or corruption by a poll manager.



Willful neglect of duties or corruption by an election official.

Source: SEC Website

Act 150 also created two new election felonies. It is now illegal to provide, offer to provide, or accept anything of value in exchange for requesting, collecting, or delivering an absentee ballot. Act 150 also made it a felony to return more than five absentee ballots on behalf of others.

Voter Registration List Maintenance

Evaluation of SEC’s Voter Registration List

Our analysis of SEC’s voter registration list found some instances where individuals appear to be in violation of state law, but we did not find a material problem with ineligible individuals voting. Ensuring only eligible voters cast ballots, voters are only registered to vote once, and SEC has accurate information on each registered voter is important to protecting election integrity.

To determine the accuracy of SEC’s voter registration list and determine whether anyone who was registered to vote did so in violation of state law, we matched a list of all active and inactive registered voters in South Carolina to death data from the Department of Health and Environmental Control (DHEC), inmate data from the Department of Corrections (SCDC), probationer and parolee data from the Department of Probation, Parole and Pardon Services (PPP), and non-U.S. citizens data from the Department of Motor Vehicles (DMV). All the databases were matched together using all nine digits of social security numbers, dates of birth, and first or last names.

Among SEC’s list of 3.7 million registered voters, we found possible instances of individuals who may have violated state law, but further investigation by a law enforcement agency is needed to verify any criminality. Specifically:

3	Ballots cast in elections spanning 2022–2023 under a dead registered voter’s name.
10	SCDC inmates who voted in elections spanning 2010–2021 while incarcerated.
212	Offenders under PPP supervision who voted in elections spanning 2000–2022 while on probation or parole for a felony offense.

We also found no incidences where non-U.S. citizens with state IDs or driver’s licenses had voted. However, if we used data from non-state government sources or from different time periods, we might have found additional individuals who may have violated state election laws.

Additionally, the voter registration data we used for our review only included the date a registered voter *last* cast a ballot. Therefore, it is possible that the individuals who appear to have violated state law may have done so multiple times. Our review would also not find individuals who legally cast a ballot after having done so illegally. For example, an offender on probation or parole for a felony offense may have illegally cast a ballot in the 2020 election, but then legally cast a ballot in the 2022 election after his/her probation or parole ended. *Appendix B* shows the data sources SEC uses for voter registration list maintenance. We also analyzed SEC's voter registration list to determine how many registered voters appeared multiple times and found:

4,950	Registered voters with duplicative Social Security numbers (SSNs).
766	Registered voters whose name, SSN, and date of birth had multiple matches.

As with the data matching with other state agencies, further investigation is needed to verify whether the registered voters who appeared twice in the voter registration list voted more than once in the same election. In the interest of election integrity, we shared our data matching results with SEC during the exit process. Afterwards, we were informed that SEC was hiring a voter list maintenance coordinator who will be tasked with reviewing our data matching results and those conducted by SEC in the future.

Matching Against DHEC Death Data

We matched a list of all active and inactive registered voters against two separate lists of deaths from 2020-2023 and found:

3	Ballots cast in elections spanning 2022–2023 under a dead registered voter’s name.
1,502	Dead individuals whose voter registration status was listed as active as of March 1, 2023.

S.C. Code §7-3-20(D)(5)(a) requires SEC’s Executive Director to “delete the name of any elector who is deceased” from the master file of all qualified voters. Currently, SEC uses monthly death files from DHEC and the Social Security Administration, through the Electronic Registration and Information Center (ERIC), to remove the names of dead voters from an active registration status.

To test whether a ballot was cast under a dead registered voter’s name and to determine how many dead registered voters had an active registration status, we received data on all deaths that occurred in South Carolina from October 2020 to January 2023 and data on all South Carolina residents who died out-of-state from January 2020 to March 2023 from DHEC. We matched DHEC’s death data against a list of all active and inactive registered voters as of March 1, 2023 from SEC.

Two of the individuals who appear to have cast a ballot after death did so in 2022, while the other individual last cast a ballot in 2023. One of the three individuals appears to have voted three days after death, another individual appears to have voted four days after death, and the third individual appears to have voted 13 days after death. Consequently, it is possible that the individuals cast absentee ballots before dying. While state law is silent on whether a ballot should count when a voter dies after submitting an absentee ballot, SEC policy states that the absentee ballot should be challenged and not counted if the voter dies before the ballot is counted on election day.

For the 1,502 dead individuals with an active voter status, the median number of days they died before March 1, 2023 was 312. The longest amount of time a dead individual had an active voter registration status on March 1, 2023 was 1,155 days.

Matching Against SCDC Inmate Data

We matched the list of active and inactive registered voters against a list of all inmates incarcerated at SCDC on November 8, 2022, and found:

10	Individuals who voted while incarcerated at SCDC.
203	Incarcerated individuals whose voter registration status was listed as active as of March 1, 2023.

S.C. Code §7-5-120(B)(2) disqualifies a person “from being registered or voting if he is serving a term of imprisonment resulting from a conviction of a crime.” Currently, SEC receives information on a monthly basis from state and federal courts about individuals convicted of disqualifying offenses.

To test whether an inmate incarcerated at SCDC cast a ballot and to determine how many incarcerated SCDC inmates had an active voter registration status, we received a list of all inmates incarcerated at the agency on November 8, 2022. As with the death data, we matched the inmate data against a list of all active and inactive registered voters as of March 1, 2023 from SEC. A summary of our findings is included in Exhibit 2.1 and Exhibit 2.2.

Exhibit 2.1: Summary of Findings Between Matching of SCDC Inmate Data and SEC Voter Registration List

FINDING	NUMBER
Number of SCDC Inmates Who Voted While Incarcerated	10
Number of SCDC Inmates Whose Voter Registration Status Was Active, as of 3/1/2023	203
The Longest Period of Time (in Days) With Active Voter Registration Status While SCDC Inmate, as of 3/1/2023	10,537
Median Number of Days With Active Voter Registration Status While SCDC Inmate, as of 3/1/2023	405
Median Number of Days Inmate Was Incarcerated When He/She Voted	920

Source: LAC Analysis of SCDC Inmate Data and SEC Voter Registration Data

Exhibit 2.2: Number of SCDC Inmates, as of November 8, 2022, Who Voted While Incarcerated, by Year When Last Vote Was Cast

YEAR	NUMBER OF INMATES
2010	2
2011	2
2012	1
2013	0
2014	0

YEAR	NUMBER OF INMATES
2015	0
2016	3
2017	0
2018	1
2019	0

YEAR	NUMBER OF INMATES
2020	1
2021	0
2022	0
2023	0

Source: LAC Analysis of SCDC Inmate Data and SEC Voter Registration Data

Matching Against PPP Offender Data

We matched the list of active and inactive registered voters against a list of all offenders under the supervision of PPP and found:

212	Individuals under the supervision of PPP who voted while on probation or parole for a felony offense.
1,189	PPP offenders on probation or parole for a felony offense whose voter registration status was listed as active as of March 1, 2023.

S.C. Code §7-5-120(B)(3) disqualifies a person “from being registered or voting if he is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.” Currently, SEC does not receive information on offenders who are on probation or parole.

According to an SEC official, once the agency receives information from the state or federal court system on a voter convicted of a disqualifying crime, the agency would change the convicted individual’s registration status to “Inactive-Convicted” in the voter registration system.

The SEC official also stated that once the individual has completed his or her sentence, he/she must re-register to vote. The county would process the application and the voter registration system should alert the county that the individual has a conviction on his/her record. The agency official stated that counties have been provided a link to PPP which allows it to look up an individual’s status.

To test whether an offender under the supervision of PPP cast a ballot and to determine how many offenders had an active voter registration status, we received a list of all offenders under the agency’s supervision on October 31, 2022. Once again, we matched the PPP offender data against a list of all active and inactive registered voters as of March 1, 2023 from SEC. A summary of our findings is included in Exhibit 2.3 and Exhibit 2.4.

**Exhibit 2.3: Summary of Findings
Between Matching of
PPP Offender Data and
SEC Voter Registration List**

FINDING	NUMBER
Number of Offenders Who Voted While on Probation or Parole for a Felony Offense	212
Number of Offenders Whose Voter Registration Status Was Active, as of 3/1/2023	1,189
The Longest Period of Time (in Days) With Active Voter Registration Status While Under PPP Supervision, as of 3/1/2023	11,436
Median Number of Days With Active Voter Registration Status While Under PPP Supervision, as of 3/1/2023	582
Median Number of Days Offender Was Under PPP Supervision When He/She Voted	624

Source: LAC Analysis of PPP Offender Data and SEC Voter Registration Data

**Exhibit 2.4: Number of PPP
Offenders, as of October 31, 2022,
Who Voted While Incarcerated,
by Year When Last Vote Was Cast**

YEAR	NUMBER OF OFFENDERS	YEAR	NUMBER OF OFFENDERS	YEAR	NUMBER OF OFFENDERS
2000	1	2008	0	2016	4
2001	0	2009	1	2017	0
2002	0	2010	1	2018	5
2003	0	2011	0	2019	1
2004	0	2012	0	2020	94
2005	0	2013	0	2021	3
2006	0	2014	0	2022	120
2007	0	2015	0	2023	0

Source: LAC Analysis of PPP Offender Data and SEC Voter Registration Data

Since the number of PPP offenders who voted in the past few years, or who have an active voter registration status, is substantially higher than the number of inmates who voted, or who have an active voter registration status, it appears that counties are not sufficiently verifying the status of all probationers and parolees. If SEC received probationer and parolee data on a monthly basis, like it does for individuals convicted of a disqualifying crime, it could help SEC better identify individuals who are no longer incarcerated but still unable to vote due to their probation or parole status.

Matching Against DMV Non-Citizens

We matched the list of active and inactive registered voters against the DMV's list of non-U.S. citizens with driver's licenses and state IDs and found no non-U.S. citizens on the list were registered to vote or had recently voted.

Article II, Section 4 of the S.C. Constitution limits the right to vote to U.S. citizens. Since non-U.S. citizens are not allowed to vote, we obtained data from the DMV on all non-U.S. citizens who had state IDs or driver's licenses as of November 8, 2022. We matched the non-U.S. citizens data against a list of all active and inactive registered voters as of March 1, 2023 from SEC.

As required by S.C. Code §7-3-70(c), the DMV provides SEC the same data that we requested. As of mid-April 2023, SEC was also in the process of obtaining access to the U.S. Citizenship and Immigration Service's Systematic Alien Verification for Entitlements (SAVE) program. According to an SEC official, having access to SAVE will allow the agency to verify the immigration or citizenship status of individuals on the DMV's list of non-U.S. citizens that is provided to SEC.

Another way SEC could identify non-U.S. citizens for voter registration list maintenance purposes would be to use information on individuals excused from juries due to their noncitizen status. According to National Conference of State Legislatures (NCSL), "at least six states—Alabama, Arizona, Indiana, Iowa, South Dakota and Texas—permit the sharing of jury list dismissal due to noncitizen status for list maintenance purposes in statute." An SEC official confirmed with us that it does not receive this information from the court system.

Duplicate Registered Voters and Registered Voters With Duplicate Social Security Numbers

We analyzed SEC's list of registered voters as of March 1, 2023, and found 4,950 registered voters with duplicative SSNs. Of those, 3,790 were registered voters with an active registration status as of March 1, 2023. Within the data on the 4,950 registered voters with duplicative SSNs, we found:

1,666	Registered voters with all zeros as their SSN. ➤ 1,060 had an active voter registration status as of March 1, 2023.
1,121	Registered voters with SSNs that started with a nine, which are not issued by the Social Security Administration. ➤ 1,049 had an active voter registration status as of March 1, 2023.
766	Registered voters whose name, SSN, and date of birth were found multiple times. ➤ 451 had an active voter registration status as of March 1, 2023.

While the percentage of registered voters with duplicative SSNs is small (0.13%) compared to the total number of registered voters, having an accurate SSN for each registered voter is important because it is one of the data elements used to keep the voter registration list up-to-date. It is also important to ensure that each registered voter is only registered to vote once to maintain election integrity.

We asked SEC if it verifies the accuracy of SSNs provided by a person applying to be a registered voter, and were informed that the agency does not have a formal mechanism to verify SSNs of voter registration applicants. According to an agency official, it is the responsibility of each county to validate and confirm the information of the applicants. However, a county director we spoke to on the issue informed us that the county does not verify SSNs since the county office does not have access to the Social Security Administration's database or other government agency databases, like that of the DMV, where an applicant's SSN could be verified. The only verification that a county can do, according to the county director, is to verify that the SSN of an applicant is not already in use by anyone else in the state voter registration database.

For registered voters with duplicate SSNs who are already in the state voter registration database, SEC provides a report listing these registered voters to each county so the counties can correct the data.

Additionally, we were informed that one reason why there were over a thousand registered voters who had SSNs that start with a nine is because SEC began accepting an applicant's partial SSN for a paper-based voter registration application if the last four digits were the only part of the SSN supplied by the applicant. When an applicant does not provide his/her full SSN, SEC instructs counties to enter nines in the missing SSN fields. According to an agency official, voter registration applicants are still required to provide the full SSN when registering to vote online or through the DMV, which is where most voter registration occurs.

Since SEC and counties have very limited ways to verify the accuracy of a SSN provided by a voter registration applicant, applicants could, theoretically, provide a false SSN when applying to register to vote. Nonetheless, voters are still required to show a photo ID before voting, per S.C. Code §7-13-710. Moreover, SEC uses multiple data elements, not just SSNs, when matching against other government agency data in an attempt to keep the voter registration list accurate.

For the SSNs that contained all zeros, we found 13 registered voters who were over 100 years old, including 3 over 110, who were still actively registered to vote. While it is possible that these voters are still alive, manual review of these cases would be needed for verification.

Recommendations

1. The State Election Commission should verify whether the registered voters who voted after death, while incarcerated, or on probation or parole for a felony offense appear to have violated state law, and, if found in the affirmative, make a referral to the S.C. Law Enforcement Division for investigation.
2. The State Election Commission should, on a monthly basis, make all registered voters with an active voter registration status who are deceased, incarcerated, or on probation or parole for a felony offense inactive in the State Election Commission's voter registration list.
3. The General Assembly should amend state law to clarify whether a ballot is counted if a voter dies after submitting an absentee ballot.
4. The State Election Commission should enter into an agreement with the S.C. Department of Probation, Parole and Pardon Services to obtain data, on a monthly basis, on probationers and parolees in order to properly reflect their status in the voter registration system.
5. The General Assembly should amend state law to require county clerks of court to furnish, on a monthly basis, a list of individuals excused from jury duty due to their noncitizen status.
6. The State Election Commission should review all registered voters who appear multiple times in the voter registration list, on an annual basis, to ensure that each person is only registered to vote once.
7. The State Election Commission should instruct counties to review all actively registered voters with all zeros for their Social Security numbers to determine whether the registered voter should remain in an active registration status, and to obtain at least the last four digits of the Social Security numbers to assist with data matching.

SEC Utilization of ERIC Information to Maintain Voter Registration List

The National Voter Registration Act of 1993 requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.” As part of that effort, SEC joined the Electronic Registration and Information Center (ERIC) in 2018. However, our review of SEC’s involvement with ERIC found that the agency was not fully utilizing ERIC to effectively maintain voter lists until months after we asked about the agency’s utilization of ERIC reports. We also found that SEC can do more to fully utilize ERIC information to maintain the state voter registration list. Failure to effectively utilize ERIC information may cause voter issues at the polls, increase the opportunity for fraud, and hinder SEC’s ability to identify voter fraud.

Additionally, we found that ERIC’s declining membership, especially in neighboring states in the Southeast, makes the information obtained from ERIC less useful and has already caused the cost of SEC’s membership with ERIC to increase. While there is currently no alternative to ERIC that provides the same level of data matching, SEC says that it is in talks with three other states to establish data sharing agreements.

Information Made Available to Member States

Using the data that it obtains from member states and federal agencies, ERIC makes several reports available to its members. However, we found that SEC did not utilize most of these reports to ensure the accuracy of its voter registration records until months after we asked about the agency’s utilization of the reports. According to NCSL, maintaining an accurate voter registration list helps:

- Protect against fraud by ensuring only eligible electors can cast ballots.
- Inform planning for election day, including accurately budgeting for ballots, voting machines, polling places, and poll workers.
- Minimize wait times at the polls.
- Simplify post-election procedures by reducing the number of provisional ballots cast.

The ERIC membership agreement requires member states to provide ERIC all inactive and active voter files and all motor vehicle licensing or identification records at least every 60 days. The membership agreement also states that member states should use their best efforts to transmit data on individuals that exist in the records of other agencies that perform voter registration functions. According to an SEC official, the agency does not provide ERIC with data from any other state agency in South Carolina.

In return, ERIC creates reports of data that it makes available to its members. One set of reports includes information on voters who moved within the state, voters who have moved from one ERIC state to another, voters who have died, and voters with duplicate registrations in the same state. Members are required to request at least one of these list maintenance reports every year. Additionally, members can request National Change of Address reports through ERIC that contain data from the U.S. Postal Service.

ERIC also provides a report on eligible or possibly eligible citizens who are not registered to vote. Per the ERIC member agreement, members are required to initiate contact with at least 95% of these citizens before every federal general election.

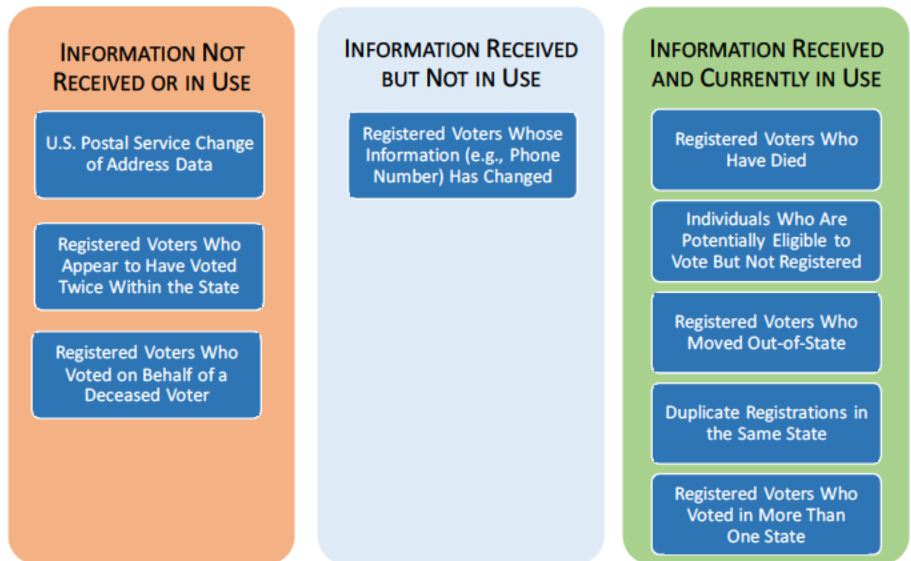
Lastly, ERIC uses voter participation data to identify voters who may have voted more than once in a member state in the same election, voted in more than one member state in the same election, or voted on behalf of a dead voter within a member state. Member states are not required to request the improper voting data, and, according to ERIC, SEC had not requested this data as of May 2023.

According to ERIC, SEC has requested and received the following reports from July 2018 through May 2023:

34	Reports identifying 24,235 deceased registered voters.
4	Reports identifying 2,882 in-state duplicate registered voters.
3	Reports identifying 543,754 individuals who have moved or whose information (e.g., phone number and email address) has changed.
4	Reports identifying 244,297 individuals who moved out-of-state.

Exhibit 2.5 shows a summary of the information ERIC makes available to member states, and whether the information is utilized by SEC.

Exhibit 2.5: SEC's Utilization of Information Made Available to ERIC Member States



Source: SEC and ERIC

While the exhibit shows that SEC utilizes most of the information ERIC makes available to member states, that was not the case until recently. In fact, when we first started our audit and asked SEC about utilization of the ERIC reports, we found that the agency had only received and implemented the reports on “Registered Voters Who Have Died” and “Individuals Who Are Potentially Eligible to Vote But Not Registered.” The other reports included in the *Information Received and Currently in Use* section were not implemented until months after we asked why the reports were not implemented. The Duplicate Registrations in the Same State report was not provided to counties to process until October 2023, according to an agency official.

Our questions followed questions about the reports during a June 2021 House Legislative Oversight Ad Hoc Committee meeting where SEC was asked the same thing. Agency staff responded during the committee meeting that they were working on it. We received the same response during the beginning stages of our audit. It is concerning that SEC did not implement many of these reports until the agency had been a member of ERIC for five years and two years after being asked about the reports during the House Legislative Oversight Ad Hoc Committee meeting.

Participation in ERIC Declining After Years of Growth

Even though ERIC's membership has increased greatly since 2012, the recent resignations of nearly a quarter of ERIC's membership and the uncertain future of other states that are popular for South Carolinians to move to and from will make the information obtained from ERIC less effective.

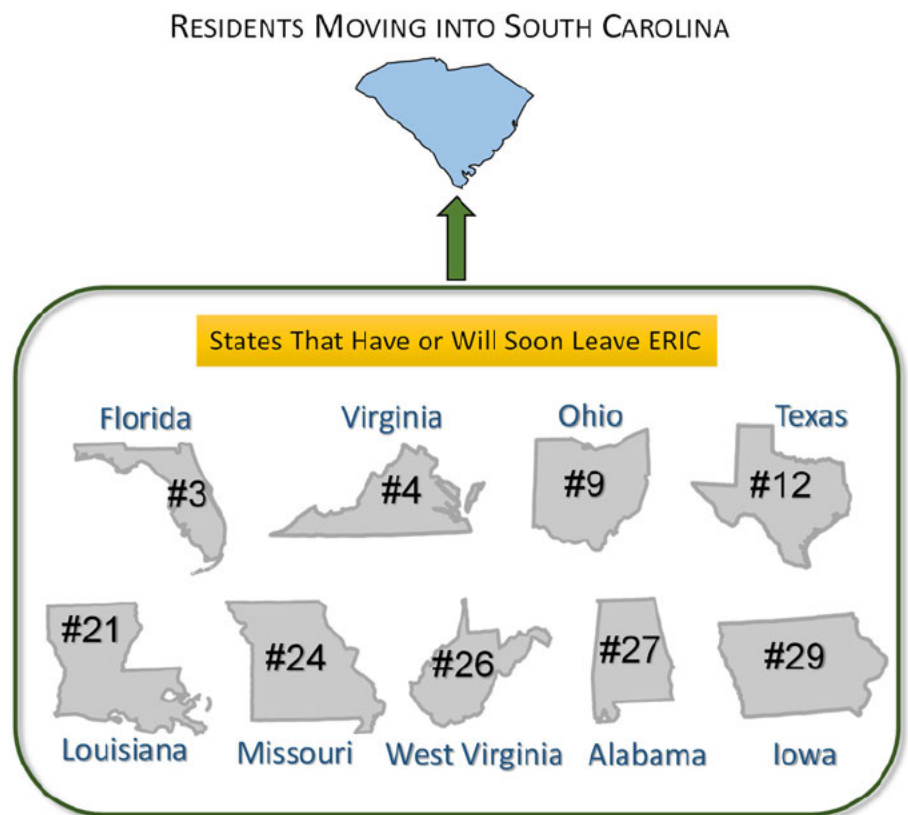
ERIC started with seven member states in 2012. The membership grew to 31 states and the District of Columbia in January 2022 before Louisiana announced that it would suspend its participation late in the month. Since then, ERIC has added two new member states, New Jersey and Massachusetts, while eight member states—Alabama, Florida, Iowa, Missouri, Ohio, Texas, Virginia, and West Virginia—have left or announced their intentions to leave ERIC.

In announcing their resignations from ERIC on March 6, 2023, the Secretaries of State in Florida, Missouri, and West Virginia cited the failure to pass recommended changes to ERIC's bylaws and membership agreements made by a bi-partisan working group of several member states as a reason for their states leaving ERIC. The working group's recommended changes would have removed the non-state, non-voting member positions on the ERIC Board of Directors and changed how confidential voter information is handled.

Later in March 2023, the Secretaries of State in Iowa and Ohio announced that their states were also leaving ERIC. This action was taken despite ERIC's membership agreeing to eliminate both non-voting ERIC board seats. According to the Ohio Secretary of State, the reform did not go far enough, citing "the board's refusal – for a third time – to adopt basic reforms to the use of ERIC's data-sharing services."

On May 11, 2023, Virginia informed ERIC that it, too, would be leaving, citing increasing and uncertain costs of continued membership and incomplete participation of Virginia's bordering states, among other reasons. Lastly, in July 2023, Texas announced that it will also be leaving ERIC, citing recently signed legislation and the rising cost of ERIC membership. Exhibit 2.6 shows the current member states, former member states, and non-member states of ERIC as of August 18, 2023.

**Exhibit 2.7: Former ERIC States
Ranked by Popularity in
Outward State Migration
to South Carolina**



Source: LAC Analysis of ERIC Membership and U.S. Census Bureau
State Migration Data from 2021

The full lists of states ranked by popularity in outward and inward state migration can be found in *Appendix C*. With the recent resignations of two of the four most popular states where South Carolina residents commonly move to/from, SEC's ability to obtain information from ERIC on voters who move, have duplicate registrations, or have voted in more than one state in an election will be diminished going forward.

Cost of ERIC Membership

With the recent resignations of the nine states, the annual dues SEC must pay to continue ERIC membership have already increased because ERIC uses the annual dues to cover its operating expenses. Additionally, we found that the cost of an ERIC membership includes more than the initiation fee and annual dues paid directly to ERIC.

The cost of an ERIC membership includes a one-time initiation fee of \$25,000 and annual dues to maintain membership. The annual dues are set by the membership and remained stable for the first few years, but have increased significantly in the past two fiscal years as ERIC's membership has decreased.

Exhibit 2.8: ERIC Membership Dues

ANNUAL DUES	
FY 18-19	\$30,201*
FY 19-20	\$29,296
FY 20-21	\$28,417
FY 21-22	\$28,417
FY 22-23	\$42,463
FY 23-24	\$61,790

*Doesn't include \$25,000 initiation fee.

Source: S.C. Enterprise Information System (SCEIS)

In addition to the initiation fee and annual dues, the agency must also spend funds on mailings since ERIC requires its members to initiate contact with at least 95% of the eligible or possibly eligible citizens who are not registered to vote and inform them how to register to vote once every two years. Since joining ERIC in 2018, SEC has spent a little over \$300,000 on required mailings. Exhibit 2.9 shows the total number of mailings and the amount spent by SEC on the required mailings since 2018.

**Exhibit 2.9: Number and Cost
of ERIC's Required Mailings
Since 2018**

YEAR	MAILINGS SENT	POSTAGE COST
2018	964,049	\$225,921.21
2020	125,796	29,041.45
2022	174,729	49,819.61
TOTAL	1,264,574	\$304,782.27

NOTE: The number of required mailings dropped significantly after SEC's first year of ERIC membership because ERIC does not require contact with an eligible or possibly eligible but unregistered resident more than once at the same address.

Source: SEC

Alternatives to ERIC

There is currently no alternative state consortium that supports voter registration list maintenance. However, there have been media reports of Virginia leading an effort to start a new interstate data sharing alternative to ERIC. SEC confirmed that it was in discussion with three states regarding data sharing agreements.

States can access some of the data already obtained through ERIC on their own, but states that leave ERIC would likely lose access to other states' voter registration data unless the states were able to enter into one-on-one agreements with one another. This might affect a state's ability to identify voters who may have voted in more than one state in the same election, voters who may have voted on behalf of a dead voter, or voters who register to vote in another state.

Before ERIC was started in 2012, there was another multistate program called the Interstate Voter Registration Crosscheck managed by the Kansas Secretary of State's Office. South Carolina was one of 28 states that submitted voter registration data to the program. However, the program was suspended in 2019 after an organization sued on behalf of voters whose partial Social Security numbers were exposed. Since then, ERIC has been the only multistate voter registration data sharing program.

Without ERIC, states can still receive outside data to assist with its voter registration list maintenance efforts. State law currently requires SEC to receive data from several government entities. These include reports on persons:

- Who have died from the Bureau of Vital Statistics.
- Declared mentally incapacitated from county probate courts.
- Convicted of felonies or crimes against election laws from clerks of court and magistrates.
- Who have surrendered their driver's licenses or identification cards and obtained a driver's licenses or identification cards in another state from the DMV.
- Who have been reported as deceased by the Social Security Administration from the DMV.
- Who are non-U.S. citizens and have been issued driver's licenses or identification cards from the DMV.

According to an SEC official, the agency is also seeking to obtain access to the U.S. Citizenship and Immigration Service's SAVE immigration verification database, which will allow SEC to check an individual's immigration/citizenship status, and the Social Security Administration's Death Master File. Another federal agency where states obtain data for list maintenance is the U.S. Postal Service (USPS); specifically, the agency's National Change of Address data. Currently, SEC has access to SSA death data and USPS change of address data through ERIC. We were unable to obtain information on what it costs other states to obtain the USPS's change of address data, but an SEC official said that the agency has paid approximately \$3,500 to apply to receive the SSA death data. Maintaining access to the death data will also require an annual \$2,930 fee and an additional \$515 every three years. In federal fiscal year 23-24, it will cost SEC \$1.00 per transaction (i.e., verification request) to use SAVE, and the agency will incur a \$25 monthly service charge for each month it submits a verification request.

If South Carolina left ERIC, it is unclear how many states, if any, would be willing to share voter registration or voter history data in order to generate the same types of reports that ERIC makes available to its members. SEC does not presently share South Carolina's voter registration data with other state election offices, according to an SEC official. However, S.C. Code §7-5-186(C) allows SEC to enter into agreements to share data with other states.

We found at least one neighboring state in the Southeast, Virginia, statutorily requires its state election agency to request voter registration information and voting history lists, if available, from states bordering it. To fulfill the statutory requirement, Virginia’s Department of Elections contacted North Carolina and Tennessee, two states that were not ERIC members, in September 2022 to obtain each state’s list of registered voters. North Carolina responded that it was joining ERIC in the first two quarters of 2023 and Tennessee did not respond.

At the time of this writing, there have been media reports, including one quoting an official at the Virginia Department of Elections, about the state participating in talks with other states “...about creating new state to state data-sharing relationships for the purpose of identifying potential double voters.” It is unclear with which states Virginia has been in talks. However, SEC confirmed that it has been in talks with Georgia, Ohio, and Virginia regarding data sharing agreements.

Recommendations

8. The State Election Commission should request and implement all data reports that the Electronic Registration and Information Center makes available to its members.
9. The State Election Commission should enter into agreements with states that are not members of the Electronic Registration and Information Center, especially those where South Carolina residents commonly move to or from, to conduct data matching for the purpose of performing voter registration list maintenance.

Post-Election Audits and Election Integrity

Post-Election Audits

We reviewed and observed post-election audits conducted after the 2022 primary and general elections and found that, while the audits confirmed the results as reported, the audits were not conducted uniformly because counties did not adhere to SEC guidance. The lack of consistency and apparent confusion by some counties when completing the hand count audits shows that more oversight and changes, like requiring more than one examiner, are needed to improve trust in the hand count audit process.

Results of Hand Count Audits of 2022 Primary and General Elections

We reviewed the results from the hand count audits conducted by counties after the 2022 primary election and 2022 general election and found:

- Minimal differences in vote counts between the tabulation machine results and the hand count audits.
- A 1,549 and 236 ballot count difference between the tabulation machine results and the hand count audits in the primary election and primary runoff election, respectively.

While the minimal differences in vote counts signifies that the tabulation machines accurately counted ballots, it is concerning that counties reported a notable number of unexplained ballot count differences in the primary election. A high number of ballot count differences could indicate that ballots were lost or stolen, which, in turn, affects trust in the election. Additionally, since ballots contain a person's choice for multiple election contests, one missing ballot could affect the vote difference for several election contests.

According to SEC, it has overseen hand count audits after every statewide election since the current voting system was implemented in 2019. However, only the results of the 2022 primary and general election hand count audits were made publicly available on the agency's website, and those were only made available after the passage of Act 150 of 2022, which required SEC to publicly post the results. SEC claimed in its Election Integrity Booklet, published in early 2022, that there had never been a single discrepancy between the scanner and hand count audit count. However, a few differences in vote counts were found in the hand count audits conducted after the June 2022 primary election.

After the 2022 primary election, 88 election contests were selected for a hand count audit. The audits compare the total number of votes cast, as displayed on the results tape printed by each precinct's ballot scanner, to the number of votes counted during a hand count. A difference of 13 votes was found between the results tape and hand count across all selected election contests. Eleven of the differences in vote counts were found in Florence County and the other two differences were in Berkeley County. No explanation for the differences was provided on the hand count audit reports for either county, even though SEC instructed counties to provide comments on discrepancies.

For the 2022 primary runoff election, post-election audits conducted in 84 election contests found a difference of 44 votes between the results tape and hand counts. Thirty-nine were found in Berkeley County and one apiece were found in Aiken, Horry, Lexington, Marlboro, and Newberry counties. Upon further review, it was discovered that some of the differences in vote counts were due to undervotes, which is when a voter does not make a selection for an election contest. For example, the hand count audit reports might show undervotes that did not appear on the results tape. It was also discovered that the vote differences in Berkeley County might be due to the examiners counting ballots for a combined precinct during their hand count audit that was not combined on the results tape from the tabulation machine. When removing the vote differences due to the undervotes and combined precinct error in Berkeley County, there were likely few or no differences between the tabulation machines' results tape and hand count audits.

In contrast to the primary election, no differences in vote counts were found in the 173 election contests that had a hand count audit after the 2022 general election.

When comparing the reported number of ballots cast from the results tape to the total ballots cast from the hand count for each election, the ballot count differences were significantly higher than the number of vote differences. We found 1,549 ballot count differences in the primary election hand count audits and 236 in the primary runoff election. However, there were no ballot count differences reported in the general election hand count audits. While we do not know the cause of every ballot count difference reported in the primary and runoff elections, we found that some of the ballot differences may be attributed to typos and some counties reporting the number of *votes* cast instead of the number of *ballots* cast.

Additionally, SEC believes that the form used for the 2022 primary hand count audits could have contributed to the unexplained ballot count differences since the form did not account for dual primaries, combining of precincts, split precincts, and undervotes. Excluding the differences in reported ballot counts due to errors from the examiners completing the hand count audit report, a difference in ballot counts would be concerning because it could signify that ballots were lost or stolen.

Issues Found with Hand Count Audits

During our review of the 2022 primary election and 2022 general election hand count audit procedures and reports, we noted several issues:

- Two counties (Dorchester and Sumter) were assigned by SEC to conduct a hand count audit of early voting for the 2022 general election but failed to do so.
- Several counties reported only using one examiner to complete the hand count audit for the primary, runoff, and general elections.
- Edgefield County did not sign and certify one of its hand count audits.
- Richland County listed a DS450 scanner as its tabulation device, even though these machines are not used in precincts on election day.
- SEC did not use random sampling to determine which precincts and races to audit for the hand count audits conducted after the primary election.
- SEC's hand count audit procedures that were provided to counties are missing important elements.
- SEC only makes a very high-level description of the audit procedures available to the public.

We attended hand count audits in five counties after the 2022 general election and found:

- There was a lack of uniformity in how each county conducted their hand count audit.
- Auditors in two counties (Lexington and Richland) failed to conduct a blind count, which is when the auditor knows what number of ballots or votes he/she is supposed to count before beginning the count.
- Two counties (Dorchester and Richland) failed to open the ballot boxes in public.
- Some counties failed to provide public notice of when their hand count audit would be conducted.
- Dorchester County failed to give the hand count auditors the oath in public view.

- Florence County incorrectly conducted its hand count audit and had to redo it the next day.
- Two counties' reports (Edgefield and Florence) did not match the numbers reported at the hand count audits observed by LAC auditors.
- Richland County misreported how many auditors were used for the hand count versus the number observed by LAC auditors.

While the hand count audits conducted by counties confirmed the results of the election, counties are not following all SEC procedures and the issues have not been corrected. The passage of the FY 22-23 budget, which gave funding for SEC to create a new audit division, could help address many of the issues we observed. Additional statutory changes on how post-election audits are conducted may be needed to ensure uniformity across South Carolina.

Not Using Teams to Conduct Audits

SEC provided counties with procedures on how to conduct post-election hand count audits, which were slightly different for the primary, primary runoff, and general elections. One step in the procedures that did not change between the three elections states, "A team should be chosen and assembled to complete the audit, with the oath being administered prior to the start of the process." Despite having this instruction from SEC, several counties reported having only one examiner conduct their hand count audits. Having multiple examiners conduct the hand count audits is important because multiple sets of eyes can verify the vote counts and help alleviate concerns of potential bias. We reviewed state election laws across the nation and found 22 states require audit teams of two or more individuals, and 11 states require the teams to be bipartisan.

Although SEC's post-election audit procedures say, "a team should be chosen," no guidance is provided on who is allowed to be on the team. Nonetheless, according to an agency official, SEC's instructional policy states counties should only use county election officials. When surveyed:

17	County voter registration and election directors said that county registration and election staff were included on the team.
3	Directors responded that members of county boards of voter registration and elections were included.
3	Directors said that poll workers were included.
4	Directors responded that other individuals, such as staff from other county offices and hired staff from temporary services, were included.

In a report released in June 2023, SEC found that county jail inmates assisted in Berkeley County's hand count audit.

In a report released in June 2023, SEC also found that county jail inmates assisted in Berkeley County's hand count audit. In our review of other states' election laws, South Carolina is aligned with the majority of states by including county election staff on post-election audits. However, there is a potential conflict of interest in having staff who oversee the election also conduct an audit of the results. Outside of the previously mentioned groups of individuals, some states, such as Arizona and Colorado, use political party representatives on their audit teams. Iowa uses registered voters from the county. Minnesota and Washington use the county auditor, and New Jersey and New Mexico use independent auditors.

Not All Counties Allow Public Observation of Audits

Another step in SEC's hand count audit procedures for counties states, "The audit should be performed in a location that is accessible and open to public observation." In our survey of county voter registration and election directors, 18 counties responded that their hand count audits were open to the public. No counties responded that their audits were closed to the public. However, we know of at least one county (Aiken) that did not conduct its hand count audit in public.

Allowing the public to observe the post-election audit is essential because, as the Bipartisan Policy Center's Task Force on Elections states in its 2021 *Bipartisan Principles for Election Audits*, "regardless of how well an audit is run, its results aren't likely to be trusted if it occurs behind closed doors." According to data from the NCSL, 24 states make post-election audits open to the public, 11 states allow select groups (e.g., candidates and political party representatives) to observe but not the public, and 6 states do not specify whether the public is allowed to attend. South Carolina state law only requires audit reports be made available to the public through SEC's website, and is silent on who can attend post-election audits.

Not All Counties Provide Public Notice of Audit

SEC's hand count audit procedures for counties also state:

...while not required by law, we recommend posting a public notice at your office...of the date, time and location of the hand count audit. Consider sharing the notice with the public in other ways and sending it directly to the political parties involved.

While SEC hand count procedures recommend that hand count audits be open to public observation, determining when the hand count audits were going to be conducted was difficult and Aiken County did not allow public observation when requested.

Of the 17 counties that responded to our survey question asking whether a 24-hour public notice was given for the hand count audits, 11 counties responded in the affirmative and 6 in the negative. We also visited the county election office websites for 22 counties on November 10, 2022, the day the general election hand count audit reports were due to SEC, and found only 2 counties posted notice of when their audits were going to be conducted.

We faced similar scheduling concerns when we called nine counties the day before, November 9, 2022, to determine when the counties were going to conduct the audits. Election staff in several counties did not know when the audits would be conducted. We asked Lexington County to inform us when it was going to conduct its hand count audit because we wanted to attend and were not given notice of the audit's start until 12 minutes before it began.

Additionally, we called Aiken County three times on November 9, 2022 to determine when its hand count audit would be held and was told to keep calling back. Later, we arrived in-person on November 9, 2022 to ask and were told that the election staff did not know when the audit would be conducted. Eventually, Aiken County informed the public that the hand count would be performed at noon on November 10, 2022; however, Aiken County elections employees started the hand count audit by themselves four hours before the audit was supposed to begin.

Difficulty determining when post-election hand count audits will begin because counties did not post a notice online, did not know when they would begin, or did not follow their own meeting schedule discourages public involvement and may foster distrust of the election process.

Random Selection Not Used When Determining What to Audit

It is noted in SEC's hand count audit procedures that, "the precinct and office to audit is selected by the [SEC]." According to SEC, the precincts and offices were randomly selected for the 2022 general election, but a judgmental selection was used for the 2022 primary and primary runoff elections. While the precincts and offices were randomly selected for the 2022 general election, the offices that were audited only included statewide offices (e.g., governor, secretary of state, state treasurer), which were largely uncompetitive.

Lack of Uniformity When Conducting Audit

SEC hand count audit procedures allow counties to choose their own counting method. Our observations of county hand count audits found a lack of uniformity and counting methods that did not use a blind count.

In our survey of county voter registration and election directors, we asked the directors if their counties had any difficulties completing the 2022 hand count audit forms for the primary or general elections. One county responded in the affirmative and 17 in the negative. Our review of the completed audit forms found some minor issues, such as Edgefield County not signing its hand count audit for the 2022 primary election, but we also found more notable issues.

For example, we attended Florence County's hand count audit conducted after the 2022 general election and witnessed the county incorrectly complete its audit. Instead of verifying the vote totals for each candidate in a race, the county only verified the number of ballots cast in a precinct. Florence County redid its hand count audit the next day. In another instance, we witnessed Dorchester County's hand count audit and verified that it did not audit all the ballots it was assigned. SEC assigned it to audit early voting and election day ballots but only audited election day ballots.

Length of Time to Complete Post-Election Audits

While many of the issues with the post-election audit process can be corrected with more training and procedural/legal changes, we found that issues with the process might be exacerbated by the short amount of time counties are given to complete the audits. Giving counties more time to complete the audits, and SEC more time to review the audit results, can help ensure that post-election audits are conducted accurately and the correct outcome for the election is ascertained.

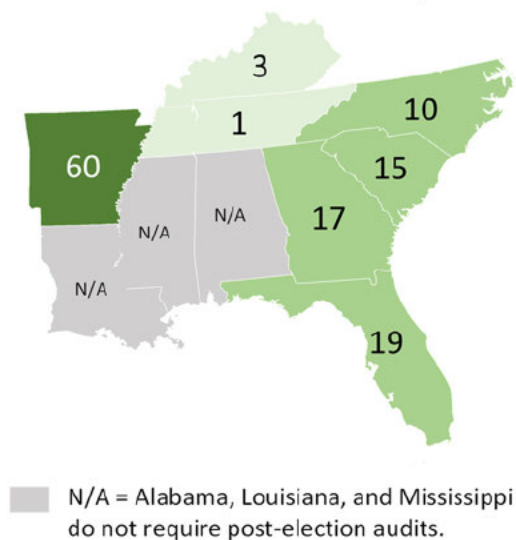
For the 2022 primary and general elections, SEC required counties to conduct and report the results of the hand count audits by 5:00 p.m. on the Thursday after the election. As noted in *Chapter 4*, the audit is one of many post-election duties for county election staff to complete before the county canvassing board is statutorily required to meet before 1:00 p.m. on the Friday following the election. If counties find an issue when conducting the audit or if SEC finds an issue with how the audit was conducted, it leaves little time for the issue to be corrected.

In fact, when asked how SEC reviews the audit reports, an agency official said it only reviewed the audit forms for "discernable discrepancies" which would call into question the accuracy of the election, and even if the forms were not properly completed, SEC did not require the counties to re-do the form. "This was due to the compressed timeline to have the hand count audits completed before certification," according to the agency official.

Across the nation, the length of time post-election audits must begin after an election varies from one day in Arizona and Tennessee to 120 days in Maryland. In the Southeast, the deadline ranges from 1 day in Tennessee to 60 days in Arkansas. Exhibit 3.1 shows post-election audit deadlines for Southeastern states.

**Exhibit 3.1: Post-Election Audit
Deadlines (in Days) for
Southeastern States**

POST-ELECTION AUDIT DEADLINE (IN DAYS)



Source: LAC analysis of Verified Voting data.

While counties in South Carolina, by statute, have until certification of the election by the State Board of Canvassers, which can last up to 15 days after an election, to complete the post-election audit, SEC required counties to have them completed just two days after the 2022 general election which would have been prior to the county canvassing boards' certification of the election. With the two-day deadline imposed by SEC, only Tennessee has a shorter period of time between the end of the election and the start of the audit in the Southeast.

Clear Ballot

We reviewed results verification audits conducted by Clear Ballot, a Boston-based company that manufactures election software and hardware, and found some differences in vote counts between the voting system results and audit results, but not significant enough to call into question the results of either election.

On June 30, 2021, SEC entered into an agreement with Clear Ballot to assist in conducting an independent and automated post-election audit of the:

- 2021 municipal election for select counties.
- 2022 statewide primary election.
- 2022 statewide general election.

As part of the agreement, SEC was required to provide images of all ballots, including absentee and provisional ballots, to Clear Ballot, that, in return, would conduct an independent tabulation of the ballot images and provide reports that identified discrepancies between the results generated by the state's voting system and Clear Ballot's results.

For the 2022 statewide primary election, the Clear Ballot results showed that only 161 differences in vote counts (i.e. discrepancies) were found out of 4,285,126 votes cast across all election contests. Exhibit 3.2 shows the total difference in vote counts, by county, for the 2022 primary election.

Exhibit 3.2: Differences in Vote Counts Between State's Voting System and Clear Ballot Results for the 2022 Primary Election

COUNTY	TOTAL VOTES CAST	TOTAL DIFFERENCE IN VOTE COUNTS	PERCENT OF VOTES
Florence	125,164	108	0.0863%
Dillon	28,810	33	0.1145%
Horry	584,077	5	0.0009%
Berkeley	226,992	4	0.0018%
Charleston	391,451	3	0.0008%
Beaufort	239,603	2	0.0008%
Richland	201,579	2	0.0010%
Dorchester	135,070	1	0.0007%
Marion	25,062	1	0.0040%
Colleton	44,733	1	0.0022%
Greenville	406,969	1	0.0002%
Other	1,875,616	0	0.0000%
TOTAL	4,285,126	161	0.0038%

Source: LAC Analysis of Clear Ballot Audit Results

For the 2022 statewide general election, the Clear Ballot results showed that 1,297 differences in vote counts were found out of 27,237,193 votes cast across all election contests. While York County had significantly more differences in vote count (569) than all other counties, no individual election contest had more than 37 vote differences. Thus, no election contest had enough vote differences to call into question the election results in the county. Exhibit 3.3 shows the total difference in vote counts, by county, for the 2022 general election.

Exhibit 3.3: Differences in Vote Counts Between State's Voting System and Clear Ballot Results for the 2022 General Election

COUNTY	TOTAL VOTES CAST	TOTAL DIFFERENCE IN VOTE COUNTS	PERCENT OF VOTES
York	1,482,462	569	0.0384%
Aiken	712,451	124	0.0174%
Greenville	2,743,154	75	0.0027%
Horry	2,261,343	73	0.0032%
Berkeley	1,404,625	67	0.0048%
Chester	165,392	61	0.0369%
Richland	2,081,235	44	0.0021%
Sumter	463,410	39	0.0084%
Fairfield	133,640	37	0.0277%
Florence	479,867	32	0.0067%
Calhoun	77,566	29	0.0374%
Lexington	1,619,111	21	0.0013%
Beaufort	1,313,627	21	0.0016%
Pickens	680,562	20	0.0029%
Laurens	310,361	19	0.0061%
Barnwell	87,685	16	0.0182%
Clarendon	181,006	14	0.0077%
Charleston	2,527,003	14	0.0006%
Dorchester	855,763	5	0.0006%
Anderson	1,075,566	4	0.0004%
Lancaster	514,300	4	0.0008%
Spartanburg	1,513,502	2	0.0001%
Marion	124,612	2	0.0016%
Kershaw	409,358	1	0.0002%
Orangeburg	412,133	1	0.0002%
Marlboro	95,571	1	0.0010%
Georgetown	382,738	1	0.0003%
Greenwood	296,830	1	0.0003%
Other	2,832,320	0	0.0000%
TOTAL	27,237,193	1,297	0.0048%

Source: LAC Analysis of Clear Ballot Audit Results

Risk-Limiting Audits

Nationwide, there has been a trend toward implementing risk-limiting audits (RLAs) after elections, and SEC is currently reviewing which type of RLA would be best to implement. While RLAs are intended to verify, with a specified level of confidence, that the election outcome was correctly reported, the complex methodology involved in conducting RLAs could lead to public skepticism. This highlights the need for SEC to better inform the public on how its post-election audits are conducted and for the public to have the right to observe the post-election audit process.

According to the NCSL, a risk-limiting audit is a:

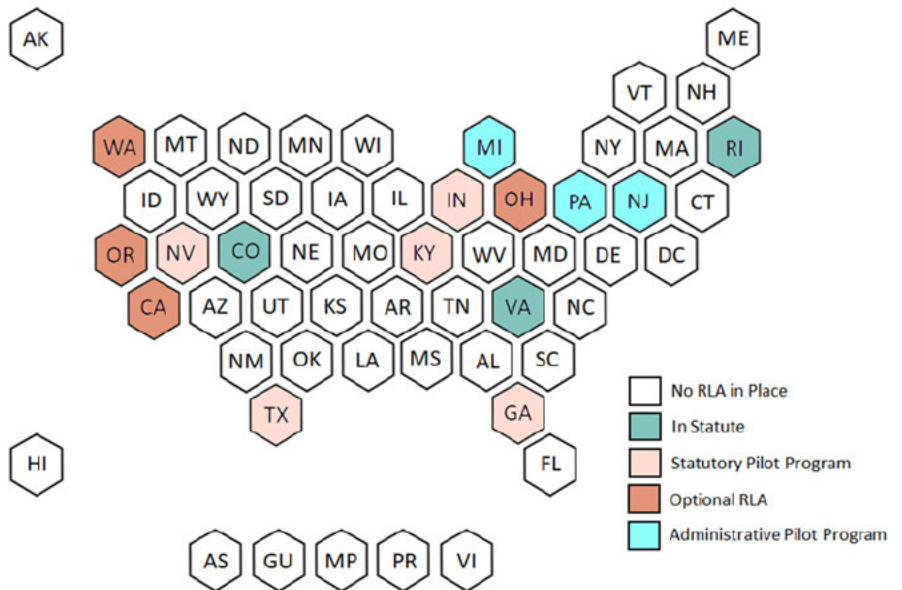
...statistically based audit technique... designed to limit the risk that a contest is certified with the wrong winner. It does this by increasing the initial sample when discrepancies are found until either the level of confidence has been met or a full recount has been performed.

There are three ways to conduct RLAs:

1. **BALLOT-LEVEL COMPARISON AUDIT**—Individual paper ballots are randomly selected, the voter markings are examined and interpreted manually, and the human interpretation of voter intent is compared to the voting system’s interpretation of the same ballot, as reflected in the corresponding cast vote records.
2. **BALLOT-POLLING AUDIT**—Individual paper ballots are randomly selected, and the voter markings are examined and interpreted manually. If a large enough sample shows a large enough majority for the reported winner, the audit stops.
3. **BATCH-LEVEL COMPARISON AUDIT**—Votes in each selected physical batch of ballots, such as all ballots cast in a precinct or all mail ballots scanned together as a batch by a particular machine, are examined manually and tabulated, and the audit counts are compared to the voting system’s reported subtotals.

As of September 2022, three states had requirements in statute to use RLAs, five states had statutory pilot programs to use RLAs, four states had optional RLAs, and another three states had administrative pilot programs to use RLAs. Exhibit 3.4 shows the use of RLAs in each state.

Exhibit 3.4: Use of Risk-Limiting Audits Across the Nation, as of September 2022



Source: NCSL

Best Practices

According to the U.S. Election Assistance Commission, “[t]here is no single national auditing standard.” Our review of best practices in post-election audits found numerous recommendations from organizations across the political spectrum. While SEC has or is implementing several of the best practices, statutory change might be needed to ensure that best practices are enforceable statewide.

In August 2021, the National Association of Secretaries of State's (NASS's) Task Force on Vote Verification issued a set of recommendations for conducting post-election audits. The task force consisted of a bipartisan group of eight chief election officials. Exhibit 3.5 shows the task force's recommendations and our analysis of whether the recommendations have been implemented in statute and/or by SEC.

Later in 2021, the Bipartisan Policy Center's Task Force on Elections issued its own set of recommendations for election audits. The task force was comprised of 28 state and local election officials from 20 states. Exhibit 3.6 shows the task force's recommendations and our analysis of whether the recommendations have been implemented in statute and/or by SEC.

**Exhibit 3.5 NASS Recommended Best Practices for Post-Election Audits
and the LAC's Analysis of Whether the Best Practices Have Been Implemented in South Carolina**

NASS RECOMMENDATION	LAC ANALYSIS
Requirements and timeframes for post-election audits should be in place before an election. Election results should be recertified based on the results of the audit.	The S.C. Code of Laws gives counties until certification of the election by the State Board of Canvassers, which can last up to 15 days after an election, to complete the post-election audit, but SEC has required counties to complete the audits just two days after the election. State law is silent on what happens if an error in the election results is found after certification.
Ensure chain of custody throughout the post-election audit process.	We did not audit counties' adherence to chain of custody requirements, but we observed several precincts not following SEC's requirements on the use of seals, which are used to secure voting machines. We also reviewed one county's ballot reconciliation sheets, which called into question whether all ballots used for the 2022 primary election were accounted for properly. SEC's new audit division has also started conducting county compliance audits which have looked at county compliance with the use of seals.
State and local election officials should be involved in the selection of the precincts or equipment to be audited. Involvement from third parties, such as CPA firms, should be determined prior to an election.	SEC officials select which precincts and election contests will be audited.
The post-election audit process should be transparent and allow the public, media, etc. to observe the audit. The audit results should be made publicly available afterwards.	SEC's instructions to counties recommend that counties perform the post-election audit process in a location accessible and open to public observation, but there is no requirement in state law for public access. However, the audit results are required to be posted on SEC's website, per S.C. Code §7-3-20(D)(19).
States should have criteria in place prior to an election for the use of a federally or state accredited test lab to perform an audit of voting machine hardware or software.	S.C. Code §7-13-1620(A) requires any voting system used in the state to be certified by a testing laboratory accredited by the Federal Election Assistance Commission (EAC) as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. As discussed in <i>Chapter 4</i> , the ES&S's ballot marking devices and scanners have undergone federal testing. The electronic poll books have not been tested by the EAC and there are no federal minimum standards or guidelines for them.
The public should be informed of the post-election audit process and other processes to give voters confidence in the accuracy of the results.	SEC only provides a brief description of how post-election audits are conducted on its website. A more detailed set of instructions is provided to county election staff.

Source: NASS Task Force on Vote Verification: Post-Election Audit Recommendations and LAC Analysis

**Exhibit 3.6 Bipartisan Policy Center Recommended Best Practices for Post-Election Audits
and the LAC's Analysis of Whether the Best Practices Have Been Implemented in South Carolina**

BIPARTISAN POLICY CENTER RECOMMENDATIONS	LAC ANALYSIS
Audits should occur after every election and be explicitly authorized in state law.	S.C. Code §7-3-20(D)(19) requires SEC's Executive Director to audit election results after every statewide election. SEC oversaw audits after the 2022 primary and general elections.
Audits should have a thorough, pre-established methodology. The methodology should be made public well ahead of the audit.	SEC created instructions for counties on how to complete the audits and held trainings for county election staff, according to an agency official. However, as previously noted, we found several issues during the 2022 primary and general election hand count audits. SEC only provides a very brief overview of how the audits are conducted on its website.
Audits should follow established security best practices and be conducted with trusted technology and tools.	In the 2022 primary and general elections, audits were conducted by hand count. Audits were also conducted by Clear Ballot. SEC and counties provide all voted ballot images, in an unencrypted form, and cast vote records to Clear Ballot. The statement of work (SOW) states that Clear Ballot will provide a secure method of transfer of the files, but no further detail is provided. Also, the SOW says that Clear Ballot will maintain all records for a minimum of six years. It is not clear what Clear Ballot does with the ballot images and cast vote records after the minimum retention period, but the organization is required to hold all confidential information "in strictest confidence."
Election officials must maintain custody of ballots and other election peripherals in accordance with federal and state law and judicial standards for admissible evidence.	Various sections of the S.C. Code of Laws have requirements on custody of election material. S.C. Code §7-13-1330(N) requires all electronic records for a statewide election to be preserved for at least 24 months following the election. S.C. Code Regs. §12-601.14 requires results and certification documents to be kept permanently and other election material for two years. We did not audit counties' adherence to chain of custody requirements, but we observed several precincts not following SEC's requirements on the use of seals. We also reviewed one county's ballot reconciliation sheets which called into question whether all ballots used for the 2022 primary election were accounted for properly. SEC's new audit division has also started conducting county compliance audits which have looked at county compliance with the use of seals.
Audits should be fully funded by state or local public resources.	We found no evidence that any private funds have been used to fund election audits.
Audits should be transparent and open to the public for observation.	SEC's instructions to counties recommend that counties conduct the audit in a location that is open to public observation, but there is no requirement in state law for public access.
Audit results should be clearly communicated to the public after their completion.	S.C. Code §7-3-20(D)(19) requires audit reports to be published on SEC's website. SEC has posted the reports for the 2022 primary and general elections on its website.
Audits should take place before results are certified.	S.C. Code §7-3-20(D)(19) requires audits to be completed before certification of the election results by the State Board of Canvassers. SEC required counties to complete the audits before county certification.

Source: Bipartisan Policy Center's Bipartisan Principles for Election Audits and LAC Analysis

We also reviewed literature on election audit best practices from the NCSL, the Caltech/MIT Voting Technology Project, the Brennan Center for Justice at NYU School of Law and Samuelson Law, Technology & Public Policy Clinic at UC-Berkeley, and The Heritage Foundation. All the organizations discussed that election audits do not have to be limited to traditional post-election tabulation audits that only verify whether the ballots fed into the tabulation machines were counted correctly. Traditional post-election tabulation audits, for example, do not tell us whether the voters who cast ballots were actually eligible to do so or whether the vote-by-mail process was run in compliance with state law or SEC guidance.

According to the NCSL, election audits can include:

- Legal audits.
- Access audits.
- Ballot design audits.
- Process audits.
- Equipment audits.
- Configuration audits.

These audits can be performed on different aspects of elections, including:

- Voter registration databases.
- Voter district and precinct assignments.
- Security procedures.
- Voting equipment.
- Ballot reconciliation.
- Chain of custody.

During the course of our audit, SEC created a new audit division that was funded by the FY 22-23 state budget. The audit division has started conducting audits evaluating county compliance with more aspects of election administration than traditional post-election audits. This is a positive move towards ensuring integrity in our elections.

Recommendations

10. The General Assembly should amend state law to require post-election audit teams to include more than one individual.
11. The General Assembly should amend state law to provide guidance on who is allowed to serve on a post-election audit team.
12. The General Assembly should amend state law to provide guidance on who is allowed to observe post-election audits.
13. The General Assembly should amend state law to require public notice of post-election audits.
14. The State Election Commission should randomly select precincts and contests for all future post-election audits.
15. The State Election Commission should include non-statewide races, such as S.C. House of Representatives races and county sheriff races, in post-election audits.
16. The State Election Commission should require post-election hand count audits to be conducted using a blind count.
17. The State Election Commission should require post-election audits to be completed if the assigned election contest, precincts, or ballots are not audited.
18. The General Assembly should amend state law to give the State Election Commission and counties more time to complete post-election audits than is currently allowed in statute.
19. The State Election Commission should make detailed instructions of how post-election audits are conducted in South Carolina available to the public on its website.
20. The General Assembly should amend state law to provide guidance on what should be done when an error in the election results is found after the election is certified.
21. The State Election Commission's audit division should continue evaluating county compliance with federal and state election law and State Election Commission guidance, and ensure that all aspects of election administration are included in its audits; especially, ensuring hand count audits are properly conducted according to state law and SEC procedures.

Processing Mail-In Ballots

We were asked to review SEC's internal controls for mail-in ballots that are missing signatures, arriving damaged, or becoming lost, and we found:

- SEC has procedures in place to address each of these circumstances.
- Implementing a ballot curing process could help reduce the number of mail-in ballots that are rejected.

Ballots Missing Signatures

Currently, state law does not allow voters to cure (i.e., correct) absentee ballots with missing signatures, but we found that almost half of states allow voters to cure their absentee ballots and it might help reduce absentee ballot rejection rates.

S.C. Code §7-15-220(A) requires mail-in voters to sign and have someone 18 years or older witness the oath on absentee ballot applications. S.C. Code §7-15-230 prevents the absentee ballot from being counted if the oath is not properly signed. SEC procedures state the following should occur when an absentee ballot is returned unsigned:

1. Account for the ballot in the state's voter registration system.
2. Place ballot in its own "Attention" envelope without opening the ballot.
3. Write the voter's name and voter registration number on the Attention envelope.
4. Place Attention envelope in absentee ballot box.
5. When the absentee ballot box is opened on election day, Attention envelopes will be separated from other absentee envelopes.
6. Upon review, other absentee ballots may be found to be missing signatures and will be put in their own Attention envelopes. The state voter registration system will be updated, as well.
7. Election workers then compare the number of Attention envelopes to the number reported in the state voter registration system.
8. Finally, the public is given a chance to view absentee return envelopes.

Ultimately, absentee ballots that are in Attention envelopes because of missing signatures will not be counted. The Massachusetts Institute of Technology (MIT) Election Data and Science Lab found that South Carolina's absentee ballot rejection rate in 2020 was 1.05%, which was the 12th highest rejection rate in the country. The counties with the ten highest rejection rates in South Carolina are displayed in Exhibit 3.7. While missing signatures is one reason absentee ballots might be rejected, it is not the only reason. For example, absentee ballots might be rejected for being received after polls close on election day.

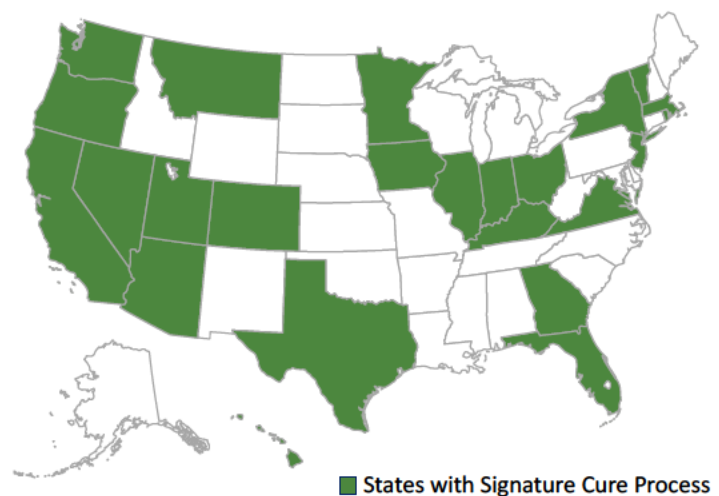
Exhibit 3.7: Top Ten Counties in S.C. with the Highest Absentee Ballot Rejection Rates in 2020

COUNTY	REJECTION RATE (%)
Union	7.47
Marion	4.04
Cherokee	3.36
Clarendon	3.24
Williamsburg	3.12
Laurens	3.12
Georgetown	2.97
Barnwell	2.86
Lancaster	2.75
Hampton	2.69

Source: MIT Election Data and Science Lab

Currently, South Carolina does not allow for signature verification or a cure process for missing signatures. However, as shown in Exhibit 3.8, 24 states have a process in place to allow voters to cure absentee ballots with missing/mismatched signatures or vote with a replacement ballot as of January 2022. While the percentage of absentee ballots that are rejected in South Carolina is relatively low, the ability for voters to cure absentee ballots with missing signatures could lower the rejection rate.

Exhibit 3.8: States That Allow Voters to Cure Absentee Ballots for Missing/Mismatched Signatures as of January 2022



Source: NCSL

Ballots Arriving Damaged

S.C. Code §7-13-1410(f) allows the county board of voter registration and elections to create duplicate ballots for ballots that are damaged to the point where they are unable to be counted by the tabulation machines. SEC procedures for duplicating damaged ballots include the following steps:

1. Assembling a three-person resolution/duplication team made up of impartial or balanced partisan members.
2. Setting up an area where the public can observe the process.
3. Marking the original and duplicate ballot clearly with unique numbers.
4. Determining voter intent. A vote will only be counted if there is no question of the voter's intent.

In our survey, most of the 16 county directors that responded affirmed that damaged ballots that cannot be read by a scanner will be duplicated.

Ballots Becoming Lost

In FY 21-22, SEC implemented a statewide ballot tracking system prior to the June primaries which allows voters to track their mail-in absentee ballot envelopes through the U.S. Postal Service. A link for voters to track the envelope can be found on SEC's website. Additionally, every step of the mail-in ballot process should be tracked in the state's voter registration system, according to an SEC official.

If a voter is issued an absentee ballot but does not return it, he/she can vote using a provisional ballot at a polling location. According to SEC's poll manager handbook, the "[provisional] ballot will count if the voter has not returned an absentee ballot and is otherwise qualified."

Recommendation

22. The General Assembly should consider amending state law to allow voters to cure absentee ballots with missing signatures.

Counting Ballots and Reporting Results to SEC

We reviewed SEC's internal controls for counting different types of ballots and reporting the results and found:

- Not all counties followed SEC guidance on retention of early voting ballots at the end of each day of early voting.
- All ballots, regardless of the type, are counted using Election Systems and Software (ES&S) tabulation machines. ES&S is the private company that manufactures South Carolina's voting machines.
- There are steps in the ballot counting process where election results could be released early, but we found no evidence that this occurred in the 2022 primary or general elections.

In-Person Ballots

To process and count ballots cast in person, SEC has different procedures depending on how the ballots are cast. However, all voters who vote in person cast their ballots by inserting them into an ES&S DS200 scanner.

Early Voting

SEC procedures state that at the end of each day of early voting, poll workers are to remove the ballot bin containing ballots cast from each scanner. The ballot bin is then locked and sealed for transport to the county election office where a chain of custody log is completed and seals are examined before the ballots are deposited into a central repository. According to SEC's procedures, only employees or members of each county board of voter registration and elections should transport the ballots to the central repository.

While the ballots cast on each day of early voting are supposed to be moved out of the scanner and into a central repository, we found that three early voting locations were likely not following these procedures. During our visits to early voting locations for the 2022 primary election, officials at one location told us that the ballots are left at the early voting location after each night, and officials at two other locations specifically told us that the ballots are left in the DS200 scanners at the end of each day.

At the end of each day of early voting, the DS200 scanners should be shut down, but ballots should not be tabulated at that point. A potential weakness in this process is noted in SEC's procedures for early voting:

WARNING: NEVER "CLOSE THE POLLS" during the early voting period. Doing so will prompt the scanner to begin printing a results tape. Any person who releases election results may be convicted of a felony.

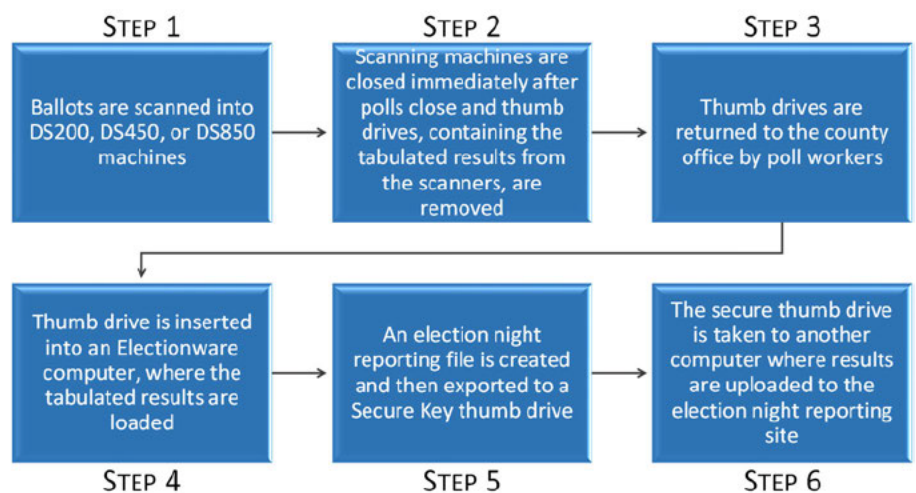
Even though the possibility exists that results from early voting could be released early, we found no evidence that this happened in either the 2022 primary or general elections.

Election Day

After polls close on election day, poll workers are instructed to immediately scan all emergency ballots and close the ballot scanners. If emergency ballots cannot be scanned, they will be returned to the county election office or hand counted in public. Then, the thumb drives located in the DS200 scanners, along with the ballots, should be returned to the county election office the night of the election.

Once at the county office, the thumb drives are plugged into the Electionware computer. According to an SEC official, this computer is owned and managed by SEC. It is locked, not connected to the internet, and can only be used one way. Then, county election officials take another encrypted thumb drive loaded with the results from the Electionware computer to another computer that is connected to a Scytl server. Scytl is the company that manages the election night reporting website for South Carolina. Once the results are loaded onto Scytl's server, SEC and Scytl both review the results before they are released to the public. Exhibit 3.9 summarizes this process.

Exhibit 3.9: Steps to Report Results from Tabulation Machines to SEC



Source: LAC Review of SEC Policies and Procedures

Mail-In Ballots

Per SEC procedures, voters who return their own absentee ballots can return them one of three ways: in person at the county elections office, by mail, or in person at an early voting center. Absentee ballots may also be returned by immediate family members or authorized representatives. When a ballot is returned this way, both the voter and authorized returner must complete and sign an authorized returner form. The authorized returner can only return the ballot in person at the county election office or early voting center and, when he/she returns the ballot, he/she must show his photo ID.

Election workers are instructed to enter the returner's information into the state voter registration system. This way, election workers can verify how many absentee ballots a returner has returned. Per S.C. Code §7-15-385(G), no person can return absentee ballots for more than five voters, in addition to the person's own. As noted in *Chapter 1*, we found only one person that may have violated this state law.

Once received, absentee ballots must be placed in a locked ballot box. SEC procedures state that election workers cannot open the absentee ballot boxes earlier than 7:00 a.m. on the second day before an election. Even then, only the outer absentee return envelopes may be opened and the inner ballot here-in envelopes removed. Once removed, the ballot here-in envelopes must be placed in a locked box by the county. Beginning at 7:00 a.m. on election day, the locked box containing the ballot here-in envelopes can be opened, revealing the absentee ballots, which are then scanned into tabulation machines. Anyone who intentionally makes public the results of the ballot tabulations before polls are closed is guilty of a felony, per S.C. Code §7-15-420(E). Once the ballots are scanned into the machines, the tabulated results are reported to SEC through the same process outlined in Exhibit 3.9.

Provisional Ballots

Voters who cast provisional ballots have their ballots inserted into a specific compartment on a DS200 scanner or into a designated ballot box that is separate from non-provisional, non-emergency ballots. When the polls are closed on election day, poll workers must remove all the provisional ballot envelopes from the designated compartment or ballot box and return them unopened to the office.

Provisional ballots are held until the county board of voter registration and elections meets to hear objections to the votes. At the hearings, voters who cast a provisional ballot are allowed to attend with or without legal counsel to present evidence. Ultimately, the county board of voter registration and elections determines whether provisional ballots will be counted.

In our observations of provisional ballot hearings, the county board of voter registration and elections hand counts the provisional ballots in person or immediately scans the ballots into a DS200 scanner to tabulate the results once it is determined whether the ballots should be counted. The results are then reported to SEC through the same process outlined in Exhibit 3.9.

More Than One Ballot from Same Voter

S.C. Code §7-25-110 makes it a felony to vote more than once in an election. Every time a voter is issued a ballot in-person or through the mail, it is tracked in the state's voter registration system. If someone arrives to vote in-person who has already been issued a ballot, the electronic poll book should notify the poll worker that the voter has already been issued a ballot.

SEC's poll manager handbook instructs poll workers to allow the voter to vote using a provisional ballot if the ballot that was previously issued was an absentee ballot and has not been returned. If the ballot that was previously issued was an absentee ballot that was returned, the handbook instructs poll workers to inform the voter that he has already voted and is not eligible to vote again. If the voter insists that he/she did not return an absentee ballot even after being informed that it is a felony to vote twice, he/she will be allowed to cast a provisional ballot. The county board of voter registration and elections will then determine whether the ballot should be counted at the provisional ballot hearing.

If the ballot that was previously issued was at an early voting center, the electronic poll book should notify the poll worker that a ballot was already issued. The poll manager handbook does not give the option of allowing voters who the electronic poll book says were already issued a ballot at an early voting center to cast a provisional ballot if they insist they did not already vote. As noted in *Chapter 4*, we found that electronic poll books used during the 2022 general election incorrectly indicated voters who had already voted could vote again.

Recommendation

23. The State Election Commission should ensure that county voter registration and election offices comply with State Election Commission procedures for the storage of ballots at the end of each day of early voting.

Legal Compliance of SEC and Local Election Boards

We reviewed the mechanisms SEC has in place for monitoring and enforcing election laws. We found:

- SEC's past compliance audits of county boards of voter registration and elections were completed by personnel without any audit training; therefore, these reports were deemed unusable by agency officials.
- Federal government agencies seldom audit state or local election offices; rather, these agencies provide state and local election offices with tools and resources to ensure elections are conducted safely, effectively, and legally.
- For the 2022 election cycle, the South Carolina Law Enforcement Division (SLED) received 105 reports via its new election hotline; however, no arrests or indictments have been made.
- Five county boards of voter registration and elections are inadequately staffed.

SEC Sanctioning of County Boards of Voter Registration and Elections

From 2016 to 2018, and in 2021, SEC conducted compliance audits of county boards of voter registration and elections to determine if county election offices were complying with federal and state laws, as well as SEC policies and procedures. An agency official described these past compliance audits as unusable because the audits were conducted by individuals who never received training on how to properly conduct an audit.

SEC plans to have its newly-created audit division conduct county compliance audits. The auditors will review county boards of voter registration and elections' compliance with state law, SEC's statewide standardized procedures, and other relevant criteria. The audit division will also be responsible for coordinating post-election audits, which include hand-count audits and risk-limiting audits. The reports and findings will be given to county boards of voter registration and elections and the county delegations. Moreover, to embrace transparency in the election process, SEC plans on publishing the auditors' reports on its website. An agency official indicated that SEC will be in a better position to hold counties accountable once the audit division starts these compliance audits.

Many complaints about the election process stem from events or incidents that occur on election day. Auditing polling places on election day would give the agency a better understanding of the election process, such as voting machine troubleshooting issues, voter confusion, and poll worker issues.

In June 2023, SEC's newly-created audit division completed and published an audit of the Board of Voter Registration and Elections of Berkeley County (BVREBC). The audit is publicly available on SEC's website. A state representative requested this audit to ensure BVREBC was following the requirements of applicable state and federal law, as well as SEC policies, procedures, and standardized processes regarding the conduct of elections or the voter registration process by all persons involved in the elections process.

SEC's audit division made 29 recommendations to BVREBC, and these recommendations were implemented in a corrective action plan developed by the county and approved by SEC's audit division. The corrective action plan can also be found on SEC's website. The agency intends to complete a follow-up audit of BVREBC after the November 2023 election.

S.C. Code §7-3-25 authorizes SEC to create and implement a corrective action plan with a county board of voter registration and elections which has violated the law or SEC policies and procedures. SEC has only done this a few times in the history of the agency. Before the BVREBC's corrective action plan, the last time this occurred was in 2018 with the Board of Voter Registration and Elections of Richland County because a few thousand ballots were not counted in the 2018 election. SEC decertified the entire office, and everyone at the office had to retake all SEC training classes.

S.C. Code §7-3-25 does not authorize SEC to reprimand, suspend, or terminate any board member or staff at the county election offices if he/she fails to comply with the law or SEC policies and procedures. Essentially, any infractions or violations discovered during SEC's compliance audits would act as suggestions for improvements because the agency cannot legally compel the county election office to correct any infraction or violation discovered.

Federal Government Sanctioning SEC or County Boards of Voter Registration and Elections

Federal agencies do not generally sanction state or local election offices for violating federal election laws; rather, federal agencies act as resources to many state and local election offices. The U.S. Election Assistance Commission (EAC) provides state and local election offices with best practice standards and guidance when it comes to conducting and securing elections. The U.S. Department of Homeland Security (DHS) offers no-cost cybersecurity services to state and local election officials, when requested. The U.S. Department of Justice (DOJ) issues guidance to state election officials to ensure state election offices comply with federal election laws and to ensure voters with disabilities have an equal opportunity to exercise their right to vote in accordance with the Americans with Disabilities Act.

The Federal Bureau of Investigation (FBI), on the other hand, investigates violations of federal criminal election laws committed by individuals. Typically, if a state or local election official violates a federal election law, the proper course of action is for the aggrieved party to sue the office in federal court.

The only audit we found conducted by a federal agency of a South Carolina election office was a January 2007 audit conducted by the EAC to determine if SEC appropriately spent Help America Vote Act (HAVA) funding.

This audit determined SEC generally complied with the spending requirements; however, EAC identified the following four areas that required management attention and corrective action:

- SEC failed to obtain required prior approval from EAC to purchase and outfit a \$92,506 bus with HAVA funds.
- County election offices failed to keep sufficient records accounting for election equipment purchased with HAVA funds.
- The state underestimated how much it was required to match in HAVA funds by \$85,319 and failed to deposit its matching funds into the state's election fund, which resulted in a loss of interest of \$29,475.
- SEC was unable to provide supporting documentation to show that it had met its maintenance of effort requirement for activities funded by Section 251 HAVA payments at a level not less than expended in the state fiscal year ending June 30, 2000.

SEC agreed with the findings in the EAC audit and indicated that corrective action was in process.

Internal Controls of County Boards of Voter Registration and Elections

Our office has the legal authority to audit state agencies—not county agencies. Therefore, any information we retrieved from a county board of voter registration and elections either was provided by SEC or was voluntarily provided by the county election offices.

We asked SEC for any county-created policies and procedures it might possess and were provided with policies and procedures from five county boards of voter registration and elections. Most of these policies were insufficient in content, outdated, and/or incoherent.

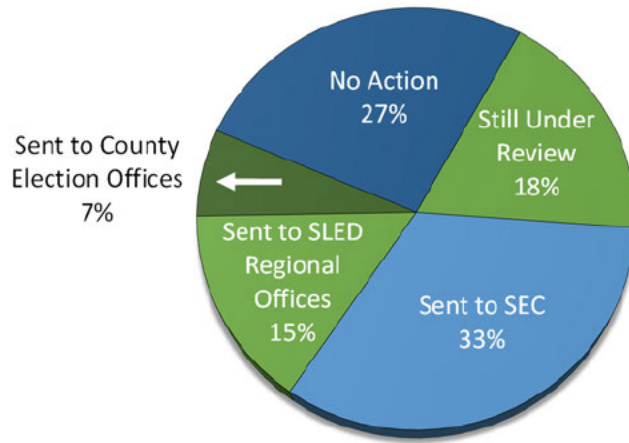
We also asked county election offices to voluntarily give us any county-created policies and procedures when we conducted our survey of county election directors. None of the ten directors who reported having a county-created handbook or manual provided us with a copy. As such, we were unable to obtain a sufficient sample of internal control policies and procedures adopted by county boards of voter registration and elections to complete a proper comparison and analysis.

Election Complaints Sent to SLED

With the signing of Act 150 of 2022, SLED established a hotline to receive reports of possible election fraud and other violations of election laws. Any reports of election fraud go directly to the executive captain of investigative services, and the reports are documented and reviewed by the captain and major of investigative services and SLED's general counsel.

For the 2022 election cycle, SLED received 105 reports through the hotline. According to SLED, many of the reports concerned the Republican Party taking over the Greenville County reorganization of precincts. SLED also reported receiving complaints involving candidates being too close to the polling locations, voting machines being down, inaccuracy in the voter registration list, people taking pictures of their ballots, and suspicions of tampering with voting machines. Of the 105 reports received by SLED as of April 2023, 19 reports were still under review by SLED, 35 reports were sent to SEC for review, 16 reports were forwarded to SLED regional offices, 7 reports were referred to county election offices, and 28 reports required no action since they involved hang-ups, multiple contacts, and scripted calls, as shown in Exhibit 3.10. A SLED official reports no arrests or indictments have been made as of April 13, 2023.

**Exhibit 3.10: Status of SLED
Election Hotline Reports,
as of April 23, 2023**



Source: LAC Analysis of Data Provided by SLED

**Improper Staffing of
County Boards of Voter
Registration and Elections**

S.C. Code §7-5-10(A)(1) states the Governor, with the recommendation of the county legislative delegation, shall appoint the board members of each county board of voter registration and elections. There should be at least five, but no more than nine, members of a county board of voter registration and elections. It is problematic if a county board of voter registration and elections is either understaffed or overstaffed, especially if the county board of voter registration and elections may not run as efficiently and effectively as it would if it was appropriately staffed.

SEC maintains a list of all active members on each county board of voter registration and elections and uses this list to make sure each member has satisfied his/her training requirements. SEC could also use this list to see if the county boards of voter registration and elections are sufficiently staffed in accordance with S.C. Code §7-5-10(A)(1). We analyzed this list and discovered, as of January 2023, four county boards—Allendale, Chesterfield, Florence, and Richland—were inadequately staffed with only four members, and the Board of Voter Registration and Elections of Greenwood County was overstaffed with ten members.

Recommendations

24. The General Assembly should amend state law to grant the State Election Commission the authority to reprimand, suspend, or terminate any board member or staff of a county election office if he/she fails to comply with state and federal election laws.
25. The State Election Commission should expand its compliance audits to include real-time audits of the election process at polling locations.
26. The State Election Commission should actively monitor how many members are serving on the county boards of voter registration and elections to ensure that the boards are appropriately staffed in accordance with S.C. Code §7-5-10(A)(1).
27. The State Election Commission should promptly notify the Governor's Office in instances where a county board of voter registration and elections is staffed improperly.

Election Observations

Observations of Early Voting Centers

Act 150 of 2022 created no excuse, early voting in South Carolina effective May 13, 2022. South Carolina voters may now cast ballots ahead of election day by voting at a designated early voting center during the two-week early voting period. Election day for the 2022 primary election was June 14, 2022. County election offices had to quickly establish early voting centers before the early voting period started on May 31, 2022.

We visited a statistically-valid sample (38) of early voting centers during the 2022 primary election and found:

- A ballot box at an early voting center was in plain sight and unsecured.
- Several early voting centers did not have the required signage.
- A few early voting centers had missing or tampered seals on their scanners. A subsequent review of poll worker training material found no protocols for poll workers to document if a seal has been tampered with or removed.
- Many early voting centers either failed to post the zero tape or it was posted after the polls opened. A zero tape is a piece of paper the scanner prints after it has been set up properly. It is publicly posted to show no votes had been cast prior to the polls opening.
- An early voting center posted the incorrect days and times of the early voting period.
- Poll workers at some early voting centers denied us access to observe the election process.

Statistically-Valid Sample of Early Voting Centers Observed

There were 82 voting centers for the 2022 primary election. We randomly selected and visited 38 of the 82 early voting centers, a statistically-valid sample size using a 90% confidence level and a 10% margin of error.

We evaluated these 38 early voting centers using criteria based on state election laws and directions provided in SEC training materials. The following issues were observed:

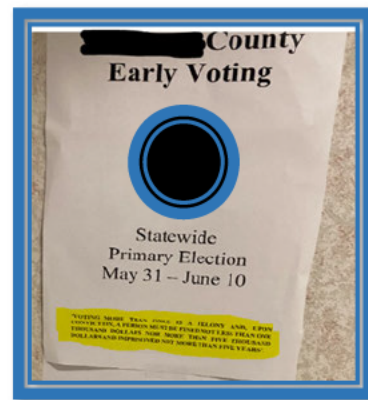
1	Early Voting Center Had an Unsecured Ballot Box Outside the Scanner and in Public View
17	Early Voting Centers Did Not Have Directional Signs From the Ballot Marking Devices (BMDs) to the Scanner
9	Early Voting Centers Did Not Prominently Post the Sign Warning Voters that it is Illegal to Vote More Than Once
3	Early Voting Centers Did Not Have Any Official Seal on the Scanner
3	Early Voting Centers Had a Seal Over the Scanner's Thumb Drive Compartment Indicating the Seal Had Either Been Tampered With or Removed
6	Early Voting Centers Had Zero Tape Printed After the Polls Opened
5	Early Voting Centers Failed to Post the Zero Tape At All
1	Early Voting Center Had the Incorrect Days and Hours of the Early Voting Period for the 2022 Primary Election
2	Early Voting Centers Refused Us Full Access to View the Election Process

One early voting center had an unsecured ballot box outside the scanner and in public view. The ballot box is required to be inside the scanner so it can collect the ballots after they are scanned and tabulated. We asked the county employee supervising this early voting center why the ballot box was outside the scanner and the employee did not know why the ballot box was not inside the scanner.

Forty-five percent (17 of 38) of early voting centers did not have directional signs from the ballot marking devices (BMDs) to the scanner. A directional sign to the scanner is vital because it informs the voter that the marked ballot must be placed into the scanner before exiting. The scanner tabulates all marked ballots. Therefore, if a voter fails to place a marked ballot into the scanner, the ballot is not tabulated and counted.

Twenty-four percent (9 of 38) of early voting centers did not prominently post the sign warning voters that it is illegal to vote more than once. S.C. Code §7-13-25(K) requires early voting centers to prominently post this sign. As shown in Exhibit 4.1, one county posted a sign with the proper verbiage but in very small font. Since the law requires this sign to be prominently posted, we found that these early voting centers from this county did not follow the law.

Exhibit 4.1: Signage Fails to Prominently State It Is Illegal to Vote More Than Once



Source: LAC Auditor Photograph

Eight percent (3 of 38) of early voting centers did not have any official seal on the scanner. SEC requires all scanners to have a tamperproof security seal over the scanner's locked compartment. This is an added security measure which limits access to the flash drive located in the compartment. This flash drive stores all early voting centers' vote tabulations. When the polls close on election day, the seal is removed, the compartment is unlocked, and the flash drive is retrieved and taken to the county election office.

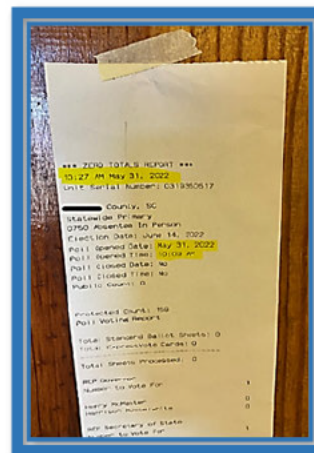
Eight percent (3 of 38) of early voting centers had a seal over the scanner's thumb drive compartment indicating the seal had either been tampered with or removed at some point. The words "Void Open" appear on the seal to indicate the seal has been tampered with or removed.

We reviewed SEC's poll worker training material, and we were unable to find any protocols for poll workers to document if a seal has been tampered with or removed. Documenting and remedying such an occurrence would promote election integrity.

Sixteen percent (6 of 38) of early voting centers had zero tape that was printed after the polls were supposed to be open. This suggests that the early voting center was not properly set up on time. For the 2022 primary election, early voting centers should have been set up—including the zero tape printed and posted—by 8:30 a.m. on May 31, 2022.

As shown in Exhibit 4.2, one early voting center's zero tape was not printed until 10:27 a.m.—almost two hours after the early voting center was opened to the public. We asked the chairperson of the county's board of voter registration and elections why the zero tape was posted so late. The chairperson explained the original DS200 scanner assigned to the early voting center was not counting the ballots accurately, so the county election office had to get a replacement DS200 scanner. Poll workers at this early voting center followed protocol and directed voters to insert their ballots into the emergency/provisional ballot slot on the front of the scanner while the election staff waited for a replacement scanner to arrive. Once the replacement scanner arrived and was operational, poll workers took the ballots stored in the first scanner's emergency/provisional ballot slot and scanned them into the second scanner so the ballots could be counted and tabulated.

Exhibit 4.2: An Early Voting Center Posted the Zero Tape Almost Two Hours After the Polls Opened



Source: LAC Auditor Photograph

Thirteen percent (5 of 38) of early voting centers failed to post the zero tape at all. In one case, in the seventh day of the early voting period, we visited one early voting center located at the county's election office and noticed the zero tape was never posted. In fact, the zero tape was left in the scanner since the first day of the early voting period.

One early voting center had the incorrect days and hours of the early voting period for the 2022 primary election. The early voting period for the 2022 primary election was from May 31, 2022 through June 10, 2022, excluding June 4th and 5th. The polls at the early voting centers should have been open from 8:30 a.m. to 5:00 p.m. Signage at one early voting center incorrectly said the early voting period for the 2022 primary election ran from May 31 through June 13 and the hours were 8:30 a.m. to 6:00 p.m., as shown in Exhibit 4.3.

Exhibit 4.3: An Early Voting Center Posted the Incorrect Days and Hours of the Early Voting Period for the 2022 Primary Election



Source: LAC Auditor Photograph

Five percent (2 of 38) of early voting centers refused us full access to view the election process. In South Carolina, the public is allowed to view the entire election process so long as they do not interfere with the election process.

It is unclear why some early voting centers had these issues and others did not. Nonetheless, it is important to minimize these occurrences, so the public does not lose trust and confidence in the election process.

Early Voting Training

With the passage of Act 150 of 2022, SEC did not have sufficient time to create a training video or written procedures geared towards early voting centers. This type of training material is needed because the opening and closing procedures for early voting centers are different than procedures on election day.

On October 17, 2022, SEC released an informal supplement addressing early voting procedures to local election officials for the 2022 general election. In March 2023, the agency incorporated early voting procedures into the South Carolina Voter Registration and Elections Standard Operating Procedure Manual.

The agency, as of June 22, 2023, has not incorporated early voting procedures into training material geared towards poll workers. SEC is considering formally publishing a supplemental book to the poll managers handbook which specifically addresses early voting procedures. However, as of June 22, 2023, SEC has not yet created this supplemental book to the poll managers handbook; nor has the agency created any video training material addressing how to open and close an early voting center.

SEC Election Hotline or Complaint Form Needed

For the 2022 election cycle, there was no system in place in South Carolina which allows concerned citizens to report potential election infractions like the ones discussed. A person can report an election crime or voter fraud to SLED's election hotline, but there is no procedure in place to report less serious election concerns. Contacting local law enforcement to file an election complaint is not a feasible option in South Carolina because state law prohibits police officers from entering polling places unless they are there to vote or poll workers request their assistance.

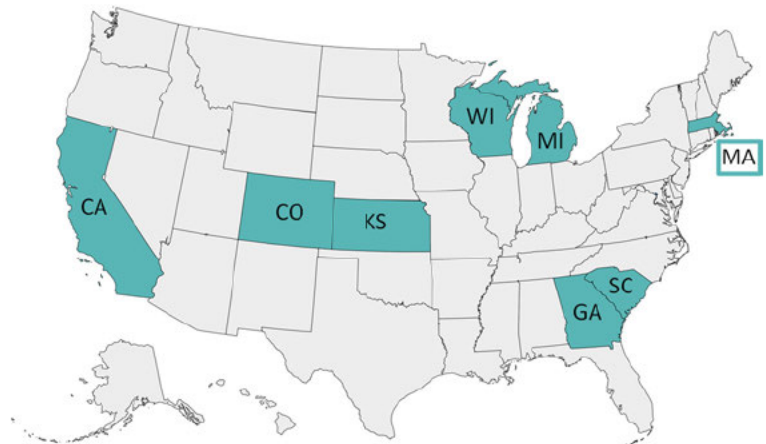
Five states—Florida, Georgia, Tennessee, Arizona, and Ohio—each have a website where concerned citizens may fill out an election complaint form. Individuals can report any election infractions witnessed at the polls, even if these infractions do not rise to the level of criminality. If warranted, election officials from these states investigate the complaints received. Providing concerned citizens with this type of outlet may increase public confidence in the election process.

Sometime after receiving our preliminary exit draft on September 5, 2023, the agency enacted our recommendation to add an election complaint form to its website. We know this to be the case because the internet archive website, Wayback Machine, shows the agency’s website did not have a “Submit a Comment or Complaint” section as of September 6, 2023—the day after the agency received our preliminary draft. However, the Wayback Machine website shows, on September 21, 2023, the agency had a “Submit a Comment or Complaint” section on its website. Therefore, it appears as if the agency enacted our recommendation sometime after receiving our preliminary draft.

Codifying Public Access to Election Process

Eight states, including South Carolina, allow the public to view the entire election process—the testing of voting equipment, the voting process (if applicable), the opening and tabulation of absentee ballots, the canvassing and certification of election results, and any post-election audits, as shown in Exhibit 4.4.

Exhibit 4.4: States with Public Accessibility at All Stages of an Election



Note: For the eight all-mail voting states (CA, CO, HI, NE, OR, UT, VT, and WA), we analyzed public accessibility in testing voting equipment, processing absentee ballots, canvassing and certifying election results, and post-election audits only.

Source: LAC Analysis of NCSL Data

Even though South Carolina grants public access during all stages of an election, state laws only explicitly say ballot boxes should be publicly opened when the polls open and close, the public has access to the testing of voting machines, and the board of state canvassers' certification meeting is open to the public.

Public transparency of all stages of the election process is a policy adopted by SEC. It is SEC's position that full election transparency will lead to public "trust and confidence in the accuracy, security, and accessibility of the process." Enacting laws specifically detailing all aspects of the election process which are open to the public may increase public trust and confidence in the election process.

Recommendations

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28. The General Assembly should amend state law to specify the steps of reporting to the State Election Commission when a scanner seal is broken or tampered with.
 29. The State Election Commission should create training materials to help poll workers better understand early voting procedures, such as having a supplemental manual to the poll managers handbook and a training video covering early voting procedures.
 30. The State Election Commission should continue to maintain on its website an election complaint form and should establish a hotline where citizens may report election concerns which do not rise to a level of criminal conduct.
 31. If the State Election Commission creates a complaint form and hotline to allow citizens to report election concerns which do not rise to the level of criminal conduct, a list of the reported infractions should be investigated and maintained.
 32. The General Assembly should amend state law to specify which phases of the election process are open to public observation.

Election Day Observations

EPBs Showed People Who Voted During the Early Voting Period as Eligible to Vote on Election Day

We observed three counties on election day for the 2022 general election held on November 8, 2022. We chose to visit polling places in Richland County, Lexington County, and Aiken County. We chose these three counties because some of these counties had a history of experiencing issues on election days and they were near our office. In total, our audit team visited 44 polling places on election day, and we found:

- Electronic poll books (EPBs) showed people who had already voted during the early voting period as still being eligible to vote on election day.
- It was difficult to distinguish between poll workers and voters.
- Poll workers and a board member on a county board of voter registration and elections did not know the difference between poll watchers and poll observers.

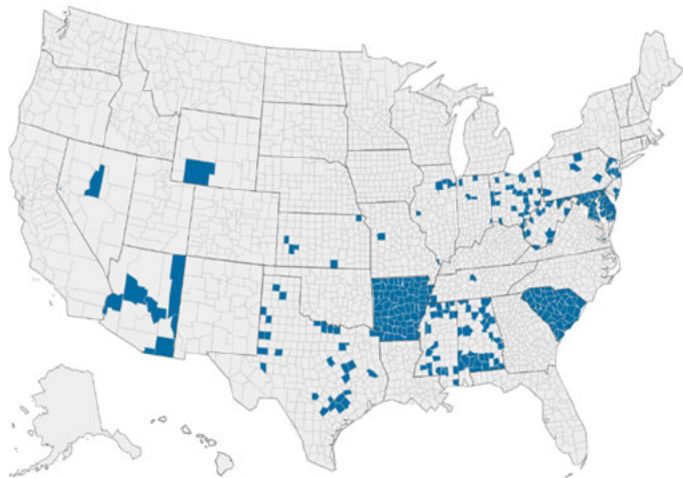
We observed that EPBs detected that individuals were eligible to vote on election day even though they had already voted during the early voting period. An official from a county election office and a poll watcher also verified this flaw.

On election day, the EPBs should flag anyone who already voted during the early voting period as “Active Early Ballot Issued”; and thus, ineligible to vote. However, a member of our audit team who had already voted during the early voting period tested an EPB on election day by asking a poll worker to search for the auditor’s name on the EPB. On election day, the auditor was listed as “Active Eligible”—meaning that the auditor was eligible to vote on election day despite having already voted during the early voting period. It should be noted that the auditor did not cast a second ballot on election day. Essentially, the EPBs created a situation where early voters could vote twice in the 2022 general election. In South Carolina, it is a felony to vote more than once in an election; therefore, it is alarming that the EPBs did not catch this.

We asked an official from SEC and a representative from the manufacturer of the EPBs, ES&S, why this problem occurred. Both claimed the EPBs were experiencing delays with its web-based software, ExpressPoll Connect, on election day due to a massive surge of pre-election day transactional data (such as early voter data, absentee voter data, and overseas voter data) that began to synchronize early that morning.

This delay with the EPBs affected all ES&S's EPB users nationwide, as illustrated in Exhibit 4.5. ES&S stated that it underestimated the volume of the pre-election day transactional data synchronizing on election day morning. ES&S became aware of the problem around 6:15 a.m. on election day and increased its bandwidth and resources to its web services. The problem was resolved by the early afternoon on election day. SEC did not receive any reports that a person who voted during the early voting period took advantage of this situation and voted twice.

**Exhibit 4.5: Jurisdictions that
Used ES&S's EPB During the
2022 General Election and
Experienced Delays**



Source: Verified Voting

Since the 2022 general election, staff at both SEC and ES&S have had several meetings concerning this situation. The company informed SEC that ES&S increased its web service resources to meet the demands of election day. Since the election, ES&S hired someone who spearheaded resolving this matter by “upgrad[ing] [the company’s] systems, infrastructures, and capacity [] to adjust to the high-demand periods” experienced on election day. ES&S also conducted several load tests to ensure its network can handle the increased demand. These assurances seem to appease SEC’s concerns about this problem reoccurring.

ES&S's EPBs Experienced Similar Delays in 2018

The Voting System Technical Oversight Program (VSTOP) investigated and reported similar problems with ES&S's EPBs during the 2018 primary and general election in Johnson County, Indiana. VSTOP is a project run by Ball State University that advises the Indiana Secretary of State and the Indiana Election Commission on the certification of voting machines and EPBs in Indiana.

VSTOP discovered ES&S's EPBs caused delays with voter check-ins in Johnson County and several other counties across Indiana during the 2018 primary and general election because a firewall installed on the EPBs could not handle the higher-than-expected level of traffic experienced. In other words, the company failed to provide enough bandwidth for the EPBs to work properly on election day in Indiana.

ES&S's solution was to disable connectivity to the host network, which disconnected the technology that allowed the EPBs to share information between polling sites. Implementing such a bypass was against Indiana state law and it meant, theoretically, a voter could be issued a ballot at more than one location and vote multiple times. The election board and the Johnson County clerk voted unanimously to implement this adjustment because they felt the risk did not outweigh the county's need to quickly and effectively check-in voters.

The VSTOP investigators stated that ES&S performed system load testing before the election; however, the methods ES&S used at that time failed to predict the delay caused by the firewall. After the elections, the VSTOP investigators discovered ES&S was unable to reproduce the problems through simulation or additional testing. This made the VSTOP investigators skeptical that ES&S could resolve the problem before the next election. Ultimately, Johnson County, Indiana decided to terminate its contract with ES&S because of the EPB problem.

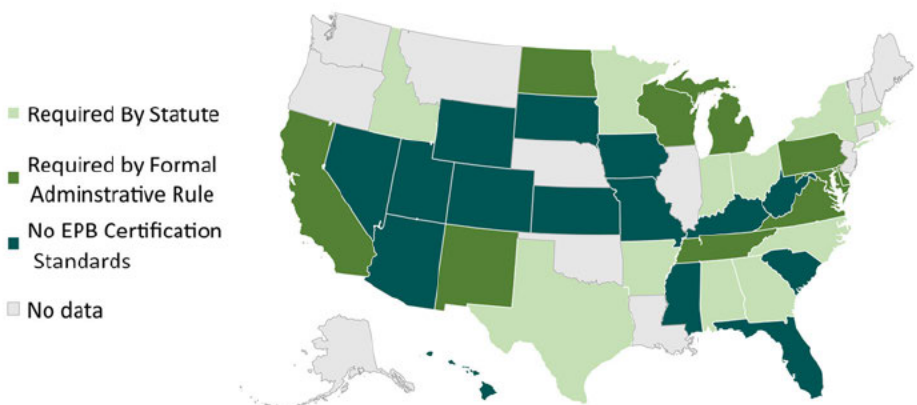
The VSTOP report shows ES&S has a history of not supplying enough bandwidth for their EPBs to function properly on election days. Based on what happened on November 8, 2022, the company appears to still struggle with providing sufficient bandwidth to handle high levels of traffic on election day. As previously mentioned, SEC received assurances from ES&S that its network could handle the increased demand and the problem would not happen again because ES&S completed several load tests. Similar assurances were given to Indiana after the 2018 election, but the VSTOP investigators were skeptical because the company could not replicate the problem with additional testing. Failure to conduct realistic stress and load testing may result in the EPBs operating slowly and this problem reoccurring.

No Federal Minimum Standards and Guidelines for EPBs

There are no federal minimum standards or guidelines for EPBs, and no government agency tracks electronic pollbook incidents. Unlike the ES&S's ballot marking device and scanners, ES&S's EPBs have never undergone any federal testing. According to S.C. Code §7-13-1620(A), South Carolina cannot use a voting system unless the voting system has been certified by a testing laboratory accredited by the U.S. Election Assistance Commission (EAC) as meeting or exceeding the federal minimum standards and guidelines. The S.C. state law defining a voting system was modeled after a federal statute. EAC does not consider EPBs to fit the definition of a voting system; rather, EAC considers EPBs to be ancillary systems and ancillary systems are not tested or certified. EAC began working on its pilot testing program for EPBs in 2021; however, it is unlikely that any federal standards or guidelines will be implemented before the 2024 presidential election.

The lack of federal standards and guidelines for EPBs means state and local governments have had to create and implement their own. Thirty-eight states reported at least one of their jurisdictions used EPBs during the 2020 presidential election. In the EAC's 2020 policy survey, 12 states reported that a testing and certification process is required by statute, 10 states indicated that the testing and certification process is required by a formal administrative rule or as guidance, and 17 states indicated that testing and certification of EPBs is not required, as shown in Exhibit 4.6. South Carolina is among the 17 states that currently do not have a state certification program for EPBs.

Exhibit 4.6: EPB State Certification Standards for the 2020 General Election



Source: LAC's Analysis of EAC Survey Data

Computer security experts at DEF CON, the world's largest computer hackers conference, have discovered several vulnerabilities with ES&S's EPBs. The computer security experts learned:

- ES&S's EPBs could be hacked using a preprogrammed three- or six-digit password installed by the manufacturer.
- A hacker can access the Microsoft Windows software installed on the EPBs and turn on a video game.
- ES&S installed remote access software on its EPBs which diminishes the safety protections of the machine's firewalls and makes the machines vulnerable to hackers.
- ES&S's EPBs have USB ports built into its mounting stand without any physical locks or mechanical support for tamper-evident seals, which could be accessed by voters or poll workers.
- ES&S's EPBs can be booted using the external USB port and USB memory stick. This means a malicious attacker could freely access data on the device by bypassing the system's defenses, and run custom software, including software that could extract, change, or delete voter registration data stored on the machine.

Based on the report provided by these computer security experts, it appears ES&S's EPBs are susceptible to many security vulnerabilities. Creating standards and guidelines for EPBs in South Carolina—coupled with testing ES&S's EPBs against these standards—might prevent or reduce these kinds of security vulnerabilities from occurring.

Difficulty Identifying Poll Workers

On election day, we noticed that it was difficult to discern who was a poll worker. The only identifying marker observed to distinguish a poll worker from an ordinary citizen was the poll worker's badge—which could be a basic name tag or a photographic identification. Having poll workers wear a uniform or identifying apparel eliminates the guesswork about who is a poll worker, promotes trust in the democratic process, and conveys an image of legitimacy both to the election system and the public.

When we visited early voting centers during the 2022 primary election, we noticed poll workers at Orangeburg County early voting centers wore orange aprons. Uniforms or identifying apparel such as the orange aprons worn by Orangeburg County poll workers could help the public easily distinguish who is a poll worker on election day.

Confusion Between a Poll Watcher and a Poll Observer

When we visited polling places on election day, we noted that several poll workers, and even a board member on the county board of voter registration and elections, did not understand the difference between a poll watcher and a poll observer. A poll watcher is a person with an official letter from a candidate or political party designating them to observe the election process at a specific precinct(s). A poll watcher must be a qualified voter in the county he or she is assigned to watch. At all times, the poll watchers must wear a visible identification badge which shows the name of the candidate or party who sponsored them as a watcher. Conversely, a poll observer is any member of the public who wants to observe the election and is not performing a specific role (e.g., poll worker, voter, watcher, etc.).

On election day, we were observing the election process as poll observers, and we explained this to the poll workers when we arrived at each polling location. Nonetheless, several poll workers, and even a board member of a county board of voter registration and elections, asked us to produce our official letter from a candidate or party—documentation a poll watcher is required to have but a poll observer is not.

SEC outlines the difference between a poll watcher and poll observer in its poll managers handbook. SEC's poll worker training videos also distinguish between the two. However, confusion between poll watchers and poll observers persists. Clearer training material from SEC could reduce confusion regarding the difference between poll watchers and poll observers.

Recommendations

33. The State Election Commission should determine if problems with the electronic poll books identifying people who voted during the early voting period as eligible to vote on election day have been resolved.
34. The State Election Commission should ensure the load tests use the volume of voter records, updates, and potential data transactions that could occur during peak times in polling places on election day.
35. The General Assembly amend state law to stipulate that no South Carolina elections can use electronic poll books unless the machines pass a state certification program created and implemented by the State Election Commission.
36. The State Election Commission should require poll workers to wear discernable attire or a visible badge when working at early voting centers and at polling places so that voters could easily identify poll workers.
37. The State Election Commission should ensure poll workers know the difference between a poll watcher and a poll observer.

Election Canvassing and Certification

County boards of canvassers, which are the county boards of voter registration and elections, must meet the Friday following an election to canvass and certify the county election results. Canvassing is the process of counting and tabulating the votes, including mail, uniformed and overseas citizens, early voting, election day, and provisional ballots. Election certification is the process of election officials attesting that the tabulation and canvassing was accurately completed and that the results are true.

After canvassing and certifying their county election results, the county boards of canvassers then send their certified election results to the State Board of Canvassers, which are the commissioners at SEC. The State Board of Canvassers meet ten days after a general or special election to canvass and certify the election results using the certified election results made by the boards of county canvassers.

We observed the election canvassing and certification process for the November 2022 general election at both the county level and the state level and found:

- Several voters were asked to cast provisional ballots even though it was not warranted.
- Two county boards of canvassers took more than four hours to canvass the votes and certify the election results. This contrasts with the statewide canvassing meeting, which took less than half an hour.

General Overview of Processes for All Elections

After polls close on election day, the next stage in the election process is canvassing votes and certifying election results. In South Carolina, the election canvassing and certification process differs between elections for countywide and local offices and for elections of federal, state, and multi-county offices, as illustrated in Exhibit 4.7.

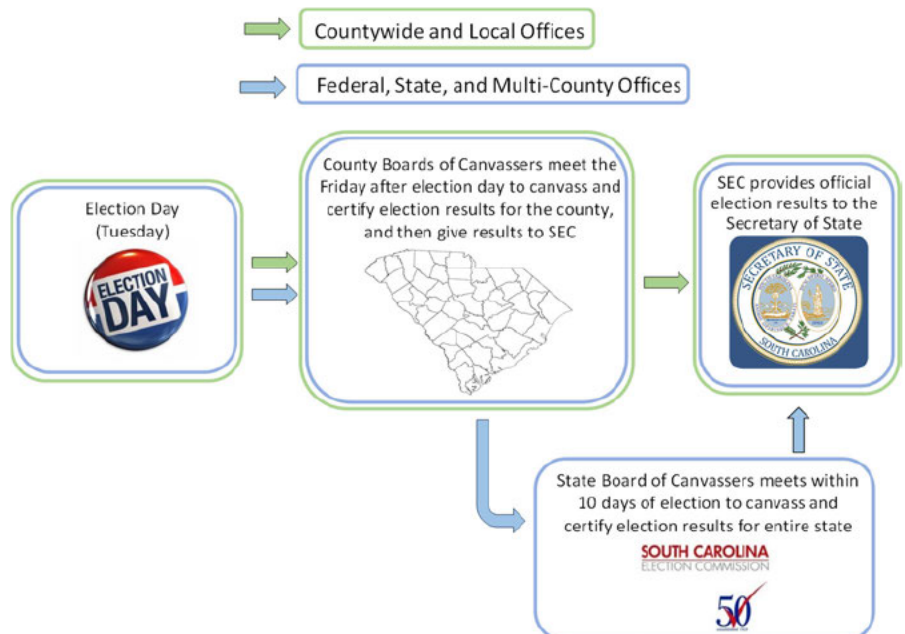
For all South Carolina elections, the first step in the election canvassing and certification process occurs at the county level. The county boards of canvassers (“county boards”) are required to meet on the Friday following the election to canvass the votes and certify the election for their counties. At this meeting, the county boards aggregate and confirm every valid ballot cast and counted, including mail, uniformed and overseas citizens, early voting, election day, and provisional ballots. This can be a time-consuming and costly process, especially if a county is inundated with several provisional ballots.

Also, at this meeting, the county boards certify the election results by attesting that the tabulation and canvassing of the election are complete and accurate. The county boards must then submit their certified election results to the State Board of Canvassers no later than noon the next day.

The canvassing and certification process then proceeds with the State Board of Canvassers. For elections involving countywide and local office seats, the State Board of Canvassers does not meet; rather, it relies on the certification of the election results as performed by the respective county boards. However, for elections of federal, state, and multi-county office seats, the State Board of Canvassers must meet within ten days after the election to canvass and certify the results of the election. For elections of federal, state, and multi-county office seats, the State Board of Canvassers canvasses and certifies the election results using the election results certified by the county boards.

At the end of the canvassing and certification process for all South Carolina elections, the SEC executive director provides the S.C. Secretary of State with a statement of the winning candidates. The executive director does not send the statement if determination of a protest or a timely-filed appeal is pending. The S.C. Secretary of State records the official results and delivers a copy to each winning candidate and to the Governor.

Exhibit 4.7: Canvassing and Certification Process



Source: LAC Analysis of Canvassing Process

County Process

To evaluate the election canvassing and certification process for the November 2022 general election at the county level, we selected a judgmental sample of four county boards to observe. We chose four county boards because, statutorily, all 46 county boards were required to hold their board meetings before 1:00 p.m. on the Friday following the election. Our audit team could visit only four county boards' meetings with this time-constraint.

Provisional Ballot Issuance Errors

Upon review of the four county boards, we found that three of the four county boards voted to accept ballots that should not have been provisional ballots in the first place. A provisional ballot is a paper ballot hand-marked by a voter and is given to voters only in limited circumstances authorized by the law. Provisional ballots are not counted on election day. Rather, the county boards review provisional ballots during their canvassing and certification process and vote as to their validity. A provisional ballot should only be issued under the following circumstances:

- The voter fails to provide proper photo identification.
- The voter's identity is in dispute.
- The voter insisted on voting even though the county election office cannot locate the voter's record.
- The voter was issued an absentee ballot but failed to return it.
- The voter's qualifications have been challenged but he/she insists on voting.

Of the four county boards, three county boards were presented with provisional ballots because of an equipment error; however, these are not circumstances that qualified for a provisional ballot. Collectively, these three counties issued multiple provisional ballots for the following equipment errors:

- The scanner failed to scan a ballot.
- A ballot got stuck in the machine.
- Printing errors with the ballot marking devices (BMDs).
- Errors with the electronic poll books (EPBs).

SEC's poll manager handbook outlines alternatives to provisional ballots for some of these equipment errors. It is unclear why these counties issued provisional ballots for inoperable EPBs and scanners, especially given the fact the poll manager handbook clearly indicates what to do in those circumstances. In our survey of county voter registration and election directors, multiple county directors reported SEC's training on provisional ballots created confusion among the poll workers.

Neither the South Carolina Code of Laws nor SEC's poll manager handbook specifically address what to do if a ballot gets stuck in a machine or if there is a printing error due to the BMDs. The poll manager handbook has general guidelines of what to do when a BMD is inoperable. However, it does not specifically mention what to do when there is a printing error or a stuck ballot. It is unclear how often these circumstances occur in an election. It is important for SEC to address these circumstances in its poll manager handbook because, without guidance, the poll workers may erroneously give voters provisional ballots when these circumstances arise. As previously mentioned, the validity of provisional ballots is subject to board approval. Therefore, lack of directions on these matters can potentially lead to these ballots not being counted.

Election Staff Workload After Election

While observing the election canvassing and certification process, we found that two of the four county boards' meetings lasted four or more hours. These meetings were mostly consumed by the provisional ballot hearings. During the provisional ballot hearings, staff at the local election office present to the county boards the counties' provisional ballots, the reason why these voters were asked to vote provisionally, and their recommendations on whether each ballot is valid. In one county, staff did not know why some voters were asked to vote provisionally and this resulted in the county board having to pause the meeting to give the staff more time to investigate.

Provisional ballot hearings could be shortened if staff at the local election office had more time to gather and investigate provisional ballots. Currently, in South Carolina, the county election staff must determine the status of provisional ballots before the county board meets on the Friday following a general or special election. This means the local election staff has fewer than three days to collect and investigate all the provisional ballots the county receives during the early voting period and on election day.

It is important to note that local election offices have other post-election responsibilities besides collecting and investigating provisional ballots. Immediately after an election, the local election offices must also complete the following tasks before the upcoming county board meeting:

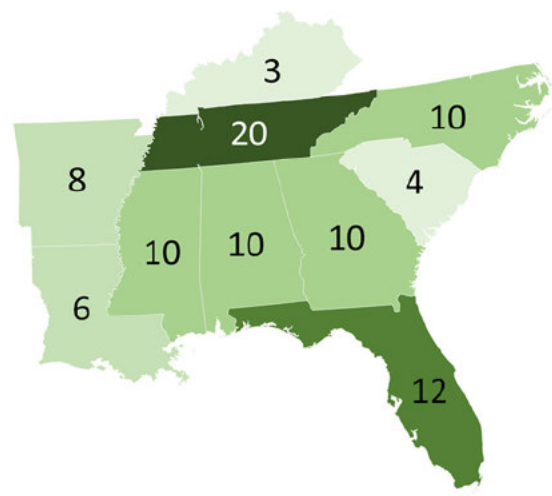
- Collect and inventory all the voting machines.
- Collect all election supplies, including voter registration lists, ballot boxes containing any ballots, and thumb drives from scanners with election results.
- Tabulate all the votes from absentee ballots, uniformed and overseas citizen ballots, and ballots properly cast during the early voting period and on election day.

- Report the unofficial results to SEC.
- Collect and review the ballot reconciliation worksheets from all polling locations.
- Gather all unused, spoiled, emergency, and failsafe ballots.
- Process and verify late-arriving mail-in ballots (i.e., checking postmarked dates, signatures, oath signed, etc.)
- Determine if any ballots are duplicates.
- Conduct a post-election hand count audit.
- Gather and investigate all provisional ballots.

Several county election offices in South Carolina must fulfill these tasks within the required time using a staff of two or fewer full-time employees.

South Carolina's four-day deadline for county election officials to canvass and certify election results is one of the shortest in the country and the second shortest among states in the Southeast, as shown in Exhibit 4.8. Twenty-one states, including North Carolina and Georgia, require counties to canvass and certify election results no later than the second week following election day. Only ten states, including South Carolina, have fewer than four days for county election officials to canvass election results. Extending the time for county election offices to canvass and certify election results could ensure that local election staff have sufficient time to track supplies, voting equipment, and ballots. These activities are central to the integrity of an election, which could lead to an increase in public trust.

**Exhibit 4.8: County Canvassing
and Certification Deadline
(In Days)**



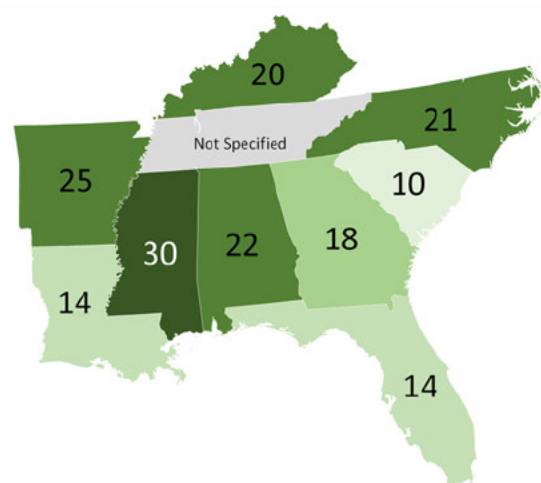
Source: LAC Analysis of NCSL Data

State Process

To evaluate the election canvassing and certification process at the state level, we visited the State Board of Canvassers meeting held on November 17, 2022. For elections of federal, state, and multi-county office seats, the State Board of Canvassers must meet within ten days after the election to canvass and certify the results of the election. We witnessed the State Board of Canvassers using “unofficial” results to certify the November 2022 general election. In their final response to our report, SEC noted that the results are labeled “unofficial” because all results are “unofficial” until being certified by the State Board of Canvassers.

Additionally, South Carolina has the shortest canvassing and certification deadline in the Southeast. Five Southeastern states, including South Carolina, have the same canvassing and certification deadline; while four Southeastern states have a canvassing deadline different from their certification deadlines. In South Carolina, the State Board of Canvassers must canvass and certify the election results in ten days. Other Southeastern states’ canvassing and certification deadlines range from 14 to 30 days, as shown in Exhibits 4.9 and 4.10.

Exhibit 4.9: State Canvassing Deadlines (In Days)



Source: LAC Analysis of NCSL Data

Security and Inventory Issues

Physical Security and Asset Management

In 2017, the U.S. Department of Homeland Security (DHS) designated election systems as critical infrastructure of such vital importance to the American way of life that its incapacitation or destruction would have a devastating effect on the country. To analyze the election infrastructure in South Carolina, we reviewed physical security reports conducted by DHS of county election offices and storage facilities, and we examined county election offices' websites. We found the following vulnerabilities and issues:

- Multiple county election offices and storage facilities have insufficient or no lighting, cameras, locks, panic alarms, and back-up power generators.
- SEC has not distributed sufficient federal Help America Vote Act (HAVA) funds to the counties for physical security upgrades.
- Only 17 county election offices use a safe and secure .GOV web domain.
- Two county election offices do not have a website.
- When the state procured the current voting system, SEC did not create a complete inventory list of all the voting machines purchased.
- Many county election offices do not have an asset management system or inventory list of the \$57.5 million-worth of voting machines received from the state.
- SEC spent more than \$450,000 on a cloud-based asset management system in October 2021, and as of August 4, 2023, has not fully implemented it.

Physical Security of County Election Office and Storage Facilities

The EAC and DHS recommend that voting machines and supplies be stored in a facility with commercial-grade locks and monitored by video cameras. The facility should have both fire alarms and panic alarms to alert the election staff to potential dangers and breaches. Panic alarms should be directly connected to emergency dispatch and installed on public counters, employee workspaces, and in storage spaces. Access to the storage facility should be restricted to authorized personnel.

Physical Security Assessment of County Election Offices and Storage Facilities

From May 2021 through June 2021, SEC partnered with DHS to assess the physical security of all 46 county election offices and their voting equipment storage areas, and drafted Security Assessment at First Entry (SAFE) reports which outlined each county election office's security vulnerabilities. The SAFE report assessors noted the following physical security vulnerabilities at county election equipment storage facilities:

20	County Election Offices Need Better Exterior Lighting
15	County Election Offices Do Not Have Any Exterior Cameras
8	County Election Offices Need Better Exterior Cameras
15	County Election Offices Have Insufficient Interior Cameras
10	County Election Offices Need Better Locks, Card Swipes, or Key Controls
28	County Election Offices Need Panic Alarms
7	County Election Offices Need Back-Up Power Generators

The results of these reports were shared with each county board of voter registration and elections. SEC cannot mandate that the county board of voter registration and elections fix all the physical security vulnerabilities outlined in these reports. Rather, the decision on whether any of these physical security vulnerabilities are remedied is at the sole discretion of county leadership. Some county election offices have sought help from their county leadership to improve the physical security vulnerabilities addressed in the SAFE report but ultimately have been unsuccessful. Securing funding for such a project can be difficult for counties. However, given the critical importance of securing election equipment, it is necessary that the counties prioritize adequate security at election equipment facilities.

Visit to Richland County Election Office Storage Facility

We visited Richland County Election Office's storage facility when the staff opened the facility to the public to conduct testing of voting equipment—a discretionary service under the law that county election offices offer to promote public trust of elections. The facility is in a remote area and there are no outside security cameras. It is surrounded by an old, chain link fence with barbed wire. The gate is locked with a padlock, as seen in Exhibit 5.1.

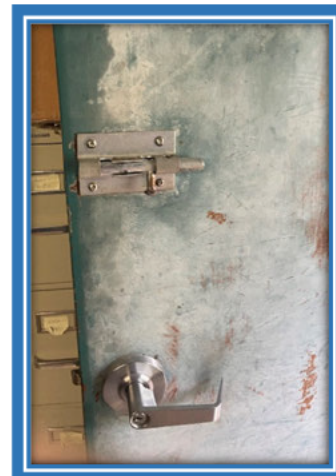
The padlock can easily be broken using a bolt cutter. The door to the facility has a simple slide bolt lock, as seen in Exhibit 5.2. The facility stores all the voting machines used in the county for elections. It also stores ballots from past elections because the federal ballot retention law requires election officials to retain and preserve all ballots for 22 months after all federal elections.

**Exhibit 5.1: Storage Facility's
Chain Link Fence and Padlock**



Source: LAC Auditor Photograph

**Exhibit 5.2: Storage Facility
Door's Slide Bolt Lock**



Source: LAC Auditor Photograph

At the Richland County Election Office's storage facility, we noticed there was a whiteboard hanging on the wall. The white board had passwords to the voting machines on it and the phrase, "Don't give this code out." This was a problem because members of the public were welcome to visit the warehouse on that day for the voting machine demonstration, and any member of the public could see those passwords. Also, when the machines were being demonstrated, the county election officials freely entered their passwords in the presence of the public, which is also a security concern.

County election officials told us the facility has not been updated in ten years and it is plagued with multiple issues. A county employee said the roof leaks periodically so the county election office staff must move the voting machines around to prevent the machines from withstanding water damage. The county employee informed us some of the DS200 scanners have started to rust because of the leak, but the machines continue to function properly. Another county employee reported the facility has rodents and snakes.

An official for the county election office said the county council was given the SAFE report outlining all the safety issues at the facility, but the county council dismissed the recommendations outlined in the report because there were no repercussions if the county failed to comply with the recommendations to fix the security issues.

Help America Vote Act (HAVA)

One funding avenue that can be used to help resolve the physical security vulnerabilities at the county level is for SEC to spend a portion of its funds from the HAVA grant on physical security improvements at the county election offices and storage facilities. In 2022, the federal government awarded SEC \$1,084,886 in HAVA Election Security Grant funds and the state matched 20%—which was \$216,977. SEC informed the federal government that it “will invest the HAVA grant funds into remediating and implementing the security recommendations of [its] partners, as well as increasing the cyber and physical security of the state’s new voting system, with added emphasis on investment at the county level.” Nonetheless, according to the proposed 2022 HAVA budget submitted to EAC, the portion of the 2022 HAVA funds dedicated to security improvements solely focused on cybersecurity protections and no money was given to counties to improve their physical security needs. In fact, in the three years HAVA funds have been appropriated to South Carolina (2018, 2020, and 2022), SEC has budgeted only \$160,000 of the \$13,918,872 total federal funds received on cyber and physical security—this equates to approximately 1%—and none of the \$1,877,655 in HAVA state funds were spent on cyber and physical security.

[I]n the three years HAVA funds have been appropriated to South Carolina (2018, 2020, and 2022), SEC has budgeted only \$160,000 of the \$13,918,872 total federal funds received on cyber and physical security—this equates to approximately 1%—and none of the \$1,877,655 in HAVA state funds[.]

SEC's reasoning as to why so little had been budgeted on cyber and physical security is that the HAVA funds were not earmarked solely for cyber and physical security. SEC used HAVA funds for other purposes, such as for purchasing voting equipment, election auditing, and training. SEC tries to save unused HAVA funds in case there is a cybersecurity incident. As of March 2023, SEC had not spent any of the 2022 HAVA grant funds (totaling \$1,084,886), and SEC had \$400,140 in unused 2020 HAVA funds. Dedicating a portion of these HAVA funds to improve the physical security of county election offices and storage facilities could help better secure election infrastructure.

For the 2023 HAVA Election Security Grant, SEC will again receive \$1,084,886 in federal funding and \$216,977 in state funding, for a total of \$1,301,863. The grant can be used to "make election security improvements." In its 2023 HAVA Election Security Grant Budget Proposal, SEC proposed to spend \$831,863 (66%) on voting equipment, \$410,000 (28%) on election auditing, and \$60,000 (6%) on cybersecurity. We asked SEC specifically what voting equipment and cybersecurity items it intends to purchase with these funds, and an agency official said SEC had not yet decided what these funds would be used to purchase, but it intends to use the funds for the 2024 general election.

We asked SEC if it intended to use HAVA funds to improve the physical security of county election offices. An agency official stated that the agency was exploring the idea, but the official was not sure if the funds could be used for this purpose due to restrictions placed on the funds by Congress. We also asked why SEC has never given any HAVA subgrants to county election offices. An agency official said county election offices are not permitted to receive HAVA subgrants, and if SEC were to provide a subgrant, it does not have the authority to hold the county election offices accountable for these funds.

We found that SEC could offer subgrants to county election offices if the subgrant is "necessary, appropriate, and allocable expenses of the HAVA award." SEC would be responsible for ensuring that its subgrantees follow the requirements of the grants. In drafting the terms of the subgrant, SEC could ensure county election offices comply with the HAVA grant requirements by stipulating subgrantees would be subject to a review and audit of these funds and that any misuse of funds will be subjected to penalties.

County Election Commissions Need .GOV Website Domains

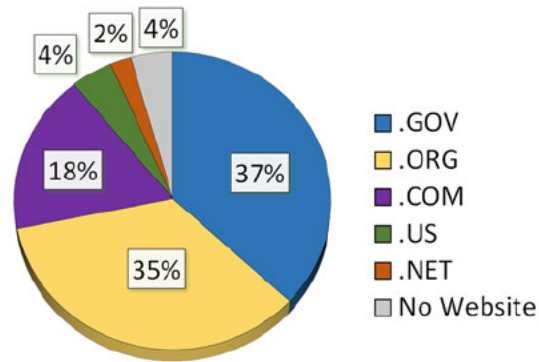
Foreign and domestic actors use misinformation, disinformation, malinformation (MDM) campaigns to create chaos, confusion, and division. Misinformation is incorrect information created without malicious intent. Disinformation is deliberately created material used to mislead, harm, or manipulate a person, social group, organization, or country. Malinformation is information based on fact, but used out of context to mislead, harm, or manipulate.

Malignant actors use MDM to diminish public confidence in the democratic processes, which in turn undermines election officials' abilities to effectively conduct elections. The federal government investigated and concluded that MDM campaigns were used by foreign actors in the 2016 and 2020 U.S. presidential elections. SEC reports MDM campaigns are one of the most substantial, challenging, and continuing threats presented in election administration.

An effective way to offset MDM campaigns is to communicate to the public that the information they are receiving is coming from a legitimate, trusted government website. Websites with a .GOV domain are considered highly visible and credible sources of information because the Cybersecurity and Infrastructure Security Agency (CISA)—a division of DHS—provides the .GOV domain only to United States-based government organizations and publicly-controlled entities.

SEC website changed from a .ORG to a .GOV web domain in 2020. However, not all the county election offices followed suit. We reviewed all 46 county election offices' websites and found only 37% of county election offices have a .GOV domain. The remaining county election offices have either a .ORG domain (35%), .COM domain (18%), .US domain (4%), or .NET domain (2%), as shown in Exhibit 5.3. Two county election offices—Chester and Marlboro—do not have a website. The fact that two county election offices do not have a website is concerning given the fact the new election law requires county boards of voter registration and elections to publish the location and hours of each county's early voting center to a website or webpage managed by, or on behalf of, the county board of voter registration and elections.

Exhibit 5.3: Percentage of County Election Offices with Different Website Domains



Source: LAC Analysis

Funding to Change County Websites to .GOV

For all qualifying entities, including election offices, a .GOV domain is available at no cost. Even though there is no registration and renewal fee for the .GOV domain, a cost might be associated with migrating to a new domain—this can include hiring technical staff or consultants to facilitate the switch, replacing printed materials, and launching a campaign to notify the public of the domain change. Nonetheless, the federal government has stated HAVA funds can be used to help cover the cost of transitioning to a .GOV domain.

As previously mentioned, as of March 2023, SEC had \$400,140 in unused 2020 HAVA funds and the agency is expected to receive, in total, \$2,169,772 in federal HAVA funding in 2022 and 2023. Dedicating a portion of these HAVA funds to help the county election offices cover the cost associated with changing their websites to a .GOV domain could help combat MDM campaigns and provide the public with more trusted and secured election resources.

Asset Management

In 2019 and 2020, SEC spent approximately \$57.5 million to procure the voting machines used in South Carolina elections, including the EPBs from ES&S. In 2021, SEC contracted with ES&S for \$331,575 for hardware maintenance and the software license needed to run these machines. Even though substantial funding was spent to procure these machines, SEC and many local election offices state they do not currently have an asset management system that catalogs, inventories, and tracks the locations of these voting machines.

Both the EAC and CISA highly recommend election offices implement an effective asset management system for all voting machines and election supplies. Executing such a system could protect the voting systems from tampering, vandalism, and theft. An effective asset management system requires a complete and accurate inventory list of all voting machines, which includes both the quantity and serial numbers of the voting machines. It also requires election officials to keep track of each time a voting machine has been transferred to and from the storage facility, as well as the purpose of the transfer (e.g., used in an election, being repaired, used for demonstration, etc.).

Both the EAC and CISA also recommend that access to the voting machines and election supplies be limited to authorized personnel only, and that there is an access log which includes sign-in and sign-out dates of all personnel, including visitors, to the facility that stores the machines. Tracking and accessibility procedures such as these increase transparency and enable accountability.

SEC Lacks an Asset Management System and a Sufficient Inventory List of All Voting Machines

[S]ince October 2021, SEC spent a total of \$457,000 for a cloud-based election asset management program, and as of August 4, 2023, the cloud-based election asset management system is still not fully-functioning and operational.

We found that, since October 2021, SEC spent a total of \$457,000 for a cloud-based election asset management program, and as of August 4, 2023, the cloud-based election asset management system is still not fully-functioning and operational. SEC procured a cloud-based election asset management program from EasyVote on October 13, 2021 for \$224,000, which includes a one-time, initial implementation and training fee of \$55,000. However, in February 2022, SEC and SLED found an unsecured cloud storage belonging to EasyVote. Due to this cybersecurity concern, SEC delayed implementing the statewide asset management program until the vendor passed a third-party security assessment. We discovered, in 2022, SEC paid EasyVote an additional \$233,000 for the annual renewal fee and for the inventory tracking system to be integrated with a Shopify online ordering solution.

An agency official stated on August 4, 2023 that several counties have successfully piloted the asset management system during the summer of 2023; but SEC still has not fully integrated the asset management program because the agency is waiting for its print vendor to provide asset tags to all counties. In other words, SEC spent a total of \$457,000 for a cloud-based election asset management program which still has not been fully integrated in almost two years after it was first procured by the agency.

We also discovered SEC also lacks a sufficient inventory list of all voting machines it procured for the state. When we requested an inventory list of all voting machines, SEC provided us with a generic list of the voting machines each county was given during the 2019 procurement (2019 Asset List). The 2019 Asset List was created by ES&S, and it includes the type of voting machine, the quantity the county received, and the unit price of each machine. The 2019 Asset List does not include the serial numbers (or other identifying factors) of the machines. It does not have the total number of each voting machine procured; therefore, we had to calculate the total by adding each kind of machine given to each county and the total machines given to SEC. We calculated:

13,648	Ballot Marking Devices (BMDs)
2,464	DS200 scanners
14	DS450 scanners
46	Ballot On Demand Printers
46	ElectionWare Workstation Software

To implement the statewide asset management program, SEC needs an inventory list of all the voting machines delivered to the counties, which includes the machines' serial numbers. SEC did not create such an inventory list when the voting machines were first procured by the state in 2019. However, ES&S was able to provide SEC with such a list in March 2023 (2023 Master Inventory List). According to an agency official, each county election office will verify the accuracy of the 2023 Master Inventory List by comparing the serial numbers on it with the serial numbers on the machines in storage at the county election offices. If accurate, the list will be uploaded to the EasyVote statewide asset management program.

We were able to compare the total number of DS450 scanners, DS200 scanners, and BMDs on the 2023 Master Inventory List with the totals from 2019 Asset List. The 2023 Master Inventory List had significantly more machines than the total reported on the 2019 Asset List—specifically, 11 more DS450 scanners, 389 more DS200 scanners, and 1,130 more BMDs. Refer to Appendix D to see a full accounting of the differences between the two lists.

Eleven DS450 scanners, 294 DS200 scanners, and 796 BMDs on the 2023 Master Inventory List are unaccounted for by SEC.... This means \$5,040,278 worth of machines are unaccounted for by the agency.

We asked SEC about the disparity and an official stated the 2023 Master Inventory List has the total number of voting machines the counties had in stock as of March 2023. Therefore, the list probably includes the additional 95 DS200 scanners and 334 BMDs purchased by SEC for counties after the 2019 procurement. Eleven DS450 scanners, 294 DS200 scanners, and 796 BMDs on the 2023 Master Inventory List are unaccounted for by SEC. In 2019, a DS450 scanner was valued at \$49,950, a DS200 scanner was valued at \$5,750, and a BMD was valued at \$3,518. This means \$5,040,278 worth of machines are unaccounted for by the agency. An agency official said these additional machines may be machines purchased by the counties using county funds, but SEC does not know with certainty that this is the case. Given the disparity between the 2019 Asset List and the 2023 Master Inventory List, and the importance of starting the statewide asset management program with a complete and accurate inventory list, it may be best if SEC verifies the accuracy of the counties' self-reported voting machine inventory.

County Election Offices Lack Asset Management Systems

State law dictates that the county boards of voter registration and elections must keep the voting machines in complete and accurate working order and in proper repair. For several years, SEC has recommended county boards of voter registration and elections create and implement an inventory control system. SEC surveyed all 46 county election offices, and 8 (17%) counties stated they did not have an asset management system of its voting machines.

County election offices have repeatedly failed to keep a property inventory of election equipment. In 2007, the EAC conducted an audit on how SEC spent HAVA funds from July 1, 2003 through December 31, 2005 and the EAC found that county election offices did not keep adequate property records of election equipment purchased with HAVA funds. One of the audit recommendations called for the EAC to ensure that SEC requires all counties to comply with the federal equipment management requirements. Given that an electronic poll book was stolen in Allendale County during the November 2022 general election, it is crucial that all voting machines be inventoried by the counties to ensure that no election equipment is lost or stolen.

As previously mentioned, it is best practice that access to voting machines should be limited and that an access log should document when personnel enters and leaves the facility storing the voting machines. Fifty percent of the county election directors who responded to our survey said that four or more people have access to their counties' voting machines. Three county election directors stated ten or more people have access to their voting machines. The more people who have access to these machines, the more susceptible these machines are to being vandalized, tampered with, and/or stolen.

As the law is currently written, SEC must ensure that the county boards of voter registration and elections are complying with the law and SEC's standardized processes. Once fully implemented, SEC intends to make participation in the asset management system mandatory for all county boards of voter registration and elections. SEC also plans to develop standardized processes for proper use of the system. This would ensure all voting equipment in South Carolina is categorized, inventoried, and accounted for at all stages of an election. However, the law currently does not give SEC any authority to reprimand county boards of voter registration and elections for failing to comply with the law or with SEC's standardized processes. Therefore, there is no action SEC can take if a county board of voter registration and elections refuses to participate in the statewide asset management system or if the county board of voter registration and elections fails to comply with SEC's standardized processes on the statewide asset management system.

Recommendations

42. The General Assembly should amend state law to expand the State Election Commission's ability to require county election offices and facilities to meet a minimum physical security standard and to authorize the State Election Commission to appropriately sanction county election offices if they fail to satisfy minimum physical security standards.
43. The State Election Commission should dedicate a portion of unused and future Help America Vote Act funds to address the county election offices' physical security problems, specifically ensuring all county election offices and storage facilities have sufficient lighting, cameras, locks, panic alarms, and back-up power generators.
44. The General Assembly should amend state law to require that all county election offices have a .GOV domain name for their websites.
45. The State Election Commission should use a portion of its Help America Vote Act funds to assist county election offices to cover costs that might be associated with changing their websites to a .GOV domain.
46. The State Election Commission should implement the statewide asset management system it purchased in January 2022 as soon as possible.
47. The State Election Commission should visit each county election office and review the accounting, cataloging, and inventorying of the counties' voting machines.
48. The General Assembly should amend state law to require that all county boards of voter registration and elections participate in the statewide asset management system.
49. If the State Election Commission creates standardized processes for the statewide asset management system, the State Election Commission should include a protocol limiting the number of individuals who have access to the voting machines in each county.
50. The General Assembly should amend state law to expand the State Election Commission's authority to include appropriately sanctioning county boards of voter registration and elections that fail to properly follow the State Election Commission's standardized processes for on the statewide asset management system.

Procurement

Procurement of Ten New SUVs

SEC spent nearly half a million dollars in FY 22-23 to add ten new sport utility vehicles (SUVs) to its fleet. With the addition of these SUVs, SEC—a relatively small agency with approximately 29 full-time employees as of June 30, 2023—has 18 vehicles in its fleet, and nearly all of them are mid-size to large-size SUVs. We reviewed the agency’s procurement of these ten additional SUVs and found:

- SEC owns significantly more vehicles than similarly-sized state agencies.
- SEC submitted an unsound justification to S.C. State Fleet Management (SFM) to purchase these vehicles.
- The SUVs the agency owned prior to this procurement were underutilized or significantly underutilized.

SEC Owns More Vehicles Than Other Similarly-Staffed Agencies

In FY 22-23, SEC spent \$488,270 of state general funds to purchase ten new SUVs.

2	2022 Chevrolet Tahoes
3	2023 Chevrolet Suburbans
5	2022 Ford Explorers

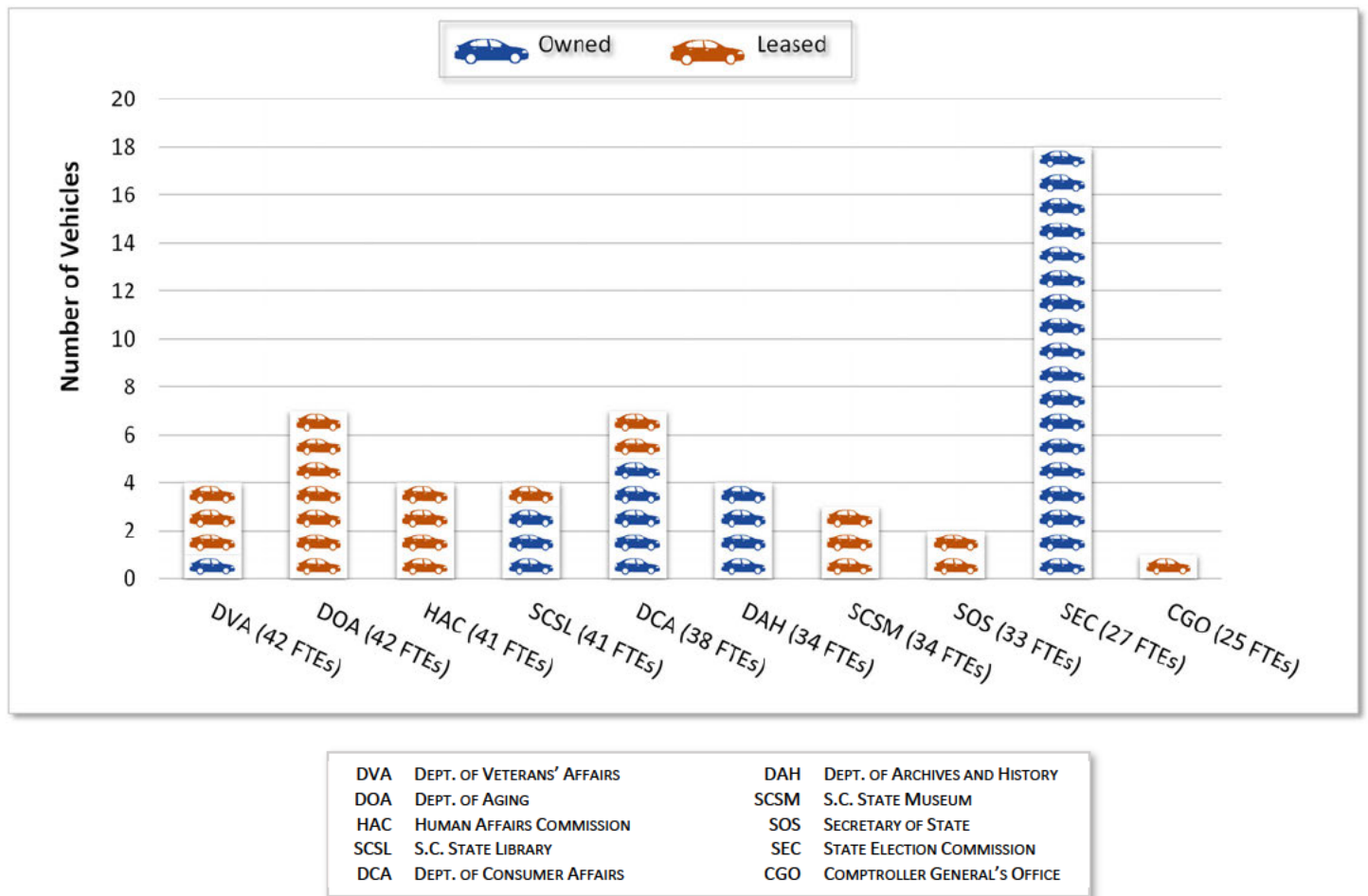
Prior to this acquisition, SEC already owned eight vehicles.

1	2018 Ford Transit Connect Mini Cargo Van
2	2017 Ford Escape Hybrid
2	2016 Chevrolet Equinox
1	2015 Ford Explorer
1	2015 Chevrolet Equinox
1	2004 Ford Passenger Bus

SEC placed the passenger bus in surplus to be sold in September 2022. The agency plans on placing the two 2017 Ford Escape Hybrids into surplus early 2024 because these vehicles started to have irreparable issues. Nonetheless, as of March 2023, the agency had 18 vehicles in its fleet.

As of February 28, 2023, SEC had 27 full-time employees (FTEs). By the end of the FY 22-23, the agency grew to 29 full-time employees. We compared the number of vehicles owned and leased by SEC with the number of vehicles owned and leased by other similarly-staffed state agencies as of February 28, 2023, and found that SEC owns significantly more vehicles than these other state agencies, as shown in Exhibit 6.1.

Exhibit 6.1: Number of Vehicles for Agencies with 25 to 45 FTEs, as of February 2023



NOTE: Agencies with no vehicles are not shown, including Retirement System Investment Commission (40 FTEs), Commission on Higher Education (38 FTEs), and Public Service Commission (36 FTEs).

Source: LAC Analysis of State Fleet Management (SFM) Data and Department of Administration Data

Questionable Justification for New SUVs

SEC's initial justification to SFM for ten new mid-size SUVs was to support its new audit division "because at times they will carry election equipment and supplies." A few months later, SEC submitted another justification to SFM which claimed it needed the three new Chevrolet Suburbans—large SUVs—because the Suburbans would replace the carrying capacity of the surplus bus and the soon-to-be surplus 2017 Ford Escape Hybrids. SEC explained that the passenger bus and the two Ford Escapes were used by the agency to transport election equipment in the past.

All voting machines used in South Carolina elections were delivered to the county election offices by a third-party when SEC first procured them. Additionally, the county election offices are responsible for delivering the voting machines to the designated polling locations for upcoming elections. SEC plays no role in the logistics of transporting election equipment to polling locations.

Moreover, SEC has a small inventory of its own election equipment.

1	DS450 scanner
7	DS200 scanners
40	Electronic Poll Books
27	Ballot Marking Devices

On the few occasions SEC needs to transport election equipment, the agency could use one of the seven other vehicles it owned before the procurement of ten SUVs, including the agency's 2018 Ford Transit Connect mini cargo van, because its small election equipment inventory would be able to fit into these vehicles.

SEC transports election equipment across the state on a sporadic basis. Therefore, the procurement of ten new SUVs may be unnecessary. SEC's voter outreach staff transports voting machines for demonstrations at fairs, conventions, and schools periodically, and SEC's area representatives and IT staff transport election equipment to and from counties when necessary.

We reviewed SEC’s utilization of its passenger bus before it was placed into surplus and found the agency transferred election equipment on that bus infrequently. The passenger bus had 59,277 miles on it when it was placed into surplus, and the agency owned it for 18 years. This means, on average, the passenger bus was driven 3,293 miles per year. For comparison, according to the U.S. Department of Transportation (DOT), the average American drives 13,476 miles per year. In other words, the passenger bus was driven approximately one quarter of the number of miles the average American drives in a year.

We asked SEC to elaborate on the agency’s need for ten new SUVs to deliver election equipment to the counties. An agency official explained the new vehicles are for the agency’s new audit division and election equipment. The new audit division consists of 11 people—a director, two audit managers, and eight auditors—and the division is not expected to be fully staffed until the summer of 2023. The only election equipment this staff will be taking to the counties are laptops, tablets, portable scanners, pens, and paper.

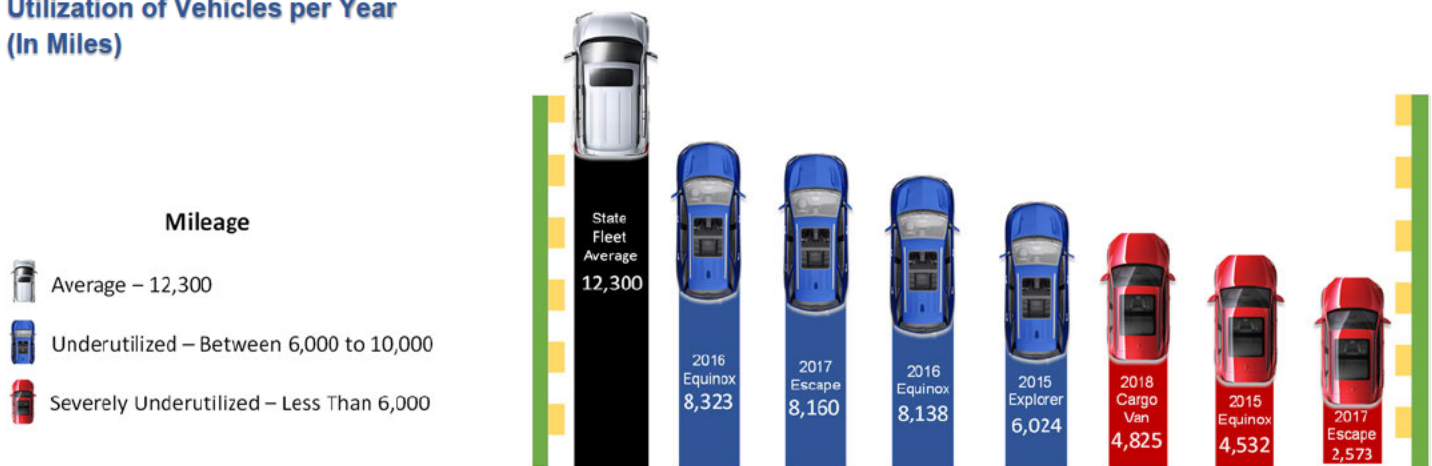
Utilization of Vehicles Owned Before Procurement

We found that the agency has not fully utilized the vehicles it owned prior to the procurement of ten additional SUVs. We calculated the average number of miles per year SEC drove the cargo van and the agency’s six other SUVs as of mid-April 2023. According to an agency official at SFM, the average number of miles driven on a state fleet-owned SUV leased to state and local governments is 12,300 miles per year. SFM has the following utilization standards based on mileage:

Severely Overutilized	Greater than 30,000 miles per year
Overutilized	Greater than 20,000 miles per year
Utilized	Between 10,000 to 20,000 miles per year
Underutilized	Between 6,000 to 10,000 miles per year
Severely Underutilized	Less than 6,000 miles per year

Based on SFM's utilization standards, we determined that three vehicles were severely underutilized and four vehicles were underutilized, as shown in Exhibit 6.2. The agency procured ten new vehicles even though it has not been fully utilizing the vehicles it already owned.

Exhibit 6.2: SEC's Average Utilization of Vehicles per Year (In Miles)



NOTE: Vehicles were not driven as often during CY 2020 due to the COVID-19 pandemic.

Source: LAC Analysis of SEC Data and SFM Data

Recommendation

51. The State Election Commission should utilize its older vehicles before procuring additional vehicles for its fleet.

Sole Source Procurement Violations

SEC did not follow the S.C. Consolidated Procurement Code (the procurement code) requirements for sole source procurements. We reviewed the agency's five sole source procurements entered into from April 2019 through April 2023. We found that SEC awarded two contracts to EasyVote Solutions, LLC (EasyVote) in violation of the procurement code requirements for sole source procurements. Specifically, we found:

- The EasyVote contract for a cloud-based election asset management program did not qualify for a sole source procurement because another supplier offered this item at the time the contract was executed.
- SEC did not post the sole source procurement ads for both the cloud-based election asset management program contract and the ballot tracking solution contract on the S.C. Business Opportunities (SCBO) website for the required amount of time.
- SEC executed the cloud-based election asset management program contract three and a half months before it could legally execute the contract.
- SEC did not submit the required documentation to the Materials Management Office at the Division of Procurement (DPS).

Cloud-Based Election Asset Management Program Contract Did Not Qualify For Sole Source Procurement

SEC improperly awarded the contract for a cloud-based election asset management program through sole source procurement. We interviewed suppliers and found that EasyVote was not the only supplier providing the goods and services contracted for at the time of this procurement.

Under the procurement code, an agency may award a contract for a supply, service, information technology, or construction item without competition if the agency determines there is only one supplier which offers such supply, service, information technology, or construction item. In other words, a sole source procurement is not permissible unless there is a single supplier. If there is any reasonable doubt that a contract qualifies for sole source procurement, then the agency must solicit competition.

SEC awarded a contract for a cloud-based election asset management program to EasyVote as a sole source procurement. We asked an agency official how EasyVote was determined to be the only supplier of a cloud-based election asset management program. The official stated that, at the time of the procurement, SEC employees were told by industry groups and other state election offices that EasyVote was the only vendor able to supply this item. The same agency official also stated SEC conducted extensive searches on the internet to see if the agency could find any other vendors besides EasyVote offering this item and found none.

We conducted an internet search for suppliers who offer asset management programs for election equipment and the search yielded several suppliers. We then contacted two suppliers to ask them if they have a cloud-based program and if they were offering their election asset management programs when SEC procured its contract. AssetWorks reported that their company has been offering a cloud-based election asset management program for approximately ten years. Therefore, there was at least one other supplier offering a cloud-based asset management program for election equipment at the time of the sole source procurement.

The fact that another supplier was offering a cloud-based asset management program for election equipment when SEC contracted with EasyVote means this contract did not qualify as a sole source procurement. As such, SEC was required to solicit competition for this contract. Adherence to the procurement code maximizes the purchasing value of state funds and increases public confidence in the government by ensuring all persons who deal with the procurement system are treated fairly and equitably.

SCBO Posting Violations

SEC did not follow required procedures for sole source procurements under the procurement code. We reviewed SCBO postings and found two sole source procurements were not posted for the required amount of time, the cloud-based election asset management program contract was executed before SEC could legally execute the contract, and the agency did not submit the required documentation for sole source procurements to DPS.

An agency must post its intent to award a contract through a sole source procurement on SCBO for at least five business days if the contract has a total potential value from \$50,001 to \$250,000. For contracts with total potential values exceeding \$250,000, an intent to award a contract through a sole source procurement must be posted on SCBO for at least ten business days. The total potential value is the total value of the contract over all terms of the contract, including renewal terms. Posting on the SCBO website is not required if a chief procurement officer from DPS determines that it is in the best interest of the state to award the contract without such notice.

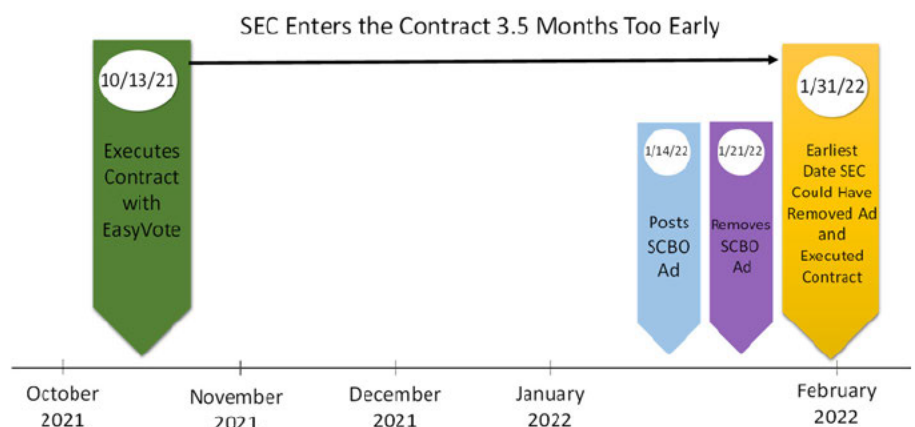
Asset Management Program Contract SCBO Posting Violation

SEC's contract with EasyVote for a cloud-based election asset management program has an initial term of one year. The contract renews annually if not terminated. The contract states that \$224,000 will be paid for the initial term, then \$138,000 annually for renewal. Therefore, the total potential value of this contract exceeds \$250,000. As a result, the agency should have posted its intent to award the cloud-based election asset management program contract as a sole source procurement on the SCBO website for at least ten business days before entering the contract.

SEC posted its notice of intent to sole source the cloud-based election asset management program on SCBO on January 14, 2022. The notice remained on SCBO's website until January 21, 2022 – four business days. If the agency had fulfilled the requirements of the procurement code, the notice would have remained on the website until January 31.

A DPS official stated that DPS did not grant SEC an exemption for this purchase; therefore, SEC was obligated to adhere to the posting requirement. Further, we found that SEC executed its contract from EasyVote on October 13, 2021—three and one-half months before the date SEC could legally execute the contract under the procurement code, as shown in Exhibit 6.3.

**Exhibit 6.3: Timeline of
SEC's Procurement of
Asset Management Solution**



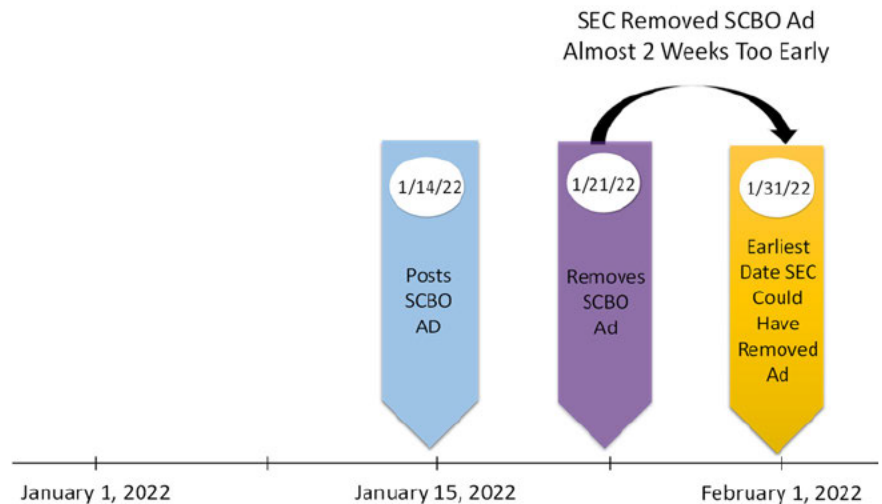
Source: LAC Analysis of SEC Procurement Events

Ballot Tracking Solution Contract SCBO Posting Violation

Similar to the cloud-based election asset management program contract, SEC's contract with EasyVote for ballot tracking solution software has an initial term of one year and renews annually if not terminated. The cost for the first year is \$215,000, and the renewal rate is \$103,500 a year. As such, the total potential value of the contract exceeds \$250,000.

SEC also posted its notice of intent to sole source the ballot tracking solution software on SCBO on January 14, 2022. The notice remained on SCBO's website until January 21, 2022—four business days. Like the cloud-based election asset management program contract, if the agency had fulfilled the requirements of the procurement code, the notice would have remained on the website until January 31, as shown in Exhibit 6.4.

**Exhibit 6.4: Timeline of
SEC's Procurement of
Ballot Tracking Solution**



Source: LAC Analysis of SEC Procurement Events

SEC Did Not Submit Required Documentation to DPS

Agencies must submit written documentation to the Materials Management Office at DPS explaining how the agency determined a contract qualified as a sole source procurement contract. Any decision by an agency that a contract can only be fulfilled by a single supplier must be accompanied by a thorough, detailed explanation as to why no other vendor would be suitable or acceptable to meet the agency's need. The decision must be supported by market research. The Materials Management Office must authorize the sole source procurement before any contract can be executed.

An official from DPS stated that SEC did not submit reports explaining why the cloud-based election asset management program and the ballot tracking solution were sole source procurements.

DPS Audits of SEC Procurement

S.C. Code §11-35-1230 requires DPS to conduct procurement audits of governmental bodies. The last time DPS conducted a procurement audit on SEC was for the period of July 1, 2002 to September 30, 2003—almost 20 years ago. A procurement audit from DPS could assist SEC in strict compliance with the procurement code going forward.

Recommendations

52. The State Election Commission should conduct more extensive market research before concluding a vendor qualifies as a sole source supplier.
53. The State Election Commission should post its notices of intent to sole source on the S.C. Business Opportunities website for the legally required amount of time.
54. The State Election Commission should only execute contracts awarded through sole source procurement after the agency has satisfied the required S.C. Business Opportunities' posting requirements.
55. The State Election Commission should submit all required written documentation to the Materials Management Office at the Division of Procurement before awarding contracts through sole source procurement.
56. The State Election Commission should request a procurement audit from the Division of Procurement at the S.C. State Department of Administration to ensure that the agency has followed the South Carolina Consolidated Procurement Act.

Poll Worker Recruitment and Training

Formula to Calculate Number of Poll Workers

We found that the statutorily-prescribed formula used to calculate the number of poll workers is impractical and outdated. We calculated the statutorily-required number of poll workers needed to staff the polling locations during the 2022 general election. Based on the current formula, we determined that counties were significantly understaffed because the counties hired less than half the total number of poll workers required by law for the election held on November 8, 2022.

In South Carolina, there are three types of poll workers—poll managers, clerks, and poll managers’ assistants. Poll managers are responsible for operating the polling place. Clerks are the leaders amongst the poll workers, and they have more responsibilities than a poll manager. There is one clerk per polling place. A poll manager’s assistant is a 16- or 17-year-old worker who is supervised by a clerk. Hereinafter, the term “poll worker,” collectively, refers to all poll managers, clerks, and poll managers’ assistants.

Poll managers and clerks must be registered voters in South Carolina. The clerk must be a registered voter of the county he/she is assigned to work or in an adjoining county. All poll workers, including poll managers’ assistants, must complete an SEC-approved poll worker training program and must swear an oath to lawfully conduct the election.

Number of Poll Workers Needed Based on Current Formula

For general elections, S.C. Code §7-13-72 requires three poll workers at each polling location for every 500 registered voters or a portion thereof. SEC provided us with a list of registered voters for each polling location during the 2022 general election. Based on this list, we calculated the number of poll workers needed for election day. We calculated that 25,329 poll workers were needed for the 2022 general election. According to reimbursement requests submitted by the county election offices to SEC, only 12,271 poll workers worked on election day—which is 48% of the total needed as required by law.

Exhibit 7.1: Number of Poll Workers Required Versus Number of Poll Workers Who Actually Worked on November 8, 2022



Source: LAC Analysis of SEC Data

Current Formula is Impracticable and Outdated

SEC is aware that county election offices do not strictly abide by the legal formula for calculating the number of poll workers needed on election day. SEC finds the current formula is antiquated and impractical. SEC recognizes that it is impossible for counties to hire the legally-required number of poll workers at large polling places. For instance, two polling places in the state are legally required to have 63 poll workers for election day. However, too many poll workers at a single polling location may be detrimental to the ability of the poll workers to conduct an election effectively and for the voters to vote. Additionally, if the county election offices hire the legally-required number of poll workers, it could result in wasted taxpayer dollars and resources.

The formula used to calculate the number of poll workers needed on election day was created almost 27 years ago. With the passage of early voting in May 2022, South Carolina voters are not restricted to voting on election day alone. Voters can now cast their ballots when the polls are open during the two-week early voting period. Fewer voters at the polls on election day means fewer poll workers are needed to work on election day. The early voting period should be considered when the formula for calculating the number of poll workers needed for election day is restructured.

Formula Needed to Calculate the Number of Poll Workers Required at Early Voting Centers

There is no state law addressing the number of poll workers needed to staff early voting centers during the early voting period. Rather, the county election office currently decides the number of poll workers needed at early voting centers. Nonetheless, SEC will only reimburse the counties for five poll workers per each early voting center, per day, even if the county requires more poll workers.

Early voting is growing in popularity. For example, in the June 2022 primaries, 17% of voter turnout was early voters. For the November 2022 general election, this percentage increased to 33%. SEC estimates the percentage to increase to 50% for future elections.

Recommendations

57. The General Assembly should amend S.C. Code §7-13-72 to more accurately reflect the number of poll workers required to work on election day.
58. The General Assembly should amend state law to address the number of poll workers needed to staff early voting centers.

New Measures and Strategies to Recruit Poll Workers

Recruiting poll workers is difficult because of long hours and low wages. Election officials reported having more difficulty recruiting for the 2022 general election than other election cycles because people were concerned about COVID-19 exposure and increases in poll worker harassment. Weeks before the 2022 general election, Anderson, Berkeley, Charleston, Greenville, Laurens, Lexington, Richland, and Spartanburg counties all reported a poll worker shortage. Inadequate numbers of poll workers can result in long wait times at the polls, the closing or consolidation of polling locations, and a reduction in public trust in the democratic system. New measures and strategies should be explored to attract and maintain poll workers for future elections, such as:

- Providing employment protection to individuals who serve as poll workers.
- Permitting poll workers to work in shifts.
- Increasing the wages given to poll workers to a level comparable with other states.
- Addressing poll worker safety concerns.
- Utilizing all tools to maximize poll worker recruitment.

Poll Worker Employment Protection Laws

Illinois, Minnesota, and Nebraska have statutes which prohibit an employer from penalizing (i.e., loss of leave or termination) an employee who decides to work as a poll worker so long as the individual gives the employer written notice in a timely manner. However, the Illinois and Minnesota statutes permit an employer to deduct the employee's salary for the time absent and allows employers to limit the number of employees who can serve as poll workers on election day. Along similar lines, Maryland and North Carolina give state employees paid time off to serve as poll workers.

For the 2020 presidential election, the North Carolina State Board of Elections (NCSBE) partnered with the Office of State Human Resources to help recruit poll workers by offering state employees up to three days (24 hours) of paid time off to volunteer with their county boards of voter registration and elections. This recruitment strategy was so successful that not a single county reported a poll worker shortage for the state's 17-day early voting period and for election day, plus NCSBE was awarded the 2020 Clearinghouse Awards Best Practices in Recruiting, Retaining, and Training Poll Worker from the EAC.

Split Shifts for Poll Workers

In South Carolina, poll workers are expected to arrive at their assigned polling locations at least one hour before the polls open on election day. They work the entire time the polls are open—from 7:00 a.m. to 7:00 p.m. Closing procedures may take another hour or more to complete. Therefore, poll workers in South Carolina are expected to work at least a 14-hour shift on election day. In our survey of county election directors, the long shift was listed as the second most common reason why it is difficult to recruit poll workers.

Eighteen states allow poll workers to work part-time or in a split shift. Since state law does not explicitly prohibit poll workers from working in shifts, SEC does not forbid county election offices from offering it as an option to help recruit poll workers. However, SEC states most counties do not offer this as an option because of the complexity calculating pay for poll workers who work in shifts. SEC pays poll workers on a per diem basis; therefore, it would be the county's responsibility to keep track of which poll workers worked in shifts and how to split the funds. A pay system provided by SEC may allow county election offices to seek reimbursement more easily for these part-time or shift workers.

Increase Poll Worker Wages

The General Assembly, through the appropriations process, determines how much poll workers are paid and poll workers are paid on a per diem basis. For the 2022 general election, poll managers were paid \$60 for attending training and \$75 for working election day, for a total of \$135. Clerks were paid \$60 for attending training and \$135 for working election day, for a total of \$195, because they had additional duties. SEC's online training is approximately two hours. Thus, poll managers earned \$30 an hour for training and \$5.36 an hour for the 14-hour shift on election day—which is below the federal minimum wage. Similarly, clerks earned \$30 an hour for training and \$9.64 an hour for the 14-hour shift on election day. In our survey of county election directors, insufficient pay was reported as the most common reason why it is difficult to recruit poll workers.

In South Carolina, counties may offer poll workers supplemental pay using county funds. For the 2022 general election, some county election offices were having such a difficult time recruiting poll workers that they were forced to ask their county councils for a one-time pay increase for poll workers so the county would have enough poll workers to work on election day. In our survey of county election directors, some counties reported paying \$25 to \$125 in additional compensation to their poll workers in the 2022 general election—which, for some counties, was a significant pay increase from the supplemental pay offered during the 2020 general election, as shown in Exhibit 7.2. Many counties did not offer supplemental pay to poll workers, and poll workers from these counties only earned the \$135 or \$195 paid by the state.

Exhibit 7.2: Counties and Amounts Offered to Poll Workers as Supplemental Pay

POLL WORKERS' SUPPLEMENTAL PAY		
COUNTY	2020 ELECTION	2022 ELECTION
Charleston	\$100	\$65
Cherokee	\$25	\$65
Chesterfield	\$0	\$25
Clarendon	\$0	\$25
Darlington	\$130	\$30
Dorchester	\$0	\$100
Georgetown	\$30	\$30
Jasper	\$50	\$100
Lexington	\$0	\$125
Newberry	no data	\$40
Oconee	\$0	\$30

Source: Response from LAC's Survey of County Election Office Directors

Poll Worker Pay Comparison

Nationally, poll worker pay varies from state to state and even from county to county. During the 2022 general election, South Carolina poll workers were generally paid less than poll workers from surrounding states.

North Carolina follows a structure like South Carolina in which the state provides for a base pay for poll workers, but the counties may offer a supplemental wage. The state of North Carolina pays poll workers the state minimum hourly wage, which is \$7.25 per hour, for training and working on election day. Based on data obtained from four North Carolina counties, for the 2022 general election day, a poll worker in North Carolina could earn up to \$313, on average, depending on his/her role.

In Georgia, counties are responsible for paying poll workers; however, the state sets the minimum compensation rate, which ranges from \$60 to \$95 per diem depending on the person's role. We found how much poll workers received in four Georgia counties during the 2022 general election. Using this data, we determined the poll workers in Georgia could earn up to \$313, on average, on election day, depending on the position.

Poll workers in Florida are paid by the county; therefore, the pay varies from county to county. We determined how much six Florida counties paid their poll workers during the 2022 general election. Based on this data, we calculated that a poll worker in Florida could earn up to \$327, on average, for training and working on election day in 2022, depending on the responsibilities.

Ensure Poll Worker Safety

South Carolina election officials have stated that a contributing factor to the poll worker shortage is harassment of poll workers. At the federal level, the U.S. Department of Justice created an Election Threat Task Force in July 2021 to investigate and prosecute individuals harassing and threatening election workers. However, due to the legal complexities of defining what constitutes a “true threat,” only a handful of people have been charged and even fewer have been prosecuted. Congress has also introduced legislation that would double federal penalties for individuals threatening or intimidating election officials but it is unclear if these pieces of legislation will pass.

During the June 2022 primaries, SEC reported that, in some South Carolina counties, there were instances of targeted harassment and intimidation of poll workers. SEC claimed that these instances were mostly the actions of a few poll watchers and observers. To prevent this sort of harassment and intimidation from happening again, SEC issued a detailed guideline for poll watchers and observers a few months before the general election.

Additionally, SEC and SLED issued a joint letter to all county sheriffs and police chiefs before the general election to warn them about poll workers being harassed.

Some states have introduced legislation to reduce poll worker harassment. Since the 2020 election, Oregon, Colorado, and Maine passed laws which increased the penalties for threats made against election workers. Vermont enacted a statute that would make it easier to prosecute those individuals who threaten election workers. California enacted legislation that will permit election workers to keep their physical address confidential because some malicious actors were using their physical address to harass and dox election workers. Doxing is when a person's private information is revealed publicly. Voter intimidation is illegal in South Carolina and extending that protection to poll workers could increase recruitment.

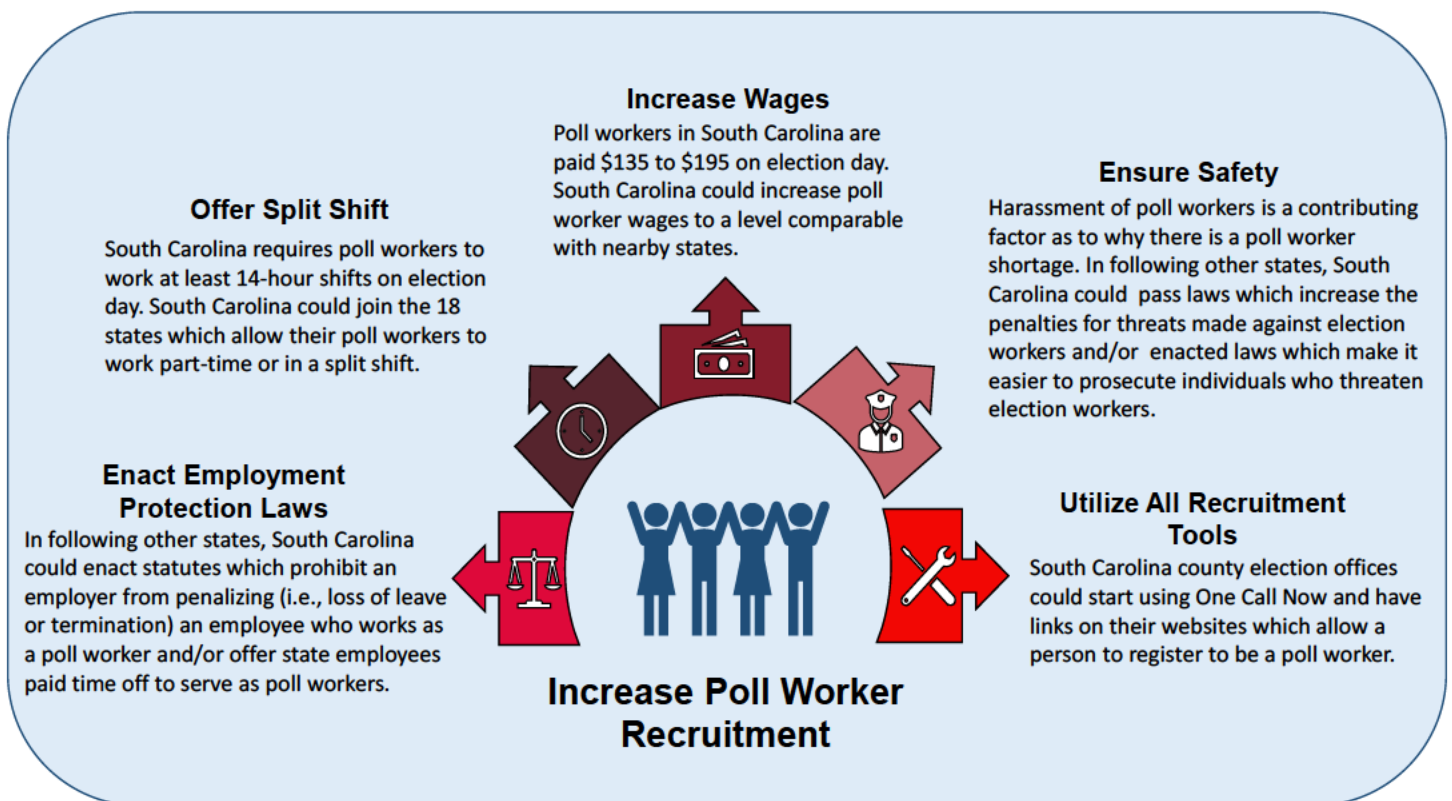
Recruitment Tools Need to be Better Utilized

County election offices are not utilizing all the tools at their disposal to effectively recruit poll workers. In our survey, county election directors reported they recruit most poll workers via word-of-mouth and online submissions through SEC's recruitment website. A few counties reported they host recruitment drives and use social media to engage poll workers.

At no additional cost to the counties, SEC provides the counties with One Call Now. This program uses mass communication technology to contact potential and confirmed poll workers. However, in our survey of county election directors—in which 27 county election directors participated in but only 6 fully completed—no county election directors reported utilizing One Call Now to recruit poll workers. One reason county election offices are not utilizing One Call Now as a recruitment resource could be because many of them are unaware that SEC offers this resource to counties for free. A search for "One Call Now" on ElectionNet—the website used by SEC to communicate to county election officials—yielded no applicable results.

Additionally, several county election offices do not give individuals the option to register as poll workers on their county election websites. We reviewed all 46 county election offices' websites and found that two counties—Chester and Marlboro—do not even have a county election website, and 15 county election websites do not have a link which allows a person to register as a poll worker. Requiring county election offices to have websites and a link where a person can register to be a poll worker could increase poll worker recruitment.

Exhibit 7.3: New Measures and Strategies Which Can Increase Poll Worker Recruitment Efforts



Source: LAC Analysis

Recommendations

59. The General Assembly should amend state law to provide employment protection to individuals who choose to serve as poll workers.
60. The General Assembly should amend state law to permit poll workers to work part-time or in shifts on election day.
61. If the General Assembly amends state law to permit poll workers to work part-time or in shifts on election day, the State Election Commission should implement a system which allows counties to easily seek reimbursement from the state for hiring poll workers who work part-time or in shifts.
62. The General Assembly should amend state law to increase poll workers' wages to be comparable to the pay received in nearby states.
63. The General Assembly should amend state law to specifically protect election workers from threats, harassment, and intimidation.
64. The General Assembly should amend state law to make it easier to prosecute those individuals who threaten election workers.
65. The General Assembly should amend state law to require election workers to keep their physical addresses confidential.
66. The State Election Commission should promote One Call Now to county election offices as a free resource which can be used to recruit poll workers for upcoming elections.
67. The General Assembly should require all county election offices to have a website; and on the website, one of the features should be the capability to register as a poll worker.

Training Overview

SEC oversees the training and tracking of poll managers, local election officials, and board members of county boards of voter registration and elections. Training for elections covers, among other things:

- Information technology.
- Security.
- General voting day issues.

We found:

- An SEC official noted that it has few remedies to sanction individuals who have not received proper training.
- There are 12 board of voter registration and election members in 8 counties missing continuing education credits and 6 county directors missing certifications or continuing education credits.
- County directors are mostly satisfied with the training provided by SEC, with some exceptions.

Who Receives Training

SEC oversees the training of:

- Board members of county boards of voter registration and elections.
- County directors.
- County voter registration and elections staff.

According to an agency official, SEC tries to conduct quarterly trainings. The official noted that the usual process is to annually identify and set a tentative training calendar for the year, then publish it to the counties. Although SEC does not directly oversee the training of poll workers, SEC does provide the training materials to the counties who are responsible for conducting the training.

Training of County Election Boards and Election Office Staff

County election boards are important structures within the South Carolina system. They oversee the hiring and/or firing of county directors, supervise the acceptance or denial of provisional and emergency ballots in their counties, and certify their elections, to name a few of their job requirements.

SEC is given protocols on training the county election boards through the code of laws. S.C. Code §7-5-10 (D)(1) states:

Each member, and each staff person designated by the board, must complete, within eighteen months after a member's initial appointment or his reappointment following a break in service, or within eighteen months after a staff person's initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission.

S.C. Code § 7-5-10 (D)(2) requires the Governor to remove board members who have not completed their required training from the board unless the Governor grants an extension to complete the training and certification program due to "exceptional circumstances." State law also requires board members to take at least one training course each year after completing their initial training.

SEC provided us with a list of all the board members who were missing professional development and continuing education credits. The list showed 50 county board members from 26 counties were missing education credits.

As of July 2023, there are 5 county directors missing certifications and 1 county director missing continuing education credits through SEC.

**Exhibit 7.4: Missed Training by
County Election Board Members**

COUNTY	MISSING CONTINUING EDUCATION CREDIT	18-MONTH CERTIFICATION PERIOD EXPIRED	NUMBER OF MEMBERS
AIKEN		1/1/23 Needs 4 courses for completion	1
BERKELEY		7/30/21 Needs 1 course for completion	1
DARLINGTON	2022		1
DILLON	2021 and 2022		1
FAIRFIELD	2022		1
LEE	2022		4
LEE		1/22/23 Needs 3 courses for completion	1
RICHLAND		5/17/23 Needs 5 courses for completion	1
SPARTANBURG		5/19/23 Needs 1 course for completion	1

Source: SEC

SEC has few options to ensure these county election officials are maintaining their proper level of training. According to an SEC official, the agency can withhold stipends, notify the county legislative delegations who appoint these board members, or in a final instance, notify the Governor who may or may not remove the offending board member.

**Online Poll Manager
Training**

One of SEC's most important responsibilities is to provide training to poll workers. All voters who go to polling places interact with poll workers who have gone through SEC's training program.

Additionally, S.C. Code §7-13-72 states:

No person may be appointed as a manger in a primary, general, or special election who has not completed a training program approved by the State Election Commission concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program...

The online poll manager training program is composed of five courses with a final poll manager training assessment and can be found on SEC's website. The program's sections and the time devoted to those sections include:

10 minutes	Preparing for Election Day
25 minutes	Setting Up and Opening the Polling Place
20 minutes	Processing Voters
25 minutes	Solving General Voting-Day Issues
15 minutes	Closing the Polling Place

After the completion of the five courses, the individual must take a poll manager training assessment. The test is 44 questions long and an individual must answer 35 out of those questions correctly to pass. There is no time limit for the test and solutions are given at the completion of the test.

An agency official stated that the poll manager election training is updated prior to every election to make sure they reflect the latest policy and law. In response to improving the training programs, an agency official stated that the agency uses feedback from counties to identify areas for improvement. For instance, one common area where errors were occurring was during the opening of polling places in the morning. To mitigate these issues, SEC implemented simple, large print, picture-based guides for opening and closing equipment. SEC has also made efforts to consolidate policy and procedure documentation into a comprehensive library for easy access.

Assessing Satisfaction with SEC's Training Program

We conducted a survey of the county election directors, and we asked them how satisfied they were with each portion of SEC's five-course online poll manager training program. On average, almost 72% said they were somewhat to very satisfied with the courses offered by SEC, while 18% of respondents reported being very dissatisfied or somewhat dissatisfied.

The training on the setting up and closing of polling places was the highest rated based on the weighted average by the county directors of the courses conducted by SEC. The training to teach poll clerks and managers fixing general voting day issues was the lowest rated based on the weighted average by county directors.

We asked county directors to specify what exact topics are causing confusion with poll workers. Some areas that caused confusion included the processes for failsafe and provisional voting. One mentioned that they believe that training needs to be revamped and another claimed that information is not consistently updated.

Training County Directors and Staff

S.C. Code §7-13-1655 (B)(2) requires SEC to:

...support the authorities charged by law with
conducting elections by providing basic level training
for personnel in the operation of the voting system
approved and adopted by the commission...

An SEC official stated that, prior to accessing any of SEC's equipment, county staff are required to undergo comprehensive cyber security training to ensure data protection. This is an annual requirement and applies to all SEC employees and select county employees. Given the sensitive, personal data accessed through VREMS, this precaution is crucial for safeguarding the information of South Carolina's voters.

SEC noted that the training program known as SANS is required for access to VREMS and other secure sites/applications managed by SEC. SEC aims for board members to be familiar with the topics covered, regardless of their backgrounds. However, directors must achieve a minimum score of 80% on the assessment. SEC notes that county staff members are required to pass with a minimum score of 70%.

Recommendation

-
68. The General Assembly should amend state law to provide the State Election Commission the ability to sanction county election board members who are out of compliance with their training obligations.

Poll Technicians

We reviewed the number of poll technicians, individuals who are employed during elections to assist with voting machine issues, that 17 counties self-reported using for the 2022 primary and general elections and found:

- Almost one-half (8) of the 17 counties reported using fewer technicians than the number for which the county could have been reimbursed for the 2022 primary election.
- Six counties reported using fewer technicians than the number for which the county could have been reimbursed for the 2022 general election.

We reviewed the number of poll technicians that SEC states it reimbursed all 46 counties for the 2022 general election. We found:

- The number of poll technicians counties reported using did not always align with the number of poll technicians reimbursed by SEC.
- Eight counties received reimbursement from SEC for more poll technicians than the agency's guidelines obligate.
- Seventeen counties received reimbursement from SEC for fewer poll technicians than the agency's guidelines obligate.

It is unclear why several counties did not employ the full number of poll technicians for whom they could have had reimbursed, but one of the reasons might be because SEC funded additional technical support through its statewide voter system vendor. Using fewer poll technicians may cause delays correcting voting machine issues, which may lead to long lines at polling locations. However, in our survey of county directors, most reported that voting machines rarely or never malfunctioned during the 2022 primary and general elections.

Several Counties Reported Using Fewer Poll Technicians Than SEC Would Have Reimbursed

SEC pays counties to employ poll technicians to travel to polling locations in a predetermined geographic area and help poll workers with voting machine issues. For the 2022 elections, SEC's election expense reimbursement guide stated that it would reimburse counties for one poll technician for every seven precincts. However, counties can receive reimbursement for additional poll technicians with approval from SEC's executive director, according to an SEC official. The reimbursement rate for poll technicians is \$150 for working election day, plus mileage.

In our county election director survey, we asked how many poll technicians each county made available for polling locations. When comparing the reported number of poll technicians in the 17 counties that responded to the reimbursable number of poll technicians, we found that 8 counties used less poll technicians than they could have been reimbursed for the 2022 primary election. Four counties reported using more than the reimbursable number of poll technicians. The full results of our analysis can be found in *Appendix E*.

We also compared SEC's actual poll technician reimbursement amounts to the number of poll technicians that counties reported using and the number of poll technicians SEC's reimbursement guide says could have been reimbursed. See *Appendix E* for the full comparison. The number of poll technicians counties reported using was occasionally higher than the reimbursement figures provided by SEC. According to an SEC official, counties are allowed to pay for additional poll technicians at their own expense. Nevertheless, SEC reported that it reimbursed 17 counties for fewer poll technicians than the agency's guidelines say could have been reimbursed.

It is unclear why many counties did not employ the full reimbursable number of poll technicians, but, in its response to our preliminary report, SEC stated that it funded additional technical support through its statewide voting system vendor for the 2022 general election. Another reason for not employing the full reimbursable number of poll technicians might be because, when asked how often particular voting machines malfunctioned during the 2022 primary and general elections, county directors overwhelmingly reported that voting machines rarely, or never, malfunctioned (see *Appendix A*). With more registered voters choosing to vote absentee or during early voting, the number of poll technicians needed to service voting machines on election day may need adjustment to fit the need going forward.

Recommendation

69. The State Election Commission should review whether the number of poll technicians requiring reimbursement for each county sufficiently meets the needs of elections moving forward.

Other Issues and Follow Up

Private Grant Funds

In 2020, three well-known individuals, Mark Zuckerberg, his wife Priscilla Chan, and Arnold Schwarzenegger, donated hundreds of millions of dollars to three organizations:

- Center for Tech and Civic Life (CTCL).
- University of Southern California's Schwarzenegger Institute (USC).
- Center for Election Innovation & Research (CEIR).

These organizations used those monies to provide grant funds to state and local election departments. Between SEC and county voter registration and election offices, South Carolina received more than \$6.5 million from these three organizations to help facilitate the 2020 election during the COVID-19 pandemic.

With the enactment of Act 150 of 2022, the General Assembly prohibited SEC and county election boards from receiving private funds such as the CTCL and USC grants. S.C. Code §7-5-50 states:

Notwithstanding another provision of law, the State Election Commission and the county boards of voter registration and elections may not receive, accept, or expend gifts, donations, or funding from private individuals, corporations, partnerships, trusts, or any third party not provided through ordinary state or county appropriations.

Pursuant to the audit request, we researched the recipients of these grants, as well as the details of these grants. We note that there is an accountability issue here in that our agency may not audit counties, and CTCL did not respond to our information request on how funds were spent by these state and county departments when asked.

Center for Tech and Civic Life Grant

CTCL, a non-profit that provides online training and information to election officials and voters, distributed \$350 million in grants from the COVID-19 Response Grant program to local election departments to administer safe elections. In total, nearly 2,500 United States election departments across 49 states received grants. The minimum grant amount for the program was \$5,000, and the largest grant awarded was over \$19 million which went to New York City.

The grant program was optional. CTCL stated that once applicants were verified as legitimate, they were approved for grant funds. The organization also stated in a report that “partisan considerations played no role in the availability or awarding of funding.” Nonetheless, CTCL believes that the grant program was a target of a disinformation campaign to undermine voter confidence. The organization cited more than a dozen lawsuits that were filed against the program but were ultimately rejected.

All but five counties in South Carolina received CTCL grant funds; Richland County received the most grant funds, \$725,462, and Edgefield County received the least amount, \$9,716. In total, South Carolina county election offices received approximately \$5.5 million. Georgetown, Greenwood, Lexington, Newberry, and Saluda counties did not receive any CTCL grant funds. These counties either did not apply for the funding, or refused the funds once offered the grant.

In total, South Carolina’s county voter registration and election offices received \$5,449,969. A complete overview of grant awards to counties is illustrated in Exhibit 8.1.

Exhibit 8.1: County Grant Allocations

COUNTY	GRANT AMOUNT	COUNTY	GRANT AMOUNT	COUNTY	GRANT AMOUNT
ABBEVILLE	\$20,480	DARLINGTON	\$58,978	LEXINGTON	**
AIKEN	\$111,731	DILLON	\$34,163	MARION	\$33,481
ALLENDALE	\$12,557	DORCHESTER	\$581,000	MARLBORO	\$30,086
ANDERSON	\$116,044	EDGEFIELD	\$9,716	MCCORMICK	\$10,663
BAMBERG	\$16,597	FAIRFIELD	\$25,305	NEWBERRY	*
BARNWELL	\$23,912	FLORENCE	\$103,355	OCONEE	\$27,000
BEAUFORT	\$117,950	GEORGETOWN	*	ORANGEBURG	\$217,500
BERKELEY	\$539,640	GREENVILLE	\$660,000	PICKENS	\$65,692
CALHOUN	\$11,640	GREENWOOD	*	RICHLAND	\$725,462
CHARLESTON	\$695,000	HAMPTON	\$19,406	SALUDA	**
CHEROKEE	\$40,195	HORRY	\$185,472	SPARTANBURG	\$193,338
CHESTER	\$28,578	JASPER	\$27,142	SUMTER	\$110,527
CHESTERFIELD	\$36,225	KERSHAW	\$42,935	UNION	\$22,874
CLARENDON	\$102,373	LANCASTER	\$50,880	WILLIAMSBURG	\$100,518
COLLETON	\$32,994	LAURENS	\$45,261	YORK	\$143,356
		LEE	\$19,943		

* Did not apply for grant

** County administration did not accept award

Source: SEC

SEC conducted a survey requesting information on how county voter registration and election offices spent their CTCL funds. The survey conducted by SEC did not include exact amounts for any expenditures by the county. The survey data only included the grant amount that the county received, the granting organization, how much was left at the time the survey had been conducted, and items and/or services on which the counties spent funds.

In some counties, grant money was given directly to members of county voter registration and election boards as well as bonuses for county election office staff. The Colleton County, Berkeley County, and Oconee County offices of voter registration and elections provided one-time compensation to board members and staff. It should be noted that Colleton County's funds for compensation of board members and staff was from the USC grant.

Anderson County reported that it spent the money on, among other items, rental/cleaning services, temporary staffing support, non-partisan voter education, and election costs associated with the satellite election department office. Berkeley County spent their money on, among other items, computer equipment, a 2019 Ford 250 Transit van, a 2020 Ford F250 truck, a 16-foot enclosed trailer, vehicle accessories/equipment, staff overtime, and mileage.

Horry County purchased cell phones, election day lunch for workers, iPads, and iPad cases, among other items. Among other items, Oconee County provided hazard pay to seven staff members, as well as their commissioners, for 30 days; hired five additional absentee staff for 30 days; and hired on three delivery workers for 6 days with hazard pay.

The survey conducted by SEC did not include exact amounts for any grant expenditures by the county. To better understand these expenditures, we conducted a survey of seven counties: Clarendon, McCormick, Colleton, Williamsburg, Pickens, Darlington, and Marion. We requested clarification on how CTCL grant funds were spent, and the counties responses follow.

Clarendon County

AMOUNT	ITEM OR SERVICE
\$7,997	Alvin Lewis HVAC
\$5,932	Another Printer, Inc.
\$2,589	Catering for All Occasions
\$35,037	Herald Office Supplies
\$3,295	Southern Computer Warehouse
\$19,893	McCall's Supply, Inc.
\$733	Amazon Capital Services
\$16	Clarendon Auto Parts
\$238	Hyman Paper Company
\$3,390	Nobletec LLC
\$1,338	Partial Alloc Credit Card
\$500	RBS Transportation
\$670	Shred 360
\$99	Simpson Hardware
\$107	Staples Advantage
\$219	Summerton Hardware
\$277	Truck Supply Company of SC
\$1,137	Uline
\$649	Walmart Community
\$84,114	Clarendon County TOTAL

McCormick County

AMOUNT	ITEM OR SERVICE
\$1,000	5x8 Enclosed Trailer
\$554	COVID-19 Sneeze Guards
\$9,109	Staffing – 5 Employees
\$10,663	McCormick County TOTAL

Colleton County

Part-time voter registration office workers received an additional \$2 an hour. Colleton County prepaid for two years of storage for election machines.

AMOUNT	ITEM OR SERVICE
\$283	FICA
\$349	Overtime Wages
\$3,476	Regular Wages
\$28,800	Rental of Land and Revenue
\$85	SCRS
\$32,993	Colleton County TOTAL

Williamsburg County

AMOUNT	ITEM OR SERVICE
\$10,410	Trailer
\$5,645	4 Computers
\$808	2 Absentee Banners
\$6,607	4 Printers and 3 Dyno Label Writers
\$4,795	Reimburse County (FTC)
\$5,869	Roll Cart Bags
\$39,924	Poll Workers
\$336	HP 89Y Toner Cartridge
\$134	Absentee Signs
\$2,104	Drop Box
\$986	Painting Trailer
\$3,525	Folding Machine & Shredder
\$1,212	Ballot Boxes
\$16,616	Voting Booths
\$1,538	Office Workers' Bonuses
\$8	Transfer to General Account
\$100,518	Williamsburg County TOTAL

Darlington County

AMOUNT	ITEM OR SERVICE
\$44,978	Poll Worker Recruitment Funds, Hazard Pay, and/or Training Expenses
\$10,000	Temporary Staffing Support
\$4,000	Non-partisan Voter Education
\$58,978	Darlington County TOTAL

Marion County

AMOUNT	ITEMS OR SERVICE
\$7,084	Richardson Builders & Son
\$5,889	Print Elect
\$838	Widmer Time Recorder Co.
\$11,656	Olsten Staffing
\$8,014	CRCT Expense Posting
\$33,481	Marion County TOTAL

Pickens County

AMOUNT	ITEM OR SERVICE
\$568	#10 Regular Envelopes
\$2,567	#10 Window Envelopes
\$7,227	A-Frames with Insert Signs
\$112	Assistive Technology Services
\$3,173	Dell Latitude 3310
\$13,260	Dell Latitude 7400
\$1,508	Bostitch Office Executive
\$40	Coat and Tie Racks
\$5,378	Collapsible Zipper Transport
\$1,135	Curbside Voting Signs with Step
\$91	Dymo Printer Label Spools
\$271	Election Supplies
\$782	Fax Expansion Kit
\$1,120	Flash drive case USB me...
\$346	Floor Decals
\$49	Homeschool Hangout Outreach
\$121	Laptop Backpacks
\$1,038	Lorell Guest Chairs, 24
\$496	Magnetic Glass Whiteboard
\$241	Malwarebytes Renewal
\$54	Name Plates for Voter Registration

AMOUNT	ITEM OR SERVICE
\$383	Office Supplies
\$213	Office Supplies and PW Snacks
\$1,680	OptiPlex 5080 Tower;Opt
\$271	Organizers, keyboards, and wris...
\$323	PC Shirts for Registration and...
\$774	Plexiglass Counter Barriers
\$535	Polling Place Individual Preci...
\$713	Polling Place Vote Here with Open...
\$707	Polling Place Vote Here with Step...
\$2,303	Portable Organizer Storage
\$1,014	Provisional Ballot Bags
\$9,857	Rebranded Name of Scanner Only
\$869	Return Envelopes
\$579	Return Mail Envelopes: Voter Re...
\$227	Sales Tax
\$1,068	Software for Registration and El...
\$1,229	Stick Roller Ball Pen
\$699	Storage Containers
\$1,312	Union Scale Essen
\$583	Wireless Phone for Voter Regis...
-\$28	PO# 21005438

Pickens County TOTAL	\$64,886	
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NOTE: Entries in ITEM OR SERVICE column with ellipses are as they appear in the documentation provided to LAC.

University of Southern California (USC) Schwarzenegger Institute Grant

The USC Schwarzenegger Institute funded grants for state and local officials “who want to reopen polling stations they closed because of a lack of funding.” Almost all of the recipients of the funding were counties in the Southeast, including two counties in South Carolina. Barnwell County received a \$17,500 grant and Colleton County received a \$22,500 grant.

As one of the counties in our sample, Colleton County provided us with further information on how it spent the USC grant funds. All \$22,500 was spent on wage supplements. Specifically, the funds were used to give 160 poll workers an additional \$100 to work the November 2020 general election and runoff. One-time compensation was also given to the six voter registration commissioners and two voter registration office permanent staff. An exact amount was not given for the one-time compensation.

Colleton County

AMOUNT	ITEMS OR SERVICE
\$22,500	Regular Wages
\$22,500	Colleton County TOTAL

CEIR Grant

Unlike the previously mentioned grant programs, the CEIR grant only provided funds to states, not counties. Specifically, the CEIR grant was “targeted at helping states provide voters information about voting options, polling places and hours, and how to successfully cast their ballot during [the 2020] general election.” All 23 states that applied for the program were approved, meaning over \$64 million was provided to states through the CEIR grant. SEC was among the approved grant applicants, requested \$1,267,500 in funding, and received \$1,071,797 of the total grant funds. The total amount of the grant was split between two vendors—Sun Printing and Chernoff Newman. SEC spent \$2,070 at Sun Printing for Voting Safety posters (for polling places) and spent the remainder of the funds, \$1,069,727, with Chernoff Newman for advertising services.

**Exhibit 8.2: CEIR Grant
Expenditures**

ITEM OR SERVICE	AMOUNT
CHERNOFF NEWMAN	
Absentee Voting	\$10,057
Account Support	\$21,481
Brochure Updates	\$9,471
Brochures	\$22,229
Brochures (creative)	\$9,350
Campaign social media (responses)	\$2,430
Checklist brochures (voter education)	\$2,650
Creative Services	\$2,263
Gamecock Sports/Clemson ads	\$80,000
General Election research	\$6,460
In person demos for new voting machines	\$1,150
Infographic (ABS signature changes)	\$1,375
Inserts (ABS signature changes, SeaChange only)	\$15,516
Media relations/social media: NoExcuses	\$7,750
Newspaper Ads	\$70,534
NoExcuses campaign	\$8,600
NoExcuses campaign (video & production)	\$106,826
Outdoor Advertising	\$69,119
Poll manager handbooks	\$13,680
Poll Worker Document	\$1,450
Public Relations for 2020 GE	\$11,669
Radio Ads	\$138,314
SCSEC Appreciation print ad	\$938
Social Media (online advertising)	\$108,000
Social Media management	\$11,750
TV Ad Spots	\$94,830
TV Ads	\$222,756
Voting Safety Video	\$19,080
Chernoff Newman TOTAL	<u>\$1,069,727</u>
SUN PRINTING	
Voting Safety Posters (for polling places)	<u>\$2,070</u>
TOTAL	<u>\$1,071,797</u>

Source: SEC

Accountability

We found few internal controls or accountability measures from the private organizations when it came to how these private grants were spent. When we requested information from CTCL about how its funds would be spent, a CTCL official stated “It is our standard policy not to distribute information regarding our 2020 grant program outside what is publicly available on our website and on our [IRS Form] 990.”

When we requested documentation from individual counties on how the grant money was spent, we received a variety of documents, each with varying degrees of specificity. Under state law, we are not granted the authority to audit South Carolina county governments. When we requested additional information from the Office of the Inspector General (OIG), an OIG official stated that their agency “did not examine CTCL funds or funds from any other private organizations in [their agency’s] engagements with the Election Commission.”

In its survey to determine how this grant funding was spent, SEC noted that several counties did not respond to the survey request, including several that had received CTCL funding. The lack of oversight of these funds is not conducive to transparency.

States’ Efforts to Restrict Use of Private Funds in Elections

The S.C. General Assembly prohibited state and local election agencies from receiving private funding with the enactment of Act 150 in 2022. As of 2023, 24 states (including South Carolina) have also enacted similar prohibitions against private grant funding for their state and local election agencies.

FOIA Compliance

The purpose of the S.C. Freedom of Information Act (FOIA) is for citizens to “be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy.” Unless explicitly excluded by statute, all meetings held by the commission of SEC are open to the public. Agendas for the commission’s meetings are required to be posted on SEC’s website at least 24 hours before the meetings are to be held. We analyzed SEC’s meeting agendas and found the following possible FOIA violations:

- Five meeting agendas used a “catch-all” agenda entry which was likely too vague to provide the public with adequate information.
- The agency failed to post two meeting agendas on its website at least 24 hours before the meeting.

SEC Meeting Agendas Included Vague Catch-All Entries

The S.C. Attorney General’s Office issued an opinion on July 30, 2019, which held that a catch-all agenda entry, such as “Other Administrative Business,” likely violates FOIA. The office concluded that such agenda items would be deemed too vague to provide the public with adequate notice; and therefore, would likely defy the purpose and framework of FOIA.

We reviewed all 13 SEC meeting agendas from January 2022 through December 2022, and found that 4 meeting agendas had “Other items as needed” and one meeting agenda had “Any other matters, as needed, pursuant to S.C. Code §30-4-70” under the subheading “Executive session to receive legal updates and advice.” These catch-all agenda entries would most likely be viewed as too vague and in violation of FOIA. Adequate notice is needed in meeting agendas so the public knows what matters will be discussed by SEC.

SEC Failed to Post Its Meeting Agendas In a Timely Manner

FOIA requires meeting agendas to be posted to the agency’s website at least 24 hours prior to each meeting. SEC failed to post the meeting agenda for its April 19, 2023 meeting and its May 17, 2023 meeting within the required timeframe on its website. Agency officials have explained these two meeting notices were not timely posted due to a technical issue with the website’s code which has now been fixed and should not happen again.

Recommendations

70. The State Election Commission should always comply with the S.C. Freedom of Information Act and eliminate the use of catch-all descriptions in its agenda notices.
71. The State Election Commission should always comply with the S.C. Freedom of Information Act by posting its meeting agendas on its website at least 24 hours prior to each meeting.

Status of Prior LAC Recommendations

As part of our current review of South Carolina elections, we conducted a follow-up review of our 2013 report *A Review of Voting Machines in South Carolina*. The recommendations from the 2013 report and our conclusions are below.

STATUS OF RECOMMENDATIONS	NUMBER
Implemented	4
Partially Implemented	7
Not Implemented	4
Not Applicable	1
TOTAL	16

MARCH 2013 **Recommendation 1**

The General Assembly should amend S.C. Code §7-13-1620(A) to remove the requirement that a voting system must be certified by an Election Assistance Commission (EAC) accredited laboratory and add a requirement that the voting system be approved by a testing authority selected by the State Election Commission.

PARTIALLY IMPLEMENTED

MARCH 2013 **Recommendation 2**

The State Election Commission should continue implementation of its application to track the inventory, maintenance, and replacement of voting machines in the counties.

PARTIALLY IMPLEMENTED

In our 2013 report, we found that the provision of S.C. Code §7-13-1620(A) that required a voting system to be certified by an Election Assistance Commission accredited laboratory hindered the state's ability to modify or replace the current voting system. We found that SEC could follow its own certification process to provide more flexibility. S.C. Code §7-13-1620(A) still requires that a voting system must be certified by an EAC-accredited laboratory. However, the code has been amended to provide more flexibility by stating that, if federal voting system standards and guidelines have been amended less than 36 months prior to an election, then SEC may approve and certify a voting system after determining the effect that such approval would have on the integrity of elections and the procedure and cost involved to bring the voting system into compliance with the amended standards.

In *Chapter 5* of this report, we examined the physical security and asset management systems of SEC and county election agencies, which included a review of SEC's election equipment inventory systems. We found that, although SEC has an asset list of voting equipment in the counties, there are discrepancies with the list. According to an SEC official, several counties have piloted the new asset management system but the agency is waiting on a print vendor to print and deliver asset tags for all counties before implementing the new asset management system statewide.

MARCH 2013

Recommendation 3

The State Election Commission should update the Election Security guide regularly. Policies should be developed to reduce inconsistencies of procedures among counties, the redundancy of errors throughout counties, and increase the awareness of SEC to issues occurring throughout the state.

PARTIALLY IMPLEMENTED

MARCH 2013

Recommendation 4

The State Election Commission should establish and maintain a hotline for voters to call during elections to report problems, including those related to any voting machines in use. A list of the reported problems should be maintained to identify issues with the voting machines.

NOT IMPLEMENTED

SEC has not updated the election security guide. However, SEC is currently updating the guide and provided an “in progress” draft of the updated guide. According to an SEC official, updates to the guide will be completed in October 2023.

SEC does not provide a hotline for voters to call during elections to report problems. Although the agency’s website provides a phone number to contact SEC, it is not explicitly dedicated to election day problems. On its website, SEC states:

Contact our staff and we’ll do everything we can to respond to your concerns. However, most election questions can be more directly answered by contacting your county voter registration and elections office.

Although SEC may be correct in determining that county offices can more effectively address voter problems, it is possible that some voters may believe that SEC would be the proper authority to contact with election issues. Additionally, having a hotline could help SEC determine what problems most commonly impact voters on election day, which could allow SEC to better instruct and train county officials in addressing such issues in future elections. It should be noted that SLED has a hotline that allows for the reporting of election-related crime; information about that hotline is located on SEC’s website.

MARCH 2013

Recommendation 5

The General Assembly should enact a law requiring counties to perform post-election tabulation audits, consistent with the current voting machine technology available, without voter verifiable paper trails, to be completed before any election is certified.

PARTIALLY IMPLEMENTED

MARCH 2013

Recommendation 6

The State Election Commission should post on its website an explanation that the post-election process, which SEC calls an audit, is in fact, limited to a tabulation of data confirming the consistency of the machine's memory and assuring only that the process accounts for votes as recorded by the machine itself.

NOT APPLICABLE

MARCH 2013

Recommendation 7

The State Election Commission should analyze the data in order to determine useful findings that could be used to improve resource allocation, staffing, and training needs in future elections.

IMPLEMENTED

Act 150 of 2022 implemented several of the provisions of this recommendation. S.C. Code §7-3-20(D)(19) now requires SEC's executive director to:

Establish methods of auditing election results, which may include risk-limiting audits, hand count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director.

State law now requires election result audits be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers. Additionally, S.C. Code §7-3-20(D)(19) gives the executive director of SEC the discretion to perform an audit on any other election held in the State.

Given the changes to the state law requiring post-election audits and the fact that the audits are no longer limited to a tabulation of data confirming the consistency of the machine's memory and assuring only that the process accounts for votes as recorded by the machine itself of data, we conclude that this recommendation is no longer applicable.

SEC appears to be analyzing data regarding post-election audits in order to make recommendations regarding resource allocation, staffing, and training needs in future elections. This is occurring through SEC's audit division. For example, in its 2023 review of Berkeley County, SEC audit division examined Berkeley County's hand count audit process. SEC found that Berkeley County's hand count audit reports showed that the number of ballots cast and votes by candidates equaled those reported on respective result tape but also found that inmates were used during the hand count audit process and recommended eliminating that practice.

MARCH 2013

Recommendation 8

The State Election Commission should ensure that the audit reports on its website are user-friendly by:

- Posting prominently on its website that audit reports exist and provide instructions on how they can be accessed.
- Including date and time stamps on the reports indicating exactly when the audit was completed.
- Stating clearly on the reports the specific election to which the report applies.
- Defining the column headings and report titles.
- Providing simple instructions in using the reports and data files.
- Summarizing the results of the audit by concluding there were no problems or explaining any errors identified.

PARTIALLY IMPLEMENTED

MARCH 2013

Recommendation 9

The General Assembly should amend state law to require that post-election machine tabulation audits be performed for all elections including local elections and that these post-election vote tabulation audits be completed before any results of those elections are certified.

PARTIALLY IMPLEMENTED

SEC has a link on its website that takes a user to its audit reports. The audits are easily accessible in a .pdf format. The audits do not have a date stamp but do have a space where the exact date and time an audit was conducted can be included.

The reports are generally reader-friendly. However, there is not a certification that no problems are identified. Additionally, in the instances in which issues were identified, there were not always details for the reason for those discrepancies.

We examined state law and did not find that the General Assembly has amended state law to require that post-election machine tabulation audits be performed for all elections including *local* elections and that these post-election vote tabulation audits be completed before any results of those elections are certified. However, Act 150 requires post-election audits after all statewide elections and those audits must be conducted before certification.

MARCH 2013

Recommendation 10

The General Assembly should amend state law to extend the length of time for certification of state and local elections to allow sufficient time to complete the post-election tabulation audits and resolve any problems identified by the audits.

NOT IMPLEMENTED

We found that state law has not been amended to extend these deadlines. This topic is discussed in detail in *Chapters 3 and 4* of this report.

MARCH 2013

Recommendation 11

The State Election Commission should record and post audit training videos online in order to make them available as needed to county election officials.

NOT IMPLEMENTED

We did not find evidence that post-election audit training videos have been recorded and posted online. An SEC official stated that there is a need to create and conduct more official training for post-election audits.

MARCH 2013

Recommendation 12

The State Election Commission should periodically assess training needs of county election officials in order to identify weaknesses in audit training programs and adjust the schedule and course content as necessary.

IMPLEMENTED

We found that SEC solicits feedback from county election officials in order to improve its training programs. SEC provides opportunities for election officials to provide feedback on training in its ElectionNet online system and also provides feedback forms to officials after training concludes.

MARCH 2013

Recommendation 13

The State Election Commission should offer core training courses for county election commissioners and voter registration board members and staff in various locations of the state, as required by proviso 79.7.

PARTIALLY IMPLEMENTED

According to an SEC official, the agency currently provides board member training at SEC headquarters in Columbia. However, the official noted that the FY 23-24 budget will allow SEC's training division to offer regional training in the future.

MARCH 2013

Recommendation 14

Election commissioners and voter registration board members who fail to earn training certification within the established time period should be removed and replaced.

NOT IMPLEMENTED

As discussed in *Chapter 7*, SEC maintains a list of voter registration board members who fail to earn training certification within established time periods. However, as noted in *Chapter 7*, according to SEC, those members have not been removed and replaced by the Governor.

MARCH 2013

Recommendation 15

The State Election Commission should evaluate the training offered to election officials, directors, and staff to determine if training can be offered online, or on weekends, or if additional training courses are needed.

IMPLEMENTED

SEC now offers training options that are online. These training options are available on-demand, including on weekends.

MARCH 2013

Recommendation 16

The State Election Commission should consider testing officials, directors, and staff on core training to assure understanding of election rules and laws.

IMPLEMENTED

SEC conducts knowledge assessments for county election directors. Directors must pass a knowledge assessment with at least 80% score in order to pass. SEC does not require county election board members to pass an assessment. An SEC official stated that board members do not require in-depth knowledge in the same way a director would. County staff are also not required to pass an assessment. An SEC official stated that staff learn on the job.

County Election Director Survey Results

The LAC survey of county election directors was conducted November 30, 2022 using SurveyMonkey®. We sent a total of 46 survey invitations. Twenty-seven county directors participated, yielding a participation rate of 59%. Certain responses have been omitted to preserve anonymity.

Select your county.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		27

What is your name?		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		26

What is your title?		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		26

How many years have you worked as an election official?		
ANSWER CHOICES	RESPONSES	
<1	11.54%	3
1 - 5	15.38%	4
6 - 10	19.23%	5
11 - 15	15.38%	4
16 - 20	15.38%	4
>20	23.08%	6
TOTAL		26

Number of full-time employees at your county voter registration and elections office:		
ANSWER CHOICES	RESPONSES	
0	0.00%	0
1	15.38%	4
2	38.46%	10
3	15.38%	4
4	3.85%	1
5	0.00%	0
6	3.85%	1
7	3.85%	1
8	3.85%	1
9	3.85%	1
10	3.85%	1
>10	7.69%	2
TOTAL		26

What is the full-time employee(s) job title(s)?		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		25

If more than 10 employees, please list the additional employees' job titles here. Please separate employee job title with commas.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		4

Did your county receive private grant funds for the 2020 election?		
ANSWER CHOICES	RESPONSES	
Yes	60.87%	14
No	39.13%	9
TOTAL		23

Did your county have any unspent private grant funds from either the Center for Technology and Civic Life (CTCL) or the USC Schwarzenegger Institute after the 2020 election?		
ANSWER CHOICES	RESPONSES	
Yes	14.29%	2
No	85.71%	12
TOTAL		14

How much was unspent?	
COUNTY	RESPONSES
County 1	\$137.15
County 2	\$0.00
TOTAL	2

How does (or did) your county plan on handling the unspent private funds?	
	RESPONSES
County 1	Refund check sent to Center for Technology and Civic Life on 6/24/2021.
County 2	N/A
TOTAL	2

Does your county work with non-profits and/or 501(c)4s when it comes to election related activities such as voter registration drives or get out the vote campaigns?		
ANSWER CHOICES	RESPONSES	
Yes	30.43%	7
No	69.57%	16
TOTAL		23

What kind of aid does your office provide to these non-profits and/or 501(c)4s?	
	RESPONSES
County 1	We do not provide financial aid. We provide election materials such as voter registration applications and brochures.
County 2	Instructions for forms being used.
County 3	Supplies, Educational Materials, and at times staff to assist.
County 4	Voter Registration and Election Related information
County 5	Unknown
County 6	Voter registration kits
County 7	Voter Registration & Election literature
TOTAL	7

Does your office provide any training to non-profits regarding what they can and cannot do when it comes to federal election laws?		
ANSWER CHOICES	RESPONSES	
Yes	42.86%	3
No	57.14%	4
TOTAL		7
IF YES, PLEASE EXPLAIN.		
We provide copies of the election law brochures.		
Unknown		
Non poll workers attend our training sessions so that they have a better understanding of the process		
We normally have a brief training for those wanting to host VR drives or be involved in VR and Elections.		

Please provide the names of the non-profits and/or 501(c)(4)s your office has worked with in the past five years.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		5

Has your office had to report any non-profit organizations for election-related violations?		
ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	24
TOTAL		24

What was the name of the organization?		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

What was the nature of the violation?		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

When was the violation?		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Did your county apply for the 2022 Department of Homeland Security (DHS) preparedness grant?		
ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	23
TOTAL		23

In dollars, how much was your county awarded from the 2022 DHS preparedness grant?		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Please explain how your county spent or intends to spend the 2022 DHS preparedness grant funds.

ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Does your county have an election handbook or manual (created by the county) to help county employees/volunteers with elections?

ANSWER CHOICES	RESPONSES	
Yes	43.48%	10
No	56.52%	13
TOTAL		23

Please provide a copy of the handbook/manual.

ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Does your county have a county-created policy and/or procedure on any of the following topics? Check all that apply.

ANSWER CHOICES	RESPONSES	
None of the above	0.00%	0
Records retention	83.33%	5
Receiving phishing emails	66.67%	4
Registering and processing voter registrations	83.33%	5
FOIA requests	100.00%	6
Dual authentication or multi-factor authentication for secure access to highly confidential information	50.00%	3
Ransomware	50.00%	3
VREMS	66.67%	4
Maintaining voter registration list	100.00%	6
Chain of custody for voting machines	83.33%	5
Chain of custody for ballots during elections	83.33%	5
Emergencies during election, such as fire, bomb threats, etc.	100.00%	6
Ballot reconciliation	50.00%	3
Ballot testing procedures	50.00%	3
Provisional ballot processing	50.00%	3

Does your county have its own voter registration and elections website?		
ANSWER CHOICES	RESPONSES	
Yes	65.00%	13
No	35.00%	7
TOTAL		20
Please provide the hyperlinks to your county's voter registration and elections website.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		12

Has your office ever denied a person's application to be a poll worker other than for the following reasons: residency/age requirement; relationship to the candidate?		
ANSWER CHOICES	RESPONSES	
Yes	25.00%	5
No	75.00%	15
TOTAL		20
IF YES, PLEASE SPECIFY.		
If worker is a current full time employee at the county.		
Not willing to follow proper procedures, disruptive at the polls, etc. Number would be less than 10 over 30 years.		
Lawsuit against County, Aggressive behavior,		
Complaints from other poll managers about the applicant		
Only once for disruptive behavior at a polling location.		

The SEC provides a 5 course online poll manager training program for poll workers to complete. How satisfied are you with each training course?										
ANSWER CHOICES	RESPONSES									
	COURSE TITLE									
	PREPARING FOR ELECTION DAY		SETTING UP AND OPENING THE POLLING PLACE		PROCESSING VOTERS		SOLVING GENERAL VOTING-DAY ISSUES		CLOSING THE POLLING PLACE	
Very Dissatisfied	11.76%	2	11.76%	2	11.76%	2	11.76%	2	11.76%	2
Somewhat Dissatisfied	5.88%	1	5.88%	1	5.88%	1	5.88%	1	5.88%	1
Neither satisfied or dissatisfied	11.76%	2	5.88%	1	11.76%	2	17.65%	3	5.88%	1
Somewhat satisfied	23.53%	4	23.53%	4	29.41%	5	29.41%	5	29.41%	5
Very Satisfied	47.06%	8	52.94%	9	41.18%	7	35.29%	6	47.06%	8
TOTAL	17		17		17		17		17	

Is there any topic(s) within the training course that creates confusion amongst poll workers?		
ANSWER CHOICES	RESPONSES	
Yes	41.18%	7
No	58.82%	10
TOTAL		17
IF YES, PLEASE EXPLAIN.		
All online and in person training is very beneficial but poll managers still seem to still struggle on the actual election day. Being a poll manager isn't like working a regular job.		
The failsafe and provisional voting process.		
Provisional Ballots, Failsafe, Procedures/Envelopes, Causing Confusion		
Information is not consistently updated, so outdated information can cause confusion		
Provisional Ballots - Challenge/Failsafe		
The training needs to be revamped and new training module		
Informing poll workers to only use the paper election books if the epollbooks (EPB's) are not operable. The paper election books have proven invaluable on several occasions for our office as a backup resource to maintain voter history.		
Law enforcement at polling places & assisting voters		
Failsafe voting.		

Does your county offer any additional training besides the SEC's online poll manager training program?		
ANSWER CHOICES	RESPONSES	
Yes	90.00%	18
No	10.00%	2
TOTAL		20

How many poll workers attended training for the 2022 general election in your county?	
COUNTY	POLL WORKER COUNT
County 1	173
County 2	105
County 3	500
County 4	95
County 5	130
County 6	230
County 7	1,550
County 8	730
County 9	115
County 10	130
County 11	183
County 12	1,209
County 13	64
County 14	322
County 15	290
County 16	135
County 17	650
County 18	78

How many poll workers worked during the early voting period for the 2022 general election in your county?	
COUNTY	POLL WORKER COUNT
County 1	14
County 2	8
County 3	5
County 4	48
County 5	10
County 6	6
County 7	30
County 8	100
County 9	30
County 10	4
County 11	11
County 12	32
County 13	10
County 14	125
County 15	17
County 16	40
County 17	24
County 18	20
County 19	0

How many poll workers worked on general election day (November 8, 2022) in your county?	
COUNTY	POLL WORKER COUNT
County 1	167
County 2	105
County 3	485
County 4	79
County 5	119
County 6	221
County 7	1,441
County 8	730
County 9	120
County 10	105
County 11	316
County 12	183
County 13	1,083
County 14	64
County 15	320
County 16	275
County 17	140
County 18	77

How many poll workers worked both the 2020 general election and the 2022 general election in your county?	
COUNTY	POLL WORKER COUNT
County 1	405
County 2	211
County 3	37
County 4	119
County 5	221
County 6	800
County 7	75
County 8	100
County 9	472
County 10	40
County 11	250
County 12	185
County 13	250

Does your county have a list of pre-screened poll managers to serve as back-ups who can be deployed in the event of no-shows on election day?		
ANSWER CHOICES	RESPONSES	
Yes	57.89%	11
No	42.11%	8
TOTAL		19

If your county had poll workers who received training but were unable to work on general election day (November 8, 2022), what are some of the reasons given by the poll workers?	
COUNTY	RESPONSES
County 1	sick
County 2	sickness and family emergency
County 3	covid - sickness- not enough pay
County 4	Sickness Out of town emergency
County 5	Had appointments, unable to work due to campaigning for a candidate on the ballot
County 6	Too long of a day
County 7	Illness, change in their work schedule, personal reasons
County 8	Last minute change in plans. Changed my mind. Fear of COVID. Will not work in any other precinct but my own. Sick. etc.
County 9	Covid, Death in family, Flu, Child Care,
County 10	Sick, kids, & work
County 11	Vacations, Out of town, Sick, hospitalization, care of loved one
County 12	death in family, flu/sudden illness, did not realize length of election day hours, overwhelmed by equipment and procedures
County 13	Covid, sickness, injury
County 14	Believe it or not, every poll worker attended training and showed up for work.
County 15	Illness
County 16	Mainly sickness.
County 17	Family emergency
County 18	virus

Have you had trouble recruiting poll workers for the 2022 primary or general election?		
ANSWER CHOICES	RESPONSES	
Yes	42.11%	8
No	57.89%	11
TOTAL		19

What are some of the reasons given as to why people do not want to be poll workers?	
COUNTY	RESPONSES
County 1	Long day of work and to little pay
County 2	Not enough money Days are to long
County 3	pay
County 4	Money for Working the Election, Equipment too bulky, Stress of Observers/Watcher Confrontations, Covid,
County 5	work & the feeling towards elections
County 6	working hours are too long, pay is not enough, voters are rude and disrespectful, too much stress, cannot find child care, cannot take a full day off of work, not physically able to lift equipment, potential for threats
County 7	Extremely long day for not a lot of money (less than minimal wage per hour).
County 8	Money, long day

Do you use any of the following methods/programs to recruit poll workers? Check all that apply.		
ANSWER CHOICES	RESPONSES	
Word of mouth	100.00%	18
Recruitment drives at local events	50.00%	9
Advertise on the radio/tv	38.89%	7
Advertise on your county website	50.00%	9
Promote on social media	72.22%	13
One Call Now	0.00%	0
Remind 101	5.56%	1
Other (please specify)	44.44%	8
OTHER (PLEASE SPECIFY)		
Voter Registration Drives and workers recruit also		
Churches and community organizations		
scvotes.gov		
advertise in the local paper		
Current Poll Managers recruit friends/family to work		
Our board members help us recruit poll workers and we have people to come in to register to vote and ask to be a poll worker. We put them on a list and if we are short, we call them.		
Flyers in the local schools and churches		
Poll workers recruit		

Does your county use any county-specific recruiting program?		
ANSWER CHOICES	RESPONSES	
Yes	5.56%	1
No	94.44%	17
TOTAL		18

What is the name of that program and could you briefly describe what it is.		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Does your county offer any additional pay to poll workers besides what the SEC reimburses the county for?		
ANSWER CHOICES	RESPONSES	
Yes	57.89%	11
No	42.11%	8
TOTAL		19

Please provide the exact amount of extra compensation your county provided per poll worker on top of the amount paid by the SEC in the 2020 presidential election on November 3rd.	
COUNTY	RESPONSES
County 1	\$25
County 2	0
County 3	\$50
County 4	N/A
County 5	0
County 6	None
County 7	0
County 8	\$100
County 9	\$130
County 10	\$30

Please provide the exact amount of extra compensation your county provided per poll worker on top of the amount paid by the SEC in the 2022 general election on November 8th.	
COUNTY	RESPONSES
County 1	\$65
County 2	\$25
County 3	\$100
County 4	\$100
County 5	\$125
County 6	\$25
County 7	\$40
County 8	\$30
County 9	\$65
County 10	\$30
County 11	\$30

Did your county have any difficulty in completing the 2022 hand count audit forms for the primary or general elections?		
ANSWER CHOICES	RESPONSES	
Yes	5.56%	1
No	94.44%	17
TOTAL		18
Note: The county that claimed to have difficulty in completing the 2022 hand count audit stated that its small staff and time constraints made it difficult to complete the audit.		

Did your county feel comfortable about asking the SEC any questions or concerns as it relates to completing the 2022 hand count audit forms for the primary or general elections?		
ANSWER CHOICES	RESPONSES	
Yes	94.44%	17
No	5.56%	1
TOTAL		18

Please explain why your county did not feel comfortable.		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

Did your county receive any feedback from the SEC regarding the 2022 hand count audit required by the SEC for the primary or general elections?		
ANSWER CHOICES	RESPONSES	
Yes	55.56%	10
No	44.44%	8
TOTAL		18

Please elaborate on the feedback received for the 2022 primary or general election hand count audit required by the SEC.	
COUNTY	RESPONSES
County 1	Certain areas was not completed correctly and it was explain why.
County 2	Only feedback was how to complete and turn in audit
County 3	We had to rescan because the page was cut off.
County 4	Only that the information was received in their office
County 5	There was no finding that would trigger an examination of our results.
County 6	Clear Ballot reports for both elections only noted a very few situations with ballot count reconciliations.
County 7	information was provided that was needed and all questions where answered
County 8	Said we needed to add verbiage to our form that wasn't told to us beforehand...(could have been done prior to submitting had we known about it).
County 9	I had placed something on the wrong line and the state in-house auditor called me to get it corrected. She thanked me for making the correction.
County 10	Just letting me know everything was correct

Who conducted (i.e. counted the ballots for) the post-election hand count audit required by the SEC for your county? (select all that apply)		
ANSWER CHOICES	RESPONSES	
County voter registration and election staff.	94.44%	17
County voter registration and election board members.	16.67%	3
Poll workers.	16.67%	3
Other (please specify)	22.22%	4
OTHER (PLEASE SPECIFY)		
staff from another office		
Hired staff from Temp Services		
Me and two of my staff members		
One was a employee of the County that was on light duty due to an injury.		

Were the hand count audits open for public observation?		
ANSWER CHOICES	RESPONSES	
Yes	100.00%	18
No	0.00%	0
TOTAL		18

Was 24-hour notice given to the public for the hand count audits?		
ANSWER CHOICES	RESPONSES	
Yes	64.71%	11
No	35.29%	6
TOTAL		17

How was the notice provided?		
ANSWER CHOICES (Note: respondents could choose multiple options for this question.)	RESPONSES	
Posted notice on county website.	50.00%	5
Posted notice on county social media page.	40.00%	4
Posted notice on public facing building.	70.00%	7
Posted notice in newspaper.	0.00%	0
Other (please specify)	20.00%	2

Where does your county store the voting machines and other election equipment? Please provide a street address of the building.

ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		18

Does the facility where the machines are stored have any of the following features? Check all that apply.

ANSWER CHOICES	RESPONSES	
None of the above	0.00%	0
Working security cameras	88.89%	16
Alarm system	77.78%	14
Access logs of who enters and exits	50.00%	9
Code access locks	66.67%	12
Pad locks	16.67%	3
Privacy fence	11.11%	2
Climate controlled (central air and heat)	94.44%	17
Moisture control	38.89%	7
Other (please specify)	11.11%	2

Does the facility have any of the following problems? Check all that apply.

ANSWER CHOICES	RESPONSES	
None of the above	72.22%	13
Pests (rodents, snakes, insects)	5.56%	1
Theft/burglaries	0.00%	0
Roof leaks or other structural issues	16.67%	3
Flooding or prone to flooding	0.00%	0
Other (please specify)	11.11%	2

Are the machines stored on the ground or on shelves?		
ANSWER CHOICES	RESPONSES	
Stored on the ground	16.67%	3
Stored on shelves above ground level	38.89%	7
Other (please specify)	44.44%	8
TOTAL		18
OTHER (PLEASE SPECIFY)		
Some on ground level some on shelves		
Both		
DS 200's are on rollers on storage bins		
The DS200 are on the ground, the Epol & BMD are on shelves		
some are on the ground and some are on the shelves		
Both		
Combination of both. DS200s are on the ground		
Ballot marking devices are stored on racks above ground. Scanners are on wheels on the floor. Badges are used for access to the area. The badges record the date, time , and name of employee entering the area.		

How many people have keys or access codes to where your county stores the voting machines?		
ANSWER CHOICES	RESPONSES	
1	0.00%	0
2	16.67%	3
3	33.33%	6
4	5.56%	1
5	11.11%	2
6	11.11%	2
7	5.56%	1
8	0.00%	0
9	0.00%	0
10 or more	16.67%	3
TOTAL		18

Do you have an inventory list of all the voting machines and equipment (Scanners, Ballot Marking Devices (BMDs), Electronic Polling Books (EPBs), etc.) given to your county by the SEC?		
ANSWER CHOICES	RESPONSES	
Yes	72.22%	13
No	27.78%	5
TOTAL		18

Please provide a copy of the inventory list.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality		
TOTAL		1

How does your county handle voting machine malfunctions?		
COUNTY	RESPONSES	
County 1	If there is a small problem that we can fix we do, if not we call the company that we have a maintenance agreement with and have them fix the machine.	
County 2	Staff will perform troubleshooting and if needed will contact vendor .	
County 3	I send any machines back to ES& S for maintenance	
County 4	RMAs through Printelect or ES&S	
County 5	We contact our county IT initially. We contact the State Election Commission, and then ESS if the problem is something that cannot be handled locally.	
County 6	Service Contract	
County 7	We trouble shoot. When more is needed, PrintElect will handle repairs.	
County 8	We are trained to re-Calibrate the machines or call ES &E for repairs	
County 9	contract	
County 10	use the Troubleshooting guide to solve issues and if that does not work, reach out to the SEC	
County 11	Send to vendor for repair	
County 12	Equipment is checked by polling location techs and if needed by the full time staff. Any equipment not deemed okay, is removed.	
County 13	We take the machine out of service and replace the machine if needed.	
County 14	By troubleshooting if possible, or sending to ESS	

How often are the machines checked to verify they are in good working order?		
ANSWER CHOICES	RESPONSES	
Monthly	0.00%	0
Quarterly	12.50%	2
Once a year	18.75%	3
Once every two years	0.00%	0
Before every election	62.50%	10
Only before a general election	0.00%	0
Other (please explain)	6.25%	1
TOTAL		16

During the 2022 primary election, how often did DS200 scanners malfunction?		
ANSWER CHOICES	RESPONSES	
Never	47.06%	8
Rarely	47.06%	8
Sometimes	5.88%	1
Frequently	0%	0
TOTAL		17

During the 2022 general election, how often did DS200 scanners malfunction?		
ANSWER CHOICES	RESPONSES	
Never	47.06%	8
Rarely	35.29%	6
Sometimes	17.65%	3
Frequently	0.00%	0
TOTAL		17

During the 2022 primary election, how often did the Ballot Marking Devices malfunction?		
ANSWER CHOICES	RESPONSES	
Never	11.76%	2
Rarely	82.35%	14
Sometimes	5.88%	1
Frequently	0.00%	0
TOTAL		17

During the 2022 general election, how often did the Ballot Marking Devices malfunction?		
ANSWER CHOICES	RESPONSES	
Never	11.76%	2
Rarely	76.47%	13
Sometimes	11.76%	2
Frequently	0.00%	0
TOTAL		17

During the 2022 primary election, how often did the Electronic Polling Books malfunction?		
ANSWER CHOICES	RESPONSES	
Never	47.06%	8
Rarely	41.18%	7
Sometimes	11.76%	2
Frequently	0.00%	0
TOTAL		17
During the 2022 general election, how often did the Electronic Polling Books malfunction?		
ANSWER CHOICES	RESPONSES	
Never	17.65%	3
Rarely	52.94%	9
Sometimes	23.53%	4
Frequently	5.88%	1
TOTAL		17
When your county is checking the machines, do you check that all of them work or just a random sample?		
ANSWER CHOICES	RESPONSES	
All of them	93.75%	15
A random sample	6.25%	1
We do NOT test our machines.	0.00%	0
TOTAL		16
Does your county have its own voting machine technician(s) to help fix the scanners, BMDs, and EPBs? By voting machine technician, we mean a non-poll manager/clerk who assists with voting machine issues whenever they arise at polling locations.		
ANSWER CHOICES	RESPONSES	
Yes	94.12%	16
No	5.88%	1
TOTAL		17

What are the qualifications to be a technician?	
COUNTY	RESPONSES
County 1	None, but we usually use person that work in IT or have IT knowledge.
County 2	Must be trained and both Board and Director recommends
County 3	To be a registered voter in our county and have some sort of IT experience and complete training
County 4	Have some working knowledge of how computers or other electronic devices work.
County 5	They are set by the State Election Commission.
County 6	Assist in the inventory, preparation, and testing of voting equipment; tallying of votes; canvass process; manual tally; preservation and destruction of election materials. Verify, code, and enter information into the Election Management System; assist in maintaining the master file of registered voters, street index, and/or other elections files. Operate a variety of office machines, including voter machines and computers.
County 7	In house training. Usually for minor problems that arise in normal situations. Escalated issues are handled with assistance from PrintElect and it's staff.
County 8	Understand Tech, Know the procedures of Working in a Precinct. IT specialist preferred
County 9	IT background
County 10	Attend training
County 11	Be smart. Attend training. We use previous PLTs and County IT staff (who have been PLTs before).
County 12	Training is conducted by the Deputy Director. Our polling location tech can perform basic functions.
County 13	Our PLT's go through a training course and can handle minor issues. The majority of my PLT's are IT Professionals. During busy elections we normally replace equipment in lieu of trying to repair.
County 14	To understand the voting equipment system, be properly trained and have a good working understanding of technology

Did the county office make voting machine technicians available to polling precincts for the 2022 primary or general elections?		
ANSWER CHOICES	RESPONSES	
Yes	100.00%	17
No	0.00%	0
TOTAL		17

How many technicians were available for the 2022 primary election?	
COUNTY	RESPONSES
County 1	4
County 2	6
County 3	2
County 4	13
County 5	3
County 6	2
County 7	4
County 8	20
County 9	12
County 10	4
County 11	5
County 12	6
County 13	26
County 14	8
County 15	7
County 16	5
County 17	1
TOTAL	17

How many technicians were available for the 2022 general election?	
COUNTY	RESPONSES
County 1	6
County 2	6
County 3	2
County 4	13
County 5	4
County 6	2
County 7	8
County 8	29
County 9	12
County 10	4
County 11	4
County 12	6
County 13	26
County 14	7
County 15	8
County 16	5
County 17	1
TOTAL	17

Why were technicians not available?		
ANSWER CHOICES	RESPONSES	
No responses were received for this question.		
TOTAL		0

How many employees in the office have access to the Voter Registration Election Management System (VREMS)?		
ANSWER CHOICES	RESPONSES	
1	0.00%	0
2	29.41%	5
3	23.53%	4
4	5.88%	1
5	5.88%	1
6	5.88%	1
7	5.88%	1
8	5.88%	1
9	0.00%	0
10 or more	17.65%	3
TOTAL		17

How many employees in your office can make changes to voter registration data in VREMS?		
ANSWER CHOICES	RESPONSES	
1	0.00%	0
2	23.53%	4
3	29.41%	5
4	5.88%	1
5	5.88%	1
6	5.88%	1
7	5.88%	1
8	5.88%	1
9	0.00%	0
10 or more	17.65%	3
TOTAL		17

Does your office provide access to make changes to voter registration data in VREMS to temporary election workers, such as poll clerks and/or poll managers?		
ANSWER CHOICES	RESPONSES	
Yes	23.53%	4
No	76.47%	13
TOTAL		17

Does your county have a way to track whether an absentee ballot was... Check all that apply.		
ANSWER CHOICES	RESPONSES	
None of the above	0.00%	0
Sent to a voter who requested it.	100.00%	16
Delivered at the voter's address.	75.00%	12
Sent back to the county office by the voter.	68.75%	11
Received by the county office.	93.75%	15

What happens when an absentee ballot is lost in transit to or from a voter?	
COUNTY	RESPONSES
County 1	If voter didn't receive their ballot we would verify the voters address and mail out another ballot and make note that another ballot was mail out to the voter.
County 2	If the voter's ballot has not been returned, we will reissue . Only 1 ballot is accepted per voter.
County 3	The voter will call us and say they didn't receive we then verify that the address given is correct and advise the voter we can mail another or they can go vote early or vote at the polls on election day.
County 4	If time permits, will reissue ballot. If voter is in home county has option to vote in person
County 5	We follow the procedures outlined by the SEC.
County 6	Voter can make a second request
County 7	The voter will contact the voter registration office indicating that they never received their ballot. The office will then, in fact, reissue a second ballot by mail if time is permissible.
County 8	Voter may request a duplicate.
County 9	once we Verify that a Ballot is 'Lost in the Mail', if there is time, we will cancel that ballot and re-issue a new ballot, if there is not enough time, we ask them to Early Vote, or call the Post Master- A Provisional Ballot is offered if it is Election Day and the Voter comes to Vote.
County 10	If the voter calls and notifies us that they never received a ballot we contact the Post Office and see if they can locate the ballot and if they can not, another ballot is sent out to the voter
County 11	SEC pays for Ballot Scout (which rarely works correctly with tracking ballots). We issue them another ballot if voter has not received it and make a note in the Voter Registration System per SEC.
County 12	We research what happened to the voter's ballot and make sure the voter did not actually receive it. We make notes on the call and reissue a ballot to the voter. We notify the voter that voting twice is a felony.
County 13	Can replace a ballot must be mailed and it is noted who received a second ballot.
County 14	If a ballot is lost, we record this in VREMS and reissue a ballot to the voter.
County 15	A replacement ballot is sent

What happens if an absentee ballot arrives to your office damaged (e.g., torn or disfigured) after being received from the voter?	
COUNTY	RESPONSES
County 1	we receive the ballot and only duplicate ballot if needed.
County 2	We follow the duplication process on election day.
County 3	The ballot is accounted for and entered into VREMS and date stamped . When the election board is opening all the absentee ballot on election day the damaged ballot is then remarked.
County 4	Ballot will be duplicated
County 5	We follow the procedures outlined by the SEC.
County 6	clocked in and reviewed by board on election day for validation
County 7	The ballot will still be logged into the system and get duplication on election day by two or more workers involved.
County 8	One by one basis for decisions on ballot status. We try to assist to the best of our ability, within the confines of SC Law.
County 9	if it is legible, it is accepted. If it wont scan to be counted, we will duplicate the Ballot during Certification (board member and staff). If too damaged, We contact the Voter and send a 2nd Ballot .
County 10	if it will still scan through the machine we would still scan it, if not we transpose it to another ballot to scan through the machine
County 11	We have steps in place to duplicate that ballot during tabulation process.
County 12	The envelope or ballot? A damaged envelope is treated the same as a regular ballot returned...is it signed and witnessed? Ballots that are damaged are duplicated on Election Day.
County 13	Never had a problem.
County 14	If a ballot were received damaged, it would be recorded as returned in VREMS, placed in a secure envelope, then in the ballot box. If the ballot could not be scanned, it would be duplicated by the ballot duplicating committee and the duplicate ballot would be scanned. The two ballots would be stapled together and placed in archives.
County 15	Depends
County 16	Duplicate it on election day

During the 2022 primary or general elections, did your office track individuals dropping off absentee mail-in ballots and how many ballots were being dropped off by that individual?		
ANSWER CHOICES	RESPONSES	
Yes	75.00%	12
No	25.00%	4
TOTAL		16

Please provide copies of the documents used to track individuals who dropped off absentee ballots for the 2022 primary election.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		1

Please provide copies of the documents used to track individuals who dropped off absentee ballots for the 2022 general election.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		1

On Election Day, what time does your county voter registration office open?	
COUNTY	RESPONSES
County 1	6:00 A.M.
County 2	6:00 A.M.
County 3	6:00 A.M.
County 4	6:00 A.M.
County 5	6:00 A.M.
County 6	5:30 A.M.
County 7	6:00 A.M.
County 8	6:00 A.M.
County 9	7:00 A.M.
County 10	5:30 A.M.
County 11	7:00 A.M.
County 12	7:00 A.M.
County 13	6:00 A.M.
County 14	7:00 A.M.
County 15	6:00 A.M.
County 16	6:00 A.M.

How much funding did your county election office request from the county council for the last five fiscal years? Please enter a dollar amount.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		5

How much funding did your county election office actually receive for the last five fiscal years? Please enter a dollar amount.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		7

In FY 2021-22, how much funding was spent in the following category? Please enter a dollar amount.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		6

Share your thoughts here.		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		7

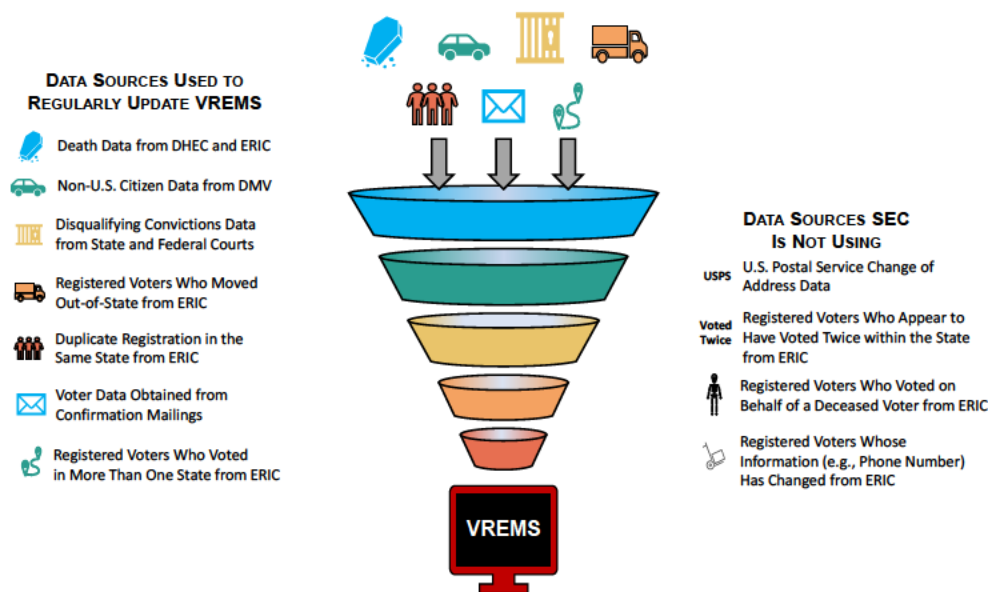
Data Sources for Voter Registration List Maintenance

Exhibit B.1 depicts the reports SEC regularly receives to update the statewide voter registration database, known as Voter Registration and Elections Management System (VREMS), as well as the reports the agency has access to and/or receives via ERIC.

On a monthly basis, SEC receives the following reports: the names of voters who have died from DHEC and ERIC, the names of all non-US citizens who have state IDs or driver's licenses from DMV, the names of persons convicted of disqualifying offenses from state and federal courts, information on all registered voters who move out-of-state from ERIC, and information on duplicate voter registrations from ERIC. Additionally, every two years, SEC mails confirmation cards to voters who have failed to participate in the last two general elections and who have failed to update their address. If the voter fails to respond to the confirmation card mailer or the mailer is returned as undeliverable, SEC changes the voter's status from Active to Inactive in the statewide voter database. However, their names will still be in the voter registration database, and the individual will be allowed to vote if the voter still lives in the precinct. SEC will remove the voter's name from the database if the confirmation card is returned and the voter requested to be removed from the voter roll. After the 2022 general election, SEC also received information on registered voters who voted in more than one state from ERIC. Additionally, SEC stated that it conducted an address confirmation card mailing in August 2023 for voters whose address information in the state voter registration list did not match what the DMV had on file.

As a member state of ERIC, SEC is entitled to the following reports but has failed to request them: the change of address data provided by the U.S. Postal Service, the names of registered voters who appear to have voted twice within South Carolina, and the names of registered voters who voted on behalf of a deceased voter. SEC receives information on registered voters whose information (e.g., phone number and email addresses) have changed but has not used it to update the statewide voter registration system.

Exhibit B.1: Data Sources SEC Uses to Update VREMS and Data Sources Not Being Used



Source: LAC's Analysis

Inward and Outward State Migration To/From South Carolina

Exhibit C.1 shows all 50 states, excluding South Carolina, and the District of Columbia ranked by popularity of out-of-state migration to South Carolina as of 2021. It also shows whether each state is current, former, or non-member of ERIC as of August 18, 2023.

EXHIBIT C.1: STATES RANKED BY POPULARITY OF RESIDENTS MIGRATING TO SOUTH CAROLINA				
STATE/DISTRICT RANK	STATE/DISTRICT FROM WHERE FORMER OUT-OF-STATE RESIDENTS MOVED	NUMBER OF RESIDENTS	PERCENT OF TOTAL	MEMBER OF ERIC
1	North Carolina	34,327	17.50%	No
2	Georgia	14,963	7.63%	Yes
3	Florida	14,905	7.60%	Former
4	Virginia	12,978	6.61%	Former
5	California	11,884	6.06%	No
6	New York	11,615	5.92%	No
7	Pennsylvania	10,492	5.35%	Yes
8	New Jersey	8,294	4.23%	Yes
9	Ohio	7,865	4.01%	Former
10	Maryland	7,231	3.69%	Yes
11	Tennessee	5,937	3.03%	No
12	Texas	5,464	2.78%	Former
13	Arizona	4,696	2.39%	Yes
14	Illinois	4,040	2.06%	Yes
15	Colorado	3,873	1.97%	Yes
16	Massachusetts	3,619	1.84%	Yes
17	Washington	3,147	1.60%	Yes
18	Connecticut	2,836	1.45%	Yes
19	Kentucky	2,627	1.34%	Yes
20	Wisconsin	2,362	1.20%	Yes
21	Louisiana	2,269	1.16%	Former
22	Michigan	1,830	0.93%	Yes
23	Minnesota	1,816	0.93%	Yes
24	Missouri	1,736	0.88%	Former
25	Indiana	1,667	0.85%	No
26	West Virginia	1,606	0.82%	Former
27	Alabama	1,472	0.75%	Former
28	New Mexico	1,334	0.68%	Yes
29	Iowa	1,253	0.64%	Former
30	Oregon	1,029	0.52%	Yes

EXHIBIT C.1: STATES RANKED BY POPULARITY OF RESIDENTS MIGRATING TO SOUTH CAROLINA				
STATE/DISTRICT RANK	STATE/DISTRICT FROM WHERE FORMER OUT-OF-STATE RESIDENTS MOVED	NUMBER OF RESIDENTS	PERCENT OF TOTAL	MEMBER OF ERIC
31	Nebraska	963	0.49%	No
32	Oklahoma	913	0.47%	No
33	Nevada	904	0.46%	Yes
34	District of Columbia	798	0.41%	Yes
35	Utah	652	0.33%	Yes
36	Mississippi	611	0.31%	No
37	New Hampshire	440	0.22%	No
38	Kansas	341	0.17%	No
39	Alaska	222	0.11%	Yes
40	Vermont	221	0.11%	Yes
41	Hawaii	211	0.11%	No
42	Idaho	193	0.10%	No
43	Rhode Island	155	0.08%	Yes
44	Arkansas	134	0.07%	No
45	Montana	90	0.05%	No
46	South Dakota	76	0.04%	No
47	Delaware	71	0.04%	Yes
48	North Dakota	38	0.02%	No
49	Wyoming	0	0.00%	No
50	Maine	0	0.00%	Yes

Source: U.S. Census Bureau State-to-State Migration Flows and ERIC

Exhibit C.2 shows all 50 states, excluding South Carolina, and the District of Columbia ranked by popularity of migration out of South Carolina as of 2021. It also shows whether each state is a current, former, or non-member of ERIC as of August 18, 2023.

EXHIBIT C.2: STATES RANKED BY POPULARITY OF RESIDENTS MIGRATING OUT OF SOUTH CAROLINA				
STATE/DISTRICT RANK	STATE/DISTRICT TO WHERE FORMER SOUTH CAROLINIANS MOVED	NUMBER OF RESIDENTS	PERCENT OF TOTAL	MEMBER OF ERIC
1	North Carolina	23,541	20.13%	No
2	Georgia	14,448	12.36%	Yes
3	Virginia	9,212	7.88%	Former
4	Florida	8,393	7.18%	Former
5	Texas	8,097	6.92%	Former
6	New York	4,591	3.93%	No
7	California	4,148	3.55%	No
8	Tennessee	3,621	3.10%	No
9	New Jersey	2,491	2.13%	Yes
10	Arizona	2,482	2.12%	Yes
11	Washington	2,444	2.09%	Yes
12	Pennsylvania	2,347	2.01%	Yes
13	Maryland	2,290	1.96%	Yes
14	Michigan	2,117	1.81%	Yes
15	Ohio	1,894	1.62%	Former
16	Colorado	1,848	1.58%	Yes
17	Connecticut	1,771	1.51%	Yes
18	Missouri	1,645	1.41%	Former
19	Massachusetts	1,455	1.24%	Yes
20	Illinois	1,432	1.22%	Yes
21	Mississippi	1,302	1.11%	No
22	Indiana	1,276	1.09%	No
23	Minnesota	1,145	0.98%	Yes
24	Oklahoma	1,009	0.86%	No
25	West Virginia	893	0.76%	Former
26	Nevada	884	0.76%	Yes
27	Kansas	878	0.75%	No
28	Montana	875	0.75%	No
29	Kentucky	777	0.66%	Yes
30	Wisconsin	737	0.63%	Yes
31	Utah	725	0.62%	Yes
32	Hawaii	632	0.54%	No
33	Louisiana	617	0.53%	Former

EXHIBIT C.2: STATES RANKED BY POPULARITY IN MOVING DESTINATIONS OF SOUTH CAROLINA RESIDENTS				
STATE/DISTRICT RANK	STATE/DISTRICT TO WHERE FORMER SOUTH CAROLINIANS MOVED	NUMBER OF RESIDENTS	PERCENT OF TOTAL	MEMBER OF ERIC
34	Oregon	591	0.51%	Yes
35	Delaware	572	0.49%	Yes
36	Rhode Island	572	0.49%	Yes
37	Iowa	426	0.36%	Former
38	Alabama	424	0.36%	Former
39	Arkansas	387	0.33%	No
40	Idaho	285	0.24%	No
41	New Mexico	264	0.23%	Yes
42	Maine	246	0.21%	Yes
43	North Dakota	244	0.21%	No
44	Vermont	209	0.18%	Yes
45	District of Columbia	196	0.17%	Yes
46	Nebraska	161	0.14%	No
47	Alaska	141	0.12%	Yes
48	New Hampshire	119	0.10%	No
49	South Dakota	54	0.05%	No
50	Wyoming	24	0.02%	No

Source: U.S. Census Bureau State-to-State Migration Flows and ERIC

Number of Voting Machines on 2019 Asset List and 2023 Master Inventory List

Exhibit D.1 shows the number of DS450 scanners on the 2019 Asset List and the 2023 Master Inventory List. It also shows the difference between the number reported on the 2023 Master Inventory List and the number reported on the 2019 Asset List.

EXHIBIT D.1: LIST COMPARISON FOR TOTAL NUMBER OF DS450 SCANNERS			
COUNTY	2019 ASSET LIST	2023 MASTER INVENTORY LIST	DIFFERENCE
Aiken	1	1	0
Anderson	1	1	0
Beaufort	1	2	1
Berkeley	0	1	1
Charleston	2	2	0
Dorchester	0	1	1
Florence	1	1	0
Greenville	2	2	0
Horry	1	2	1
Lancaster	0	1	1
Lexington	1	2	1
Orangeburg	0	1	1
Richland	2	3	1
Spartanburg	1	2	1
Sumter	0	1	1
York	1	2	1
GRAND TOTAL	14	25	11

Source: LAC Analysis of 2019 Asset List and 2023 Master Inventory List

Exhibit D.2 shows the number of DS200 scanners on the 2019 Asset List and the 2023 Master Inventory List. It also shows the difference between the number reported on the 2023 Master Inventory List and the number reported on the 2019 Asset List.

EXHIBIT D.2: LIST COMPARISON FOR TOTAL NUMBER OF DS200 SCANNERS			
COUNTY	2019 ASSET LIST	2023 MASTER INVENTORY LIST	DIFFERENCE
Abbeville	17	20	3
Aiken	89	101	12
Allendale	10	12	2
Anderson	84	93	9
Bamberg	15	17	2
Barnwell	17	22	5
Beaufort	97	105	8
Berkeley	96	102	6
Calhoun	14	16	2
Charleston	192	210	18
Cherokee	32	37	5
Chester	24	25	1
Chesterfield	28	46	18
Clarendon	29	38	9
Colleton	36	38	2
Darlington	36	44	8
Dillon	22	24	2
Dorchester	97	101	4
Edgefield	15	18	3
Fairfield	26	30	4
Florence	69	84	15
Georgetown	40	42	2
Greenville	161	178	17
Greenwood	56	68	12
Hampton	19	22	3
Horry	131	146	15
Jasper	17	28	11
Kershaw	38	58	20
Lancaster	40	53	13
Laurens	38	42	4
Lee	25	25	0
Lexington	101	118	17

EXHIBIT D.2: (CONTINUED)			
COUNTY	2019 ASSET LIST	2023 MASTER INVENTORY LIST	DIFFERENCE
Marion	19	21	2
Marlboro	17	21	4
McCormick	13	16	3
Newberry	34	35	1
Oconee	36	39	3
Orangeburg	59	65	6
Pickens	68	75	7
Richland	160	190	30
Saluda	20	32	12
Spartanburg	103	117	14
Sumter	63	80	17
Union	26	27	1
Williamsburg	31	39	8
York	104	133	29
GRAND TOTAL	2,464	2,853	389

Source: LAC Analysis of 2019 Asset List and 2023 Master Inventory List

Exhibit D.3 shows the number of BMDs on the 2019 Asset List and the 2023 Master Inventory List, as well as the difference between the number reported on the 2023 Master Inventory List from the number reported on the 2019 Asset List.

EXHIBIT D.3: LIST COMPARISON FOR TOTAL NUMBER OF BALLOT MARKING DEVICES (BMDs)			
COUNTY	2019 ASSET LIST	2023 MASTER INVENTORY LIST	DIFFERENCE
Abbeville	64	64	0
Aiken	478	498	20
Allendale	27	27	0
Anderson	502	514	12
Bamberg	49	57	8
Barnwell	60	67	7
Beaufort	526	565	39
Berkeley	542	572	30
Calhoun	48	65	17
Charleston	1196	1300	104
Cherokee	139	145	6
Chester	92	102	10
Chesterfield	110	115	5
Clarendon	102	107	5
Colleton	112	117	5
Darlington	187	197	10
Dillon	87	87	0
Dorchester	435	435	0
Edgefield	70	77	7
Fairfield	76	82	6
Florence	366	390	24
Georgetown	184	184	0
Greenville	1338	1570	232
Greenwood	176	222	46
Hampton	64	73	9
Horry	946	978	32
Jasper	82	104	22
Kershaw	175	212	37

EXHIBIT D.3: LIST COMPARISON FOR TOTAL NUMBER OF BALLOT MARKING DEVICES (BMDs) (CONTINUED)			
COUNTY	2019 ASSET LIST	2023 MASTER INVENTORY LIST	DIFFERENCE
Lancaster	252	287	35
Laurens	165	179	14
Lee	57	60	3
Lexington	769	820	51
Marion	90	93	3
Marlboro	77	80	3
McCormick	36	38	2
Newberry	103	103	0
Oconee	216	216	0
Orangeburg	242	262	20
Pickens	300	300	0
Richland	1076	1241	165
Saluda	54	65	11
Spartanburg	770	792	22
Sumter	291	341	50
Union	75	89	14
Williamsburg	99	111	12
York	743	775	32
GRAND TOTAL	13,648	14,778	1,130

Source: LAC Analysis of 2019 Asset List and 2023 Master Inventory List

Number of Poll Technicians Used During the 2022 Primary and General Elections

Exhibit E.1 shows the number of poll technicians counties reported using during the 2022 primary election and the number of poll technicians for whom the county could have been reimbursed, according to SEC's election expense reimbursement guide.

EXHIBIT E.1: COMPARING NUMBER OF REPORTED POLL TECHNICIANS TO NUMBER OF REIMBURSABLE POLL TECHNICIANS FOR THE 2022 PRIMARY ELECTION			
COUNTY	NUMBER OF ACTUAL POLL TECHNICIANS	NUMBER OF REIMBURSABLE POLL TECHNICIANS	DIFFERENCE
Beaufort	13	14	-1
Charleston	26	26	0
Cherokee	6	4	2
Chesterfield	4	4	0
Clarendon	3	4	-1
Darlington	8	5	3
Dillon	1	3	-2
Dorchester	4	12	-8
Georgetown	5	5	0
Greenville	20	22	-2
Greenwood	7	7	0
Jasper	2	3	-1
Lexington	12	14	-2
Marlboro	2	2	0
Newberry	5	4	1
Oconee	6	4	2
Orangeburg	4	8	-4

Source: LAC Analysis of County Reported Poll Technician Data

Exhibit E.2 shows the number of poll technicians that counties reported using for the 2022 general election, the number of poll technicians that SEC says it reimbursed counties, and the number of poll technicians that could have received reimbursement according to SEC's reimbursement guide.

EXHIBIT E.2: COMPARING NUMBER OF REPORTED POLL TECHNICIANS TO NUMBER OF REIMBURSED AND REIMBURSABLE POLL TECHNICIANS FOR THE 2022 GENERAL ELECTION			
COUNTY	NUMBER OF POLL TECHNICIANS COUNTIES REPORTED USING	NUMBER OF POLL TECHNICIANS THAT RECEIVED SEC REIMBURSEMENT	NUMBER OF REIMBURSABLE POLL TECHNICIANS PER REIMBURSEMENT GUIDE
Abbeville	N/A	3	2
Aiken	N/A	12	12
Allendale	N/A	2	1
Anderson	N/A	11	11
Bamberg	N/A	2	2
Barnwell	N/A	2	2
Beaufort	13	11	14
Berkeley	N/A	14	14
Calhoun	N/A	2	2
Charleston	26	26	26
Cherokee	6	6	4
Chester	N/A	3	3
Chesterfield	4	4	4
Clarendon	4	3	4
Colleton	N/A	5	5
Darlington	7	5	5
Dillon	1	0	3
Dorchester	8	8	12
Edgefield	N/A	2	2
Fairfield	N/A	2	3
Florence	N/A	7	9

EXHIBIT E.2: (CONTINUED)			
COUNTY	NUMBER OF POLL TECHNICIANS COUNTIES REPORTED USING	NUMBER OF POLL TECHNICIANS THAT RECEIVED SEC REIMBURSEMENT	NUMBER OF REIMBURSABLE POLL TECHNICIANS PER REIMBURSEMENT GUIDE
Georgetown	5	4	5
Greenville	29	22	22
Greenwood	8	8	7
Hampton	N/A	2	3
Horry	N/A	18	18
Jasper	2	2	3
Kershaw	N/A	5	5
Lancaster	N/A	6	5
Laurens	N/A	5	5
Lee	N/A	4	3
Lexington	12	13	14
McCormick	N/A	0	2
Marion	N/A	2	3
Marlboro	2	2	2
Newberry	4	4	4
Oconee	6	5	4
Orangeburg	6	6	8
Pickens	N/A	8	9
Richland	N/A	22	21
Saluda	N/A	2	2
Spartanburg	N/A	14	14
Sumter	N/A	5	8
Union	N/A	0	3
Williamsburg	N/A	4	4
York	N/A	5	14

Source: LAC Analysis of County Reported Poll Technician Data and SEC Reimbursement Data

Agency Comments

December 21, 2023

E. Earle Powell
Director
South Carolina Legislative Audit Council
1331 Elmwood Ave Suite 315
Columbia, South Carolina 29201

Dear Director Powell:

On behalf of the State Election Commission (SEC) and the 46 county election offices entrusted with carrying out elections in South Carolina, thank you for the opportunity to review and provide a response to the Legislative Audit Council's (LAC) report titled *A Review of the South Carolina Election Process*.

Since being named Executive Director by the SEC in January 2022, I have maintained an unwavering commitment to our mission of ensuring that eligible South Carolinians have the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their vote will count. During my short tenure thus far in office, the SEC, with the support of the General Assembly, has ushered in transformational reforms to elections in South Carolina that have and will continue to position our state as a national leader in election integrity.

The start of this audit nearly two years ago coincided with a period in our state and nation's history where the public trust in our elections was eroding. With this in mind, the SEC has welcomed the audit process and the simultaneous adoption of election reforms as an opportunity for our staff and county level officials to reinforce and retool our commitment to election integrity while promoting transparency and trust amongst South Carolina voters.

In addition to new agency leadership, the period of the LAC's review from 2020 to 2023 overlaps with several major milestones of change in elections in South Carolina. In May of 2022, the General Assembly passed, and the Governor signed Act 150, one of the most comprehensive pieces of election reform legislation in our state's history. Act 150 established no-excuse early voting, amended the absentee ballot processes, modified election crime penalties, and made other significant positive changes to voting in South Carolina. The SEC and county officials successfully implemented this sweeping legislation in time for the June 2022 primaries.

Additionally, with the support of the General Assembly, the SEC has created a new audit division, a new training division, and taken steps to create a consolidated, statewide standardized procedures for voter registration and elections. These agency additions have and will continue to be critical in ensuring statewide compliance with election laws, rules, and procedures.

We are proud of the tremendous work that has been accomplished through collaboration, communication, and cooperation with the Governor, General Assembly, law enforcement agencies, county election officials, stakeholders, and most importantly voters.

COMMISSIONERS

JOHN WELLS
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
Executive Director

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While we have made immense progress, the findings and recommendations of this audit remind us that our work is never done. They offer the SEC and our state's policy makers a further opportunity to uphold election integrity and implement the needed change that will ensure every South Carolinian has trust and faith in the cornerstone of American democracy.

Sincerely,

A handwritten signature in blue ink, reading "Howard M. Knapp". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Howard M. Knapp
Executive Director, South Carolina State Election Commission

Matching Against DHEC Death Data

The SEC compared the 1,502 records in the LAC's death data from DHEC to the deceased files we received from DHEC between 2020–2023, and we were not able to find a significant number of matches. This means the voter records that the LAC identified do not seem to have been included in the monthly deceased files the SEC received from DHEC. These names have also not appeared in the Social Security Administration deceased data received from ERIC. The SEC provided to DHEC the LAC's death data for comment on why these deceased individuals were not included in the monthly deceased file sent to the SEC. As of our response date to the LAC, the SEC has not heard back from DHEC.

The LAC also referenced the amount of time a voter remains active before being updated to a deceased status: median 312 days and longest 1,155 days. The dates of death referenced in the monthly DHEC deceased files can have significant variances in the date of death reported. DHEC typically sends an end-of-year report, which may include records not previously reported in the current or prior year. For example, the 2023 end-of-year DHEC death report may include deaths not reported in any monthly reports for 2023 and 2022.

Matching Against SCDC Inmate Data

The SEC compared the LAC's SCDC inmate data against records received from the South Carolina court system. While there were some matches, we found that most of the records did not appear in the files/records sent to the SEC by the state's court system. Unlike with the DMV, state law does not mandate that SCDC provide inmate to the SEC. Therefore, SCDC is not an official source of conviction data for the SEC.

Matching Against PPP Offender Data

The SEC compared the LAC's PPP offender data against records received from the South Carolina court system. While there were some matches, we found that most of the records did not appear in the files/records sent to the SEC by the state's court system. Unlike with the DMV, state law does not mandate that PPP provide offender data to the SEC. Therefore, PPP is not an official source of conviction data for the SEC.

Matching Against DMV Non-Citizens Data

The SEC is at the mercy of the US Department of Homeland Security (SAVE) and is still waiting for access to the SAVE system.

Duplicate Registered Voters and Registered Voters with Duplicate Social Security Numbers

The SEC has reports that specifically address both of these issues. Counties have been repeatedly instructed over time to use these reports and seek SEC assistance, when needed, in order to address the issue completely.

ERIC Reports Not Used

At the time of the LAC report, the SEC was utilizing all ERIC reports except for the National Change of Address.

Post-Election Audits and Election Integrity

Updates have been made to the hand-count audit process, including requiring a public notice of when the audit will occur; a minimum of two examiners per county, including a lead examiner to communicate with the public and attest to the results; SEC approval of proposed examiners to ensure political neutrality and sound character; examiners to publicly and verbally take the Constitutional oath and then sign and date an oath form prior to beginning the process; requiring that ballot boxes be unsealed in public at the start of the audit; the process to be completed as a blind audit, in which ballots and votes by contest are counted first and then compared against the results tape.

Additionally, the agency's audit division will randomly select all precincts and contests to be audited and publish this information on its website. Furthermore, after piloting the inclusion of early voting centers in the November 2022 General Election, counties will be assigned at least one early voting center to audit; these centers will also be randomly selected.

These changes will go into effect starting in calendar year 2024. In November 2023, the SEC provided hands-on training to staff from all counties regarding these changes and how to accurately carry out the process. The SEC expects to continue providing this hands-on training in the future to ensure this audit process is accurately carried out, consistently across the counties.

SEC Sanctioning of County Boards of Voter Registration and Elections

The SEC plans to conduct real-time audits beginning in calendar year 2024 to ensure various observable-only election operations are compliant with applicable requirements.

In-Person Ballots: Early Voting & Early Voting Training

The SEC has communicated with the counties and election workers in multiple forms that—on a daily basis during early voting—cast ballots must be locked, sealed, and transported to election central. Previous communication includes a training Power Point for counties to use for in-person poll worker training ahead of the 2022 General Election, an October 2022 supplemental guide for election workers and counties, and the SEC's Early Voting Standardized Operation Procedures, which were released to counties in March 2023. The SEC is also recreating the poll managers handbook ahead of the 2024 election cycle and will include a section specifically about early voting.

Improper Staffing of County Boards of Voter Registration and Elections

In October 2023, the SEC issued letters to the legislative delegation chairperson for Allendale, Richland, Chesterfield, and Edgefield counties, each of which had county boards of voter registration and elections with less than five members; one was also sent to Kershaw in December 2023. These letters encouraged the boards to recommend additional board members for appointment by the Governor to meet the number required in statute. The SEC plans to send out these letters in the future, when necessary.

EPBs Showed People Who Voted During the Early Voting Period as Eligible to Vote on Election Day

ES&S did not conduct sufficient load testing for the electronic pollbooks, which means that updates were not pushed to this equipment on Election Day due to resource overload. ES&S has

increased its load testing and server resources and implemented a state-specific resource, so South Carolina is not impacted by other states that use ES&S EPBs.

Difficulty Identifying Poll Workers

Badges are given to poll managers and clerks for identification. These are provided by the SEC to the counties, which, in turn, fill in poll worker names. Requiring a uniform of any sort is not realistic for the approximately 10,000–20,000 statewide temporary employees, who work between 1–11 days of any given election. There is no budget for uniforms and requiring that of the poll workers themselves would put a strain on them and may exacerbate the already difficult recruitment of these workers. While there are no standards for poll worker badges from county to county, a simple change can be made to standardize the badges across the state. Poll clerks and managers are instructed to wear appropriate, causal dress that is professional, clean, comfortable, and appropriate.

Confusion Between a Poll Watcher and a Poll Observer

The difference between watchers and observers is addressed in poll worker training. Additionally, this information is included in the poll manager handbook along with an appendix in the handbook containing the Poll Watcher and Observer Code of Conduct. The SEC will continue to include information in the upcoming version of the poll managers handbook for 2024.

Provisional Ballot Issuance Errors

The provisional envelope itself outlines its usage and ballots that have gotten stuck in voting equipment and/or ballots with ballot-marking device printing errors are not included on that document; this suggests that provisional ballots are not intended under these circumstances. These types of issues are technical issues that are addressed by a polling location technician, not a poll worker or a clerk. The SEC, however, is creating a provisional/failsafe course that will be available in 2024 for county staff and board members. The intent of this training is to address the appropriate use of the provisional envelope.

State Process

All election results are “unofficial” until certified by the final adjudicating body, as it is the act of certifying the results that end the election and make results “official.” In a statewide election in South Carolina, that is the State Board of Canvassers. That is why the results pages are marked “unofficial” when presented to the members of the State Board of Canvassers for their review and vote. During the course of the audit, no LAC auditors asked the SEC about this.

The State Board of Canvassers follows S.C. Code §7-17-240, because along with the election results cited above, the certification documents include the certified and signed copies of the county boards of canvassers. This is done in every single statewide election and even a brief review of state canvassing documents, available to the public, illustrate this fact.

Physical Security of County Election Office and Storage Facilities

Between March and May 2023, the SEC and a representative of the U.S. Department of Homeland Security completed another physical security review. During this review, several counties noted that after the 2021 review, their county councils were willing to

add/replace/upgrade cameras and lighting. As such, the 2023 review found county physical security had improved across several metrics: only 10 counties need better exterior lighting, only 7 counties do not have exterior cameras, and only 1 county needs better exterior cameras. The 2023 review has also triggered additional updates by county, but final figures are not currently available.

Help America Vote Act (HAVA) & Subgrants to Counties

The U.S. Election Assistance Commission has specifically stated that they do not recommend the SEC provide grant funds to South Carolina counties for the same reasons the SEC provided the LAC in its initial response. While a number of states demand their state election office provide subgrants to county or municipal election offices, those state's laws also provide oversight, monitoring, and accountability of those funds. Subgrants are often used in situations where the primary grantee (in South Carolina, the county election office) may not have the capacity or expertise to carry out all aspects of a project. The SEC disagrees that an executive branch agency should engage in fiscal irresponsibility by giving federal funds to a county government without any mechanism to hold that county accountable for the expenditure of those funds, nor any claw back authority if those funds are misspent.

County Election Commissions Need .GOV Website Domains

There is zero cost to change county website domains from .ORG to .GOV. While there may be some labor costs, the SEC cannot responsibly give federal funds, in the form of subgrants to counties, without a mechanism to hold them accountable.

Asset Management: SEC Lacks an Asset Management System and a Sufficient Inventory List of All Voting Machines

This was a sizable project and required numerous months to plan and implement. The project was significantly delayed after the vendor experienced a cyber incident in January of 2022. The SEC required the vendor to obtain a clean cybersecurity evaluation before continuing the project, which then took several months to complete.

As of November 2023, all counties can use EasyVote Asset Management to inventory and checkout voting equipment. As of December 2023, the SEC has hired five field service technicians, who, in part, will independently verify county equipment against inventory lists and assist in applying asset tags to the equipment; this is expected to be completed by March 2024. All SEC field staff and county staff have been trained on how to use the system. Additionally, the SEC is currently developing standardized processes for proper use of the asset management system and expects these to be complete by March 2024.

SEC Owns More Vehicles Than Other Similarly Staffed Agencies

Comparing the SEC to other agencies with similar FTE totals is not a fair assessment, as this does not factor in how frequently SEC employees travel throughout the state compared to these other agencies. SEC vehicles were heavily used in 2021–2022 during a software upgrade in which every piece of election equipment had to be upgraded, half of which was brought to the agency office to be upgraded. In 2023, staff in several divisions, visited each of the 46 counties for various reasons, including equipment upgrades, cybersecurity, audit, and technical support.

Additionally, the SEC employs staff, who's primary function is to provide hands-on support at the county offices, including area representatives and field support technicians.

Furthermore, the SEC's purchase of additional vehicles in 2023 was largely due to the expected growth in the number of full-time employees rather than the 23 FTEs it had at the time of purchase. The SEC expects to have approximately 75 FTEs by the end of calendar year 2024, many of whom will need simultaneous access to vehicles to travel to county offices across the state.

With regard to the use of the SEC bus, the report fails to mention the major reason the bus and existing fleet was not used during the review period—COVID. Under the previous executive director, staff travel was minimized due to the pandemic. The SEC decided to surplus the bus as it was vandalized repeatedly and, according to the Columbia Police Department, was specifically targeted due to it being wrapped with agency logos and other print. Suburbans were the only vehicle that could come close to the carrying capacity of a passenger bus.

It should be noted that State Fleet accepted the justification for the purchase of all new vehicles and procured the vehicles for the agency. It is unlikely that State Fleet would accept the SEC's purchase justification if it did not find it to be a prudent purchase.

Recruitment Tools Need to be Better Utilized

The SEC has often informed county directors of the availability of the free service One Call Now through various trainings, including Duties of Voter Registration and Elections—a required course for all directors—and Train the Trainer, which trains county directors and/or staff on how to train poll workers. A lot of counties opt to use different services that they find more intuitive, such as Remind 101. It should be noted that due to the low response rate to the LAC survey, the results are likely not indicative of the general activities or perception of county directors and offices across the state.

Several Counties Reported Using Fewer Poll Technicians Than SEC Would Have Reimbursed

At this time the SEC plans to continue allotting the same number of polling location technicians for each county. However, this is something the agency will reconsider going forward in 2024.

Follow-Up Recommendation #2

As of November 2023, all counties can use EasyVote Asset Management to inventory and checkout voting equipment. Also in December 2023, the SEC hired five field service technicians, who, in part, will independently verify county equipment against inventory lists and assist in applying asset tags to the equipment; this is expected to be completed by March 2024. Additionally, the SEC is currently developing standardized processes for proper use of the asset management system and expects these to be complete by March 2024.

Follow-Up Recommendation #3

The SEC has nearly completed the update to the Election Security Guide. This update will be finalized in early 2024.

Follow-Up Recommendation #4

While the SEC does not have a compliant hotline, it does have a comment/compliant webform on our website, which allows any member of the public to submit a comment or complaint.

Follow-Up Recommendation #8

Starting in November 2022, the new audit division reviewed all of the hand-count audit report forms for completeness, accuracy, and legibility. If there were completeness, accuracy, or legibility issues with these audits or report forms, auditors noted these issues and returned the form to the county for corrections. These hand-count audit report forms must be approved by the audit division prior to county certification.

Follow-Up Recommendation #11

While there is no post-audit training videos online, as of November 2023, staff from all counties have participated in hands-on hand-count audit training. The model for this training has been preserved and will be an available course for county staff and board member trainings in 2024.

This report was published for a total cost of \$106; 10 bound copies were printed at a cost of \$10.60 per unit.



ATTACHMENT # 19



South Carolina Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

MEMORANDUM TO THE FILE

TO: File 59-24-0008

FROM: Lieutenant Jeremy C. Smith

RE: Elections and non-Citizens

COUNTY: Richland

On May 14, 2024, Lieutenant Jeremy C. Smith received the below correspondence from South Carolina Election Commission General Counsel Thomas W. Nicholson:

Yes, this was provided to the voter registration agencies as a form that complied with the NVRA. We refer to it as the “Declination Form”. However, there is no requirement that this exact form must be used, just that the voter registration agency must provide a form that includes information required by NVRA for this form. I believe when you visited you showed me a form from one of the voter registration agencies that presented the same information as found in the SEC Declination Form, but that was not otherwise identical. *Agent’s Note: Lt. Smith showed Nicholson a DSS Voter Preference Form.*

That is an older, but not invalid, form. A newer form was issued in May of 2023; I’ve attached a copy for reference. Ideally the voter registration agencies would use the new form, but it may be that they retained stocks of the old form material and continued to use it.

The new form was prepared after Act 150 passed in 2022. The changes made mostly involved printing the full text of the oath required rather than the “bullet point” version of the oath present earlier. Also, we removed the “map” where applicants could indicate the location of their home; this was a relic of older days when there were more people living down unnamed roads without a number designation for their residence. Otherwise the content of the new and old forms is substantially the same.

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An Accredited Law Enforcement Agency



The response was received via email and was Nicholson's explanation of the HHS form.



ATTACHMENT # 20

South Carolina Department of Social Services
CHANGE REPORT FORM

Case Name: _____ Date: _____

Case Number or Social Security Number: _____

SECTION 1: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
ELDERLY SIMPLIFIED APPLICATION PROJECT (ESAP)

Check any of the boxes below that applies. If you check any of the boxes in this section, please provide the new information in **Section 3**.

CHANGES YOU ARE REQUIRED TO REPORT (by the tenth day of the month after the month of the change):

- ☐ Your household's total monthly gross income exceeds 130% of poverty (see income chart below). Your gross income means all of the money your household receives including wages before taxes or other deductions, Social Security benefits, Supplemental Security Income (SSI), cash contributions, unemployment compensation, child support, worker's compensation, etc.

SNAP INCOME GUIDELINES

Household Size	Gross Monthly Income (130 percent of poverty)	Net Monthly Income (100 percent of poverty)
1	\$1473	\$1133
2	\$1984	\$1526
3	\$2495	\$1920
4	\$3007	\$2313
5	\$3518	\$2706
6	\$4029	\$3100
7	\$4541	\$3493
8	\$5052	\$3886
Each additional member	\$512	\$394

- ☐ When a household member who is an Able-Bodied Adult Without Dependents (ABAWD) has work hours that fall below 20 hours weekly or 80 hours averaged monthly.
- ☐ When a household member wins lottery or gambling winnings equal to or greater than \$3500 from a single game before taxes or other withholdings.

SECTION 2: TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Check any of the boxes below that applies. If you check any of the boxes in this section, please provide the new information in **Section 3**.

CHANGES YOU ARE REQUIRED TO REPORT (within 10 days):

For TANF Eligibility:

- ☐ Change in residence or address
- ☐ Change in employment status (starting and/or losing a job)
- ☐ Change in unearned income (amount or source)
- (For example: unemployment benefits, child support, Social Security benefits, SSI, Veteran's Administration (VA) benefits, cash contribution, Workman's Compensation, etc.)
- ☐ Change in Benefit Group (BG) composition (someone moves in or out of your home)

For TANF Work Program:

- ☐ If you are receiving child care/transportation to participate in an activity and you stop participating.

This institution is an equal opportunity provider.

SECTION 3: New Information

Please provide the information that corresponds to your selections in **Sections 1 and 2** above.

New Address

Street: _____

City: _____ State: _____ Zip code: _____

Earned Income (Employment)

Who started working? _____ Who stopped working? _____

Beginning Date? _____ Ending Date? _____

Employer: _____ Telephone #: _____

Employer Address: _____

Total Monthly Gross Income: \$ _____

Unearned Income

Source: _____ Total Monthly Gross Income: \$ _____

Household Members

Who moved in? _____

Social Security Number: _____ - _____ - _____ Date of Birth: _____

Who moved out? _____

ABAWD

ABAWD's Name: _____

Weekly Work Hours: _____

Lottery or Gambling Winnings

Gross Amount: \$ _____

SECTION 4: Optional Information

You may voluntarily report any other changes in this section.

Rent Amount: \$ _____ Mortgage Amount: \$ _____ Property Taxes: \$ _____ Homeowner's Insurance: \$ _____

Any additional changes that you would like to report:

SNAP WARNINGS AND PENALTIES

When a household receives SNAP benefits, it must obey certain rules. The rules to be followed are:

- **DO NOT** give false, incorrect or incomplete information.
- **DO NOT** buy ineligible items such as alcoholic beverages or tobacco with SNAP benefits.
- **DO NOT** use your EBT card to pay for food charged to a credit account.

Violators of the above rules may not be able to get SNAP benefits for a period of 1 year to permanently and may be fined up to \$250,000 or imprisoned up to 20 years or both for violations of \$5000 or greater. A court can also add an additional 18-month SNAP participation restriction for an individual.

- **DO NOT** buy or sell firearms, ammunition or explosives with SNAP benefits; if you do, you can never get SNAP benefits again.
- **DO NOT** buy or sell illegal drugs with SNAP benefits;
- **DO NOT** trade, sell or alter Electronic Benefit (EBT) cards; if you do, you cannot get SNAP benefits for 24 months for the 1st offense and permanently for the 2nd offense.
- **DO NOT** use other people's EBT card or SNAP benefits, unless authorized.
- **DO NOT** receive SNAP benefits in more than one state for the same month. Any individual found to have made a fraudulent statement or representation of identity or residence will be ineligible to receive SNAP benefits for 10 years.

Signature:

I understand the penalty for hiding or giving false information. I agree to provide proof of any changes I report if asked.

Signature: _____ Date: _____

South Carolina Department of Social Services
VOTER PREFERENCE FORM

If you are not registered to vote where you live now, would you like to apply to register to vote?

(Please check one)

- ☐ **Yes**, I would like to register to vote.
- ☐ I am registered, but **not** at my **current** address.
- ☐ **No**, I am registered at my **current** address.
- ☐ **No**, but I will use the Voter Registration Mail Application.
- ☐ **No**. I do not wish to register to vote at this time.
- ☐ **No**. I am not eligible to vote.
- ☐ **No**. I am refusing to register.

IF YOU DO NOT CHECK A BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

Signature of Applicant/Declinee

Date

Important Notices

- If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party preference or other political preference, you may file a complaint with the following: Executive Director at South Carolina Election Commission, 1122 Lady St. Suite 500, P.O. Box 5987 Columbia, SC 29205 or call 803-734-9060, fax to 803-734-9366, or email elections@elections.sc.gov. This address is for complaints only regarding your right to vote.
- If you would like help in filling out the voter registration application, we will help you. The decision whether to seek or accept help is yours. For assistance in completing the voter registration application form outside our office, call 1-800-616-1309.
- Applying to register or declining to register to vote **will not** affect the amount of assistance that you will be provided by this agency.
- If you do register to vote, the location where your application was submitted will remain confidential. If you decline to register to vote, this fact will remain confidential. Applying to register or declining to register to vote will be used **only** for voter registration purposes.

RETURN FORMS TO DSS:

South Carolina Department of Social Services
Centralized Scan Center
P.O. Box 100203
Columbia, SC 29202-3203



ATTACHMENT # 21

SOUTH CAROLINA VOTER REGISTRATION MAIL APPLICATION

SOUTH CAROLINA
ELECTION COMMISSION

Registration Number

Are you a citizen of the United States of America? Yes ☐ No ☐ Will you be 18 years of age on or before election day? Yes ☐ No ☐ If you checked 'NO' in response to either of these questions, DO NOT complete this form.				Check One: ☐ New Registration or Move from Another SC County ☐ Address or Other Change within Same County			
NAME		Last		First		MI	Suffix
SEX	Male ☐	RACE	Black/African American ☐ White ☐ Asian ☐ Hispanic ☐ Native American ☐ Other Specify ☐				SOCIAL SECURITY NUMBER *
	Female ☐						
ADDRESS WHERE YOU LIVE (Physical Address)		Street		Apt Number		Inside City Limits Yes ☐ No ☐	
		City		State	Zip Code	Would you like to be a poll worker? Yes ☐ No ☐	
MAILING ADDRESS (If Different from Above)		Street or Post Office Box					
		City		State	Zip Code		
BIRTHDATE		Month	Day	Year	PHONE #	Home ()	Work ()
PREVIOUS REGISTRATION/ NAME		Precinct		County	State	Previous Name	
		Any previous registration in another South Carolina county will be automatically cancelled upon acceptance of this application. Any other jurisdictions indicated above will be notified of your registration in South Carolina.					

ID Required: If you are registering for the first time in this county, you must attach a copy of a current valid photo ID **OR** a copy of a current utility bill, bank statement, paycheck or other government document that shows your name and address in this county. If you do not provide this identification now, you will be required to provide it before voting. Voters who are age 65 and over, voters with disabilities, members of the U.S. Uniformed Services or Merchant Marines and their families, and U.S. Citizens residing outside the U.S. are exempt from this requirement. ☐ **Check here if you are exempt.**

* Social Security Number (SSN) is required by the S.C. Code § 7-5-170. Applications containing only the last four digits of your SSN will be accepted. Your SSN is used for internal purposes only and eliminates multiple registrations by a single individual. Your SSN is not released to any unauthorized individual.

Attach ID Here

Voter Registration Oath – (read and sign below)

"I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct.

I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.

I further swear (or affirm) that I am not under a court order declaring me mentally incompetent; I am not confined in any public prison resulting from a conviction of a crime; and I have never been convicted of a felony or offense against the election laws, or if previously convicted, I have served my entire sentence, including probation and parole time, or I have received a pardon for the conviction."

Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

Signature

Date of Application

scVOTES.gov

For Voter Registration Board Use Only

☐ Approved ☐ Disapproved by _____ (Member, Voter Registration Board) Date _____

Code of Laws of South Carolina 1976 Annotated
Title 7. Elections
Chapter 5. Qualifications and Registration of Electors
Article 3. Requirement of and Qualifications for Registration

Code 1976 § 7-5-170

§ 7-5-170. Necessity for written application for registration;
information to be contain on form; oaths; decisions on applications.

Effective: May 13, 2022

Currentness

(1) Written application required. A person may not be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application. -- The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: "I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county." Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Date stamp voter registration applications. -- The county board of voter registration and elections shall date stamp all voter registration applications delivered in person, electronically, or by mail as of the date received.

(4) Administration of oaths. -- Any member of the county board of voter registration and elections, deputy registrar, or any registration clerk must be qualified to administer oaths in connection with the application.

(5) Decisions on applications. -- Any member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.

Credits

HISTORY: 1962 Code § 23-68; 1952 Code § 23-68; 1950 (46) 2059; 1951 (47) 78; 1957 (50) 671; 1965 (54) 283; 1967 (55) 657; 1968 (55) 2316; 1974 (58) 2185; 1984 Act No. 304, eff March 22, 1984; 1984 Act No. 510, § 3, eff June 28, 1984; 1986 Act No. 345, § 2, eff March 7, 1986; 1993 Act No. 90, § 1, eff January 1, 1994; 2004 Act No. 239, § 1, eff May 24, 2004; 2012 Act No. 265, § 1, eff upon preclearance approval or declaratory judgment; 2022 Act No. 150 (S.108), § 10, eff May 13, 2022.

Code 1976 § 7-5-170, SC ST § 7-5-170

Current through 2024 Act No. 120, subject to final approval by the Legislative Council, technical revisions by the Code Commissioner, and publication in the Official Code of Laws.