

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

January 26, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamela B. Pinson (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Public Information Officer.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Chairman Hudgens stated the first item of business was approval of the minutes of the December 17, 2010 meetings of the SEC and State Board of Canvassers. Mr. Green moved to carry over approval of the minutes until the next meeting. Ms. Pinson seconded the motion. The motion passed unanimously, and the minutes were carried over.

The next item of business was an update on two upcoming special elections. Ms. Andino stated a special election for State House of Representatives District 64 would be held on April 5, 2011. She stated Republican and Democratic Primaries associated with the special election would be held on February 15, 2011, and any necessary runoffs would be held on March 1, 2011. Ms. Andino stated a special election for State Senate District 16 would be held on April 12, 2011. She stated the Republican Primary associated with the special election would be held on February 22, 2011, and any necessary runoff would be held on March 8, 2011. Ms. Andino stated there were six potential State Board of Canvassers certification meetings associated with those special elections. She stated that February, March and April SEC meetings would be combined with the certification hearings, and a schedule of meetings was recently distributed to Board members.

Next on the agenda was an update on the new voter registration system. Ms. Andino stated SEC staff and NWN Corporation continue to make significant progress on development of the system. Ms. Andino stated SEC staff demonstrated components of the new system at the recent South Carolina Association of Registration and Elections (SCARE) Conference and received very positive feedback regarding system features and functionality. Chairman Hudgens asked if there had been any negative feedback in regards to implementing a new system. Ms. Andino stated that feedback was mainly positive with some expected, resistance to change. She stated she expects voter registration clerks to become more comfortable with the change as they learn more about the new system. Chairman Hudgens asked if the project was still on track for implementation on July 1, 2011. Ms. Andino stated the project is still on track for the target date, but due logistical reasons, the system may not go live until July 5th. Chairman Hudgens asked in what way the new system would change the way the SEC conducts business. Ms. Andino stated SEC staff uses the system to order voter registration lists and maintain voter

records. She stated SEC staff will switch over to the new system along with the counties, and that the new system will provide staff with increased ease of use and additional functionality.

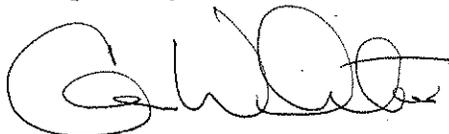
The next item of business was an update on legislation. Ms. Andino stated bills establishing new voter identification requirements and early voting are active in both the House and Senate. She stated that bill had also been introduced to change candidate certification deadlines, to require registration by party, and to require requests for public records to be granted within 30 days. Ms. Bensch asked if any legislation had been suggested by SCARE. Ms. Andino stated SCARE sets its legislative priorities in August and make them readily available to the public. She stated that support of early voting legislation was among those priorities. Ms. Andino also stated that SCARE continues to be concerned about the deletion of county board stipends. Ms. Bensch asked if SCARE intended to pursue restoration of the stipends. Ms. Andino stated the funds were deleted from the SEC budget. She stated the Agency is facing a potential 15% budget cut and did not request restoration of the funds, but SCARE could pursue it.

Next of the agenda was an update on the agency budget. Ms. Andino stated she recently appeared before a House Ways & Means subcommittee to testify regarding the budget. She stated the agency is requesting approximately \$4.1M for the 2012 Statewide Primaries. She stated this request was higher than in past budget request due to the lack of carry-forward funds from previous elections. Ms. Andino stated the subcommittee also asked the Agency to identify ways to absorb a 15% budget cut.

Chairman Hudgens stated that the next meeting of the State Election Commission would be held at 10:00 a.m. on Friday, February 18th.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Whitmire", written in a cursive style.

Chris Whitmire
Public Information Officer

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

February 18, 2011
10:00 a.m.

Present: Mr. Tracey C. Green, Acting Chairman; Ms. Cynthia M. Bensch (via teleconference); Ms. Pamella B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Mr. Green called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Mr. Green stated the only item of business was certification of the State House of Representatives District 64 Republican and Democratic Primaries held on February 15, 2011. Ms. Andino presented the results as follows:

Republican Primary

Candidate	Clarendon	Williamsburg	Total	Percent
Derry Beard	440	26	466	36%
Sonny Sanders – WINNER	813	14	827	64%

Democratic Primary

Candidate	Clarendon	Williamsburg	Total	Percent
Alvin M. Greene	37	0	37	0.9%
Kevin L. Johnson - WINNER	2,370	46	2,416	61.0%
Bernard Richburg	88	2	90	2.3%
Dwight Stewart	1,399	20	1,419	35.8%

Ms. Andino stated that no runoff was necessary as a candidate in each primary received a majority of votes cast. Mr. Green asked Ms. Andino if she was confident in the accuracy of the results. Ms. Andino stated she was. Mr. Waring moved to certify the results as presented. Ms. Bensch seconded the motion. The motion passed unanimously and the results were certified. Mr. Green asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and return them to the State Election Commission office.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Bensch seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire

Assistant to the Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

February 18, 2011
10:00 a.m.

Present: Mr. Tracey C. Green, Acting Chairman; Ms. Cynthia M. Bensch (via teleconference); Ms. Pamela B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

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Sonny Sanders -- WINNER	813	14	827	64%

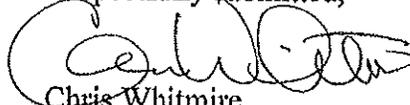
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Ms. Andino stated that no runoff was necessary as a candidate in each primary received a majority of votes cast. Mr. Green asked Ms. Andino if she was confident in the accuracy of the results. Ms. Andino stated she was. Mr. Waring moved to certify the results as presented. Ms. Bensch seconded the motion. The motion passed unanimously and the results were certified. Mr. Green asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and return them to the State Election Commission office.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Bensch seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire

Assistant to the Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

February 25, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Ms. Pamella B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Mr. Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Mr. Hudgens stated the first of business was approval of the minutes from the meeting held on February 18, 2011. Ms. Bensch moved to approve the minutes as presented. Mr. Green seconded the motion. The motion passes unanimously.

Mr. Hudgens stated the next item of business was the certification of the State Senate District 16 Republican Primary held on February 22, 2011. Ms. Andino presented the results as follows:

Republican Primary

Candidate	Lancaster	York	Total	Percent
Brian Carnes	582	312	894	14.6%
Greg Gregory – WINNER	2,839	632	3,471	56.7%
Rob McCoy	430	159	589	9.6%
Wendy Petzel	69	336	405	6.6%
Mike Short	79	681	760	12.4%

Ms. Andino stated that a runoff was not necessary as the candidate received a majority of votes cast. Mr. Hudgens asked Ms. Andino if she was confident in the accuracy of the results. Ms. Andino stated she was. Ms. Bensch moved to certify the results as presented. Mr. Green seconded the motion. The motion passed unanimously and the results were certified. Mr. Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and return them to the State Election Commission office.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Bensch seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,


Marci Andino
Executive Director

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

March 16, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamella B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Ms. Donna Royson, Deputy Executive Director.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the February 18, 2011 meeting of the SEC and the February 25, 2011 meeting of the State Board of Canvassers. Ms. Bensch moved to approve the minutes. Mr. Green seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reminded all commissioners to complete their Statement of Economic Interests forms on the State Ethics Commission website before the April 15th deadline.

Ms. Andino reported that the Agency received the State Library's 2010 Notable State Document Award for the Agency's election results reporting website (accessible from www.scvotes.org). The SEC was one of ten agencies recognized for their outstanding state documents. She stated the State Library commended the agency for its commitment to providing open access to information through a quality website.

Old Business

Ms. Andino reported the Agency had completed an audit of Richland County's 2010 General Election results as outlined in the League of Women Voters (LWV) report. The audit confirmed the findings of the LWV report were accurate; however, several of the report conclusions were incorrect. All issues outlined in the report were strictly related to human error and the voting system performed as it should. As a result, Richland County certified incorrect results but these results did not change the outcome of the election. Final, correct, results from Richland County are forthcoming and will be presented to the Commission at a future meeting. A report of the Agency audit is also being prepared for release. Steps are being taken to update instruction manuals and provide training to all county election commissions in the State to prevent this error from happening in the future. Five other counties mentioned in the LWV report are currently being audited by Agency staff. *(Audit report and corrected results attached.)*

Ms. Andino reported the new Voter Registration System is making progress. She stated county voter registration employees are currently testing completed portions of the system. Ms. Andion stated the projected installation date of the system has been moved from July 1 to early Fall 2011 due to staffing issues.

Ms. Andino reported arguments were heard on March 10 in Greenville concerning open primary litigation. She stated a decision on the case is expected by the end of March.

Ms. Andino reported that H3003, which would establish early voting and photo ID requirements, was returned to the House from the Senate with amendments and should be discussed after the House returns from furlough during the week of March 28.

Ms. Andino reported the state budget was passed by the House on March 15. She stated the House budget provides \$1 million for conduct of the 2012 Presidential Preference Primaries, but the 2012 June Primaries were not funded. This version of the budget also includes a \$48,000 reduction in the Agency's operating budget.

Ms. Andino reported the Agency is currently reviewing the American Communities Survey to determine if the State will have minority language requirements as a result of the 2010 Census.

Chairman Hudgens stated the next meeting of the State Board of Canvassers (SBC) will be held on April 8 at 3:00 p.m. to certify the House District 64 Special Election. He stated the SBC will also meet on April 15 at 3:00 p.m. to certify the House District 16 Special Election, and that the SEC would meet immediately following that SBC meeting.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Bensch seconded the motion, and the meeting was adjourned.

Respectfully submitted,

Donna Royson
Deputy Executive Director

2010 General Election Results Audit Report – Richland County

S.C. State Election Commission

March 29, 2011

PURPOSE:

- To determine whether the 2010 General Election results certified by the Richland County Election Commission (CEC) on November 5, 2010, were accurate.
- To determine the cause of any inaccurate results.
- To determine whether a revised post-certification vote count performed by the CEC was accurate.
- To make recommendations to the CEC to improve the canvass and certification process. Canvass and certification refers to the process of gathering all ballots cast in an election, counting the votes on those ballots, and certifying the results of that count as true and accurate.
- To identify actions to be taken by the State Election Commission (SEC) to improve canvass and certification process.

METHOD:

Examine certified vote totals using voting system audit data:

- **Flash card data.** Each voting machine includes a flash memory card that records a log of every event that occurred on the voting machine during the election, including a record of each ballot as it was cast.
- **Central vote tabulating computer audit data.** This data includes a record of every action taken on the central vote tabulating computer before and after the election.
- **Paper tapes.** “Zero Tapes” are printed at the polling place before the polls open showing zero votes cast on those machines to be used in that precinct. “Totals Tapes” are printed at the polling place after the polls close showing total votes cast in that precinct. Two copies of each tape are printed. One copy of each tape is posted at the polling place; one copy is returned to the CEC.
- **Optical scan data and reports.** Optical scanners are used to read paper ballots. Results produced from the scanning of paper ballots are stored in a portable memory card and are recorded on a printed report.
- **Certified election results.** Precinct-level election results as certified by the CEC and transmitted to the SEC prior to SEC certification. The certified election results are compiled largely from PEBs (Personal Electronic Ballots). PEBs are portable memory devices used by poll managers to upload votes from voting machines at the end of an election day.

FINDINGS:

1. **The certified vote totals in Bluff and Ward 21 Precincts contained errors.** Certified vote totals in 127 remaining precincts were confirmed to be accurate.
 - **Bluff Precinct** – 772 ballots not included in certified results.
 - **Ward 21 Precinct** – 355 ballots not included in certified results.

2. The erroneous vote totals resulted from human errors that occurred during the opening and closing of the polling places and during the canvassing process.

- **Bluff Precinct** – According to proper canvassing procedures, as poll managers close each voting machine in a precinct, votes from each machine are uploaded to a PEB. The PEB is then transported with other election materials to the CEC, where the votes from the PEB are uploaded to a central vote tabulating computer. In Bluff Precinct, poll managers failed to follow proper procedure, closing only two of eight voting machines in use in the precinct. Poll managers failed to recognize messages printed on the Totals Tapes warning that all machines had not been closed. CEC staff failed to recognize the same warning on their copy of the Totals Tapes. CEC staff failed to recognize similar warning messages produced by the central vote tabulating computer. As a result, the votes from only the two machines that were closed properly were included in the certified vote totals.
- **Ward 21 Precinct** – Each polling place has multiple PEBs. According to proper procedure, one of those PEBs, the “Green PEB,” is designated for opening and closing of machines and storing vote totals for transport to the CEC. The other PEBs, “Red PEBs,” are designated for loading ballots for voters. In Ward 21 Precinct, poll managers failed to follow proper procedure, opening and closing voting machines with multiple PEBs. Three of the six machines in the precinct were opened and closed with the Green PEB, and three machines were opened and closed with one of the Red PEBs. CEC staff failed to recognize that only three of six machines sent to the precinct were represented on the Totals Tape and in the results uploaded to the Green PEB. As a result, the votes from only the three machines closed with the Green PEB were included in the certified vote totals.

3. The revised post-certification vote count performed by the CEC was conducted properly.

- A revised vote count was conducted by CEC staff correcting the errors identified in Bluff and Ward 21 precincts.
- The SEC reviewed the vote count using flash card audit data and central vote tabulating computer audit data. The CEC count and the SEC review were conducted using separate data sources, and both results were the same.

4. No outcome of any contest was affected by the erroneous certification. A review of the revised vote count shows that while the original vote count was in error, this error did not affect the outcome of any office or ballot question featured on Richland County ballots.

RECOMMENDATIONS:

1. Improve general poll manager training, stressing the importance of follow proper voting machine opening and closing procedures.
2. Require poll clerks to attend hands-on voting machine opening/closing training.
3. Require polling place technicians to check Zero Tapes throughout the day to ensure poll managers followed proper opening procedures.
4. Review existing procedures for reading PEBs, focusing on how to identify unclosed or excluded voting machines by recognizing system warning messages.
5. Review existing procedures for saving and storing flash card data.

6. Implement improved canvassing procedures and audit tools developed by SEC.

SEC ACTIONS:

1. Expand and improve written canvassing procedures for county election commissions. New procedures will include specific audit techniques designed to prevent and detect errors.
2. Provide county election commissions with additional tools designed to prevent and detect errors:
 - Develop an asset management system to be used by counties to track election equipment using a handheld scanner.
 - Improve and expand canvass checklists.
 - Develop new audit checklists for poll managers, polling location technicians, and CEC staff.
3. Develop and implement improved SEC audit procedures to be completed prior to SEC certification.

SUMMARY:

The SEC audit of Richland County's 2010 General Election results reveals:

- Errors in certified vote totals in two of Richland County's 127 precincts.
- Nine of 14 machines used in those precincts were not included in the certified vote totals. 824 voting machines were used in the county on Election Day.
- The nine machines contained a total of 1,127 ballots. A total of 120,510 ballots were cast countywide on Election Day.

The failure to count these ballots resulted from two separate poll manager errors. Despite warnings produced by the system, these errors went undetected by poll managers and CEC staff, and the incorrect vote totals were certified. There were no technical failures in the voting system. The errors resulted from the human failure to follow proper procedure. Had proper procedures been followed by poll managers and CEC staff, the errors would either not have occurred or would have been detected and corrected prior to certification.

The failure to count votes cast by qualified South Carolina voters is unacceptable. The SEC has identified significant improvements to be made to the post-election canvassing and auditing process on the precinct, county and state levels. The SEC is confident that these improvements, along with a renewed vigilance for ensuring proper procedures are followed, can prevent any occurrences of such errors in the future.

Colleton County 2010 General Election Results Review

S.C. State Election Commission

PURPOSE:

- To determine the cause of incorrect vote tallies being certified by the Colleton County Election Commission (CEC) on November 5, 2010.
- To determine whether the revised post-certification vote count performed by the CEC was conducted properly.
- To make recommendations to the CEC designed to improve canvass and certification procedures.
- To identify actions to be taken by the State Election Commission (SEC) to improve canvass and certification procedures.

METHOD:

SEC staff examined data recorded on the flash cards from each voting machine used in Colleton County during the election. Data recorded on flash cards includes both vote totals and voting machine audit data. Staff also examined the audit data recorded by the central vote tabulating computer. This data includes a record of every action taken on the central vote tabulating computer. In addition, the SEC requested the voting system vendor review the audit data.

FINDINGS:

- 1. The erroneous results were caused by a human error in the vote tabulation process.** Emergency optical scan ballots were tallied by hand and entered incorrectly into the central vote tabulating computer. Emergency ballots are paper ballots cast at the polling place on Election Day. The primary method of counting emergency ballots is to scan the ballots with an optical scanner and upload the electronic data from the scanner to the central vote tabulating computer. When counting emergency ballots by hand, the results for each candidate must be manually entered into the central vote tabulating computer. Instead of entering only the emergency ballot total for each candidate, CEC staff entered combined machine and emergency ballot totals for each candidate. This incorrect manual entry resulted in inflated vote totals in the certified election results.
- 2. The revised post-certification vote count performed by the CEC was conducted properly.**
 - A revised vote count was conducted by the CEC staff using totals from the Personal Electronic Ballots (electronic media used to collect vote totals at the polling place) and from optical scan ballots (paper ballots tabulated centrally using an optical scanner). The results of this vote count matched consistently with the paper results tapes produced at each polling place on election night.

- The SEC reviewed the vote count using flash card and central vote tabulating computer audit data. The CEC count and the SEC review were conducted using separate data sources, and both results were the same.
 - The voting system vendor reviewed audit data and determined that all ballots cast were included in the CEC count and SEC review.
3. **No outcome of any contest was affected by the erroneous certification.** A review of the revised vote count shows that while the original vote count was in error, this error did not affect the outcome of any office featured on Colleton County ballots.

RECOMMENDATIONS:

1. Manual count and manual entry of vote totals should not be used unless absolutely necessary, such as when the optical scanner is inoperable.
2. Prior to the next election, CEC staff should review election preparation and canvassing procedures and attend the SEC election preparation and results accumulation training class.

SEC ACTIONS:

1. Expand and clarify written SEC procedures for manual vote counts and manual vote entry.
2. Expand SEC Canvass Checklist to include additional steps to be performed prior to certification to ensure accurate results and to provide additional guidance on the proper timing of each step.
3. Work with members of the General Assembly to help identify legislative changes that would allow for recertification of election results under certain conditions.

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

April 8, 2011
3:00 p.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Chairman Hudgens stated the first item of business was the certification of the State House of Representatives District 64 Special Election held on April 5, 2011. Ms. Andino presented the results as follows:

Candidate	Clarendon	Williamsburg	TOTAL	Percent
Sonny Sanders, Republican	3,035	71	3,106	47.5%
Kevin L. Johnson, Democratic WINNER	3,361	66	3,427	52.4%
Write-ins	4	0	4	<0.01%

Mr. Hudgens asked Ms. Andino if she was confident in the accuracy of the results. Ms. Andino stated she was. Ms. Bensch moved to certify the results as presented. Mr. Green seconded the motion. The motion passed unanimously and the results were certified. Mr. Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

Ms. Andino stated that a concerned citizen, Mr. Frank Heindel, has requested time to address the Board at the next meeting of the State Election Commission (SEC) on April 15, 2011. She stated the subject of Mr. Heindel's remarks would likely be related to his concerns regarding the state's voting system and the ongoing audit of 2010 General Election results being conducted by the League of Women Voters. Chairman Hudgens stated the SEC is always receptive to concerned citizens who wish to be heard by the Board, and the Board looked forward to hearing from him at the next meeting.

Ms. Andino stated that as a result of recently-discovered errors in the 2010 General Election results in Colleton and Richland counties, the SEC is conducting an audit of all 46 counties' results. Ms. Andino stated that as a result of the audit, elections in South Carolina will be better. She stated that improved canvassing and auditing procedures, checklists, and training are in development. Ms. Andino stated that SEC staff has already implemented an enhanced auditing procedure to be completed prior to each certification of an election by the SBC.

Ms. Bensch asked what the yearly voting system maintenance cost was. Ms. Andino stated approximately \$1M per year.

There being no further business, Ms. Bensch moved to adjourn the meeting. Mr. Waring seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

Chris Whitmire

Assistant to the Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

April 15, 2011
3:00 p.m.

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Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

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Chairman Hudgens stated the first item of business was the certification of the State Senate District 16 Special Election held on April 12, 2011. Ms. Andino presented the results as follows:

Candidate	Lancaster	York	TOTAL	Percent
Greg Gregory, Republican WINNER	3,105	1,041	4,146	77.1%
Stan Smith, Libertarian	125	146	271	5.0%
Keith D. Brann, Democratic	636	314	950	17.7%
Write-ins	4	7	11	0.2%

Ms. Andino stated SEC staff performed an audit of both counties' certified results and that she was confident in the accuracy of the results. Mr. Waring moved to certify the results as presented. Ms. Pinson seconded the motion. The motion passed unanimously and the results were certified. Mr. Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Assistant to the Executive Director

STATE ELECTION COMMISSION
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Columbia, South Carolina 29205

April 15, 2011
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Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green (via teleconference); Ms. Pamela B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the March 16, 2011 meeting of the SEC. Ms. Pinson moved to approve the minutes. Mr. Waring seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that Training and Certification Program classes are to be held the week of April 18th. She stated that county election officials are required by state law to take classes within certain timeframes to gain certification and to remain certified. Ms. Andino stated that following next week's classes, the SEC would make its annual report to the Governor's office providing details of any officials who have not met the requirements.

Unfinished Business

Ms. Andino reported the new Voter Registration System continues to make progress. She stated county election officials continue to help with alpha testing. Ms. Andino stated SEC staff is working with the State Data Center on the details of the system network, and that the Agency could see a decrease in data processing charges under the new system.

Ms. Andino reported that H3003, which would establish early voting and photo ID requirements, had been sent to a conference committee. She stated the committee would meet on April 20 to work on the bill. Ms. Andino reported that a bill had passed the General Assembly that would combine the Richland County Voter Registration Board and Election Commission. Ms. Andino reported a Senate Judiciary Subcommittee hearing was held on April 14 on S464, which would require voting machines to produce a paper receipt, and the Committee took no action on the bill. She stated Beaufort County Election Director Scott Marshall testified at the hearing that there was no system on the market that would meet the requirements of the bill. She stated Mr. Marshall also testified that a real-time audit log was the only "paper receipt" technology available to retrofit the current system, and that retrofitting statewide would cost approximately \$15 million. Ms. Andino stated she testified the current system is approximately halfway through its lifecycle, making the idea of retrofitting the system impractical. She stated that

several voting system critics testified at the hearing regarding audits of the system and a desire for a voter-verified paper audit trail.

Ms. Andino reported the Senate Finance Committee had passed the State Budget. She reported the Senate version of the budget included funding for the 2012 State Primaries, a proviso providing authorization to conduct the 2012 Presidential Primaries, a \$48,000 decrease in the Agency operating budget, and the restoration of funding for county board stipends.

Ms. Andino reported that a federal court decided against the Greenville County Republican Party in their recent suit over the State's open primary system. She stated the decision means primaries would continue to operate as normal.

Chairman Hudgens stated that next meeting of the SEC would be held on May 18, 2011, at 10:00 a.m.

There being no further business, Ms. Pinson moved to adjourn the meeting. Mr. Waring seconded the motion, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire". The signature is stylized and somewhat cursive, with a large initial "C" and "W".

Chris Whitmire
Assistant to the Executive Director

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

May 18, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamella B. Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the April 15, 2011 meetings of the SEC and State Board of Canvassers. Mr. Waring moved to approve the minutes. Ms. Bensch seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that the Agency had filled two vacant positions in Voter Services. Matthew Guzzi will be working with the statewide voter registration system, building databases, and managing special projects. James Posey will be providing voting system support, primarily building election definitions for county election commissions. Ms. Andino stated the positions had been vacant since 2010 due to budget concerns and needed to be filled in preparation for the 2012 election year.

Ms. Andino reported that due to the resignation of Rep. Dan Cooper, a special election would be held on August 30, 2011, in State House District 10, all of which is located in Anderson County. She stated filing would open on May 13-23, any primaries would be held on July 12, and any primary runoffs would be held on July 27.

Unfinished Business

Ms. Andino reported the Agency continues development of the new Voter Registration System. She stated more county election officials are helping with alpha testing, and now more than half of the counties are involved. Ms. Andino stated the Agency continues to receive positive feedback from county users, and that staff were working on load testing this morning. She also stated the system had recently been demonstrated to the states of Alaska, Georgia and Kentucky. Ms. Andino stated that if other states implement the same system, costs for future changes to the system could be shared among the states. Ms. Bensch asked about ongoing costs of the new system. Ms. Andino replied that S.C. will own the software, so there will be no licensing fees. She stated there will be ongoing costs for data processing conducting by the Department of State

Information Technology, which exist with the current system. She stated that those data processing charges may be reduced as a result of changes with the new system.

Ms. Andino reported that SEC staff continue conducting an audit of 2010 General Election results. She stated the Agency is working with all counties to obtain audit data. Ms. Andino stated the audit is being conducted on two levels: ballots cast and votes cast. She stated ballots cast audits had been completed in 18 counties, and another 15 were nearing completion. Ms. Andino stated that she and SEC staff had recently held a meeting with Dr. Duncan Buell, who is leading an audit conducted by the S.C. League of Women Voters, to share ideas and answer questions. She stated the audits should results in increased public confidence in the election process.

Ms. Andino reported that H3003, which establishes photo ID requirements, has passed the General Assembly and is expected to be signed by the Governor today. She stated that after the bill is signed, it would be submitted to the U.S. Department of Justice for preclearance. Ms. Andino reported that bills that would help military and overseas voters (S404) and make technical changes to election law (S391) have passed the House Judiciary Committee.

Ms. Andino reported the State Budget was up for third reading in the Senate today. She stated that after the House completed work on the budget, the Board of Economic Advisors increased budget projections by \$110 million giving the Senate more revenue to appropriate in its version of the budget. She reported the Senate version of the budget included funding for the 2012 State Primaries, a proviso providing authorization to conduct the 2012 Presidential Primaries, a \$48,000 decrease in the Agency operating budget, and the restoration of funding for county board stipends.

Chairman Hudgens stated that next meeting of the SEC would be held on June 15th, 2011, at 10:00 a.m.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Pinson seconded the motion, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire", written over a horizontal line.

Chris Whitmire
Assistant to the Executive Director

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

June 15, 2011
10:00 a.m.

Present: Mr. Tom Waring, Acting Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Ms. Pamella B. Pinson (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Mr. Waring asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted. Mr. Waring called the meeting to order.

Approval of Minutes

Mr. Waring stated the first item of business was approval of the minutes of the May 18, 2011 SEC meeting and asked if there was any discussion. Ms. Bensch stated she recalled Ms. Andino discussing \$110 million in newly found funds during the budget portion of the May 18th meeting, which was not included in the minutes. Ms. Andino stated she recalled reporting that the Board of Economic Advisors increased budget projections by \$110 million giving the Senate more revenue to appropriate in its version of the budget. Ms. Bensch stated she felt it was important to include the statement in the minutes. Mr. Waring asked for the statement be added to the minutes. Ms. Bensch moved to approve the minutes as amended. Ms. Pinson seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that due to the death of Representative David Umphlett, a special election would be held on September 30, 2011, in State House District 100, all of which is located in Berkeley County. She stated filing would be open June 17 to June 27, any primaries would be held on August 12, and any primary runoffs would be held on August 26.

Unfinished Business

Ms. Andino reported the Agency continues to make progress in development of the new Voter Registration System. She stated agency staff is working on user acceptance and developing training materials. Ms. Andino reported more counties are getting involved with testing, and the project is still on schedule for a fall implementation. Ms. Bensch asked what would be included on new voter registration cards required by the photo identification legislation, specifically would voter registration numbers and district numbers be included. Ms. Andino stated voter registration numbers would be included, but district assignments likely would not be included. She stated district numbers are not included on current cards to avoid reprinting cards after redistricting.

Ms. Andino reported that SEC staff continue conducting an audit of 2010 General Election results. She stated the audit is taking longer than expected as some counties have not been able to produce complete audit data. Ms. Andino stated agency staff is helping county election commission retrieve this data. Ms. Andino stated that certification errors have been discovered

in some counties, although none would have changed the outcomes of any offices or questions. She stated the Agency is working to implement procedures and provide tools that will help protect against these errors happening in the future.

Ms. Andino reported that H3003, which establishes photo ID requirements, was signed into law by the Governor. She stated the Attorney General's office would soon be submitting it to the U.S. Department of Justice (DOJ) for preclearance. Ms. Andino stated DOJ would have 60 days to respond to the preclearance submission; and in the meantime, SEC staff would be working on an implementation plan. Ms. Andino reported that S404, which strengthens provisions for military and overseas absentee voters, was signed in law by the Governor. Ms. Andino reported that S391, which adjusts filing deadlines to allow more time for ballot preparation and establishes procedures for delaying an election during a declared emergency, was amended in the Senate to include early voting provisions. She stated this action jeopardizes the bill's chances of passing this year.

Ms. Andino reported the State Budget was currently in conference committee. She stated the funding of the Presidential Preference Primary seemed to be the main sticking point in discussions regarding the Agency's budget. Ms. Andino stated the House version of the budget included funding for implementation of the pending photo identification requirements, while the Senate version did not. Ms. Bensch asked if the General Assembly funded implementation of photo ID, but the legislation did not gain DOJ preclearance, what would happen to those funds. Ms. Andino stated a proviso would be necessary to grant the Agency authority to use the funds for any other purpose. Ms. Bensch asked if every county would get photo ID equipment. Ms. Andino stated the fiscal impact of the bill was determined based on putting equipment in every county voter registration office. However, she stated the Agency was exploring all options to determine which was most cost effective.

Mr. Waring stated the State Board of Canvassers would meet at 10:00 a.m. on July 15th, and the SEC would meet immediately following.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire

Assistant to the Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

July 15, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamella B. Pinson (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Chairman Hudgens stated the first item of business was the certification of the State House of Representatives District 10 Republican Primary held on July 12, 2011. Ms. Andino presented the results as follows:

Candidate	TOTAL	Percent
Hamp Johnson RUNOFF	651	33.0%
Mike Jones	56	2.8%
Eric McConnell	40	2.0%
Joe Mills	180	9.1%
Mark Powell	123	6.2%
Joshua Putnam RUNOFF	924	46.8%

Ms. Bensch moved to certify the results as presented and to call for a primary runoff to be held as state law requires. Ms. Pinson seconded the motion. The motion passed unanimously and the results were certified. Chairman Hudgens stated a primary runoff would be held on July 26th and the SBC would meet again on July 29th to certify the results. Chairman Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Assistant to the Executive Director

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

July 15, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Ms. Pamela B. Pinson (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the June 15th, 2011 meeting of the SEC. Ms. Bensch moved to approve the minutes as submitted. Ms. Pinson seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that the Agency has applied for a \$3 million federal grant to develop an electronic voting accessibility tool for use by military and overseas voters. She stated the funding would be used to modify the new voter registration system to allow military and overseas voters to request an absentee ballot online, receive email or text notification when the ballot is ready, complete the ballot electronically, and either submit it electronically or print it and return it by mail. Ms. Andino said the Agency would know more about the status of the grant application by September or October.

Ms. Andino stated that the Attorney General's office has submitted H3003 (photo ID legislation) to the U.S. Department of Justice for preclearance. She stated that the Agency is making preparations for implementation in anticipation of preclearance. Ms. Andino stated agency staff is developing brochures, posters, other voter education materials, and a photo voter registration card. She stated the most cost-effective method of printing the new cards would likely be to print them centrally at the SEC and mail them to voters, rather than purchasing and maintaining printers in 46 counties. Ms. Andino stated staff is working on a comparison of the statewide voter registration database with the Department of Motor Vehicles (DMV) database to produce a list of voters who do not have driver's licenses or DMV identification cards. She stated H3003 requires the SEC to mail notice of the new photo ID requirements to each voter on the list. Chairman Hudgens asked if the State Budget included funding for implementation of the photo ID requirements. Ms. Andino stated that \$535,000 had been appropriated for implementation. Ms. Bensch asked whether a voter would need a photo voter registration card if the voter already had another one of the required IDs. Ms. Andino answered "no" and stated that the Agency would be stressing that point in its voter education efforts. Ms. Bensch asked if the funding provided was sufficient for implementation. Ms. Andino replied that it was sufficient to purchase the necessary equipment and to conduct a voter education campaign. Ms. Bensch

asked if it would be necessary to spend other voter education funds. Ms. Andino answered that spending of other funds weren't necessary for implementation of photo ID, but that the Agency would be using other funds to conduct voter education just as it does before each statewide election.

Ms. Andino reported the State Budget included two provisos that allow for the SEC to use carry-forward funds amounting to approximately \$680,000 to conduct the 2012 Presidential Preference Primaries (PPPs). She stated the funding was not adequate to conduct the PPPs, and the political parties would have to provide additional funding. Ms. Andino stated the Agency has requested approval from the Attorney General's office for use of outside counsel to represent the Agency in negotiations with the political parties. Ms. Andino stated the resulting contract will outline the responsibilities of the SEC and political parties as it relates to the conduct of the election and its funding.

Unfinished Business

Ms. Andino reported the Agency continues to make progress in development of the new Voter Registration System. She stated staff has finished the first round of user acceptance testing and continue developing a training plan. She stated the project is on track for an October implementation.

Ms. Andino reported that SEC staff continue conducting an audit of 2010 General Election results. She stated staff has not been able to obtain complete audit data from some counties, which will result in some incomplete audits. Ms. Andino stated staff has developed an easy-to-use audit program that counties will use to audit future elections prior to certification of results. She stated the results of the audit, when complete, will be posted on the Agency's website, www.scVOTES.org.

Ms. Andino reported that the technical clean-up legislation (S391) did not pass the General Assembly this year. She stated that the bill was amended to include early voting and would be considered again in 2012.

Ms. Andino reported the recently-passed State Budget included a \$48,000 reduction in agency funding, provisos to conduct and partially fund the PPPs, funding for implementation of photo ID requirements, and funding to conduct the June 2012 State Primaries.

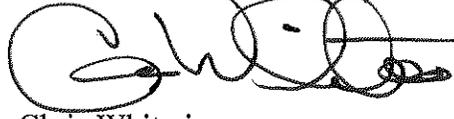
Ms. Andino reported that a recent S.C. Supreme Court decision regarding an election protest in the Town of Atlantic Beach made reference to the SEC, suggesting that the court could order the SEC to monitor future protests in the town. Ms. Andino also stated there is the potential for future lawsuits regarding the new photo ID requirements.

Ms. Andino stated that a recent S.C. Attorney General's opinion stated that S.C. Code of Laws §7-11-20(B) was still in effect, which states that the SEC sets the filing fee for PPPs. She stated that the SEC set the filing fee at \$20,000 in 2008. Mr. Green stated that he felt the SEC has already acted on the question of filing fees for PPPs, and that the fee should remain as it has been set. There were no motions regarding the filing fee for PPPs. Chairman Hudgens stated the filing fee would remain \$20,000.

Chairman Hudgens stated the State Board of Canvassers would meet next at 10:00 a.m. on July 29th, and the SEC would meet next at 10:00 a.m. on August 17th.

There being no further business, Ms. Bensch moved to adjourn the meeting. Mr. Green seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Whitmire', written in a cursive style.

Chris Whitmire

Assistant to the Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

July 29, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Assistant to the Executive Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

Chairman Hudgens stated the first item of business was the certification of the State House of Representatives District 10 Republican Primary Runoff held on July 26, 2011. Ms. Andino presented the results as follows:

Candidate	TOTAL	Percent
Hamp Johnson	1,076	48.3%
Joshua Putnam WINNER	1,154	51.8%

Ms. Bensch moved to certify the results as presented. Mr. Waring seconded the motion. The motion passed unanimously and the results were certified. Chairman Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Bensch seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Assistant to the Executive Director

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

August 17, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Mr. Tom Waring (via teleconference); Ms. Pamella B. Pinson (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Ms. Janet Reynolds, Director of Administration; Ms. Carole Cato, League of Women Voters.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the July 15th State Election Commission and State Board of Canvassers meetings, and also the July 29th State Board of Canvassers meeting. Mr. Waring moved to approve the minutes as submitted. Ms. Pinson seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that she requested an opinion from the Attorney General's office for clarification on the definition of "reasonable impediment" as it relates to Photo ID. The opinion was received yesterday, and stated that a reasonable impediment was any situation that is out of the voter's control such as no birth certificate or a physical disability. Ms. Andino stated she anticipates a decision on preclearance of Photo ID soon.

Ms. Andino informed the commissioners that Governor Nikki Haley will be ceremoniously signing Senate Bill 404 today in Charleston. S404 is the Overseas Citizens Absentee Voting Act which applies to military and overseas citizens. S404 is modeled after federal law and removes the witness requirement for overseas citizens. Ms. Andino stated this bill is a step in the right direction to making it easier for those citizens to vote, and she will be attending the event this afternoon.

At last month's meeting Ms. Andino reported that the SEC had applied for a federal grant sponsored by the Federal Voting Assistance Program (FVAP) to develop an electronic voting accessibility tool. The SEC requested \$3M. FVAP has received more grant applications than originally anticipated. The applications are still being evaluated.

Ms. Andino stated that the SEC is still awaiting a decision on preclearance from the Department of Justice on Photo ID. Procedures are being developed, but voter education materials are not being produced until preclearance is received.

The next new business agenda item was the 2012 Presidential Preference Primaries (PPP). Ms. Andino reported that the SEC met with both political parties. The parties tentatively scheduled the Primaries for February of 2012. Both parties indicated some willingness to hold the PPP's on the same date. Ms. Andino advised that a contract with the parties to pay for the elections is currently under development.

Ms. Andino reported progress continues on the new voter registration system. October implementation is still anticipated. Training will be held in September in five locations around the state. The second round of user acceptance training is being conducted.

Ms. Andino reported that the audit data for the voting system audit has been placed on the agency's SCVotes.org website. County specific reports are being finalized and will be placed on the website after counties have an opportunity to review the findings. In 11 counties, no problems were found in the audit. Results from the other 35 counties are being evaluated prior to release. Chairman Hudgens asked for an estimated completion date. Ms. Andino replied that she would like to see the project completed by the end of September, but it depends on response times from the counties regarding questions about their processes. Ms. Andino reported that some procedures have already been changed and all errors detected thus far have been human errors.

The last item on the agenda was legal issues. There were no current legal issues to discuss.

Chairman Hudgens stated the SEC would meet next at 10:00 a.m. on September 21st and the State Board of Canvassers will meet on September 2nd at 3:00 p.m. to certify the results of the House District 10 special election for Anderson County.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,


Janet Reynolds
Director of Administration

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

September 2, 2011
3:00 p.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Ms. Marilyn Bowers (via teleconference); Ms. Pamella Pinson (via teleconference); Mr. Tom Waring (via teleconference).

Others Present: Mr. Chris Whitmire, Director of Public Information & Training; Ms. Janet Reynolds, Director of Administration.

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Mr. Whitmire replied that the notices had been posted.

Chairman Hudgens stated the first item of business was the certification of the State House of Representatives District 10 Special Election held on August 30, 2011. Chairman Hudgens stated each commissioner had received copies of the following results as certified by the Anderson County Election Commission:

Candidate	Votes	Percent
Joshua Putnam, Republican WINNER	1,026	83.4%
Dave Ballard, Constitution	196	15.9%
Write-ins	9	0.7%

Mr. Whitmire stated that SEC staff performed an audit of the voting system data and that staff was confident in the accuracy of the results as presented.

Ms. Bensch moved to certify the results as presented. Ms. Pinson seconded the motion. The motion passed unanimously and the results were certified. Chairman Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Pinson seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Director of Public Information & Training

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

September 21, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Cynthia M. Bensch (via teleconference); Marilyn Bowers, Mr. Thomas Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Ms. Janet Reynolds, Director of Administration; Ms. Sondra Stephenson, Director of Voter Services; Mr. Chris Whitmire, Director of Public Information & Training; Arlene Criswell, SEC staff; Mary Frances Jowers, S.C. Attorney General's office; J.C. Nicholson, S.C. Attorney General's office; Liz Crum, SEC counsel; Lynn Fata, President, S.C. Association of Registration & Elections (SCARE); other members and representatives of SCARE and the S.C. Association of Counties.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the August 17 meeting of the SEC. Ms. Bensch moved to approve the minutes as submitted. Mr. Waring seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Chairman Hudgens stated there were two issues before the Board regarding the conduct of the 2012 Presidential Preference Primaries (PPPs): (1) a request from Scott Marshall, Director of the Beaufort County Election Commission, for the SEC to reconsider its position that the SEC and counties are required under S.C. Code of Laws §7-11-20(B) to conduct the 2012 PPPs; and (2) a request from Lynn Fata, President of SCARE, to be heard regarding the organization's concerns over reimbursement of county expenses related to the PPPs.

Chairman Hudgens stated the Board would consider Mr. Marshall's request first. Ms. Bensch made a motion that the Board enter into executive session for the sole purpose of receiving legal advice regarding the request. Mr. Waring seconded the motion. The motion passed unanimously, and the Board entered executive session. After some time, Ms. Bensch made a motion to return to public session. Mr. Waring seconded the motion. The motion passed unanimously, and the Board returned to public session. Ms. Bensch moved that the Board confirm the Agency's position that the SEC and county election commissions are required to conduct the PPPs in accordance with S.C. Code of Laws §7-11-20(B), which is supported by a June 27, 2011, S.C. Attorney General's Opinion. Ms. Bowers seconded the motion. The motion passed unanimously.

Chairman Hudgens invited Ms. Fata to address the Board. Ms. Fata made remarks about SCARE's concerns over the funding of the PPPs. Ms. Fata stated the organization felt that

counties had been excluded from negotiations with the political parties, and asked that the SEC ensure counties are reimbursed fully for county expenses in conducting the PPPs. Chairman Hudgens asked Ms. Fata how many counties had adopted SCARE's position. Ms. Fata stated over half. Chairman Hudgens stated that the SEC's position is that state law requires the SEC and county election commissions to conduct the PPPs, not that the SEC is requiring the counties to conduct the PPPs. Ms. Fata restated SCARE's disagreement with the A.G. Opinion. Chairman Hudgens asked if SCARE had made its concerns known to the S.C. General Assembly. Ms. Fata responded that she had not personally done so. Chairman Hudgens thanked Ms. Fata for taking time to address the Board.

Chairman Hudgens announced that former Commissioner Pamella Pinson's term had expired. Chairman Hudgens noted her long and dedicated service to the Commission. Chairman Hudgens formally introduced Ms. Bowers to the other Commissioners and formally welcomed her to the Board. Chairman Hudgens introduced two new SEC employees and welcomed them to the Agency: Sondra Stephenson, Director of Voter Services; and Arlene Criswell, Instructor, Training & Certification Program.

Old Business

Next was an update on the application for federal grant money to improve the voting process for members of the military and overseas citizens. Ms. Andino stated she had not yet heard a decision but was hopeful the Agency would receive the funding.

Next on the agenda was an update on the status of the photo identification law. She stated SEC staff had spent a tremendous amount of time in recent weeks working on the Agency's response to the U.S. Department of Justice's request for additional information regarding the proposed process for implementation of the law. Ms. Andino stated the response was sent to the S.C. Attorney General's office last week.

Next was an update on the new Voter Registration and Election Management System (VREMS). Ms. Andino stated training had been ongoing for several weeks at five locations throughout the state. She stated the next step will be user acceptance testing, and that implementation is planned for later this year.

The next item on the agenda was the 2010 General Election Audit. Ms. Andino reported that staff had completed the initial audit of each county, and that some reports had been released to the public. She stated the Agency is waiting on releasing other reports until they can be reviewed with each county election commission.

Chairman Hudgens stated the State Board of Canvassers would meet next at 3:00 p.m. on September 30 for the House District 100 Special Election certification, and the SEC would meet next on October 19 at 10:00 a.m.

There being no further business, Ms. Bensch moved to adjourn the meeting. Ms. Bowers seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Director of Public Information & Training



BEAUFORT COUNTY COUNCIL
Board of Elections & Registration
15 John Galt Road
P.O. Drawer 1228
Beaufort, SC 29901-1228
(843) 255-6900 | voter@bcgov.net

September 6, 2011

Ron Clifford
Chairman

Dean Hewitt
Vice Chairman

Scott M. Marshall
Executive Director

Board Members:

Rebecca Bass

Ellen Bray

Beverly Dore

Hugh O'Kane

James Rowe

na Stewart

Robert Williams

Marci Andino
Executive Director
South Carolina Election Commission
2221 Devine Street
P.O. Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino,

In a special meeting on August 31, 2011, the Beaufort County Board of Elections and Registration reviewed all available information pertinent to the 2012 election cycle Presidential Preference Primaries. This information included applicable provisos in the State of South Carolina's 2012 General Appropriations Budget; the South Carolina Attorney General's Opinion dated June 27, 2011, and the applicable portions of South Carolina Code of Laws referenced within it; and public statements by representatives of the South Carolina Election Commission. From this review, and in a unanimous vote, the Board adopted the following positions:

1) We reject the conclusion that the South Carolina Election Commission has the authority to require the conduct of Presidential Preference Primaries by the respective county election commissions of South Carolina. We base this position on the absence of statutory authority for the South Carolina Election Commission to direct county election commissions to conduct Presidential Preference Primaries. In doing so, we are fully cognizant of the South Carolina Attorney General's Opinion dated June 27, 2011. Further, we reject the Attorney General's argument and consequent opinion that, in spite of The South Carolina Code of Laws §7-11-20(B)(2)'s specific reference to the November, 2008 election cycle, the contents of this paragraph were intended to apply for all time. We do not believe this to be the intent of the South Carolina General Assembly, and in doing so we reject the opinion. The issue of the 2012 election cycle Presidential Preference Primaries was fully debated in both the House and Senate in the 2011 session of the South Carolina General Assembly. Lawmakers were fully aware of the time-specificity of §7-11-20(B)(2) and chose to leave the statute as is. This clear wording, coming at the very beginning of §7-11-20(B)(2), is the best demonstration of legislative intent.

We also reject the publicly stated opinion of the South Carolina Election Commission's spokesperson that, as a result of the Attorney General's opinion referenced above, "we

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SEP 14 2011
SC ELECTION COMM.

[South Carolina Election Commission] not only have the authority but a mandate to run the primary." "Authority" and "mandate" carry entirely different meanings. We do not find any evidence of a mandate in the opinion of the Attorney General and object to any inference of one.

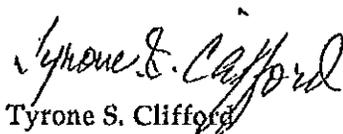
2) In the event that the Beaufort County Board of Elections and Registration must conduct Presidential Preference Primaries in the 2012 election cycle, we object to the use of any public funds to facilitate the event(s). Our position is in line with Governor Haley's comments in her veto message of June 28, 2011 that "private dollars are the appropriate way to fund a partisan Presidential Primary," and that "it should not fall on the taxpayers to cover the expense." We understand that budget Provisos 79.6 and 79.12 will allow for the use of carryover funds from previous primaries, and that there will likely be resources garnered from candidate filing fees to also help with primary expenses. We are unaware, however, if these funds combined will cover all expenses necessary to conduct a preference primary event of a quality that will instill in our voters a sense of confidence in the election system.

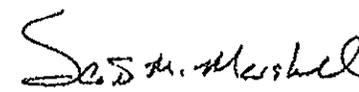
Our County Council, like many others in the state, continues to struggle to keep taxes level while maintaining core services for its citizens. We have already seen mandatory furloughs for county employees, the Beaufort County Board of Education's difficult decision to close schools and force consolidation of students, a major reduction of personnel and customer service hours in our library system, reductions in services offered by our Parks and Leisure Services, moratoriums on filling vacant positions, and many other difficult fiscal decisions which have been made in just the last six months. We cannot, in good conscience, advocate the use of any Beaufort County fiscal resources to subsidize events for political parties when it is already a challenge to maintain day-to-day quality of life for our residents. In fact, we do not view conducting Presidential Preference Primaries an appropriate use of taxpayer funds under any circumstances.

We ask that the South Carolina Election Commission reconsider its role and the role of the county election commissions in the pending Presidential Preference Primaries.

Very Sincerely Yours,

Beaufort County Board of Elections and Registration


Tyrone S. Clifford
Chairman


Scott M. Marshall
Executive Director

Cc:

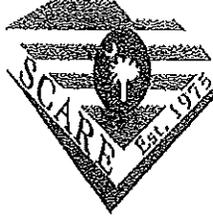
John H. Hudgens, III, Chairman, South Carolina Election Commission
Cynthia M. Bensch, South Carolina Election Commission
Marilyn Bowers, South Carolina Election Commission
Pamella B. Pinson, South Carolina Election Commission
Thomas Waring, South Carolina Election Commission
Nikki R. Haley, Governor of South Carolina
Alan Wilson, South Carolina Attorney General
Glenn F. McConnell, President, *Pro Tempore*, South Carolina Senate
Bobby Harrell, Speaker, South Carolina House of Representatives
Tom Davis, Senator, District 46
Clementa Pinckney, Senator, District 45
William G. "Bill" Herbkersman, Representative, District 118
Shannon S. Erickson, Representative, District 124
Andrew S. "Andy" Patrick, Representative, District 123
Kenneth F. Hodges, Representative, District 121
Curtis Brantley, Representative, District 122
William Weston J. Newton, Chairman, Beaufort County Council
Gary Kubic, Beaufort County Administrator
Joshua Gruber, Beaufort County Council Staff Attorney
Chad Connelly, Chairman, South Carolina Republican Party
Dick Harpootlian, Chairman, South Carolina Democratic Party
Jerry Hallman, Chairman, Beaufort County Republican Party
Blaine Lotz, Chairman, Beaufort County Democratic Party
Lynn Fata, President, South Carolina Association of Registration and Election Officials
Michael B. Cone, Executive Director, South Carolina Association of Counties
Joe Wilson, Member of Congress representing South Carolina's 2nd District

Lynn Fata
President

101 Gregg Street
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Bishopville, South Carolina 29010

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E-mail: lfata@leecountysc.org



*South Carolina Association of
Registration and Election Officials*

1st Vice President
Shirley L. Black-Oliver

2nd Vice President
Wanda Hemphill

Secretary
Tammy Wilkes

Treasurer
Rodney Allen

Historian
Naomi DeFron

September 9, 2011

Ms. Marci Andino
Executive Director
South Carolina State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205-5987

Dear Ms. Andino:

The 2012 Presidential Preference Primaries (PPPs) have the potential of being extremely costly to the counties unless the political parties agree to be responsible for the entire cost of conducting the PPPs. The State Election Commission (SEC) has been quoted as saying that the cost of the Presidential Preference Primaries will range between \$1.5 Million to \$2 Million. This number does not take into account all costs accrued by the counties in conducting the elections and we believe the true cost to be far larger.

Your estimates are based on 2008 figures and do not take into account the increase in the registered voters in the counties over the last few years and fail to take into account all the costs involved. When the 2008 PPPs were held, there were 2,246,242 registered voters. The counties were instructed that depending on the availability of funds at the time, the counties would be responsible for any amount that exceeded what was allotted them by the SEC. Counties were forced to consolidate voting locations and were not reimbursed for overtime, temporary staff, and many other expenses.

As of July 1, 2011 there were 2,677,766 registered voters in South Carolina. That is an increase of 431,524 registered voters or 16.12% increase with at least 6 more months of registration to go. With these additional voters comes an added cost of ballots, poll managers, and the number of precincts involved.

It is the South Carolina Association of Registration & Election Officials' (S.C.A.R.E.) position that the counties should not be required to conduct these primaries if not fully funded by the parties. Fully funded includes paying 100% of all the costs below:

- ❖ cost of overtime for county staff and personnel
 - no election can be conducted without county employees accruing overtime
 - each election day is approximately 16 hours long for county employees in addition to an exorbitant number of overtime hours devoted to poll training and voting machine preparation done outside of normal operating hours in the days leading up to the election
- ❖ all costs associated with temporary office help
 - Few county offices have the ability to conduct a major countywide election (which is what a Presidential Preference Primary is) without bringing in additional temporary staff for the purpose of answering the phones, processing absentee voters, and handling the increased demand for service.
- ❖ opening every precinct in their regularly assigned polling place in each county- no required consolidations
 - Consolidating polling locations was horrible for many counties in the 2008 PPPs,
 - Any advantage of cost savings was quickly wiped out by voter frustration and confusion, resulting in angry phone calls from voters unable to understand where they need to go to vote....despite the fact that counties advertised in the newspapers and other media and had signs prominently posted to direct voters.
 - County Commissions are responsible for protecting the integrity of every election and conducting every election in accordance with the law, consolidating polling locations may inadvertently disenfranchise voters.
- ❖ rent for polling locations
- ❖ hiring sufficient poll managers as deemed necessary by the individual county directors for every precinct
- ❖ fuel for county vehicles used to deliver and return voting machines and to travel to precincts on election day
- ❖ hiring rovers equal to that of a statewide general election
- ❖ commissioner and rover mileage
- ❖ all advertising costs
- ❖ ballot printing and shipping
- ❖ audio files
- ❖ absentee ballot postage
- ❖ absentee application postage
- ❖ man hours for FOIA requests
- ❖ all office supplies consumed
- ❖ attorney fees in the event of a protest or other legal necessity
- ❖ any other cost incurred by the county related to conducting the Presidential Preference Primaries

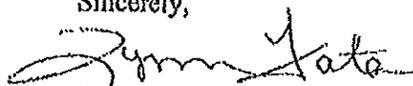
In addition, it is the position of S.C.A.R.E. that the SC State Election Commission (SEC) has no statutory authority to commit county resources for the purpose of conducting the 2012 Presidential Preference Primaries (PPPs). In 2007, the SC State Legislature passed §7-11-20(B)(2) which

authorized the SEC and County Commissions to conduct the 2008 Presidential Preference Primaries. Subsequently, the State Legislature considered several bills in 2011 to require the SEC and County Commissions to conduct the 2012 PPPs, including: S 1279, S 0794, S 0124, and H 4185; however, none of these bills were passed into law. We strongly believe the Attorney General erred in his opinion dated June 27, 2011 in that §7-11-20(B)(2) applied to any other Presidential Preference Primary after the 2008 election cycle. We base this on the fact that the State Legislature considered several bills that would have authorized this and chose not to enact them. We are not aware of any statute that allows the State Election Commission to commit county resources for the purpose of conducting the 2012 PPPs.

The Presidential Preference Primaries prior to the 2008 election cycle were conducted entirely by the political parties. The PPPs are non-binding advisory referendums for the purpose of selecting delegates for a political party's convention. County funds (taxpayer dollars) and resources should not and cannot be used to pay for any expenses related to the Presidential Preference Primaries unless the County receives total reimbursement for all costs accrued.

Please feel free to contact me regarding this issue.

Sincerely,



Lynn Fata
President

SC Association of Registration & Election Officials

Cc:

John H. Hudgens, III Chairman, SC Election Commission
Cynthia M. Bensch, SC Election Commission
Marilyn Bowers, SC Election Commission
Pamella B. Pinson, SC Election Commission
Thomas Waring, SC Election Commission
Nikki R. Haloy, Governor of South Carolina
Alan Wilson, SC Attorney General
Chad Connelly, Chairman, SC Republican Party
Dick Harpootlian, Chairman, SC Democratic Party
Joseph B. Dill, President, SC Association of Counties
Michael B. Cone, Executive Director, SC Association of Counties
M. Kent Lesesne, Staff Attorney, SC Association of Counties

Lynn Fata
President

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E-mail: lfata@leecountyesc.org



*South Carolina Association of
Registration and Election Officials*

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Shirley L. Black-Oliver

2nd Vice President
Wanda Hemphill

Secretary
Tammy Wilkes

Treasurer
Rodney Allen

Historian
Naomi DeFren

TO: County Directors
FROM: SCARE Executive Committee
RE: 2012 Presidential Preference Primaries

It is the position of the South Carolina Association of Registration & Election Officials (S.C.A.R.E.) that the SC State Election Commission (SEC) has no statutory authority to commit county resources for the purpose of conducting the 2012 Presidential Preference Primaries (PPPs).

In the event that we, the counties, are required to conduct the PPPs, it is the position of S.C.A.R.E. that the Presidential Preference Primaries scheduled for 2012 are to be FULLY funded by the respective political parties and/or the State of South Carolina and that (in the event both parties hold primaries) BOTH primaries MUST be conducted on ONE date.

Fully funded includes paying 100% of the costs below:

- ❖ cost of overtime for county staff and personnel
- ❖ all costs associated with temporary office help
- ❖ opening every precinct in their regularly assigned polling place in each county- no consolidations
- ❖ hiring sufficient poll managers as deemed necessary by the individual county directors for every precinct
- ❖ hiring rovers equal to that of a statewide general election
- ❖ commissioner and rover mileage
- ❖ all advertising costs
- ❖ ballot printing and shipping
- ❖ audio files
- ❖ absentee ballot postage
- ❖ absentee application postage
- ❖ man hours for FOIA requests
- ❖ all office supplies consumed
- ❖ attorney fees in the event of a protest or other legal necessity
- ❖ any other cost incurred by the counties related to conducting the Presidential Preference Primaries

County funds and resources should not and cannot be used to pay for any expenses related to the Presidential Preference Primaries unless the County is fully reimbursed. SCARE insists that language be added to any contract signed by the SEC and political parties related to the PPPs to include the above terms.

Lynn Fata
President
SC Registration & Election Officials

SOUTH CAROLINA
ELECTION COMMISSION

September 19, 2011

Mrs. Lynn Fata
President
South Carolina Association of Registration and Election Officials
Lee County Registration and Elections
Post Office Box 309
Bishopville, SC 29010

Dear Mrs. Fata:

Thank you for your letter dated September 9, 2011 concerning the intent of the General Assembly, the opinion of the Attorney General and the costs associated with conducting the 2012 Presidential Preference Primaries (PPP).

In response to a request from the Senate Finance Committee, this agency prepared a fiscal impact statement for the PPP. The fiscal impact statement includes costs for poll managers, ballots and audio files, polling place technicians, polling place rent, commissioner mileage, postage, and placing election notices in newspapers of general circulation. The fiscal impact statement contained only items that we routinely reimburse counties for following a primary. Counties have never been reimbursed for staff overtime, temporary staff, legal fees or research fees to comply with public records requests.

In preparing the fiscal impact statement, actual costs of the 2008 PPP were considered as well as the current number of registered voters, anticipated PPP voter turnout and the fact that there is an incumbent President that could also impact turnout and the necessity of both parties to conduct a primary.

Prior to the 2008 PPP, counties were given a budget for poll managers and asked to consider consolidating polling places as a cost savings measure according to SC Code of Laws Section 7-11-20. The majority of counties submitted reimbursements for an amount equal to or less than the budget and we did not receive any feedback indicating that the quantity of poll managers was inadequate. For Lee County, 118 poll workers/397 poll worker days were allowed and 71 poll workers/254 poll worker days were used. The amount of poll workers used was significantly below the number allowed.

The State Election Commission has not asserted that it has the authority to require county election commissions to conduct the PPP. According the SC Code of Laws Section 7-11-20 (B)(2) the State Election Commission and authorities responsible for conducting elections in each county conduct the PPP. This was confirmed in an opinion by the Attorney General.

COMMISSIONERS

JOHN H. HUDGENS, III
Chairperson

CYNTHIA M. BENSCH

MARILYN BOWERS

PAMELLA B. PINSON

THOMAS WARING

MARCI ANDINO
Executive Director

2221 Devine Street
P.O. Box 5987
Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.scvotes.org

EVERY  MATTERS.
EVERY VOTE COUNTS.

Lynn Fata
Page 2

The State Election Commission discussed this in a meeting held on July 18, 2011 and they were in agreement with the Attorney General. Unless we are instructed otherwise by a court, we will follow the guidance provided by the Attorney General.

In addition, the FY2011-12 Appropriations Act, passed by the General Assembly, contains two provisos that allow the agency to use carry-forward funds to conduct the PPP. This agency has no authority to second guess the intent of the General Assembly and enter into the political debate regarding who should pay for the PPP.

As you have requested, time has been allotted on the State Election Commission agenda for Wednesday, September 21st at 10:00 am for you to discuss SCARE's position with the commission.

Sincerely,

Marci Andino

Marci Andino

/mba

Cc: The Honorable Nikki R. Haley, Governor of South Carolina
The Honorable Alan Wilson, Attorney General
Chad Connelly, Chairman, SC Republican Party
Dick Harpootlian, Chairman, SC Democratic Party
Joseph B. Dill, President, SC Association of Counties
Michael B. Cone, Executive Director, SC Association of Counties
M. Kent Lesesne, Staff Attorney, SC Association of Counties



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SC ELECTION COMM.

HAMPTON COUNTY
BOARD OF ELECTIONS AND VOTER REGISTRATION
201 LEE AVENUE, ROOM 101
HAMPTON, SOUTH CAROLINA 29924

TELEPHONE: (803) 943-7536
FAX: (803) 943-7556

BOARD MEMBERS:

Linda Givens, Chairperson
Earl Gethers, Vice-Chairperson
Beverly F. Cook
Marion C. Falrey, Jr.
James W. Fennell
William V. Hazel, III
Douglas L. Jarrell
Kakeia O. Robinson
James Mark Wooten

September 12, 2011

Ms. Marci Andino, Director
S.C. State Election Commission
P. O. Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino:

Planning and discussions are currently taking place concerning dates and funding of the upcoming 2012 Presidential Preference Primaries. The Hampton County Board of Elections and Voter Registration met on September 8, 2011, and took the following positions in regards to the 2012 Presidential Preference Primaries:

- > Dates of the Primaries -- We prefer one day for both primaries.
- > Funding -- We prefer the parties to pay the cost of administering the primaries.

Thank you very much.

Sincerely,

Linda Givens, Chairperson
Hampton County
Board of Elections and Voter Registration

OFFICE OF THE COUNTY COUNCIL
COUNTY OF LAURENS



3 Catherine Street
POST OFFICE BOX 446
Laurens, South Carolina 29360-0446

(864) 984-5214 FAX - (864) 984-3726

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SEP 19 2011

SC ELECTION COMM.

COUNCIL MEMBERS

James A. Coleman, Chairman
Edward A. McDaniel, Vice Chair
Diane B. Anderson
Ted G. Nash
David A. Pitts
P. Keith Tollison
Joseph E. Wood, Jr.

ADMINISTRATION
Ernest B. Segars, Administrator
Bobby C. Walsh, Clerk to Council

September 16, 2011

Ms. Marci Andino, Executive Director
South Carolina State Election Commission
Post Office Box 5987
Columbia, SC 29250

RE: Support of Position Statement by the South Carolina Association of Registration and Election Officials (S.C.A.R.E.) concerning payment for the Presidential Primaries to be conducted in South Carolina in 2012

Dear Ms. Andino:

At a meeting on September 13, 2011, Laurens County Council agreed on a unanimous vote to support the enclosed position statement of the S.C. Association of Registration and Election Officials (S.C.A.R.E.) concerning payment and scheduling of Presidential Preference Primaries (PPPs) in 2012. In the statement, the SCARE president states, "It is the position of the South Carolina Association of Registration and Election Officials that the SC Election Commission has no statutory authority to commit county resources for the purpose of conducting the 2011 Presidential Preference Primaries."

SCARE further states, "In the event that we, the counties, are required to conduct the PPPs, it is the position of S.C.A.R.E. that the Presidential Preference Primaries scheduled for 2012 by FULLY funded by the respective political parties in South Carolina and that (in the event both parties hold primaries) both primaries must be conducted on one date."

As you know, county governments in South Carolina have experienced major reductions in funding in recent years and I can assure you that Laurens County does not have the additional funds necessary to fund these primaries.

Thank you for your attention to this matter and please contact me if Laurens County can be of any assistance.

Sincerely,

Ernest B. Segars
Laurens County Administrator

Cc/ Laurens County Council
Ms. Lynne West, Laurens County Director of Elections

September 16, 2011

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SEP 19 2011

SC ELECTION COMM.

Marci Andino
Executive Director
South Carolina Election Commission
2221 Devine St
PO Box 5987
Columbia SC 29250-5987

Dear Ms. Andino,

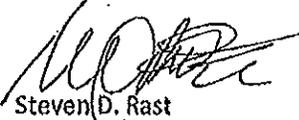
The York County Registration and Elections Commission convened on Tuesday, September 6, 2011, to review information concerning the conduct of the 2012 Presidential Preference Primaries. After review of all available information, the York County Registration and Elections Commission agreed with the general position taken by the Beaufort County Board of Elections and Registration.

The York County Registration and Elections Commission unanimously voted to adopt the following two statements of position as similarly shared by Beaufort County.

- 1) The State Election Commission does not possess the statutory authority to require county election commissions to conduct Presidential Preference Primaries.
- 2) The York County Registration and Elections Commission objects to the use of taxpayer funds to finance non-binding partisan Presidential Preference Primaries.

We respectfully request that the South Carolina Election Commission reconsider their position on this matter and re-evaluate whether the conduct of Presidential Preference Primaries by county election commissions is a core function of local government.

Sincerely yours,


Steven D. Rast
Chairman



County of Greenville

"... At Your Service"

Greenville County Election Commission
Bob Schaffner, Chairman

September 19, 2011

Ms. Marci Andino, Executive Director
South Carolina State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205

Dear Ms. Andino,

On Friday, September 16th, 2011, the Greenville County Election Commission met with all Commissioners in attendance. One of the items considered by the Commission was the upcoming Presidential Preference Primary. Recognizing that the General Assembly of South Carolina did not authorize and did not fund the conduct of the Presidential Preference Primary, we have a major concern with the position of the State Election Commission to have counties perform such a task.

While this Commission recognizes the importance of cooperation with the political parties, we are concerned with the proposition of the State Election Commission requesting Greenville County to participate, even with a majority of the funding coming from the State Election Commission. There will still be considerable expense to our county that cannot be justified. The cost to Greenville County for staff time alone, none of which would be reimbursed by the State Election Commission, would amount to more than \$15,000.00. This amount: 1) is NOT a part of our normal budget, 2) would strain our budget, and 3) be extremely difficult to justify to our County Council as an election expense when NOT authorized by the General Assembly.

We request a reconsideration of the position taken by the State Election Commission on this issue and have voted unanimously to support the position of S.C.A.R.E. that ONLY if FULL funding of the Presidential Preference Primary is agreed to by ALL parties concerned, NO agreement be formalized. Greenville County Election Commission reserves the right to respectfully decline to cooperate if full funding is not guaranteed.

While Greenville County has demonstrated our ability to cooperate with all political parties, it is an established precedent that our level of cooperation is subject to our budget constraints. The amount needed for this project is well out of our comfort zone and could cause this Commission (uncharacteristically) to have to request additional funding from County Council. The justification would be difficult to develop in the current financial environment and sets a precedent with which we strongly disagree.

Respectfully submitted,

Bob Schaffner, Chairman

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

October 19, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Mark Benson (via teleconference); Ms. Marilyn Bowers (via teleconference), Mr. Thomas Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Director of Public Information & Training; Mr. J.C. Nicholson, S.C. Attorney General's office; Mr. Bryan Stirling, S.C. Attorney General's office.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the September 2, 2011, and September 30, 2011, meetings of the State Board of Canvassers. Ms. Bensch moved to approve the minutes as submitted. Ms. Bowers seconded the motion. The motion passed unanimously, and the minutes were approved.

Old Business

The first item of old business was an update on preparation for the Presidential Preference Primaries (PPPs). Chairman Hudgens stated a lawsuit over the authority to conduct the PPPs and the funding of the PPPs had been filed against the SEC by several counties. Ms. Andino stated the position of the SEC has been that S.C. Code of Laws §7-11-20(B) requires the SEC and county election commissions to conduct the PPPs. Chairman Hudgens stated that counsel will be working on a resolution to the suit, and Ms. Andino would keep the Board informed of new developments. Ms. Andino stated that SEC staff continues preparations for the PPPs, and a PPP training workshop for county election officials would be held on November 17th.

Next on the agenda was an update on the SEC's application for a federal grant to improve the voting process for military and overseas citizens. Ms. Andino stated the Federal Voting Assistance Program was in its second phase of calling jurisdictions that applied for the grant. She stated South Carolina had not yet been contacted but was hopeful the grant would be approved. Ms. Andino stated the SEC is offering a permanent solution for military and overseas votes, while others states were offering a temporary, 2012 solution. She stated she was hopeful that would bode well for South Carolina.

Next was an update on the status of the photo identification law. Ms. Andino stated the SEC had answered the U.S. Department of Justice's (DOJ) questions in its request for more information. She stated the SEC had provided answers to the questions and statistics from the Department of Motor Vehicles (DMV) comparison list to the S.C. Attorney General's office (AG) for submission to DOJ. Ms. Andino stated two categories of inactive voters had recently been added

to the list at the request of the AG's office, and new statistics including these inactive voters would be sent to the AG's office today. She stated that once the AG's office submits all of this information to DOJ, a new 60-day deadline would be set for a DOJ response to the preclearance request. Chairman Hudgens asked how the numbers had changed since the original comparison. Ms. Andino stated the original, January 2010 comparison included approximately 178,000 voters; while the most recent comparison including the inactive voters included approximately 236,000 voters. Mr. Waring asked if the preclearance process would be resolved, and potentially in effect, prior to the PPPs? Ms. Andino stated the 60-day window would end prior to the date of the PPPs, so the new requirements for voting could be in effect for the PPPs.

Next was an update on the new Voter Registration and Election Management System (VREMS). Ms. Andino stated that Phase I – User Acceptance Testing was complete. She stated staff was testing system functionality and were ready to enter Phase II – Load Testing, which will test performance under user stress. Ms. Andino stated implementation was on track for December.

The next item on the agenda was the 2010 General Election Audit. Ms. Andino stated the audit was complete. She stated SEC staff was now planning conference calls with county election commission staffs to discuss the findings after which all audit reports would be posted to the website.

Ms. Bensch asked if the S.C. Democratic Party was holding a PPP. Ms. Andino stated the SEC had not yet received official notification, but the Party had indicated they would not likely hold a PPP in 2012.

Chairman Hudgens stated the SEC would meet next at 10:00 a.m. on November 16, 2011.

There being no further business, Ms. Bensch moved to adjourn the meeting. Mr. Waring seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire". The signature is stylized and cursive.

Chris Whitmire
Director of Public Information & Training

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

September 30, 2011
3:00 p.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Mark A. Benson (via teleconference)

Others Present: Mr. Chris Whitmire, Director of Public Information & Training

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Mr. Whitmire replied that the notices had been posted.

Chairman Hudgens welcomed Mr. Benson, who was attending his first meeting, and thanked him for his service to the Board.

Chairman Hudgens stated the first item of business was the certification of the State House of Representatives District 100 Special Election held on September 27, 2011. Chairman Hudgens stated each commissioner had received copies of the following results as certified by the Berkeley County Election Commission:

Candidate	Votes	Percent
Edward L. Southard, Republican WINNER	2,157	59.8%
Tonia Aiken-Taylor, Democratic	1,450	40.2%
Write-ins	1	0.0%

Mr. Whitmire stated that SEC staff performed an audit of the voting system data and that staff was confident in the accuracy of the results as presented.

Ms. Bensch moved to certify the results as presented. Mr. Benson seconded the motion. The motion passed unanimously and the results were certified. Chairman Hudgens asked each member of the Board to sign the copies of the canvass sheets that had been emailed to them and to return them to the SEC office.

There being no further business, Ms. Bensch moved to adjourn the meeting. Mr. Benson seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Director of Public Information & Training

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

November 16, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Mr. Mark Benson (via teleconference); Ms. Marilyn Bowers (via teleconference), Mr. Thomas Waring (via teleconference).

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Director of Public Information & Training.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Approval of Minutes

Chairman Hudgens stated approval of minutes would be carried over to the next meeting.

New Business

Ms. Andino reported the Department of Justice precleared the State House of Representatives reapportionment plan, and county elections offices were already making changes in the voter registration system. She stated that the Congressional plan had also been precleared, but a lawsuit had been filed in federal court. She stated that the State Senate plan had also been precleared and could possibly be added to the lawsuit. Ms. Andino stated county election offices were not yet implementing the Congressional and State Senate changes.

Old Business

The first item of old business was an update on preparation for the Presidential Preference Primaries (PPPs). Ms. Andino stated SEC staff was working on creating election definitions for all counties with a goal of delivering them this week. She stated there were two and half weeks for county election commissions to test prior to the December 7 deadline for mailing ballots to military and overseas citizens. Ms. Andino stated the S.C. Democratic Party had officially notified the SEC there would be no publicly-conducted Democratic PPP in 2012. She stated the SEC is holding a PPP workshop for county election officials on November 17. Ms. Andino stated the S.C. Supreme Court had heard arguments in the lawsuit filed by four county election commissions, and a decision was expected soon. She stated she would distribute the Court's decision to Commissioners as soon as it was available.

Next on the agenda was an update on the SEC's application for a federal grant to improve the voting process for military and overseas citizens. Ms. Andino stated the Federal Voting Assistance Program had not yet contacted South Carolina but was still actively awarding grants.

Next was an update on the status of the photo identification law. Ms. Andino stated the process was now in the second 60-day review period. She stated the SEC had requested expedited consideration, asking for a decision to be issued between November 9 and November 21. She

stated this would allow as much time as possible for implementation and voter education prior to the January 21 PPP.

Next was an update on the new Voter Registration and Election Management System (VREMS). Ms. Andino stated the project was on schedule for "go live" on December 12. She stated that if and when the Photo ID Law was precleared, it would take several weeks to distribute equipment and establish the photo voter registration card system. Chairman Hudgens asked if the Department of Justice (DOJ) was aware of these timeframes and if it would affect implementation. Ms. Andino stated DOJ is aware of the PPP in January and of the new voter registration system. She stated that the potential negative impact of a late approval was made clear in the request for expedited consideration.

The next item on the agenda was the 2010 General Election Audit. Ms. Andino stated that four conference calls with counties had been held to discuss findings, and all data and reports were being posted to scVOTES.org. She stated the SEC would be providing training for county election officials so that pre-certification audits could be conducted prior to county certification of the PPP. Ms. Andino stated that audits had been performed on several special elections, and so far, all those audits had been clean.

Ms. Andino reminded Commissioners to let her know whether they wanted a special SEC license plate within the next week.

Ms. Andino stated that a 2012 meeting schedule had been distributed the previous week. She suggested combining the January monthly meeting with the PPP certification hearing and combining the June monthly meeting with the June Primary certification meeting. Chairman Hudgens agreed. Chairman Hudgens stated the next meeting of the SEC would be December 14 and 10:00 a.m.

Ms. Bensch stated that she noticed former Commissioner Pamella Pinson had been named in the Congressional redistricting lawsuit. Ms. Andino stated she would notify the S.C. Attorney General's office.

There being no further business, Ms. Bensch moved to adjourn the meeting. Mr. Benson seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire". The signature is stylized and cursive, with a large initial "C" and "W".

Chris Whitmire
Director of Public Information & Training

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

December 14, 2011
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman (via teleconference); Mr. Mark Benson (via teleconference); Mr. Thomas Waring (via teleconference); Ms. Nicole S. White.

Others Present: Ms. Marci Andino, Executive Director; Ms. Janet Reynolds, Director of Administration; Ms. Sondra Stephenson, Director of Voter Services; Mr. Chris Whitmire, Director of Public Information & Training; Earl Powell, Office of the State Budget.

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting to order and asked if notice of the meeting was posted as required by the Freedom of Information Act. Ms. Andino replied that the required notice had been posted.

Chairman Hudgens welcomed new member Nicole Spain White to the Board and congratulated her on her recent appointment.

Approval of Minutes

Chairman Hudgens stated the first item of business was approval of the minutes of the SEC meeting on September 21. Mr. Waring moved to approve the minutes as submitted. Mr. Benson seconded the motion. The motion passed unanimously, and the minutes were approved.

New Business

Ms. Andino reported that the Chairman of the State Democratic Party was challenging in federal court the new State Senate, State House, and Congressional district lines that were recently approved by the U.S. Department of Justice. She reported that 95% of the House district changes have been made in the voter registration system, but would wait to make Senate and Congressional changes pending the outcome of the suit. Ms. Andino stated she asked the Attorney General's office to request that the SEC be removed as a party to the suit as the Agency plays little role in the reapportionment process. Chairman Hudgens asked if Ms. Andino had a feel for the timeline for hearings and an eventual decision by the Court. Ms. Andino stated she requested the Attorney General make it the court aware of the importance of the timing of the decision as it relates to March filing and the June Primaries. Ms. Andino stated that due to the 45-day deadline for sending absentee ballots to military and overseas voters, which wasn't in place ten years ago, delaying filing and/or the June Primaries was not a viable option.

Old Business

The first item of old business was an update on preparation for the Presidential Preference Primaries (PPPs). Ms. Andino stated the SEC recently held the 2012 PPP Training Workshop and attendance was good. She stated that the S.C. Supreme Court ruled recently that the SEC and county election commissions are obligated to conduct the PPPs. The four counties who brought the suit did not ask for a rehearing. Ms. Andino stated the SEC and county election commissions continued with preparations for the PPP while the suit was being heard and are

prepared for January 21. She stated that on December 12, the S.C. Republican Party notified the SEC that the party will provide no funding in addition to the \$180,000 in filing fees required under law. She stated that the Agency has put the State Budget Office on notice that there is approximately \$1 million on hand to conduct the PPP but that expenses will be approximately \$1.5 million. Ms. Andino stated the SEC was close to completing a contract with the party prior to the suit being filed. She stated the SEC and county election commissions were counting on the party sharing costs.

Next on the agenda was an update on the SEC's application for a federal grant to improve the voting process for military and overseas citizens. Ms. Andino stated the SEC applied for the grant in July with the Federal Voting Assistance Program, but the Agency had not yet been contacted. She said that FVAP was taking longer than expected due to the large number of grant applications.

Next was an update on the status of the photo identification law. Ms. Andino stated the U.S. Department of Justice was still reviewing the preclearance submission, and the 60-day deadline to respond is December 27. She stated if the law is precleared the Agency is prepared to purchase cameras and equipment. She stated staff was preparing the final comparison of the voter registration list and DMV files to produce a list of voters who likely do not have a DMV credential. Ms. Andino stated that DMV has identified approximately 16,000 voters that were likely deceased. She stated the Agency was taking steps to remove any deceased voters. Chairman Hudgens asked how many voters are on the current list. Ms. Andino stated previous versions of the comparison ranged from 178,000 to 238,000 voters, and the new list should be complete this week. Mr. Waring asked if photo voter registration cards were currently being produced. Ms. Andino stated that the cards were not yet being produced, but a module was built into the new voter registration system so that it can be turned on if and when preclearance is obtained. She stated that cameras and equipment would be purchased and distributed, and cards could be produced as quickly as two weeks after preclearance.

Next was an update on the new Voter Registration and Election Management System (VREMS). Ms. Andino stated that VREMS was now live and in use throughout the state. She stated that the project was scheduled for "go live" on December 12, but the vendor was ahead of schedule. This allowed the Agency to release the live version to approximately 20 counties on December 8 and to all counties on December 9. She stated the help desk was receiving relatively few calls, counties were please, and there were no major issues with the system.

The next item on the agenda was the 2010 General Election Audit. Ms. Andino stated that conference calls were held with counties to discuss findings, and all data and reports were released publicly. She stated that Senator Chip Campsen recently introduced a bill that would require audits to be conducted and would adjust certification dates to allow more time for audits. Ms. Andino stated the SEC was planning to conduct a pre-certification audit for the January 21 Republican PPP. She stated county audit training was planned for the first week of January. Ms. Andino stated that either counties will conduct their own audits and provide the SEC with audit data and reports, or counties will provide the SEC with the data for the SEC to conduct the audit. After the audit, all data and reports would be posted to the agency website.

Chairman Hudgens stated the next meeting of the SEC and State Board of Canvassers would be January 27.

There being no further business, Mr. Waring moved to adjourn the meeting. Ms. White seconded the motion. The motion passed unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Whitmire', with a stylized flourish at the end.

Chris Whitmire
Director of Public Information & Training