

**STATE ELECTION COMMISSION**

**AGENDA**

**January 16, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: December 19, 2018 (SEC)

**New Business:**

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

Office of State Auditor – Audit of Agreed-Upon Procedures  
Voting System Certification – ES&S Engineering Change Orders – DS850 and DS200  
Statements of Economic Interests

**Old Business:**

**Voting System Certification:**

-Certification of ES&S ElectionWare Election Management System V.5.0.1.0,  
DS200 Precinct Scanner V. 2.17.0.0, DS850 Central Tabulator V. 3.1.0.0,  
DS450 Central Tabulator V. 3.1.0.0 and ExpressVote V. 2.4.0.0

-Certification of Hart InterCivic Verity Voting 2.3

**Request for Proposals – Statewide Voting System**

**Legislative Update**

**Information Technology Security Update**

**Legal Update**

Eugene Baten v. Henry McMaster, et al.

SEC v. James John Todd Kincannon

Frank Heindel and Phil Leventis v. Marci Andino, SEC

**MARCI ANDINO**  
Executive Director

1122 Lady Street  
Suite 500  
Columbia, SC 29201

P.O. Box 5987  
Columbia, SC 29250

803.734.9060  
Fax: 803.734.9366  
www.scvotes.org

**Next Meeting(s):**

Friday, January 25, 2019 at 10 a.m. (SBC)

Wednesday, February 20, 2019 at 10:00 a.m. (SEC)

**STATE ELECTION COMMISSION**

**MEETING MINUTES**

**January 16, 2019**

**10:00 a.m.**

1122 Lady Street, 5th Floor

Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Ms. Amanda Loveday, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information and Training; Howard Snider, Director of Voter Services; Harrison Brant, General Counsel; Janet Reynolds, Director of Administration and Finance; Daylin Silber, Administrative Coordinator; JoAnne Day, League of Woman Voters

**COMMISSIONERS**

JOHN WELLS  
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MARCI ANDINO  
Executive Director

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Chairman Wells called the meeting to order and asked if all notices of the meeting had been posted as required by the Freedom of Information Act. Ms. Andino advised the notices were posted.

**Approval of Minutes**

Chairman Wells stated the first item of business was the approval of the minutes for the meeting held on December 19, 2018 (SEC). Mr. Edler moved to approve the minutes. The motion was seconded by Mr. Moseley. The minutes were approved unanimously.

**New Business**

The first item of new business was the Audit of Agreed-Upon Procedures. Ms. Andino informed the Commissioners an audit of our agency's procedures is currently being conducted by the Office of State Auditor. She explained that this is a routine, yearly audit of accounts payables, procurement, travel, end of year closing packages and other procedures. She further informed the Commissioners they will receive a copy of the final report.

The next item was the approval of ES&S Engineering Change Orders for DS850 and DS200 scanners. Ms. Andino explained that the Election Assistance Commission deemed these changes to be *de minimus* meaning they do not have a significant impact on the certified voting system in S.C. and do not require further testing. Chairman Wells inquired as to how these scanners are used. Ms. Andino explained that they are used to scan paper ballots. She further explained that any change to the voting system

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generally has to undergo testing and certification, but these changes were so minor that testing is not required. Mr. Edler made a motion to approve the Change Orders, seconded by Mr. Moseley. The vote in favor of the motion was unanimous.

Statements of economic interests was the next item. Ms. Andino reminded the board members that state law requires each of them as members of a state commission to file with the State Ethics Commission a Statement of Economic Interests upon assuming the duties of their positions, and to file updated statements annually by March 30. She reminded the Commissioners that the 2019 updated State of Economic Interests are due no later than March 30, 2019.

### **Old Business**

The first item of old business was voting system certifications. Ms. Andino advised that both the ES&S ElectionWare Election Management System V.5.0.1.0, DS200 Precinct Scanner V. 2.17.0.0, DS850 Central Tabulator V. 3.1.0.0, DS450 Central Tabulator V. 3.1.0.0 and ExpressVote V. 2.4.0.0 and the Hart InterCivic Verity Voting 2.3 have been submitted for state certification. The ES&S system will be tested during an election on February 19. A report with recommendations as to certification will be issued following the elections.

The next item was the RFP. Ms. Andino reminded the Commission that the RFP for the Statewide Voting System Solution was released on December 7, 2018. The RFP is open to any vendor with a system that meets federal certification requirements and has a paper record of each voter's voted ballot. Proposals are due March 4, 2019. Ms. Andino explained that the State Fiscal Accountability Authority will then review the proposals received for responsiveness and forward all responsive proposals to the evaluation committee for consideration.

Legislative update was the next item. Ms. Andino informed the Commissioners that the SEC tracks election related bills at the state and federal level including those related to early voting, voting systems, absentee voting, and election audits. One of the bills being tracked is U. S. House bill HR1 as well as other state legislation that has been introduced.

Information technology security update was the next item. Ms. Andino reported the SEC continues to take all reasonable measures to secure the state's election infrastructure. The SEC continues to participate in weekly scans performed by the Department of Homeland Security which have not discovered any new vulnerabilities. Ms. Andino advised letters have been sent to the counties regarding the Department of Homeland Security's physical security assessment of the counties. The SEC is also working with SLED to deploy sensors for county networks and encouraging all the counties to participate. The SEC has also provided secure email accounts to all counties which can scan emails and any attachments for viruses prior to opening.

The next item under old business was legal updates. Mr. Brant reported that in the case of Eugene Baten v. Henry McMaster, et al., a hearing was held on a co-defendant's motion to dismiss the suit and the parties are waiting for the judge's ruling. In the case of Frank Heindel, et al. v. Marci Andino, et al., he reported that a hearing was held yesterday, January 15, on the SEC's motion to dismiss and that the parties were told to expect a ruling in the next couple of weeks. There were no updates in the case of the SEC v. James John Todd Kincannon.

Mr. Wells reminded the members the next State Election Commission meeting will be February 20, 2019 at 10:00 a.m.

With no further business to be discussed, Mr. Moseley moved to adjourn the meeting. Mr. Edler seconded the motion. The motion passed unanimously, and the meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daylin Silber".

Daylin Silber

**STATE BOARD OF CANVASSERS**

**AGENDA**

**January 25, 2019**

**10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State Senate District 6 Republican Primary held on Tuesday,  
January 22, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

Items may be added as necessary.

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**MARCI ANDINO**  
Executive Director

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**STATE BOARD OF CANVASSERS**

**MEETING MINUTES**

**January 25, 2019**

**10:00 a.m.**

1122 Lady Street, 5th Floor

Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Ms. Amanda Loveday, Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Daylin Silber, Administrative Coordinator

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

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

AMANDA LOVEDAY

SCOTT MOSELEY

VACANT

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino stated all notices of the meeting had been posted as required by the Freedom of Information Act.

Ms. Andino gave a broad overview of what happens from the time the polls open on election until certification by the state.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State Senate District 6 Republican Primary held on Tuesday, January 22, 2019.

MARCI ANDINO  
Executive Director

Ms. Loveday made a motion to certify the results. It was seconded by Mr. Moseley. The motion was approved unanimously. The results were certified.

There being no further business, Mr. Moseley made a motion to adjourn the meeting. It was seconded by Ms. Loveday. The motion was approved unanimously. The meeting was adjourned.

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Respectfully submitted,



Daylin Silber,  
Administrative Coordinator

## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State Senate District 6 Republican Primary held in Greenville County on January 22, 2019.

Candidate	TOTAL	PERCENT
Amy Ryberg Doyle	2,569	40.35%
Dwight A. Loftis	3,528	55.41%
Jeffrey Stringer	270	4.24%

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John Wells, Chairman

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Cliff Edler

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Amanda Loveday

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 25th day of January 2019.

**STATE ELECTION COMMISSION**

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With no further business to be discussed, Mr. Moseley moved to adjourn the meeting. Mr. Edler seconded the motion. The motion passed unanimously, and the meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daylin Silber".

Daylin Silber



December 18, 2018

Sent Via Email

Ms. Marci Andino  
Executive Director  
South Carolina State Election Commission  
1122 Lady Street; Suite 500  
Columbia, SC 29201

**RE: Notification of Engineering Change Orders (ECOs)**

Dear Ms. Andino:

Pursuant to Election Systems & Software, LLC (ES&S) company policy and South Carolina statutes, notice of Engineering Change Orders (ECO) to state certified hardware components are being provided to the South Carolina State Election Commission. All ECOs are reviewed by an Election Assistance Commission (EAC) accredited Voting System Testing Laboratory (VSTL) for conformance to the Voluntary Voting System Guidelines (VVSG) prior to any state being notified of a particular modification.

Recently, ES&S submitted three ECOs to the VSTL for their review. Below is a table displaying the ECO number, description of change, and the VSTL resolution of the ECO. Modifications that are determined to be *De Minimis* are defined by the EAC as a modification that requires no additional testing or certification because the change is minor in nature and has no impact on the systems operation.

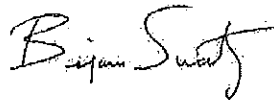
ES&S ECO #	ECO Description of Change	VSTL Resolution
950	<b><i>DS850 - Added 2<sup>nd</sup> Screw to Reverse Belt Pulley</i></b> <u>Summary:</u> ECO 950 added a second screw to the reverse belt pulley for improved attachment to the drive shaft in order to ensure and/or prevent pulley from coming loose during operation.  NTS reviewed ECO 950 and determined it to be De Minimis per section 3.4 of the EAC Voting System Testing and Certification Program Manual, Version 2.0.	<b>De Minimis 09/23/2016</b>
983	<b><i>DS200 Texture Free Area for Security Seals</i></b> <u>Summary:</u> ECO 983 adds texture free areas across exterior housing seams on the DS200 in order to place security seals on the exterior of the DS200.  Pro V&V reviewed ECO 983 and determined the modification will not adversely affect any system functions. No additional testing required.	<b>De Minimis 12/12/18</b>

ES&S ECO #	ECO Description of Change	VSTL Resolution
1005	<p><b><i>Second Source for Report Printer on DS850</i></b></p> <p><u>Summary:</u> The certified Okidata B431D and B431DN laser printers used for the dedicated report printer on the DS850 has gone end-of-life. ECO 1005 allows the Okidata B432DN printer to be a second source report printer on the DS850.</p> <p>Pro V&amp;V reviewed ECO 1005 and determined that the replacement printer will not adversely affect any system functions. The replacement printer is similar/equivalent in technical characteristics and will not negatively impact the system. No additional testing is required.</p>	De Minimis 12/12/18

ES&S respectfully requests shortly after receiving this letter, the South Carolina State Election Commission provide written approval of the ECOs presented in this correspondence. Please be advised that certain orders may be suspended until approval of the ECOs being submitted is obtained by ES&S.

If you require additional information, please do not hesitate to contact me at 402-970-1143 or via email at brswartz@essvote.com.

Sincerely,



Benjamin Swartz  
Sr. State Certification Manager  
Election Systems & Software, LLC

Attachments:

20181218\_SC ECO Submission.pdf  
ECO950\_VSTL Approval.pdf  
ECO983\_VSTL Approval.pdf  
ECO1005\_VSTL Approval.pdf

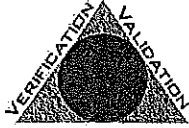
**NTS**

WE ENGINEER SUCCESS

**HUNTSVILLE OPERATIONS**

<b>ENGINEER CHANGE ORDER ANALYSIS FORM</b>		<b>DATE:</b> 9/22/2018	
<b>CUSTOMER:</b> ES & S			
<b>NTS JOB NO:</b> PR043774			
<b>ECO NO:</b> ECO 960			
<b>SUBMISSION DATE:</b> 9/22/2016		<b>NOTIFICATION BY:</b> Sue McKay	
<b>PRODUCT:</b> DS850			
<b>HARDWARE REV LEVEL:</b> 1.0			
<b>ECO DESCRIPTION:</b> Added a second set screw to the reverse belt pulley			
<b>REASON FOR CHANGE:</b> Improved attachment to drive shaft to prevent pulley from coming loose during operation.			
<b>ENGINEERING ANALYSIS:</b> De Minimis			
<b>ENGINEERING RECOMMENDATION:</b> Affected systems: Federal: EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5210, EVS 5211, Unity 3400, Unity 3410, Unity 3414 State: FL EVS 4030 Ver2, FL EVS 4500 Ver4, FL EVS 4520, EVS 5002, EVS 5004, EVS 5100, EVS 5110, EVS 5201, EVS 5202, EVS 5300, EVS 5303, EVS 5310, EVS 5601, EVS 5602, IL EVS 5300, Unity 3301, Unity 3401, Unity 3411 NTS reviewed the submitted ECO and supporting materials. The addition of the second set screw does not negatively affect the operation of the DS850. NTS has determined the change to be De Minimis per section 3.4 of the EAC Voting System Testing and Certification Program Manual, Version 2.0.			
<b>ENGINEER:</b> Charles Montgomery 9-23-16		<b>APPROVER:</b> James Long 9-25-16	
<b>TRANSMITTED:</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<b>TRANSMITTED TO:</b> Sue McKay	
<b>CUSTOMER APPROVAL:</b> Sue McKay			

**PRO V&V**



**ENGINEER CHANGE ORDER (ECO) ANALYSIS FORM**

**Manufacturer:** Election Systems & Software (ES&S)

**System:** DS200, Hardware 1.3.10.0

**ECO Number:** 983

**ECO Description:** Modified DS 200 housing to add texture free areas across exterior housing seams for security seals

**Overview:**

Texture free areas were added to the DS200 across exterior housing seams for security seals.

**Systems Affected:**

EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5204, EVS 5210, EVS 5211, EVS 5220, EVS 5230, EVS 5240, EVS 5400, EVS 5410, EVS 6000

Federal: EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5204, EVS 5210, EVS 5211, EVS 5220, EVS 5230, EVS 5240, EVS 5400, EVS 5410, EVS 6000

State: FL EVS 4500 Ver. 4, FL EVS 4520, FL EVS 4530 Ver. 1, EVS 5002, EVS 5003 Rev. 1, EVS 5004, EVS 5100, EVS 5110, EVS 5201, EVS 5202, EVS 5300, EVS 5303, EVS 5310, EVS 5320, EVS 5321, EVS 5330, EVS 5340, EVS 5501, EVS 5502, EVS 5601, EVS 5602, EVS 6010, IL EVS 5300

**Supporting Documentation:**

ECO-983 Signed.pdf

**Engineering Recommendation:**

Technical documentation review performed to approve change. Per ES&S, DS 200 housings can be retrofit in the field as required. Pro V&V determined that the modification will not adversely affect any system functions. No form changes should affect part fit. No additional testing required.

**Engineering Analysis: De Minimis**

**Reviewer:**

Wendy Owens

Printed Name

Wendy Owens

Signature

12/12/18

Date

**Approver:**

Michael L. Walker

Printed Name

Michael L. Walker

Signature

12/12/18

Date

## Engineering Change Order

<b>ECO#</b> 983  <b>Model</b> DS200	<b>Requested by</b> Kevin Liesner  <b>Product Line Engineer</b> Derek Caviness	<b>Date:</b> 7/9/2018  <b>Rev:</b> A
<b>Description of Change:</b> In layman's terms, itemize and describe what the change is. For example, "Add shift beneath the end of the USB mounting bracket."		
<b>Reason For Change:</b> In layman's terms, itemize and describe the requirement that is not being met. For example, "Shim increases the engagement of the back-up USB stick."		
<b>ECO Notes</b> Related ECOs, Temporary Deviations, Field Retrofit, etc.		
<b>Certification Impact</b> Impact on hardware configuration, list of tests performed, recommended federal cert strategy, approach to state cert (N.E.W.S).		
1. Add texture free areas across exterior housing seams for security seals.  1. Additional security is becoming a market expectation, beginning with California.  ECO Category: <u>Modify an Existing Part or Assembly</u>		
1. Related ECOs: N/A 2. Temporary Deviations (in-process Production): N/A 3. Field Retrofit: Housings can be retrofit in the field as required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No List: _____ 4. Mod to the Mfg Prep Procs or QC Checklist required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 5. Internal Retrofit (Cert & Training Equipment): HW Engineering to update Cert, QA and Training units		
1. Hardware Configuration: 1.3.10.0 2. Internal Testing Performed: Material will be tested for form/function when samples arrive week 2, October 2018. No form changes should affect part fit. 3. Submit to VSTL: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 4. Affected Systems: EVS5000, EV5010, EVS5200, 5203, 5204, 5210, 5211, 5220, 5230, 5240, 5400, 5410, 6000 Federal: EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5204, EVS 5210, EVS 5211, EVS 5220, EVS 5230, EVS 5240, EVS 5400, EVS 5410, EVS 6000. State: FL EVS 4500 Ver 4, FL EVS 4520, FL EVS 4530 Ver 1, EVS 5002, EVS 5003 Rev 1, EVS 5004, EVS 5100, EVS 5110, EVS 5201, EVS 5202, EVS 5300, EVS 5303, EVS 5310, EVS 5320, EVS 5321, EVS 5330, EVS 5340, EVS 5501, EVS 5502, EVS 5601, EVS 5602, EVS 6010, IL EVS 5300 5. Federal Cert Strategy: Click here to enter text. 6. State Cert Strategy: Click here to enter text. Test to: <input checked="" type="checkbox"/> V 1.0 VVSG Standards		

<b>MATERIALS MANAGEMENT:</b> DATE: <u>7/10/2018</u> 16-10-18	<b>MANUFACTURING:</b> DATE: <u>10/10/2018</u>	<b>QUALITY ASSURANCE:</b> DATE: <u>10/10/2018</u>
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## Engineering Change Order

Part Specific Changes:

PLM Documentation & Pivot Production

ES&S Bin Number & Omaha Inventory

Include order qty and re-buy levels for new parts.  
Notify order entry as applicable.

**REVISED PARTS**  
Include the part number, title, and brief description of the change. In addition, provide direction on what should be done with existing material, what locations are affected by this change, and what is the new part revision

01-098-00041- ASSY Final DS200 Hardware Revision 1.3: Add texture free areas to the plastic parts (config change FNs 7, 8, 10, 14, 15, and 45). Break-in change as part of production build 1.3.10. Rev goes to P	67500 - DS200(i) Digital Precinct Scanner Paper Tabulator V1.3
01-097-00272 - ASSY MECH DS200 Display LCD/TS: Add texture free areas (config change FNs 1 & 3). Balance change w/ bottom housing (59-00353). Rev goes to F.	
01-059-00026 - HSG DS200 LCD BEZEL PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to D.	
01-059-00028 - CVR DS200 LCD PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to F.	
01-059-00029 - CVR DS200 FRONT PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to G.	59-00029 - DS2, Cover, Front (47 in stock)
01-059-00030 - CVR DS200 SWITCH DOOR PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to C.	59-00030 - DS2, Door, Switch (597 in stock)
01-059-00034 - CVR DS200 PEB DOOR PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to D.	59-00034 - DS2, Door, PEB (693 in stock)
01-059-00035 - HSG DS200 BOTTOM PC/ABS: Add texture free areas, Use up existing, Rev goes to D.	59-00353-02 -DS2, Base Plastic, 1.3, No Feet (19 in stock)
01-059-00524 - CVR DS200 REAR w/BATT Hole EMI Coating PC/ABS: Add texture free areas, Balance change w/ bottom housing (59-00353). Rev goes to B.	59-00524-01 - DS2, Top Rear Housing (0 in stock)

### OBsolete PARTS

Include the part number, title, and disposition

Click here to enter text.	2316 - DS2, COVER, FRONT, use up stock. 2244 - DS2, DOOR, SWITCH, use up stock 2295 - DS2, DOOR, PEB, use up stock 59-00353-01 - DS2, BASE PLASTIC, 1.3, NO FEET, use up stock 59-00524 - DS2, TOP REAR HOUSING w/EMI, use up stock
---------------------------	---

### NEW PARTS

Include the part number, title, who is procuring the part

Click here to enter text.	59-00029 - DS2, Cover, Front, ES&S procures 59-00030 - DS2, Door, Switch ES&S procures 59-00034 - DS2, Door, PEB ES&S procures 59-00353-02 -DS2, Base Plastic, 1.3, No Feet, ES&S procures 59-00524-01 - DS2, Top Rear Housing, ES&S procures
---------------------------	---

## Engineering Change Order

### DRAWING

#### CORRECTIONS

Drawing changes that are not related to any part changes listed above.

Click here to enter text.

Click here to enter text.

<b>QUALITY</b> Vince Wingate <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>FIELD SERVICES</b> Al Moraczewski <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>FULFILLMENT</b> Lee McDermott <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore
<b>PRODUCT MANAGEMENT</b> Mike Dvorak <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>CERTIFICATION</b> Sue McKay <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>MATERIAL MANAGEMENT</b> Stan Allen <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore
<b>SUSTAINING ENGINEERING</b> Derek Caviness <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>PRODUCT LINE ENGINEER</b> Derek Caviness <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore	<b>Dir. of Hardware Engineering</b> Kevin Liesner <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Ignore

**PRO V&V**



**ENGINEER CHANGE ORDER (ECO) ANALYSIS FORM**

**Manufacturer:** Election Systems & Software (ES&S)

**System:** EVS (DS850 Component)

**ECO Number:** 1005

**ECO Description:** Replacing End-of-Life (EOL) component

**Overview:**

The Okidata B431D & B431DN laser printers have gone end of life. ES&S has added an alternate report printer (Okidata B432DN) to replace the end of life models. The replacement model is backward compatible with all listed end of life models.

**Systems Affected:**

Federal: EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5204, EVS 5210, EVS 5211, EVS 5200, EVS 5210, EVS 5211, EVS 5220, EVS 5230, EVS 5240, EVS 6000, EVS 6020

State: FL EVS 4500 Ver. 4, FL EVS 4520, FL EVS 4530 Ver. 1, EVS 5002, EVS 5004, EVS 5100, EVS 5110, EVS 5201, EVS 5202, EVS 5300, EVS 5303, EVS 5310, EVS 5320, EVS 5321, EVS 5330, EVS 5340, EVS 6010

**Supporting Documentation:**

ECO-1005.docx

ess181203b\_prnt Old UPS with 432 Printer passing.pdf

ess181205Z\_prnt DS 850 OLD UPS 432 printer.pdf

**Engineering Recommendation:**

Technical documentation review performed to approve change. Pro V&V determined that the replacement printer will not adversely affect any system functions. The replacement printer was tested by ES&S and found to be compatible. The replacement printer is similar/equivalent in technical characteristics and will not negatively impact the system. No additional testing required.

**Engineering Analysis: De Minimis**

**Reviewer:**

Wendy Owens  
Printed Name

Wendy Owens  
Signature

12/12/18  
Date

**Approver:**

Michael L. Walker  
Printed Name

Michael L. Walker  
Signature

12/12/18  
Date

## Engineering Change Order

ECO# 1005  
Model DS850

Requested by Adam Krajicek  
Product Line Engineer Adam Krajicek

Date: 12/7/2018  
Rev: A

### Description of Change:

In layman's terms, itemize and describe what the change is. For example, "Add shim beneath the end of the USB mounting bracket."

1. Add alternate report printer - OKIDATA B432DN.

### Reason For Change:

In layman's terms, itemize and describe the requirement that is not being met. For example, "Shim increases the engagement of the back-up USB stick."

1. OKI B431D and OKI B431DN has gone end of life.

### ECO Notes

Related ECOs, Temporary Deviations, Field Retrofit, etc.

1. Related ECOs: ECO-1004
2. Temporary Deviations (in-process Production): N/A
3. Field Retrofit: OKI B432DN is backward compatible with OKI B431D and OKI B431DN
4. Mod to the Mfg Prep Procs or QC Checklist required? ☐ Yes ☒ No List: \_\_\_\_\_
5. Internal Retrofit (Cert & Training Equipment): Cert and QA will have updated printers installed.

### Certification Impact

Impact on hardware configuration, list of tests performed, recommended federal cert strategy, approach to state cert (N.E.W.S.).

1. Hardware Configuration: 1.0
2. Internal Testing Performed: Printers have been tested by HW Engineering and confirmed to be compatible with current DS850 FW versions.
3. Submit to VSTL: ☒ Yes ☐ No
4. Affected Systems: Click here to enter text.  
Federal: EVS 5000, EVS 5010, EVS 5200, EVS 5203, EVS 5204, EVS 5210, EVS 5211, EVS 5200, EVS 5210, EVS 5211, EVS 5220, EVS 5230, EVS 5240, EVS 6000, EVS 6020  
State: FL EVS 4500 V4, FL EVS 4520, FL EVS 4530 V1, EVS 5002, EVS 5004, EVS 5100, EVS 5110, EVS 5201, EVS 5202, EVS 5300, EVS 5303, EVS 5310, EVS 5320, EVS 5321, EVS 5330, EVS 5340, EVS 6010.

Test to: V 1.0 WSG Standards

MATERIALS MANAGEMENT: -

DATE: -

MANUFACTURING: -

DATE: -

QUALITY ASSURANCE: -

DATE: -

## Engineering Change Order

Part Specific Changes:

PLM Documentation & Pivot Production

ES&S Bin Number & Omaha Inventory

Include order qty and re-buy levels for new parts.  
Notify order entry as applicable.

### REVISED PARTS

Include the part number, title, and brief description of the change. In addition, provide direction on what should be done with existing material, what locations are affected by this change, and what is the new part revision

Click here to enter text.

Order Entry Decipherer: Replace printer 6827 - DS850, PRINTER OKIDATA B431DN with 9200 - DS450/DS850 PRINTER, OKI B432DN.

Demo Transfer Request Form: Replace 6827-10 DS850, PRTER OKI B431D DN Refrb with *Ok! Report Printer 9200.*

### OBSOLETE PARTS

Include the part number, title, and disposition

Click here to enter text.

6827 - DS850, PRINTER OKIDATA B431DN, remains supported by ES&S, continue to use as available.

### NEW PARTS

Include the part number, title, who is procuring the part

Click here to enter text.

9200 - DS450/DS850 PRINTER, OKI B432DN, ES&S to procure.

### DRAWING CORRECTIONS

Drawing changes that are not related to any part changes listed above.

Click here to enter text.

Click here to enter text.

QUALITY  
Bill Keeler

☒ Approve

☐ Ignore

FIELD SERVICES  
Al Moraczewski

☒ Approve

☐ Ignore

FULFILLMENT  
Lee McDermott

☒ Approve

☐ Ignore

PRODUCT MANAGEMENT  
Mike Dvorak

☒ Approve

☐ Ignore

CERTIFICATION  
Sue McKay

☒ Approve

☐ Ignore

MATERIAL MANAGEMENT  
Stan Allen

☒ Approve

☐ Ignore

SUSTAINING ENGINEERING  
Derek Caviness

☒ Approve

☐ Ignore

PRODUCT LINE ENGINEER  
Adam Krajicek

☒ Approve

☐ Ignore

Dir. of Hardware Engineering  
Kevin Liesner

☒ Approve

☐ Ignore

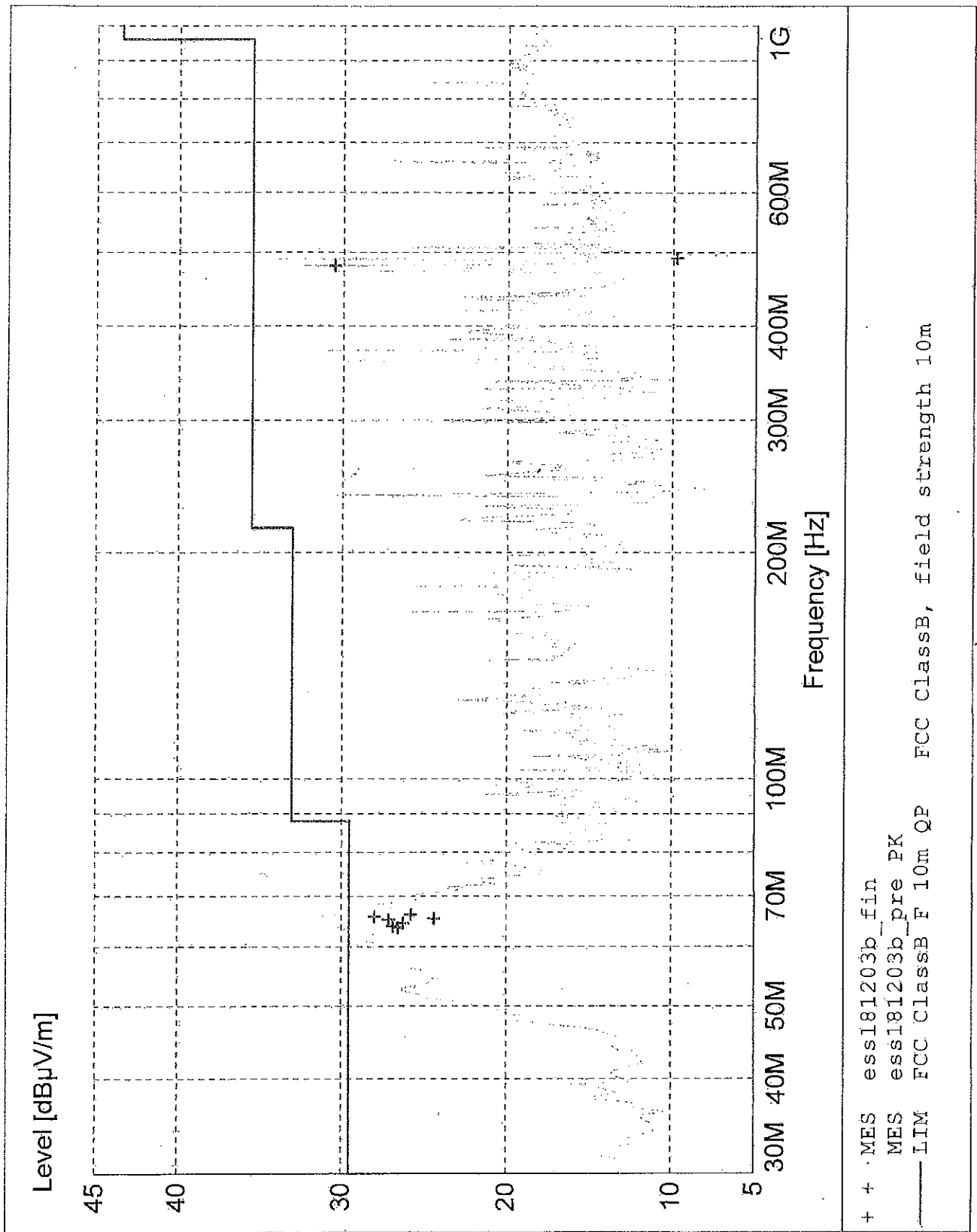
# Radiated Emissions

## MTO:

EUT: DS 850  
Manufacturer: ESS  
Operating Condition: 120 VAC 60 Hz  
Test Site: NCEE, tp2, R&S ESI26, Biconlog 47 w PA LF  
Operator: KV  
Test Specification: class B  
Comment:  
Start of Test: 12/3/2018 / 8:59:56AM

## SCAN TABLE: "EN 55011 Ed fin wPA"

Short Description:	EN 55011 Field Strength fin PA	
Unit:	dBpV/m	
Detector:	Mode:	
Curve 1:	QuasiPeak	ClearWrite
Curve 2:	Average	ClearWrite



# MEASUREMENT RESULT: "ess181203b\_fin"

12/3/2018 9:30AM

Frequency MHz	Level dBuV/m	Measured dBuV	Transd dB	Cables dB	Limit dBuV/m	Margin dB	Height cm	Angle deg	Pol.
63.600000	26.56	48.55	6.6	28.6	29.5	3.0	323.0	174	VERT
63.840000	26.88	48.90	6.6	28.6	29.5	2.7	276.0	321	VERT
64.440000	26.27	48.32	6.6	28.6	29.5	3.3	283.0	354	VERT
65.160000	27.13	49.19	6.6	28.7	29.5	2.4	350.0	318	VERT
65.340000	24.37	46.42	6.6	28.7	29.5	5.2	350.0	207	VERT
65.760000	27.98	50.04	6.6	28.7	29.5	1.6	349.0	138	VERT
66.180000	25.79	47.86	6.6	28.7	29.5	3.7	339.0	0	VERT
480.040000	30.52	38.22	18.4	26.1	35.5	5.0	399.0	225	VERT
491.500000	9.76	17.46	18.4	26.1	35.5	25.8	150.0	13	HORI





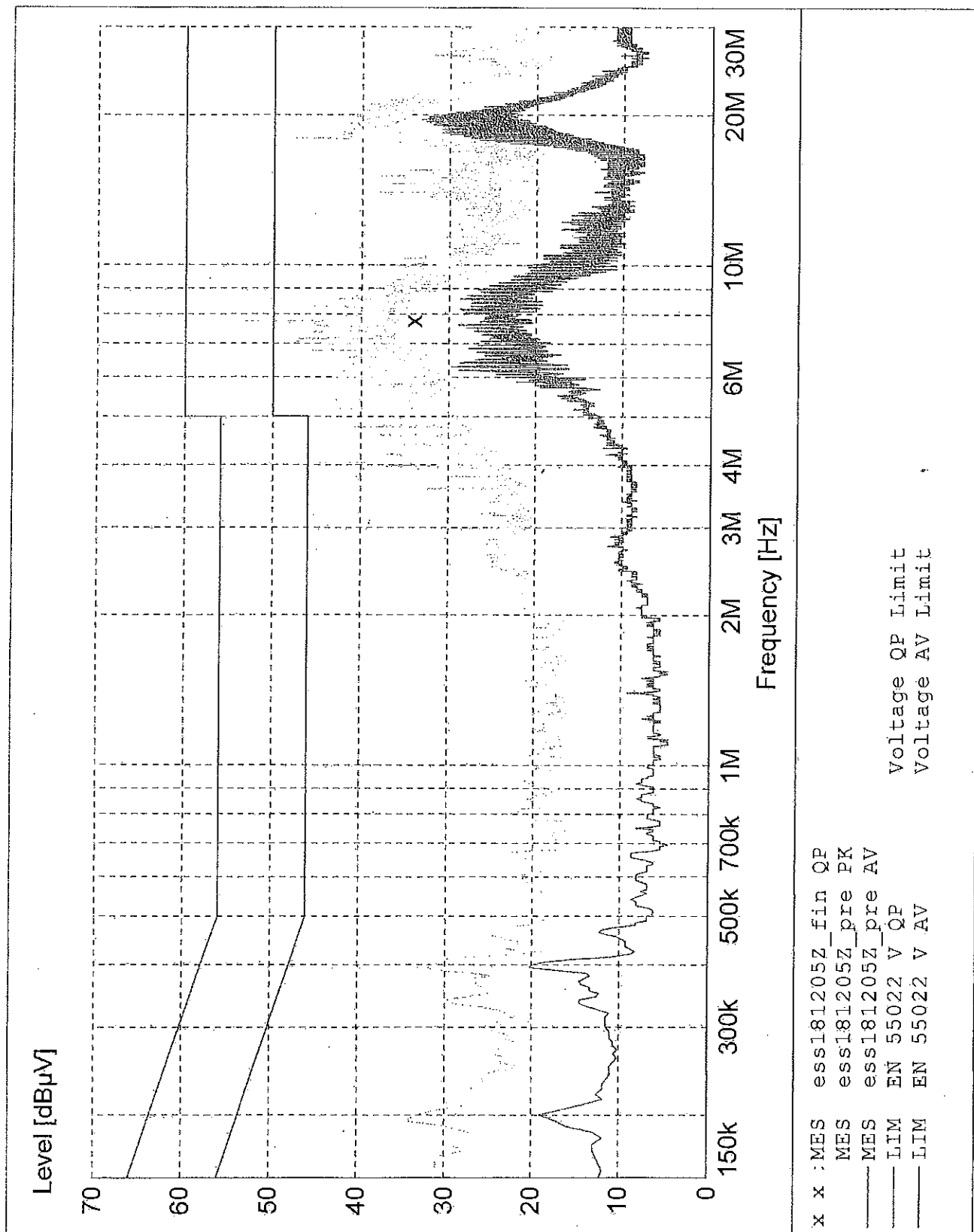
# Conducted Emissions

## MTO:

EUT: DS 850  
Manufacturer: ESS  
Operating Condition: 120 VAC 60 Hz  
Test Site: Vertical Grnd  
Operator: KV  
Test Specification: class B  
Comment:  
Start of Test: 12/5/2018 / 3:37:11PM

## SCAN TABLE: "EN 55011 Voltage Fin"

Short Description:	EN 55011 Voltage
Unit:	dBuV
Detector:	Mode:
Curve 1: QuasiPeak	ClearWrite
Curve 2: Average	ClearWrite



MEASUREMENT RESULT: "ess181205Z\_fin QP"

12/5/2018 3:50PM

Frequency MHz	Level dBpV	Measured dBpV	Transd dB	Cables dB	Limit dBpV	Margin dB	Line	PE
7.755000	34.10	23.47	0.3	10.4	60	25.9	N	GND

**STATE BOARD OF CANVASSERS**

**AGENDA**

**January 25, 2019**

**10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State Senate District 6 Republican Primary held on Tuesday,  
January 22, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

Items may be added as necessary.

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**MARCI ANDINO**  
Executive Director

---

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**STATE BOARD OF CANVASSERS**  
**MEETING MINUTES**  
**January 25, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Ms. Amanda Loveday, Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Daylin Silber, Administrative Coordinator

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

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

AMANDA LOVEDAY

SCOTT MOSELEY

VACANT

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino stated all notices of the meeting had been posted as required by the Freedom of Information Act.

Ms. Andino gave a broad overview of what happens from the time the polls open on election until certification by the state.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State Senate District 6 Republican Primary held on Tuesday, January 22, 2019.

Ms. Loveday made a motion to certify the results. It was seconded by Mr. Moseley. The motion was approved unanimously. The results were certified.

There being no further business, Mr. Moseley made a motion to adjourn the meeting. It was seconded by Ms. Loveday. The motion was approved unanimously. The meeting was adjourned.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator

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MARCI ANDINO  
Executive Director

---

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State Senate District 6 Republican Primary held in Greenville County on January 22, 2019.

Candidate	TOTAL	PERCENT
Amy Ryberg Doyle	2,569	40.35%
Dwight A. Loftis	3,528	55.41%
Jeffrey Stringer	270	4.24%

\_\_\_\_\_  
John Wells, **Chairman**

\_\_\_\_\_  
Cliff Edler

\_\_\_\_\_  
Amanda Loveday

\_\_\_\_\_  
Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 25th day of January 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**February 20, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: January 16, 2019 (SEC) and January 25, 2019 (SBC)

**New Business:**

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

County Compliance – Bamberg and Richland

Voting System Certification – Dominion Voting – Democracy Suite 5.5, Election  
Management System (EMS) v5.5.12.1, Adjudication (ADJ) v5.5.8.1, ImageCast Precinct  
(ICP) v5.5.3.0002, ImageCast X Ballot Marking Device (ICX BMD) v5.5.10.25, ImageCast  
X Direct Record Electronic (ICX DRE).v5.5.10.25

Statements of Economic Interests

**Old Business:**

Voting System Certification:

- Certification of ES&S ElectionWare Election Management System V.5.0.1.0,  
DS200 Precinct Scanner V. 2.17.0.0, DS850 Central Tabulator V. 3.1.0.0,  
DS450 Central Tabulator V. 3.1.0.0 and ExpressVote V. 2.4.0.0
- Certification of Hart InterCivic Verity Voting 2.3

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**MARCI ANDINO**  
Executive Director

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Request for Proposals – Statewide Voting System

Legislative Update

Information Technology Security Update

Legal Update

Eugene Baten v. Henry McMaster, et al.

SEC v. James John Todd Kincannon

Frank Heindel and Phil Leventis v. Marci Andino, SEC

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**Next Meeting(s):**

Wednesday, March 20, 2019 at 10:00 a.m. (SEC)



**STATE ELECTION COMMISSION**  
**MEETING MINUTES**  
**February 20, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Ms. Amanda Loveday, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information and Training; Howard Snider, Director of Voter Services; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech; Daylin Silber, Administrative Coordinator; JoAnne Day, League of Woman Voters

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

Chairman Wells called the meeting to order. Mr. Whitmire advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**Approval of Minutes**

Chairman Wells stated the first item of business was the approval of the minutes for the meetings held on January 16, 2019 (SEC) and January 25, 2019 (SBC). Mr. Moseley moved to approve the minutes. The motion was seconded by Mr. Edler. The minutes were approved unanimously.

**New Business**

The first item of new business was county compliance. Mr. Whitmire advised two counties certified incorrect results during the 2018 General Election, Bamberg and Richland Counties. He explained that because certified election results cannot be corrected after the statutory certification deadline, the SEC asks county boards to publicly acknowledge any errors. The SEC documents any corrections in the tabulated results from a county in the audit files posted on its website for all elections.

With regards to Bamberg County, Mr. Whitmire explained the new county director accidentally excluded absentee ballots from the results. The error was discovered in late November and did not impact the outcome of the election with regards to any office. The results were documented and published on the SEC website. Mr. Whitmire further advised that the county director will be required to undergo additional training.

Regarding Richland County's incorrect results, Mr. Whitmire advised the error was found in late November and it occurred in both absentee and physical precincts. The

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results from two machines used for absentee voting at the Richland County Voter Registration and Elections office, as well as from some machines at the Ward 32 and Rice Creek 1 precincts, were not included in the results. The error likewise did not affect the outcome of any particular contest, and the corrected results have been published on the SEC's website. Chairman Wells asked if the errors resulted from any machine failures or malfunctions. Mr. Whitmire responded in the negative, explaining that the incorrect results were attributed to human error and the failure to follow established processes and procedures.

Chairman Wells noted that the director for Richland County recently resigned and its board was subsequently removed by the Governor. The Chairman stated the Commission wants to ensure the SEC does what it can to assist the Richland County Board through this transitional period. Ms. Andino advised that staff training is the SEC's key focus since they are the ones who conduct the elections. She added that all new board members must receive basic training within thirty days of appointment and then complete additional training to obtain certification from the SEC to conduct elections. The SEC will work closely with Richland County and make training available to them on a priority basis.

The next item was the certification of Dominion's Voting Democracy Suite 5.5 voting system. Testing for this system is still on-going and will be included in the next meeting's agenda under "old business."

Statements of Economic Interests was the next item. Ms. Andino reminded the Commission members that state law requires each of them to annually file an updated statement with the State Ethics Commission no later than March 30th.

### **Old Business**

The first item of old business was voting system certifications. Ms. Andino advised that ES&S's EVS 6.0.2.0 voting system completed SEC testing and was used in a field test election in Darlington County on February 19, 2019. She also advised the Hart InterCivic Verity Voting 2.3 voting system completed SEC testing and will be used in a field test election in Fairfield County on March 5, 2019. The written reports with recommendations as to certification will be issued and discussed with the Commission next month.

The next item was the Statewide Voting System Solution RFP. Ms. Andino advised this is a solutions based RFP and proposals are due March 4, 2019. She stated the new statewide voting system must be certified as meeting the requirements of federal voting system standards, must receive state certification for use in South Carolina, and must have a paper record of each voter's voted ballot. Ms. Andino confirmed the State Fiscal Accountability Authority is managing the procurement of the statewide voting system. A procurement officer was assigned in the summer of 2018 and the RFP was released on December 7, 2018. The procurement officer will review all proposals for responsiveness before they are forwarded to

the evaluation panel. The panel members will review the proposals to determine the best system for the state. The panel will be comprised of a diverse group of county and state election officials from various sized counties and with varying degrees of experience. They will be sequestered in order to protect this process, receiving input only from subject matter experts on the subjects of accessibility and security. The system is expected to be procured with a contract effective July 1, 2019, and ready for use in all elections after January 1, 2020.

Legislative update was the next item. Ms. Andino advised that the budget is currently in the House Ways and Means Committee. The SEC requested \$60 million in order to replace the statewide voting system. Ms. Andino also advised that H.3031, which would change the voter registration deadline from 30 to 25 days prior to an election, is moving through the House. She explained that under the current law the deadline to register varies by method of registration as the 30th day may fall on a Sunday followed by a national holiday.

Information technology security update was the next item. Ms. Andino advised that the Department of Homeland Security's weekly scans have found no vulnerabilities since January 12, 2019. She reported the SEC continues to work with the counties to try to engage board members and staff on security issues and offers classes. The SEC continues to work with counties on vulnerabilities previously discovered through the Department of Homeland Security scans. Ms. Andino also advised the SEC is also working with SLED to ensure all county election networks have intrusion detection sensors which share data with the Multi-State Information Sharing & Analysis Center (MS-ISAC). She explained that MS-ISAC is a multi-state organization that analyzes security data from all states and shares pertinent information with member states.

The next item under old business was legal updates. Mr. Brant reported that in the case of Frank Heindel, et al. v. Marci Andino, et al., the federal district court granted the SEC's motion to dismiss the plaintiffs' suit for lack of standing. Updates will be provided at future meetings with regards to any motion for reconsideration or appeal filed. He also reported there are no updates in the case of Eugene Baten v. Henry McMaster, et al., or in the case of the SEC v. James John Todd Kincannon.

Mr. Wells reminded the members the next State Election Commission meeting will be March 20, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on Friday, February 22, 2019 at 10:00 a.m.

With no further business to be discussed, Ms. Lovejoy moved to adjourn the meeting. Mr. Edler seconded the motion. The motion passed unanimously, and the meeting adjourned.

Respectfully submitted,

Daylin Silber 

**STATE BOARD OF CANVASSERS**

**AGENDA**

**February 22, 2019**

**10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State House District 14 Primaries held on Tuesday, February 19, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

**VACANT**

Items may be added as necessary.

---

**MARCI ANDINO**  
Executive Director

---

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**STATE BOARD OF CANVASSERS**  
**MEETING MINUTES**  
**February 22, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

Present: Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Ms. Amanda Loveday, Mr. Scott Moseley (via teleconference)

Others Present: Marci Andino, Executive Director; Daylin Silber, Administrative Coordinator

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

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

AMANDA LOVEDAY

SCOTT MOSELEY

VACANT

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino stated all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State House District 14 Democratic and Republican Primaries held on Tuesday, February 19, 2019.

Ms. Loveday made a motion to certify the results of the Democratic Primary. It was seconded by Mr. Edler. The motion was approved unanimously. The results were certified.

Ms. Loveday made a motion to certify the results of the Republican Primary. It was seconded by Mr. Moseley. The motion was approved unanimously. The results were certified.

There being no further business, Ms. Moseley made a motion to adjourn the meeting. It was seconded by Mr. Edler. The motion was approved unanimously. The meeting was adjourned.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator

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MARCI ANDINO  
Executive Director

---

1122 Lady Street  
Suite 500  
Columbia, SC 29201

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 14 Republican Primary held in Greenwood and Laurens Counties on February 19, 2019.

Candidate	TOTAL	PERCENT
Grant Blair	136	5.62%
Scott Home	434	17.93%
Stewart Jones	1,248	51.55%
Michael Seymour	603	24.91%

---

John Wells, **Chairman**

---

Cliff Edler

---

Amanda Loveday

---

Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 22nd day of February 2019.

## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 14 Democratic Primary held in Greenwood and Laurens Counties on February 19, 2019.

Candidate	TOTAL	PERCENT
Bobby L. Gregory Sr	39	7.93%
Garrett McDaniel	453	92.07%

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John Wells, Chairman

---

Cliff Edler

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Amanda Loveday

---

Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 22nd day of February 2019.

**STATE ELECTION COMMISSION**  
**AGENDA**  
**March 20, 2019**  
**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: February 20, 2019 (SEC) and February 22, 2019 (SBC)

**New Business:**

Welcome new commission member – Harold E. Faust  
Office of State Auditor - Audit of Agreed Upon Procedures – Final Report  
90-Day NVRA Notice from League of Women Voters  
Voting System Certification - ES&S Engineering Change Orders – DS450 and DS200  
Voting System Certification – Clear Ballot ClearVote 1.5 Voting System  
Statements of Economic Interests

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD FAUST**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

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**MARCI ANDINO**  
Executive Director

---

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**Old Business:**

**Voting System Certification:**

- Certification of ES&S ElectionWare Election Management System V.5.0.1.0, DS200 Precinct Scanner V. 2.17.0.0, DS850 Central Tabulator V. 3.1.0.0, DS450 Central Tabulator V. 3.1.0.0 and ExpressVote V. 2.4.0.0
- Certification of Hart InterCivic Verity Voting 2.3
- Certification of Dominion Voting – Democracy Suite 5.5, Election Management System (EMS) v5.5.12.1, Adjudication (ADJ) v5.5.8.1, ImageCast Precinct (ICP) v5.5.3.0002, ImageCast X Ballot Marking Device (ICX BMD) v5.5.10.25, ImageCast X Direct Record Electronic (ICX DRE) v5.5.10.25

**Request for Proposals – Statewide Voting System**

**Legislative Update**

**Information Technology Security Update**

**Legal Update**

Eugene Baten v. Henry McMaster, et al.  
SEC v. James John Todd Kincannon  
Frank Heindel and Phil Leventis v. Marci Andino, SEC

**Next Meeting(s):**

Friday, March 29, 2019 at 3:00 p.m. (SBC)  
Wednesday, April 17, 2019 at 10:00 a.m. (SEC)  
Friday, April 26, 2019 at 3:00 p.m. (SBC)



**STATE ELECTION COMMISSION  
MEETING MINUTES  
March 20, 2019  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Mr. Harold E. Faust, Ms. Amanda Loveday, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Howard Snider, Director of Voter Services; Janet Reynolds, Director of Administration and Finance; Barbara Pittelli, Fiscal Tech; Daylin Silber, Administrative Coordinator; JoAnne Day, League of Woman Voters and a member of the public

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

---

MARCI ANDINO  
Executive Director

---

Chairman Wells called the meeting to order. Mr. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**Approval of Minutes**

The first item of business was the approval of the minutes for meetings held on February 20, 2019 (SEC) and February 22, 2019 (SBC). Mr. Edler made a motion to approve the February 20th minutes, seconded by Ms. Loveday. The minutes were approved unanimously. Mr. Edler then moved to approve the February 22nd minutes, seconded by Ms. Loveday. The motion was approved unanimously.

**New Business**

The first item of new business was the welcoming of new commissioner Harold E. Faust. The appointment of Mr. Faust gives the Commission a full five-member board.

The next item was the Office of State Auditor's Audit of Agreed Upon Procedures Final Report. Ms. Andino explained this is a routine audit conducted every year. She reported there was one finding with regards to purchasing card monthly statements not being signed off both by employees and their supervisors, but that the agency's purchasing card policy has been updated accordingly.

Next on the agenda was the 90-day NVRA Notice from League of Women Voters (LWV). Ms. Andino explained the National Voter Registration Act (NVRA) provides for a private right of action for any person aggrieved by a violation not remedied with 90 days. The letter received from the LWV was sent to the SEC, the Department of Health and Human Services (DHHS), the Department of Social Services (DSS), and the Department

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of Health and Environmental Control (DHEC). The letter alleges the SEC's registration declination form does not meet NVRA requirements, the state has not designated DHHS as a voter registration agency, and that DSS, DHEC, and DHHS have failed to comply with the NVRA's voter registration requirements. Ms. Andino advised that legal representatives from these agencies are engaged in discussions regarding this matter.

The certification of the voting system ES&S Engineering Change Orders for DS450 and DS200 was the next item. Ms. Andino explained the changes to be approved are *de minimis*, meaning they were determined by the laboratory to have no impact on the functionality of the system and do not require staff testing. A motion was made by Ms. Loveday to certify the change changer orders, seconded by Mr. Mosely. The motion was approved unanimously.

The voting system certification for Clear Ballot ClearVote 1.5 Voting System was the next item. Ms. Andino advised this system is being tested in house and no action is required at this time. She further advised if it passes testing, it will be scheduled to be used in a field test election. She reminded the commissioners the Request for Proposals requires each vendor to be certified by April 17, 2019, which is the date of the SEC's next meeting.

The last item of new business was Statements of Economic Interests. Ms. Andino reminded the commissioners the annual reports are to be submitted to the Ethics Commission by March 30, 2019.

### **Old Business**

The first item of old business was the certification of ES&S's EVS 6.0.2.0 voting system. Ms. Andino advised this system passed agency testing and was used successfully in an election. She stated she was recommending certification of the system. Ms. Loveday made a motion to certify the system seconded by Mr. Edler. The motion was approved unanimously.

The next item was the certification of Hart InterCivic Verity Voting 2.3 voting system. Ms. Andino advised this system passed agency testing, was successfully used in an election and is recommended for approval. Ms. Loveday made a motion to certify the system, seconded by Mr. Edler. The motion was unanimously approved.

The certification of Dominion Voting's Democracy Suite 5.5 voting system was the next item. Ms. Andino explained this system passed agency testing, will be used in an election next Tuesday, March 26, 2019, and she anticipates that certification will be requested at the next SEC meeting.

The next items were the voting system RFP and legislative updates. Ms. Andino advised that the due date for proposals has been extended to April 4, 2019. She explained that House Bill 4157, a proposed Joint resolution which already passed the house and is currently in Senate Finance, would establish a special evaluation panel comprised of the Commission members to evaluate proposals received in response to the RFP. It would also give the Department of Administration an oversight role in the procurement process.

As for other legislation, Ms. Andino advised that House Bill 3031, which sought to establish a uniform 25-day voter registration deadline for all methods of registration, did not pass the House.

The next item was the information technology security update. Ms. Andino reported a medium-level vulnerability was initially detected by DHS scans run on March 4, 2019. Upon further investigation, however, it was deemed not to be an actual vulnerability and subsequent scans have revealed no vulnerabilities. Ms. Andino advised the SEC is working with SLED to place network sensors on each county network in the state. She stated the SEC has reached out to Voatz, the vendor of blockchain-powered voting system which has been piloted in West Virginia, and also reached out to our security vendors for their thoughts on that product.

Legal updates was next under old business. Ms. Andino advised an appeal was filed in the case of Eugene Baten v. Henry McMaster, et al. She had no update to report in the SEC v. James John Todd Kincannon. In the case of Frank Heindel, et al. v. Marci Andino, et al., she reported an appeal has also been filed.

Mr. Wells reminded the members the next State Election Commission meeting will be on April 17, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on Friday, March 29, 2019 at 3:00 p.m.

A motion to adjourn the meeting was made by Ms. Loveday, seconded by Mr. Edler. The motion passed unanimously.

Respectfully submitted,

Daylin Silber,  
Administrative Coordinator

# **Hart InterCivic, Inc.**

## **Certification of Verity Voting 2.3**

## **Examination and Testing Report**

Compiled by

**South Carolina State Election Commission**

**March 19, 2019**

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## Summary

Hart InterCivic (Hart) applied for South Carolina certification of the Verity Voting 2.3 voting system (Verity System) consisting of the following hardware and software on November 19, 2018:

<b>South Carolina</b> <b>State Certification of Verity Voting 2.3</b> VWSG v. 1.0 Compliant	
	Verity Data - Data management software application
	Verity Build - Election definition software application
	Verity Central - Central scanning software application
	Verity Count- Tabulation and reporting software application
	Verity User Management - User management software application
	Verity Election Management - Election management software application
	Verity Scan - Digital scanning voting device
	Verity Touch Writer with Access - Ballot marking device with audio tactile interface (ATI) and attached COTS printer
	Verity Touch Writer Duo - Ballot marking device with integrated COTS printer
	Verity Controller - Polling place management device for use with Verity Touch Writer Duo
	Verity Print - Pre-voting ballot production device
	Verity AutoBallot - Optional barcode scanner kit for Verity Controller, Verity Print, and Verity Touch Writer.

The Verity System can be configured using either ballot marking devices (Verity Touch Writers) or hand-marked ballots in conjunction with the digital scanners (Verity Scans) for tabulation. Hart submitted the Verity System for certification under both configurations. Thus, the Verity System was tested using both configurations.

Tests were conducted on the Verity System in two phases. Phase 1 was completed during the period of January 28, 2019 through January 31, 2019 at the State Election Commission. During this period, both configurations of the Verity System (ballot marking devices and hand-marked ballots) were tested to ensure that the various election functionalities required by Title 7 of the S.C. Code of Laws.

Phase 2 was occurred on March 5, 2019 during the Fairfield County School Board District 4 Special Election. As part of a field test, the Verity System was utilized in four Fairfield County precincts – two for each configuration of the system – as

part of this election. The currently certified election system was used in the absentee precinct and iVotronics were available in the precincts as a backup. All ballots cast in the Verity System were tabulated in that system and then manually entered into the currently certified system. The results were subsequently audited.

## Examination and Testing Results

The modules/components of the Verity System identified in the table above were fully tested by Voter Services Division staff based on requirements of the S.C. Code of Laws (1976, as amended) with concentrated emphasis on the provisions of Title 7.

### Phase 1: Functionality Testing

In the first round of testing, mock elections were created and tested for general election functionality. In the second round, previously created databases for primary, general, special, and municipal elections were tested for detailed functionality. These test elections were conducted using all the Verity System modules to construct an election definition database using actual data from past elections in the State.

This election definition was first used to create test ballots which were cast using the ballot marking devices. The results were tabulated and compared with the ballots themselves. The election results were then cleared from the system and the election was run again using pre-printed ballots marked by hand, scanned, and tabulated. The results were then compared to the hand-marked ballots themselves.

### Phase 2: Field Test

Both configurations of the Verity System were utilized in a field test as required by S.C. Code § 7-13-1620(E). The test was conducted in Fairfield County as party of the March 5, 2019 School Board District 4 Special Election. The ballot marking and hand-marked ballot configurations of the Verity System were each utilized in two precincts as part of this election. Voters appeared to transition easily and with little confusion to either configuration of the Verity System. While the scanning of a paper ballot under either configuration creates an additional step in voting process, voters responded favorably overall to having the opportunity to review their selections on paper before submitting their ballots to be counted.

Both configurations of the Verity System were able to accurately count results as evidenced by a post-election audit conducted by staff from the Voter Services Division. A hand count was conducted of each paper ballot cast using the Verity System, whether marked by device or by hand. The resulting number of votes counted for each candidate was compared with the results reported by the Verity System's Tabulators. The results of the hand count matched those of the tabulated report.



## Determination

The test results meet the functionality of voting systems requirements set forth in S.C. Code of Laws §§ 7-13-1620 and 7-13-1640 as indicated in the tables below.  
Functionality Testing Checklist

Requirement	Pass	Fail	Comments
Version numbers verified	✓		
Version certified by EAC accredited testing laboratory	✓		
List of jurisdictions currently using version	✓		
Training manuals	✓		
Allow voter to select only candidates in a particular party for primary elections	✓		
Allow voter to vote straight party for general elections	✓		
Allow voter to cast a vote for President/VP or Governor/Lt. Governor in only one operation	✓		
Vote for only the number of candidates allowed in each office, but no others	✓		Overvotes on optical ballots were successfully identified and returned to operator.
Vote yes or no for any measure/referendum on the ballot	✓		
Allow undervotes	✓		
Allow crossover voting after selection of straight party is made	✓		
Allow write-in voting for any office on the ballot in a general election except President/VP	✓		
Allow for voting for all candidates of as many political parties as may make nominations of candidates in any election	✓		
Prevent the voter from voting for the same person more than once for the same office	✓		
Accurately count all votes cast for any and all candidates and for or against all questions	✓		
Provide for voting in absolute secrecy	✓		
Machine must be constructed of good quality material in a neat and workmanlike manner	✓		
Provide voters opportunity to review ballot selections prior to casting ballot	✓		

Requirement	Pass	Fail	Comments
Protective and public counters can be viewed	✓		On the scanners
Illustration or mechanical model is available	✓		
Zero opening count must be visible to poll manager	✓		
Scanner compartment has door or seal	✓		
Unit must have an area to lock or seal the unit before and after voting	✓		
In-person absentee guidelines tested and met	✓		
Printouts/reports are clear, concise, and display all offices, candidates, vote totals, and public count	✓		
Electronically transmit election results to SEC	✓		Same process used in the currently approved system.
Escrow of source code	✓		Source code is currently held in escrow with Iron Mountain Intellectual Property Management, Inc.

Election Systems Functionality Matrix				
Election Type	Functionality	Pass	Fail	Comments
General Election				
	Straight Party Voting	✓		
	Variable Straight Party Voting	✓		
	Fusion Candidates	✓		Extra spaces between first and last name of candidates
Primary Election				
	Single Party	✓		
	Two Party	✓		
County and local Elections				
	Special election	✓		

Election Type	Functionality	Pass	Fail	Comments
	Referendum only	✓		
	Write in Only	✓		
Reporting Functionality				
	Results Grouping			
	County Wide	✓		
	Precinct Details	✓		
	Absentee	✓		
	Emergency	✓		
	Failsafe	✓		
	Provisional	✓		

## Federal Voting System Standards Certification

As a prerequisite to approval for use in this State, S.C. Code § 7-13-1620(A) requires that a voting system be "certified by a testing laboratory accredited by the Federal Election Assistance Commission (EAC) as meeting or exceeding the minimum requirements of federal voting system standards."

On January 25, 2019, accredited testing laboratory SLI Compliance issued a Certification Test Report finding the Verity System meets the required federal voting system standards. That reports states, in part:

On January 25, 2019 SLI made the following recommendations.

SLI has successfully completed the testing of the **Hart Verity Voting 2.3** voting system. It has been determined that the **Verity Voting 2.3** voting system meets the required acceptance criteria of the Election Assistance Commission Voluntary Voting System Guidelines 1.0 (2005).

It is SLI's recommendation that the EAC grant certification of Hart Verity Voting 2.3 voting system. This recommendation reflects the opinion of SLI Compliance based on the testing scope and results.

## List of States/Jurisdictions Using This Voting System

### Verity Voting 2.0

#### Idaho

- Ada County
- Boise
- Bonner County

#### Kentucky

- Marshall County
- Trimble County

#### Michigan

- 285 Cities, Municipalities and Townships

#### Minnesota

- Chisago County
- Ramsey County

#### Mississippi

- Rankin County

#### Oklahoma

- Clackamas County
- Comanche Nation
- Marion County
- Osage Nation

#### Tennessee

- Benton County

#### Texas

- 28 Counties

#### Virginia

- 19 Counties and Municipalities

#### Washington

- Chelan County
- Douglas County
- Island County
- Kittitas County
- Skagit County

## Relevant Sections of the South Carolina Code of Laws

### SECTION 7-13-1620. Voting system approval process.

(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) A person or company who requests an examination of any type of voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The State Election Commission may reexamine any voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(C) A person or company who seeks approval for any type of voting system in this State shall file with the State Election Commission a list of all states or jurisdictions in which that voting system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(D) A person or an individual who seeks approval for any type of voting system shall file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(F) Before a voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer's expense with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not

apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying.

(H) If the State Election Commission determines that a voting system that was approved no longer meets the requirements of Title 7, the commission shall decertify that system. A decertified system must not be used in an election unless it is reapproved by the commission pursuant to the provisions of Title 7.

(I)(1) A vendor of any voting system that has been approved by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations against the voting system in any state within ninety days after the decertification, ethical, or technical violations are issued by the other state. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may be decertified.

(2) A vendor seeking the approval of a voting system by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations issued against the voting system in any state that have occurred prior to or during the time the vendor seeks approval of the voting system by the State Election Commission. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may not be approved.

(J) A member of the State Election Commission, county board of voter registration and elections, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.

#### **SECTION 7-13-1640. Voting machine requirements.**

(A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

(1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at any election, for or against as many questions as may be submitted at any election, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties;

(2) permit the voter to vote for as many persons for any office as he is lawfully entitled to vote for, but no more;

(3) prevent the voter from voting for the same person more than once for the same office;

(4) permit the voter to vote for or against any question he may have the right to vote on, but no other;

(5) if used at a primary election, be so equipped that all rows except those of the voter's party can be locked out by the managers of election by means of an adjustment on the outside of the machine;

(6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;

(7) be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; and

(10) ensure voting in absolute secrecy.

(B) A machine must be provided with a device for each party and for each nomination by petition for voting for presidential and vice-presidential candidates in one operation and listing the candidates by name and by party or indicating the candidate is nominated by petition.

(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.

**SECTION 7-13-1655. "Voting system" defined; State Election Commission duties.**

(A) As used in this section, "voting system" means:

(1) the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:

- (a) define ballots;
- (b) cast and count votes;
- (c) report or display election results; and
- (d) maintain and produce audit trail information;

(2) the practices and associated documentation used to:

- (a) identify system components and versions of these components;
- (b) test the system during its development and maintenance;
- (c) maintain records of system errors and defects;
- (d) determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) make available materials to the voter, such as notices, instructions, forms, or paper ballots.

(B) The State Election Commission shall:

- (1) either approve and adopt one voting system to be used by authorities charged by law with conducting elections, or approve and adopt multiple voting systems if the commission, in its discretion, determines not to adopt one voting system;



- (2) support the authorities charged by law with conducting elections by providing basic level training for personnel in the operation of the voting system approved and adopted by the commission;
- (3) support all aspects of creating the ballots and the database of the voting system that is approved and adopted; and
- (4) comply with the provisions of Chapter 35 of Title 11 in procuring a voting system or systems, as defined in subsection (A).

# **Election Systems and Software (ES&S)**

## **Certification of Version 6.0.2.0**

### **Examination and Testing Report**

Compiled by

**South Carolina State Election Commission**

**March 19, 2019**

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## Summary

Election Systems & Software (ES&S) applied for South Carolina certification of the EVS 6.0.2.0 Election System (EVS System) consisting of the following hardware and software on October 4, 2018:

<b>South Carolina</b> <b>State Certification of EVS 6.0.2.0</b> VWSG v. 1.0 Compliant		
<b>Election Management System (EMS)</b>	ElectionWare	5.0.1.0
	Event Log Service	1.6.0.0
	Removable Media Service	1.5.0.0
	ExpressVote Previewer	2.4.0.0
	Optional Utility: ExpressLink	1.4.0.0
	Optional Utility: Toolbox	3.3.0.0
<b>ES&amp;S Tabulators</b>	DS200 Precinct Tabulator (HW 1.2, 1.3)	2.17.0.
	DS850 Central Tabulator (HW 1.0)	3.1.0.0
	DS450 Central Tabulator (HW 1.0)	3.1.0.0
<b>Universal Voting</b>	ExpressVote (HW 2.1)	2.4.0.0

The Election Management System (ElectionWare v. 5.0.1.0) and the Universal Voting System (ExpressVote) can be used in either ballot marking mode or tabulation mode. ES&S submitted the EVS System for State certification in ballot marking mode only. Thus, only the ballot marking mode was tested. Ballots were then scanned into DS200, DS450, and DS850 scanners for tabulation.

Tests were conducted on the EVS System in two phases. Phase 1 was completed during the period of January 15, 2019 through January 18, 2019 at the State Election Commission. During this period, the EVS system was tested to ensure compliance with the various election functionalities required by Title 7 of the S.C. Code of Laws.

Phase 2 was conducted during the February 19, 2019 Hartsville City Council District 6 Special Election. As part of a field test, the EVS System was utilized in Darlington County precincts in the election. The currently certified election system was used in the absentee precinct and iVotronics were available in the precincts as a backup. Ballots cast in the EVS System were tabulated in that system and then manually entered into the currently certified system. The results were subsequently audited.

## Examination and Testing Results

The modules/components of the EVS System identified in the table above were fully tested by Voter Services Division staff based on requirements of the S.C. Code of Laws (1976, as amended) with concentrated emphasis on the provisions of Title 7.

### Phase 1: Functionality Testing

In the first round of testing, mock elections were created and tested for general election functionality. In the second round, previously created databases for primary, general, special, and municipal elections were tested for detailed functionality. These test elections were conducted using all of the EMS System modules to construct an election definition database using actual data from past elections in the State.

This election definition was used to create paper ballots upon which test ballots were cast and the results tabulated and compared with the ballots themselves.

### Phase 2: Field Test

The EVS System was utilized in a field test as required by S.C. Code § 7-13-1620(E). The test was conducted in Darlington County on February 19, 2019 as part of the Hartsville City Council District 6 Special Election. Voters appeared to transition easily and with little confusion to the EVS System. While the printing and scanning of one's ballot creates an additional step in the voting process, voters responded favorably overall to having the opportunity to review their printed selections on paper before submitting their ballots to be counted.

The system was able to accurately count results as evidenced by a post-election audit conducted by staff from the Voter Services Division. A hand count was conducted of each paper ballot cast using the EVS System. The resulting number of votes counted for each candidate was compared with the results reported by the EVS System's Tabulators. The results of the hand count matched those of the tabulated report.

## Determination

The test results meet the functionality of voting systems requirements set forth in S.C. Code of Laws §§ 7-13-1620 and 7-13-1640 as indicated in the tables below.

### Functionality Testing Checklist

Requirement	Pass	Fail	Comments
Version numbers verified	✓		
Version certified by EAC accredited testing laboratory	✓		
List of jurisdictions currently using version	✓		
Training manuals	✓		
Allow voter to select only candidates in a particular party for primary elections	✓		
Allow voter to vote straight party for general elections	✓		
Allow voter to cast a vote for President/VP or Governor/Lt. Governor in only one operation	✓		
Vote for only the number of candidates allowed in each office, but no others	✓		Overvotes on optical ballots were successfully identified and returned to operator.
Vote yes or no for any measure/referendum on the ballot	✓		
Allow undervotes	✓		
Allow crossover voting after selection of straight party is made	✓		
Allow write-in voting for any office on the ballot in a general election except President/VP	✓		
Allow for voting for all candidates of as many political parties as may make nominations of candidates in any election	✓		
Prevent the voter from voting for the same person more than once for the same office	✓		
Accurately count all votes cast for any and all candidates and for or against all questions	✓		
Provide for voting in absolute secrecy	✓		
Machine must be constructed of good quality material in a neat and workmanlike manner	✓		
Provide voters opportunity to review ballot selections prior to casting ballot	✓		
Protective and public counters can be viewed	✓		On the scanners

Requirement	Pass	Fail	Comments
Illustration or mechanical model is available	✓		
Zero opening count must be visible to poll manager	✓		
Scanner compartment has door or seal	✓		
Unit must have an area to lock or seal the unit before and after voting	✓		
In-person absentee guidelines tested and met	✓		
Printouts/reports are clear, concise, and display all offices, candidates, vote totals, and public count	✓		
Electronically transmit election results to SEC	✓		Same process used in the currently approved system.
Escrow of source code	✓		Source code is currently held in escrow with Iron Mountain Intellectual Property Management, Inc.

Election Systems Functionality Matrix				
Election Type	Functionality	Pass	Fail	Comments
General Election				
	Straight Party Voting	✓		
	Variable Straight Party Voting	✓		
	Fusion Candidates	✓		Extra spaces between first and last name of candidates
Primary Election				
	Single Party	✓		
	Two Party	✓		
County and local Elections				
	Special election	✓		

Election Type	Functionality	Pass	Fail	Comments
	Referendum only	✓		
	Write in Only	✓		
Reporting Functionality				
	Results Grouping			
	County Wide	✓		
	Precinct Details	✓		
	Absentee	✓		
	Emergency	✓		
	Failsafe	✓		
	Provisional	✓		



## Federal Voting System Standards Certification

As a prerequisite to approval for use in this State, S.C. Code § 7-13-1620(A) requires that a voting system be "certified by a testing laboratory accredited by the Federal Election Assistance Commission (EAC) as meeting or exceeding the minimum requirements of federal voting system standards."

On September 17, 2018, accredited testing laboratory SLI Compliance issued a Certification Test Report finding the EVS System meets the required federal voting system standards. That report states, in part:

SLI has successfully completed the testing of the **ES&S EVS 6.0.2.0** voting system. It has been determined that the **ES&S EVS 6.0.2.0** voting system meets the required acceptance criteria of the Election Assistance Commission Voluntary Voting System Guidelines, version 1.0.

This recommendation reflects the opinion of SLI Compliance based on testing scope and results. It is SLI's recommendation based on this testing effort that the EAC grant certification of the **ES&S EVS 6.0.2.0** voting system.

On October 4, 2018, the EVS System received EAC Certification for conformance to the Voluntary Voting System Guidelines Version 1.0.

## List of States/Jurisdictions Using This Voting System

### List of Jurisdictions (As of February 21, 2019)

#### List of States EVS 6.0.2.0 is State Certified In:

The following states have state certified the EVS 6.0.2.0 release:

Delaware  
Kansas  
Missouri  
Mississippi  
New Jersey  
Ohio  
Pennsylvania  
Utah

*Pending Certification:* Arizona, Oregon, Tennessee, Texas, and  
Washington, West Virginia

#### List of Counties Using EVS 6.0.2.0 in recent elections

Jurisdiction	Registered Voters	ES&S Equipment Certified
Gloucester County, NJ	207,720	ExpressVote (XL)
Union County, NJ	328,946	ExpressVote (XL)
Bergen County, NJ	322,705	DS850
Atlantic County, NJ	180,490	DS450
Johnson County, KS	413,276	DS850, ExpressVote
Statewide in Utah	1,351,631	DS450, DS200, ExpressVote
Kent County, DE	123,155	ExpressVote (XL)
New Castle County, DE	406,691	ExpressVote (XL)
Sussex County, DE	164,656	ExpressVote (XL)

Total Registered Voters: 3,499,270

*Note: A state specific EVS 6.0.1.0 release is also being used in several Michigan townships (approx. 100 townships). Those numbers are not represented in the above registered voters number. Each of those townships are using the DS200 and ExpressVote.*

## Relevant Sections of the South Carolina Code of Laws

### SECTION 7-13-1620. Voting system approval process.

(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) A person or company who requests an examination of any type of voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The State Election Commission may reexamine any voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(C) A person or company who seeks approval for any type of voting system in this State shall file with the State Election Commission a list of all states or jurisdictions in which that voting system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(D) A person or an individual who seeks approval for any type of voting system shall file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(F) Before a voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer's expense with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not

apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying.

(H) If the State Election Commission determines that a voting system that was approved no longer meets the requirements of Title 7, the commission shall decertify that system. A decertified system must not be used in an election unless it is reapproved by the commission pursuant to the provisions of Title 7.

(I)(1) A vendor of any voting system that has been approved by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations against the voting system in any state within ninety days after the decertification, ethical, or technical violations are issued by the other state. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may be decertified.

(2) A vendor seeking the approval of a voting system by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations issued against the voting system in any state that have occurred prior to or during the time the vendor seeks approval of the voting system by the State Election Commission. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may not be approved.

(J) A member of the State Election Commission, county board of voter registration and elections, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.

#### **SECTION 7-13-1640. Voting machine requirements.**

(A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

- (1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at any election, for or against as many questions as may be submitted at any election, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties;
- (2) permit the voter to vote for as many persons for any office as he is lawfully entitled to vote for, but no more;
- (3) prevent the voter from voting for the same person more than once for the same office;
- (4) permit the voter to vote for or against any question he may have the right to vote on, but no other;
- (5) if used at a primary election, be so equipped that all rows except those of the voter's party can be locked out by the managers of election by means of an adjustment on the outside of the machine;
- (6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;
- (7) be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; and

(10) ensure voting in absolute secrecy.

(B) A machine must be provided with a device for each party and for each nomination by petition for voting for presidential and vice-presidential candidates in one operation and listing the candidates by name and by party or indicating the candidate is nominated by petition.

(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.

**SECTION 7-13-1655. "Voting system" defined; State Election Commission duties.**

(A) As used in this section, "voting system" means:

(1) the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:

- (a) define ballots;
- (b) cast and count votes;
- (c) report or display election results; and
- (d) maintain and produce audit trail information;

(2) the practices and associated documentation used to:

- (a) identify system components and versions of these components;
- (b) test the system during its development and maintenance;
- (c) maintain records of system errors and defects;
- (d) determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) make available materials to the voter, such as notices, instructions, forms, or paper ballots.

(B) The State Election Commission shall:

(1) either approve and adopt one voting system to be used by authorities charged by law with conducting elections, or approve and adopt multiple voting systems if the commission, in its discretion, determines not to adopt one voting system;

- (2) support the authorities charged by law with conducting elections by providing basic level training for personnel in the operation of the voting system approved and adopted by the commission;
- (3) support all aspects of creating the ballots and the database of the voting system that is approved and adopted; and
- (4) comply with the provisions of Chapter 35 of Title 11 in procuring a voting system or systems, as defined in subsection (A).

**STATE BOARD OF CANVASSERS  
AGENDA  
March 29, 2019  
3:00 pm**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State Senate District 6 Special Election held on Tuesday,  
March 26, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

Items may be added as necessary.

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**MARCI ANDINO**  
Executive Director

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Columbia, SC 29201

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**STATE BOARD OF CANVASSERS  
MEETING MINUTES  
March 29, 2019  
3:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Ms. Amanda Loveday (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Daylin Silber, Administrative Coordinator, Barbara, Fiscal Tech

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

---

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.**

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino stated all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State Senate District 6 Special Election held on Tuesday, March 26, 2019. A motion was made by Mr. Moseley to certify the results. It was seconded by Ms. Loveday. The motion passed unanimously.

A motion was made by Mr. Moseley to adjourn the meeting, seconded by Mr. Edler, and unanimously approved. The meeting was adjourned.

Respectfully submitted,



Daylin Silber

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State Senate District 6 Special Election held in Greenville County on March 26, 2019.

Candidate	TOTAL	PERCENT
Tina Belge	3,537	44.33%
Dwight A. Loftis WINNER	4,440	55.64%
Write-In	3	0.04%

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John Wells, **Chairman**

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Cliff Edler

---

Harold E. Faust

---

Amanda Loveday

---

Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 29th day of March 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**April 17, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: March 20, 2019 (SEC) and March 29, 2019 (SBC)

**New Business:**

State House District 19 Special Election  
SEC Celebrates 50<sup>th</sup> Anniversary  
Voting System Certification – ES&S EVS 6.0.2.0 – Paper Ballots

**Old Business:**

Voting System Certification:  
-Certification of Dominion Voting – Democracy Suite 5.5, Election  
Management System (EMS) v5.5.12.1, Adjudication (ADJ) v5.5.8.1, ImageCast  
Precinct (ICP) v5.5.3.0002, ImageCast X Ballot Marking Device (ICX BMD)  
v5.5.10.25, ImageCast X Direct Record Electronic (ICX DRE) v5.5.10.25  
– Clear Ballot ClearVote 1.5 Voting System - Withdrew

Request for Proposals – Statewide Voting System  
Legislative Update  
Information Technology Security Update  
Legal Update

Eugene Baten v. Henry McMaster, et al.  
SEC v. James John Todd Kincannon  
Frank Heindel and Phil Leventis v. Marci Andino, SEC  
90-Day NVRA Notice from League of Women Voters

**Next Meeting(s):**

Friday, April 26, 2019 at 3:00 p.m. (SBC)  
Wednesday, May 15, 2019 at 10:00 a.m. (SEC)

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**AMANDA LOVEDAY**

**SCOTT MOSELEY**

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**MARCI ANDINO**  
Executive Director

---

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
April 17, 2019  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Mr. Harold E. Faust, Ms. Amanda Loveday (via teleconference), Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Howard Snider, Director of Voter Services; Chris Whitmire, Director of Public Information; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech; Daylin Silber, Administrative Coordinator; and members of the public

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

---

MARCI ANDINO  
Executive Director

---

Chairman Wells called the meeting to order. Mr. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on March 20, 2019 (SEC). Mr. Edler made a motion to approve the minutes, seconded by Mr. Faust. The minutes were approved unanimously. Mr. Moseley then moved to approve the minutes for the meeting held on March 29 (SBC), seconded by Mr. Edler. The motion was approved unanimously.

**New Business**

The first item of new business was the State House District 19 Special Election. Ms. Andino informed the Commission members the Special Election will be held on August 20. The primary will be on June 18 with a runoff, if necessary, on July 2.

The next item was the SEC's 50<sup>th</sup> Anniversary as an independent agency. Ms. Andino explained that it was previously part of the Secretary of State's Office. She also advised various events will be held throughout the year to promote voter registration and elections.

The voting system certification for ES&S EVS 6.0.2.0 (Hand-Marked Ballot Configuration) was the next item. Ms. Andino reminded the Commission members this is the same system that was approved for certification in a ballot-marking configuration last month. ES&S subsequently requested certification of the system in

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a hand-marked ballot configuration, which necessitated the use of this configuration of the system in a field test election as required by state law. She explained this configuration of the system was successfully field tested in an election in Barnwell County on April 9 and is recommended for certification. Mr. Edler made a motion to certify, seconded by Mr. Faust. The motion carried unanimously.

## **Old Business**

The first item of old business was the voting system certification of Dominion Voting's Democracy Suite 5.5. Ms. Andino advised that the machine-marked and hand-marked paper ballot configurations of the system were both successfully field tested in an election in Greenville County on March 26, and the system is recommended for certification. A motion to certify was made by Mr. Edler, seconded by Mr. Moseley. The motion carried unanimously.

Next on the agenda was certification of the Clear Ballot ClearVote 1.5 voting system. Ms. Andino informed the members that Clear Ballot voluntarily withdrew its request for state certification. Accordingly, no action was necessary on this item.

The next item was the voting system RFP. Ms. Andino stated April 4th was the due date for proposals. She explained that, per the provisions of the Joint Resolution, the evaluation panel is comprised of members of the State Election Commission. Furthermore, the Department of Administration will direct the process and Mr. Quiat from State Fiscal Accountability Authority will guide the panel through the process.

Legislative updates were next on the agenda. The budget is in Senate Finance and currently has set aside \$40 million for the statewide voting system and \$2.1 million for the Presidential Preference Primaries.

The next item was the information technology security update. Ms. Andino stated policies and procedures are being developed to reinforce and ensure the integrity of current and future voting systems. She also advised the asset management system that counties use to track their assets is being updated in anticipation of the new voting system. She further advised that the SANS training entitled "Securing the Human" is being made available to commissioners, and she extended an offer to the Commission members to take the training.

Legal updates were next under old business. Mr. Brant advised that opposing parties had filed appeals with the Fourth Circuit in two cases, Eugene Baten v. Henry McMaster, et al., and Frank Heindel, et al. v. Marci Andino, et al. He had no update to report in the SEC v. James John Todd Kincannon. Regarding the 90-day NVRA Notice from the League of Women Voters, Mr. Brant advised the SEC is working on its response and has asked the other three agencies involved to review their policies and

procedures in response to the letter. Two of these agencies have already responded directly to opposing counsel.

Mr. Wells reminded the members the next State Election Commission meeting will be on May 15, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on Friday, April 26, 2019 at 3:00 p.m.

A motion to adjourn the meeting was made by Mr. Moseley, seconded by Mr. Edler. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daylin Silber".

Daylin Silber,  
Administrative Coordinator

# **Dominion Voting**

## **Certification of Democracy Suite 5.5**

### **Examination and Testing Report**

Compiled by

**South Carolina State Election Commission**

**April 15, 2019**

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## Summary

Dominion Voting applied for South Carolina certification of the Democracy Suite 5.5 voting system (DS System) consisting of the following hardware and software on October 4, 2018:

<b>South Carolina</b> <b>State Certification of Dominion Democracy Suite 5.5</b> VVSG v. 1.0 Compliant	
	The Election Management System (EMS)
	ImageCast Central (ICC)
	ImageCast Precinct (ICP)
	ImageCast X (ICX)
	DRE w/ Reports Printer
	ImageCast X (ICX)
	DRE w/ voter-verifiable paper audit trail (VVPAT)
	ImageCast X ballot marking device (BMD)

The DS System is a paper-based optical scan voting system with a hybrid machine option (ImageCast X) that can be configured as either a ballot-marking device (BMD) or a direct-recording electronic machine that prints a voter verified paper audit trail. For state certification purposes, two configurations of the DS System were submitted and tested; one using BMDs and the other hand-marked ballots.

Tests were conducted DS System in two phases. Phase 1 testing was conducted at the State Election Commission during the initially scheduled period of February 19th to the 22nd of 2019, and completed after an additional day of testing became necessary on February 26, 2019. During this time, the DS System was tested to ensure compliance with the various election functionalities required by Title 7 of the S.C. Code of Laws.

Phase 2 was conducted on March 26, 2019 in Greenville County during the State Senate District 6 Special Election. As part of a field test, the DS System was utilized in five precincts in the election – three for the BMD configuration and two for the hand-marked configuration. The currently certified election system was used in the remaining precincts involved in the election and were available in the field test precincts as a backup. All ballots cast in DS System were tabulated in that system and then manually entered into the currently certified system. The results were subsequently audited.



## Examination and Testing Results

The modules/components of the DS System identified in the table above were fully tested by Voter Services Division staff based on requirements of the S.C. Code of Laws (1976, as amended) with concentrated emphasis on the provisions of Title 7.

### Phase 1: Functionality Testing

In the first round of testing, mock elections were created and tested for general election functionality. In the second round, previously created databases for primary, general, special, and municipal elections were tested for detailed functionality. These test elections were conducted using all of the EMS System modules to construct an election definition database using actual data from past elections in the State.

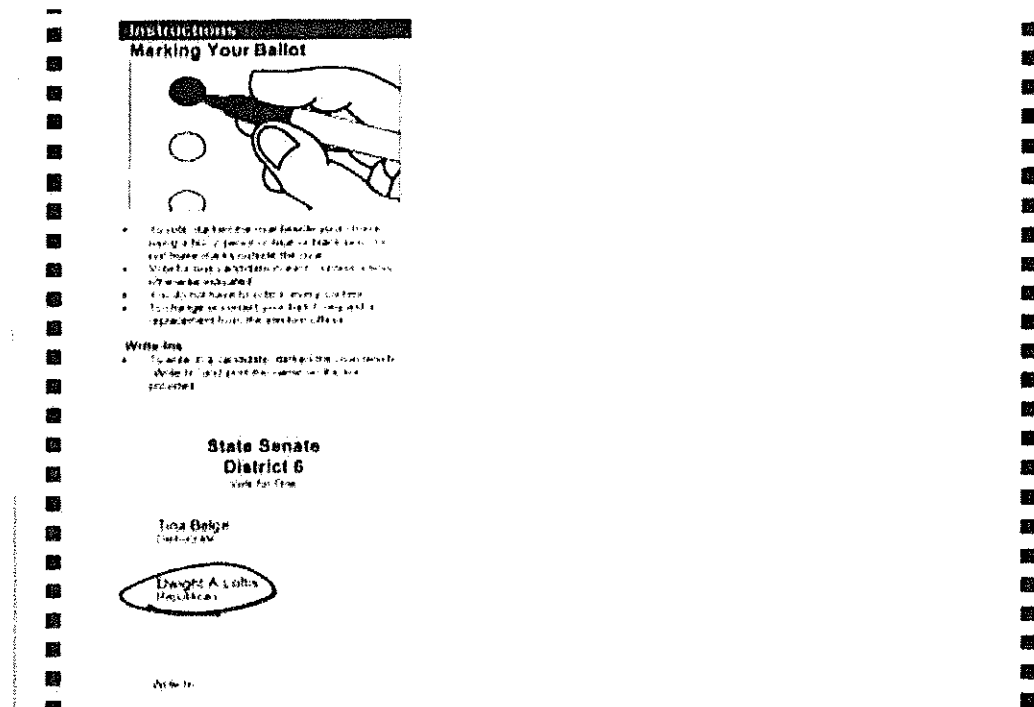
This election definition was used to create paper ballots upon which test ballots were cast and the results tabulated and compared with the ballots themselves.

### Phase 2: Field Test

Both configurations of the DS System were utilized in a field test as required by S.C. Code § 7-13-1620(E). The test was conducted in Greenville County on March 26, 2019 as part of the State Senate District 6 Special Election. Voters appeared to transition easily and with little confusion to either configuration of the DS System. While the scanning of a paper ballot under either configuration creates an additional step in the voting process, voters responded favorably overall to having the opportunity to review their selections on paper before submitting their ballots to be counted.

In one instance involving a hand-marked ballot, the ballot itself had to be examined for voter intent where the voter circled the candidate's name instead of properly filling in the oval next to the candidate. The voter ignored the warning from the scanner that a vote had not been cast, initially resulting in an undervote. This discrepancy was identified during post-election analysis, voter intent was determined, and changes were made via manual entry to the currently certified system where the majority of the precincts were being tabulated. This issue would have been missed except for the external audit of the election. The corrections to the Total Ballots Cast and the candidate totals were made prior to the county certification of the election. This situation is not unique to the Dominion system and could occur with any paper ballot / scanner process.

See the ballot in question on the next page.



Both configurations of the DS System were able to accurately count results as evidenced by a post-election audit conducted by staff from the Voter Services Division. A hand count was conducted of each paper ballot cast using the DS System, whether marked by hand or by device. The resulting number of votes counted for each candidate was compared with the results reported by the DS System's Tabulators. Except for the undervote instance described above, the results of the hand count matched those of the tabulated report.

## Determination

The test results of the following components of the DS SYstem meet the functionality of voting systems requirements set forth in S.C. Code of Laws §§ 7-13-1620 and 7-13-1640 as indicated in the tables below.

### Dominion's Democracy Suite 5.5 voting system Components

Dominion Democracy Suite 5.5 voting system	
Election Management System (EMS) v5.5.12.1	Standard Server
	Express Server
Adjudication (ADJ) v5.5.8.1	
ImageCast Central (ICC) v5.5.3.0002	Canon,DR-011.30 Scanner
	Canon DR-M16011 Scanner
ImageCast Precinct (ICP) v5.5.3-0002	PCOS-320C Tabulator
ImageCast X Ballot Marking Device (ICX BMD) v5.5.10.25	Avalue 15" Classic
	Avalue 21" Classic
	Avalue 21" Prime
	HP M402dne Printer
ImageCast X Direct Record Electronic (ICX DRE) v5.5.10.25	Avalue 21" Prime
	Voter Verifiable Paper Audit Trailer Printer (VVPAT)

### Functionality Testing Checklist

Requirement	Pass	Fail	Comments
Version numbers verified	✓		
Version certified by EAC accredited testing laboratory	✓		
List of jurisdictions currently using version	✓		
Training manuals	✓		
Allow voter to select only candidates in a particular party for primary elections	✓		
Allow voter to vote straight party for general elections	✓		
Allow voter to cast a vote for President/VP or Governor/Lt. Governor in only one operation	✓		

Requirement	Pass	Fail	Comments
Vote for only the number of candidates allowed in each office, but no others	✓		Overvotes on optical ballots were successfully identified and returned to operator.
Vote yes or no for any measure/referendum on the ballot	✓		
Allow undervotes	✓		
Allow crossover voting after selection of straight party is made	✓		
Allow write-in voting for any office on the ballot in a general election except President/VP	✓		
Allow for voting for all candidates of as many political parties as may make nominations of candidates in any election	✓		
Prevent the voter from voting for the same person more than once for the same office	✓		
Accurately count all votes cast for any and all candidates and for or against all questions	✓		
Provide for voting in absolute secrecy	✓		
Machine must be constructed of good quality material in a neat and workmanlike manner	✓		
Provide voters opportunity to review ballot selections prior to casting ballot	✓		
Protective and public counters can be viewed	✓		On the scanners
Illustration or mechanical model is available	✓		
Zero opening count must be visible to poll manager	✓		
Scanner compartment has door or seal	✓		
Unit must have an area to lock or seal the unit before and after voting	✓		
In-person absentee guidelines tested and met	✓		
Printouts/reports are clear, concise, and display all offices, candidates, vote totals, and public count	✓		
Electronically transmit election results to SEC	✓		Same process used in the currently approved system.
Escrow of source code	✓		Source code is currently held in escrow with Iron Mountain Intellectual Property Management, Inc.

Election Systems Functionality Matrix				
Election Type	Functionality	Pass	Fail	Comments
General Election				
	Straight Party Voting	✓		
	Variable Straight Party Voting	✓		
	Fusion Candidates	✓		Extra spaces between first and last name of candidates
Primary Election				
	Single Party	✓		
	Two Party	✓		
County and local Elections				
	Special election	✓		
Election Type	Functionality	Pass	Fail	Comments
	Referendum only	✓		
	Write in Only	✓		
Reporting Functionality				
	Results Grouping			
	County Wide	✓		
	Precinct Details	✓		
	Absentee	✓		
	Emergency	✓		
	Failsafe	✓		
	Provisional	✓		

## Federal Voting System Standards Certification

As a prerequisite to approval for use in this State, S.C. Code § 7-13-1620(A) requires that a voting system be "certified by a testing laboratory accredited by the Federal Election Assistance Commission (EAC) as meeting or exceeding the minimum requirements of federal voting system standards."

On September 17, 2018, accredited testing laboratory Pro V & V issued a Certification Test Report finding the DS System meets the required federal voting system standards. That report states, in part:

The D-Suite 5.5 Voting System, as presented for testing, successfully met the requirements set forth for voting systems in the U.S. Election Assistance Commission (EAC) 2005 Voluntary Voting System Guidelines (VMSG), Version 1.0. Additionally, Pro V&V, Inc. has determined that the D-Suite 5.5 functioned as a complete system during System Integration Testing. Based on the test findings, Pro V&V recommends the EAC grant the D-Suite 5.5 system, as identified in Tables 4-1 through 4-21, certification to the EAC 2005 VMSG.

On September 14, 2018, the DS System received EAC Certification for conformance to the Voluntary Voting System Guidelines Version 1.0.

## List of States/Jurisdictions Using This Voting System

Fairfield County, OH: 100,579 voters  
Montgomery County, PA: 556,186 voters

## Relevant Sections of the South Carolina Code of Laws

### SECTION 7-13-1620. Voting system approval process.

(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) A person or company who requests an examination of any type of voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The State Election Commission may reexamine any voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(C) A person or company who seeks approval for any type of voting system in this State shall file with the State Election Commission a list of all states or jurisdictions in which that voting system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(D) A person or an individual who seeks approval for any type of voting system shall file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(F) Before a voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer's expense with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not



apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying.

(H) If the State Election Commission determines that a voting system that was approved no longer meets the requirements of Title 7, the commission shall decertify that system. A decertified system must not be used in an election unless it is reapproved by the commission pursuant to the provisions of Title 7.

(I)(1) A vendor of any voting system that has been approved by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations against the voting system in any state within ninety days after the decertification, ethical, or technical violations are issued by the other state. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may be decertified.

(2) A vendor seeking the approval of a voting system by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations issued against the voting system in any state that have occurred prior to or during the time the vendor seeks approval of the voting system by the State Election Commission. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may not be approved.

(J) A member of the State Election Commission, county board of voter registration and elections, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.

#### **SECTION 7-13-1640. Voting machine requirements.**

(A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

- (1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at any election, for or against as many questions as may be submitted at any election, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties;
- (2) permit the voter to vote for as many persons for any office as he is lawfully entitled to vote for, but no more;
- (3) prevent the voter from voting for the same person more than once for the same office;
- (4) permit the voter to vote for or against any question he may have the right to vote on, but no other;
- (5) if used at a primary election, be so equipped that all rows except those of the voter's party can be locked out by the managers of election by means of an adjustment on the outside of the machine;
- (6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;
- (7) be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;

(8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; and

(10) ensure voting in absolute secrecy.

(B) A machine must be provided with a device for each party and for each nomination by petition for voting for presidential and vice-presidential candidates in one operation and listing the candidates by name and by party or indicating the candidate is nominated by petition.

(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.

**SECTION 7-13-1655. "Voting system" defined; State Election Commission duties.**

(A) As used in this section, "voting system" means:

(1) the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:

- (a) define ballots;
- (b) cast and count votes;
- (c) report or display election results; and
- (d) maintain and produce audit trail information;

(2) the practices and associated documentation used to:

- (a) identify system components and versions of these components;
- (b) test the system during its development and maintenance;
- (c) maintain records of system errors and defects;
- (d) determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) make available materials to the voter, such as notices, instructions, forms, or paper ballots.

(B) The State Election Commission shall:

(1) either approve and adopt one voting system to be used by authorities charged by law with conducting elections, or approve and adopt multiple voting systems if the commission, in its discretion, determines not to adopt one voting system;

(2) support the authorities charged by law with conducting elections by providing basic level training for personnel in the operation of the voting system approved and adopted by the commission;

(3) support all aspects of creating the ballots and the database of the voting system that is approved and adopted; and

(4) comply with the provisions of Chapter 35 of Title 11 in procuring a voting system or systems, as defined in subsection (A).

# **Election Systems and Software**

## **Certification of Version 6.0.2.0**

Hand-Marked Ballot Option

## **Examination and Testing Report**

Compiled by

**South Carolina State Election Commission**

**April 15, 2019**

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## Summary

On October 4, 2018, Election Systems & Software (ES&S) applied for South Carolina certification of the EVS 6.0.2.0 Election System (EVS System) consisting of the following hardware and software:

<b>South Carolina</b> <b>State Certification of EVS 6.0.2.0</b> VMSG v. 1.0 Compliant		
<b>Election Management System (EMS)</b>	ElectionWare	5.0.1.0
	Event Log Service	1.6.0.0
	Removable Media Service	1.5.0.0
	ExpressVote Previewer	2.4.0.0
	Optional Utility: ExpressLink	1.4.0.0
	Optional Utility: Toolbox	3.3.0.0
<b>ES&amp;S Tabulators</b>	DS200 Precinct Tabulator (HW 1.2, 1.3)	2.17.0.0
	DS850 Central Tabulator (HW 1.0)	3.1.0.0
	DS450 Central Tabulator (HW 1.0)	3.1.0.0
<b>Universal Voting</b>	ExpressVote (HW 2.1)	2.4.0.0

The EVS System can be configured using either ballot marking devices or hand-marked ballots. As part of its October 4, 2018 application, ES&S submitted the EVS System for certification in ballot marking mode only. Both Phase 1 (functionality testing) and Phase 2 (utilization in field test election) of testing were successfully completed on the EVS System as detailed in the Examination and Testing Report dated March 19, 2019. On March 20, 2019, the State Election Commission certified the EVS System for use as a ballot marking system.

On March 28, 2019, ES&S requested additional certification of the EVS System in the hand-marked ballot configuration. Additional Phase 1 testing was not necessary as the functionality testing previously conducted encompassed both the ballot marking device and hand-marked ballot options of the EVS System. As discussed below, the hand-marked configuration of the EVS System meets the various election functionality requirements of Title 7 of the S.C. Code of Laws.

The Phase 2 field test election previously conducted was restricted to ballot marking configuration of the EVS System. Accordingly, only a Phase 2 field test election using the hand-marked configuration of the EVS System is deemed necessary to complete testing.

Phase 2 testing of the hand-marked ballot configuration of the EVS System occurred on April 9, 2019 as part of the Barnwell County School Board General Election. As part of a field test, the EVS System was utilized in three Barnwell County precincts as part of this election. The currently certified election system was used in the remaining precincts and iVotronics were available in the target precincts as a backup. Ballots cast in the EVS System were tabulated in that system and then manually entered into the currently certified system. The results were subsequently audited.

## Examination and Testing Results

The modules/components of the EVS System identified in the table above were fully tested by Voter Services Division staff based on requirements of the S.C. Code of Laws (1976, as amended) with concentrated emphasis on the provisions of Title 7.

### Phase 1: Functionality Testing

The first round of testing is described on page 14 of the Examination and Testing Report dated March 19, 2019 as follows:

In the first round of testing, mock elections were created and tested for general election functionality. In the second round, previously created databases for primary, general, special, and municipal elections were tested for detailed functionality. These test elections were conducted using all of the EMS System modules to construct an election definition database using actual data from past elections in the State.

The election definitions were used to create paper ballots for each mock election upon which test ballots were cast and the results tabulated and compared with the ballots themselves.

### Phase 2: Field Test

The EVS Hand Marked Ballot System was utilized in a field test as required by S.C. Code § 7-13-1620(E). The test was conducted in Barnwell County on April 9, 2019, as part of the Barnwell County School Board General Election. Voters appeared to transition easily and with little confusion to the EVS Hand Marked Ballot System. Voters responded favorably overall to having the opportunity to review their printed selections on paper before submitting their ballots to be counted.

The system was able to accurately count results as evidenced by a post-election audit conducted by staff from the Voter Services Division. On April 11, 2019 a hand count was conducted of each paper ballot cast using the EVS Hand Marked Ballot System. The resulting number of votes counted for each candidate was compared with the results reported by the EVS Hand Marked Ballot System's Tabulators. The results of the hand count matched those of the tabulated report.



## Determination

The test results meet the functionality of voting systems requirements set forth in S.C. Code of Laws §§ 7-13-1620 and 7-13-1640 as indicated in the tables below.

### Functionality Testing Checklist

Requirement	Pass	Fail	Comments
Version numbers verified	✓		
Version certified by EAC accredited testing laboratory	✓		
List of jurisdictions currently using version	✓		
Training manuals	✓		
Allow voter to select only candidates in a particular party for primary elections	✓		
Allow voter to vote straight party for general elections	✓		
Allow voter to cast a vote for President/VP or Governor/Lt. Governor in only one operation	✓		
Vote for only the number of candidates allowed in each office, but no others	✓		Overvotes on optical ballots were successfully identified and returned to operator.
Vote yes or no for any measure/referendum on the ballot	✓		
Allow undervotes	✓		
Allow crossover voting after selection of straight party is made	✓		
Allow write-in voting for any office on the ballot in a general election except President/VP	✓		
Allow for voting for all candidates of as many political parties as may make nominations of candidates in any election	✓		
Prevent the voter from voting for the same person more than once for the same office	✓		
Accurately count all votes cast for any and all candidates and for or against all questions	✓		
Provide for voting in absolute secrecy	✓		
Machine must be constructed of good quality material in a neat and workmanlike manner	✓		
Provide voters opportunity to review ballot selections prior to casting ballot	✓		

Requirement	Pass	Fail	Comments
Protective and public counters can be viewed	✓		On the scanners
Illustration or mechanical model is available	✓		
Zero opening count must be visible to poll manager	✓		
Scanner compartment has door or seal	✓		
Unit must have an area to lock or seal the unit before and after voting	✓		
In-person absentee guidelines tested and met	✓		
Printouts/reports are clear, concise, and display all offices, candidates, vote totals, and public count	✓		
Electronically transmit election results to SEC	✓		Same process used in the currently approved system.
Escrow of source code	✓		Source code is currently held in escrow with Iron Mountain Intellectual Property Management, Inc.

Election Systems Functionality Matrix				
Election Type	Functionality	Pass	Fail	Comments
General Election				
	Straight Party Voting	✓		
	Variable Straight Party Voting	✓		
	Fusion Candidates	✓		Extra spaces between first and last name of candidates
Primary Election				
	Single Party	✓		
	Two Party	✓		
County and local Elections				
	Special election	✓		
	Referendum only	✓		
	Write in Only	✓		

Reporting Functionality				
	Results Grouping			
	County Wide	✓		
	Precinct Details	✓		
	Absentee	✓		
	Emergency	✓		
	Failsafe	✓		
	Provisional	✓		

## Federal Voting System Standards Certification

As a prerequisite to approval for use in this State, S.C. Code § 7-13-1620(A) requires that a voting system be "certified by a testing laboratory accredited by the Federal Election Assistance Commission (EAC) as meeting or exceeding the minimum requirements of federal voting system standards."

On September 17, 2018, accredited testing laboratory SLI Compliance issued a Certification Test Report finding the EVS System meets the required federal voting system standards. That report states, in part:

SLI has successfully completed the testing of the **ES&S EVS 6.0.2.0** voting system. It has been determined that the **ES&S EVS 6.0.2.0** voting system meets the required acceptance criteria of the Election Assistance Commission Voluntary Voting System Guidelines, version 1.0.

This recommendation reflects the opinion of SLI Compliance based on testing scope and results. It is SLI's recommendation based on this testing effort that the EAC grant certification of the **ES&S EVS 6.0.2.0** voting system.

## List of States/Jurisdictions Using This Voting System

### List of Jurisdictions (As of February 21, 2019)

#### List of States EVS 6.0.2.0 is State Certified In:

EAC Certified EVS 6.0.2.0 on 10/4/2018 and the following states have state certified the EVS 6.0.2.0 release:

Delaware  
Kansas  
Missouri  
Mississippi  
New Jersey  
Ohio  
Pennsylvania  
Utah

*Pending Certification:* Arizona, Oregon, Tennessee, Texas, and Washington, West Virginia

#### List of Counties Using EVS 6.0.2.0 in recent elections

Jurisdiction	Registered Voters	ES&S Equipment Certified
Gloucester County, NJ	207,720	ExpressVote (XL)
Union County, NJ	328,946	ExpressVote (XL)
Bergen County, NJ	322,705	DS850
Atlantic County, NJ	180,490	DS450
Johnson County, KS	413,276	DS850, ExpressVote
Statewide in Utah	1,351,631	DS450, DS200, ExpressVote
Kent County, DE	123,155	ExpressVote (XL)
New Castle County, DE	406,691	ExpressVote (XL)
Sussex County, DE	164,656	ExpressVote (XL)

Total Registered Voters: 3,499,270

*Note: A state specific EVS 6.0.1.0 release is also being used in several Michigan townships (approx. 100 townships). Those numbers are not represented in the above registered voters number. Each of those townships are using the DS200 and ExpressVote.*

## Relevant Sections of the South Carolina Code of Laws

### SECTION 7-13-1620. Voting system approval process.

(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.

(B) A person or company who requests an examination of any type of voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The State Election Commission may reexamine any voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(C) A person or company who seeks approval for any type of voting system in this State shall file with the State Election Commission a list of all states or jurisdictions in which that voting system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(D) A person or an individual who seeks approval for any type of voting system shall file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(E) A person or company who seeks approval for any voting system shall conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test must involve South Carolina voters and election officials, and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of units required for the efficient operation of an election. The test also must demonstrate the accuracy of votes reported on the system.

(F) Before a voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer's expense with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot tallying.

(H) If the State Election Commission determines that a voting system that was approved no longer meets the requirements of Title 7, the commission shall decertify that system. A decertified system must not be used in an election unless it is reapproved by the commission pursuant to the provisions of Title 7.

(I)(1) A vendor of any voting system that has been approved by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations against the voting system in any state within ninety days after the decertification, ethical, or technical violations are issued by the other state. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may be decertified.

(2) A vendor seeking the approval of a voting system by the State Election Commission shall report in writing to the Director of the State Election Commission any decertification, ethical, or technical violations issued against the voting system in any state that have occurred prior to or during the time the vendor seeks approval of the voting system by the State Election Commission. If the vendor does not provide evidence to the State Election Commission's satisfaction that the voting system deficiencies have been corrected to comply with the provisions of South Carolina law, then the voting system may not be approved.

(J) A member of the State Election Commission, county board of voter registration and elections, custodian, or member of a county governing body may not have a pecuniary interest in any voting system or in the manufacture or sale of any voting system.

#### **SECTION 7-13-1640. Voting machine requirements.**

(A) Any kind or type of voting machine may be approved by the State Board of Voting Machine Commissioners which is so constructed as to fulfill the following requirements. It shall:

- (1) provide facilities for voting for all candidates of as many political parties or organizations as may make nominations of candidates at any election, for or against as many questions as may be submitted at any election, and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties;
- (2) permit the voter to vote for as many persons for any office as he is lawfully entitled to vote for, but no more;
- (3) prevent the voter from voting for the same person more than once for the same office;
- (4) permit the voter to vote for or against any question he may have the right to vote on, but no other;
- (5) if used at a primary election, be so equipped that all rows except those of the voter's party can be locked out by the managers of election by means of an adjustment on the outside of the machine;
- (6) correctly register or record and accurately count all votes cast for any and all candidates and for or against all questions;
- (7) be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected;
- (8) be provided with a counter which shows at all times during an election how many persons have voted;

(9) be provided with either an illustration or a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; and

(10) ensure voting in absolute secrecy.

(B) A machine must be provided with a device for each party and for each nomination by petition for voting for presidential and vice-presidential candidates in one operation and listing the candidates by name and by party or indicating the candidate is nominated by petition.

(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission.

**SECTION 7-13-1655. "Voting system" defined; State Election Commission duties.**

(A) As used in this section, "voting system" means:

(1) the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to:

- (a) define ballots;
- (b) cast and count votes;
- (c) report or display election results; and
- (d) maintain and produce audit trail information;

(2) the practices and associated documentation used to:

- (a) identify system components and versions of these components;
- (b) test the system during its development and maintenance;
- (c) maintain records of system errors and defects;
- (d) determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) make available materials to the voter, such as notices, instructions, forms, or paper ballots.

(B) The State Election Commission shall:

(1) either approve and adopt one voting system to be used by authorities charged by law with conducting elections, or approve and adopt multiple voting systems if the commission, in its discretion, determines not to adopt one voting system;

(2) support the authorities charged by law with conducting elections by providing basic level training for personnel in the operation of the voting system approved and adopted by the commission;



(3) support all aspects of creating the ballots and the database of the voting system that is approved and adopted; and

(4) comply with the provisions of Chapter 35 of Title 11 in procuring a voting system or systems, as defined in subsection (A).

**STATE BOARD OF CANVASSERS**

**AGENDA**

**April 26, 2019**

**3:00 pm**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

New Business:

Certification of the results of the State House District 14 Special Election held on Tuesday, April 23, 2019.

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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Items may be added as necessary.

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**STATE BOARD OF CANVASSERS**

**MEETING MINUTES**

**April 26, 2019**

**3:00 p.m.**

1122 Lady Street, 5th Floor

Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Ms. Amanda Loveday (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino advised that all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State House District 14 Special Election held on Tuesday, April 23, 2019. A motion was made by Mr. Edler to certify the results, seconded by Ms. Loveday. The motion passed unanimously.

A motion was made by Mr. Faust to adjourn the meeting, seconded by Mr. Edler, and unanimously approved. The meeting was adjourned.

Respectfully submitted,



Daylin Silber

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

MARCI ANDINO  
Executive Director

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 14 Special Election held in Greenwood and Laurens Counties on April 23, 2019.

Candidate	TOTAL	PERCENT
Garrett McDaniel	1,572	42.09%
Steward Jones WINNER	2,160	57.83%
Write-In	3	0.08%

\_\_\_\_\_  
John Wells, Chairman

\_\_\_\_\_  
Cliff Edler

\_\_\_\_\_  
Harold E. Faust

\_\_\_\_\_  
Amanda Loveday

\_\_\_\_\_  
Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 26<sup>th</sup> day of April 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**May 15, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**MEETING CANCELLED**

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION**

**AGENDA**

**June 19, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: April 17, 2019 (SEC) and April 26, 2019 (SBC)

**New Business:**

Award of Statewide Voting System Solution Contract  
Election Systems and Software (ES&S) ExpressVote Voting System  
Approve for Use Beginning January 1, 2020 for all elections  
Use for selected elections in 2019  
County Compliance – Charleston

**Old Business:**

Legislative Update  
Information Technology Security Update  
Legal Update  
Eugene Baten v. Henry McMaster, et al.  
SEC v. James John Todd Kincannon  
Frank Heindel and Phil Leventis v. Marci Andino, SEC  
90-Day NVRA Notice from League of Women Voters

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**Next Meeting(s):**

Friday, June 21, 2019 at 10:00 a.m. (SBC)  
Wednesday, July 17, 2019 at 10:00 a.m. (SEC)

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**STATE ELECTION COMMISSION**

**MEETING MINUTES**

**June 19, 2019**

**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Mr. Harold E. Faust, Ms. Amanda Loveday (via teleconference), Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; and a member of the public

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on April 17, 2019 (SEC). Mr. Moseley made a motion to approve the minutes, seconded by Mr. Edler. The minutes were approved unanimously. Mr. Moseley then moved to approve the minutes for the meeting held on April 26 (SBC), seconded by Mr. Edler. The motion was approved unanimously.

**New Business**

The first item of new business was the award of the statewide voting system solution contract. Ms. Andino advised the award was announced on June 10, 2019, to Election Systems and Software's (ES&S) ExpressVote voting system. Ms. Andino stated the contract will be official July 1 and delivery of equipment is scheduled to begin in July. She also reported a meeting with the counties was held June 13 to discuss implementation, give basic information about the system and determine training dates.

The approval of the ES&S ExpressVote voting system for use was the next item on the agenda. Mr. Edler made a motion for the ExpressVote voting system to be approved for use in all elections statewide beginning January 1, 2020, and in select elections in 2019. The motion was seconded by Mr. Moseley, and then approved unanimously.

The next item was county compliance with regards to Charleston County. Ms. Andino advised letters were sent to the Charleston County Board of Voter Registration and

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Elections regarding two separate issues. One issue was the Board's failure to open the office for absentee voting the last Saturday before the General Election, and the other was the Board's pooling of precincts which is not allowed under state law. Ms. Andino explained one polling location had ten thousand registered voters assigned to it and has had long wait times since 2012. Next steps for handling this issue are being considered.

### **Old Business**

The first item of old business was legislative updates. Ms. Andino advised House Bill 3035 relating to the requirement that poll workers be registered in any counties in order to work the polls. She also advised that clerks must still be registered in the county where they are working. Ms. Andino stated House Bill 3951 relating to sheriff candidate qualifications has also passed and the SEC's filing affidavit for sheriff candidates has been updated to reflect the change.

The next item was the information technology security update. Ms. Andino stated the end user agreement for all users is being updated. She also stated the SEC is working with cybersecurity partners to identify ways to strengthen the security of the new voting system. Ms. Andino advised the Homeland Security weekly scans of the SEC's outward facing systems have detected no vulnerabilities.

Legal updates was next under old business. Mr. Brant advised there are no updates in Eugene Baten v. Henry McMaster, et al., Frank Heindel, et al. v. Marci Andino, et al., or SEC v. James John Todd Kincannon. Mr. Brant advised that the SEC responded to the 90-day NVRA Notice from the League of Women Voters on May 8, 2019, but has heard nothing back since then.

Mr. Wells reminded the members the next State Election Commission meeting will be on July 17, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on Friday, June 21, 2019 at 10:00 a.m.

A motion to adjourn the meeting was made by Mr. Edler, seconded by Mr. Faust. The motion passed unanimously.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator



**STATE BOARD OF CANVASSERS  
AGENDA  
June 21, 2019  
10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

New Business:

Certification of the results of the State House District 19 Republican Primary held on Tuesday,  
June 18, 2019.

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

Items may be added as necessary.

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MARCI ANDINO  
Executive Director

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**STATE BOARD OF CANVASSERS**  
**MEETING MINUTES**  
**June 21, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Ms. Amanda Loveday, Mr. Scott Moseley (via teleconference)

**Others Present:** Chris Whitmire, Director of Public Information; Barbara Pittelli, Fiscal Tech

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Mr. Whitmire advised that all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State House District 19 Republican Primary held on Tuesday, June 18, 2019. A motion was made by Ms. Loveday to certify the results, seconded by Mr. Edler. The motion passed unanimously.

A motion was made by Mr. Edler to adjourn the meeting, seconded by Mr. Moseley, and unanimously approved. The meeting was adjourned.

Respectfully submitted,



**Barbara Pittelli**

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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Executive Director

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 19 Republican Primary held in Greenville County on June 18, 2019.

Candidate	TOTAL	PERCENT
Bill Addis	195	18.43%
Patrick Haddon WINNER	863	81.57%

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John Wells, **Chairman**

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Cliff Edler

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Harold E. Faust

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Amanda Loveday

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 21st day of June 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**July 17, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: June 19, 2019 (SEC) and June 21, 2019 (SBC)

New Business:

Proviso - consultant for Richland County

Old Business:

Voting System Implementation Update  
Information Technology Security Update  
Legal Update

Eugene Baten v. Henry McMaster, et al.

SEC v. James John Todd Kincannon

Frank Heindel and Phil Leventis v. Marci Andino, SEC

90-Day NVRA Notice from League of Women Voters

Next Meeting(s):

Friday, August 2, 2019 at 10:00 a.m. (SBC)

Wednesday, August 21, 2019 at 10:00 a.m. (SEC)

Friday, August 23, 2019 at 3:00 p.m. (SBC)

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION**

**MEETING MINUTES**

**July 17, 2019**

**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; and JoAnne Day, League of Women Voters

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on June 19, 2019 (SEC). Mr. Faust made a motion to approve the minutes, seconded by Mr. Moseley. The minutes were approved unanimously. Mr. Faust then moved to approve the minutes for the meeting held on June 21 (SBC), seconded by Mr. Moseley. The motion was approved unanimously.

**New Business**

The first item of new business was the proviso for a consultant for Richland County. Ms. Andino explained the legislature overrode the Governor's veto regarding a proviso to provide a third party consultant to advise the Richland County Board of Voter Registration and Elections on the conduct of elections. She stated Representative Rutherford had estimated the cost at \$50,000. She also added the SEC has no funding for this expense. Ms. Andino informed the board a Request for Information was released and three responses were received with estimates ranging from \$85,000 to \$430,000. She further informed the responses are being reviewed. A discussion was had regarding the Richland County Board's challenges. Ms. Andino advised the SEC is making every effort to support and assist.

**Old Business**

The first item of old business was the voting system implementation updates. Ms. Andino stated the SEC continues to meet with ES&S. She also advised the SEC has

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received the hardware and software and training has been scheduled for later this month. She advised county directors, board members and county administrators have been asked to sign an agreement to take ownership of the new equipment and responsibility for care, maintenance and storage. The South Carolina Association of Counties has advised counties not to sign the agreement. Sixteen counties have. Ms. Andino also informed the board Microsoft is discontinuing the use of Windows 7 for general purpose. She reminded the board this is the version currently used with the new voting system. Ms. Andino explained the plan is to switch to Windows 10 and once it is ready for certification, it will be brought to the board for approval.

The next item was the information technology security update. Ms. Andino stated the SEC continues to work with SLED on installing network sensors. She also advised 60 election directors and county staff attended a tabletop exercise hosted by the Department of Homeland Security last month, which was intended to encourage the counties to evaluate their processes and prepare for a variety of issues that could impact the elections community on multiple levels.

Legal updates was next under old business. Ms. Andino advised there are no changes to report.

Mr. Wells reminded the members the next State Election Commission meeting will be on August 21, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on August 2, 2019 at 10:00 a.m.

A motion to adjourn the meeting was made by Mr. Faust, seconded by Mr. Moseley. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daylin Silber".

Daylin Silber,  
Administrative Coordinator

**STATE BOARD OF CANVASSERS  
AGENDA  
August 2, 2019  
10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

New Business:

Certification of the results of the State House District 84 Republican Primary held on Tuesday,  
July 30, 2019.

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

AMANDA LOVEDAY

SCOTT MOSELEY

---

MARCI ANDINO  
Executive Director

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Items may be added as necessary.

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**STATE BOARD OF CANVASSERS**  
**MEETING MINUTES**  
**August 2, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Mr. Brant advised that all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State House District 84 Republican Primary held on Tuesday, July 30, 2019. A motion was made by Mr. Moseley to certify the results and, due to the failure of any candidate to receive a majority of the votes cast, order a primary runoff two weeks from the date of the election between the two candidates who received the highest number of votes. The motion was seconded by Mr. Faust and then passed by unanimous vote.

A motion to adjourn was made by Mr. Faust and seconded by Mr. Edler. There being no further business to discuss, the meeting was adjourned by unanimous vote.

Respectfully submitted,



Daylin Silber

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

---

MARCI ANDINO  
Executive Director

---

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 84 Republican Primary held in Aiken County on July 30, 2019.

Candidate	TOTAL	PERCENT
Cody Anderson	460	20.36%
Danny Feagin	432	19.12%
Ralph Gunter	130	5.75%
Melissa Oremus	699	30.94%
Alvin Padgett	528	23.37%
Sean Pumphrey	10	.44%

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John Wells, Chairman

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Cliff Edler

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Harold E. Faust

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 2nd day of August 2019.

**STATE BOARD OF CANVASSERS  
AGENDA  
August 16, 2019  
10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State House District 84 Republican Primary Runoff held on Tuesday, August 13, 2019.

Items may be added as necessary.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**SCOTT MOSELEY**

**VACANT**

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**MARCI ANDINO**  
Executive Director

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**STATE BOARD OF CANVASSERS  
MEETING MINUTES  
August 16, 2019  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Chris Whitmire, Director of Public Information; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Mr. Whitmire advised that all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated that the purpose of the meeting was the certification of the results of the State House District 84 Republican Primary Runoff held on Tuesday, August 13, 2019. Mr. Edler made a motion to certify the results, seconded by Mr. Moseley. The motion passed unanimously.

A motion was made by Mr. Faust to adjourn the meeting and seconded by Mr. Edler. There being no further business to discuss, the meeting was adjourned upon unanimous vote.

Respectfully submitted,

  
Daylin Silber

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

MARCI ANDINO  
Executive Director

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 84 Republican Primary Runoff held in Aiken County on August 13, 2019.

Candidate	TOTAL	PERCENT
Melissa Oremus WINNER	1,178	56.23%
Alvin Padgett	917	43.77%

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John Wells, **Chairman**

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Cliff Edler

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Harold E. Faust

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 16th day of August 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**August 21, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: July 17, 2019 (SEC), August 2, 2019 (SBC) and August 16, 2019 (SBC)

**New Business:**

NoExcuseSC Campaign  
Agency Head Evaluation – Planning Stage

**Old Business:**

Proviso - consultant for Richland County  
Voting System Implementation Update  
Information Technology Security Update  
Legal Update  
Eugene Baten v. Henry McMaster, et al.  
SEC v. James John Todd Kincannon  
Frank Heindel and Phil Leventis v. Marci Andino, SEC  
90-Day NVRA Notice from League of Women Voters

**Next Meeting(s):**

Friday, August 23, 2019 at 3:00 p.m. (SBC)  
Wednesday, September 18, 2019 at 10:00 a.m. (SEC)

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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Suite 500  
Columbia, SC 29201

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Columbia, SC 29250

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Fax: 803.734.9366  
www.scvotes.org

**STATE ELECTION COMMISSION**

**MEETING MINUTES**

**August 21, 2019**

**10:00 a.m.**

1122 Lady Street, 5th Floor

Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; Barbara Pittelli, Fiscal Tech, JoAnne Day, League of Women Voters and a member of the public

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on July 17, 2019 (SEC). Mr. Moseley made a motion to approve the minutes, seconded by Mr. Edler. The minutes were approved unanimously. Mr. Moseley then moved to approve the minutes for the meeting held on August 2 (SBC), seconded by Mr. Faust. The motion was approved unanimously. Ms. Moseley made a motion to approve the minutes for the August 16, 2019 meeting (SBC). It was seconded by Mr. Faust. The motion was approved unanimously.

**New Business**

The first item of new business was the NoExcuseSC campaign. Ms. Andino informed the board this is a new microsite and does not replace scvotes.org. She explained it is a voter education effort intended to encourage people to vote and providing the information and tools to do so. Mr. Whitmire demonstrated the new site and discussed what information voters can find on it. He added that scvotes.org also has a new look and has been updated to be more user friendly.

The second item under new business was the agency head evaluation planning stage. Chairman Wells advised the evaluation is in progress and will be signed by himself and Ms. Andino in time to meet the September 15, 2019 deadline.

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## Old Business

The first item of old business was the proviso for a consultant for Richland County. Ms. Andino reminded the board regarding the proviso to provide a third party consultant to advise the Richland County Board of Voter Registration and Elections on the conduct of elections. She advised we received three estimates in response to a Request for Information which ranged from \$100,000 to \$500,000. She stated the SEC has no funding for this expense and the agency has never paid for a county's consultant before. She also stated this item will be included in the budget request for fiscal year 2021. Ms. Andino informed the commission members the agency has been working to assist Richland County by providing training and reviewing process changes.

The next item of old business was the voting system implementation updates. Ms. Andino advised the new voting system will be used in Aiken and York counties in upcoming October elections, and will then be used in November elections in most county elections. She also advised most counties and the state have completed software and hardware training. She also reported all but two counties have signed the voting equipment agreement. Ms. Andino added about half of the counties have received the new system.

The next item was the information technology security update. Ms. Andino stated the SEC continues to work with its security partners to protect the state's election infrastructure. She advised no vulnerabilities were found by the Department of Homeland Security's scans. She also stated procedures are being developed to protect the integrity of the new voting system.

Legal updates was next under old business. Ms. Andino advised there are no changes to report.

Mr. Wells reminded the members the next State Election Commission meeting will be on September 18, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on August 23, 2019 at 3:00 p.m.

A motion to adjourn the meeting was made by Mr. Faust, seconded by Mr. Moseley. The motion passed unanimously.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator

**STATE BOARD OF CANVASSERS  
AGENDA  
August 23, 2019  
3:00 pm**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE BOARD OF CANVASSERS IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

**New Business:**

Certification of the results of the State House District 19 Special Election held on Tuesday,  
August 20, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**SCOTT MOSELEY**

**VACANT**

Items may be added as necessary.

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**MARCI ANDINO**  
Executive Director

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**STATE BOARD OF CANVASSERS  
MEETING MINUTES  
August 23, 2019  
3:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Ms. Andino stated all notices of the meeting had been posted as required by the Freedom of Information Act.

Mr. Wells stated the purpose of the meeting was the certification of the results of the State House District 19 Special Election held on Tuesday, August 20, 2019. Mr. Faust made a motion to certify the results, seconded by Mr. Edler. The motion passed unanimously.

A motion was made by Mr. Moseley to adjourn the meeting and seconded by Mr. Edler. There being no further business to discuss, the meeting was adjourned upon unanimous vote.

Respectfully submitted,



Daylin Silber

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 19 Special Election held in Greenville County on August 20, 2019.

Candidate	TOTAL	PERCENT
Carrie Counton	845	39.01%
Patrick Haddon WINNER	1,321	60.99%

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John Wells, **Chairman**

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Cliff Edler

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Harold E. Faust

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 23rd day of August 2019.

**STATE ELECTION COMMISSION  
AGENDA**

**September 18, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**THE MEETING OF THE STATE ELECTION COMMISSION IS BEING HELD  
PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED  
NOTIFICATIONS HAVE BEEN MADE.**

Approval of Minutes: August 21, 2019 (SEC) and August 23, 2019 (SBC)

**New Business:**

Agency Accountability Report  
Agency Budget Request FY2020/21

**Old Business:**

Voting System Implementation Update  
Information Technology Security Update  
Legal Update  
Eugene Baten v. Henry McMaster, et al.  
SEC v. James John Todd Kincannon  
Frank Heindel and Phil Leventis v. Marci Andino, SEC  
90-Day NVRA Notice from League of Women Voters

**Next Meeting(s):**

Friday, October 4, 2019 at 3:00 p.m. (SBC)  
Wednesday, October 16, 2019 at 10:00 a.m. (SEC)

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION**  
**MEETING MINUTES**  
**September 18, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust, Mr. Scott Moseley

**Others Present:** Chris Whitmire, Director of Public Information; Janet Reynolds, Director of Administration and Finance; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; Duncan Buell, League of Women Voters

Chairman Wells called the meeting to order. Mr. Whitmire advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on August 21, 2019 (SEC) and August 23, 2019 (SBC). Mr. Moseley made a motion to approve the minutes, seconded by Mr. Faust. The minutes were approved unanimously.

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MARCI ANDINO  
Executive Director

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**New Business**

The first item of new business was the Accountability Report. Mr. Whitmire explained this annual report has been submitted and will be posted shortly on scvotes.org. A copy was sent to the commissioners.

The second item under new business was the budget request. Ms. Reynolds advised the budget request has been completed and includes \$600,000 in recurring funds for the paper based voting system and \$7 million in one-time funds for items not funded as part of the 2020 budget related to the voting system solution as passed by the General Assembly. Mr. Whitmire added these one-time funds would pay for electronic poll books, a more comprehensive auditing program and additional voter education. Chairman Wells indicated he will sign the budget request.

**Old Business**

The first item of old business was the voting system implementation updates. Mr. Whitmire advised the new equipment has been delivered to all the counties, and

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pickup of the old voting equipment has been completed in 32 counties. He also advised the first election using the new voting system will be in Aiken on October 1 for House District 84, and that poll manager training for this election has already been conducted. He informed the board SEC staff will be present in Aiken on election day and will provide an election day synopsis to the board at a subsequent meeting.

The next item was the information technology security update. Mr. Whitmire advised the SEC continues to work with SLED on installing sensors on county networks with 13 having been installed thus far. He also stated the annual end user agreements that all county and state election workers are required to sign to use the various registration and election systems have been revised and renewed. He advised hardened workstations for the new voting system have been installed in 44 counties. Mr. Whitmire advised no new vulnerabilities were found by the Department of Homeland Security's scans.

Legal updates was next under old business. Mr. Brant advised there are no changes to report.

Mr. Wells reminded the members the next State Election Commission meeting will be on October 16, 2019 at 10:00 a.m. and there will be a State Board of Canvassers meeting on October 4, 2019 at 3:00 p.m.

A motion to adjourn the meeting was made by Mr. Moseley, seconded by Mr. Faust. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daylin Silber".

Daylin Silber,  
Administrative Coordinator

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	101

## Fiscal Year 2018-2019 Accountability Report

### SUBMISSION FORM

<b>AGENCY MISSION</b>	<p>The mission of the State Election Commission is to ensure every eligible citizen has the opportunity to register to vote and participate in fair and impartial elections with the assurance that every vote will count.</p>
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<b>AGENCY VISION</b>	<p>The State Election Commission will conduct secure, fair and impartial elections through the management of resources along with the use of innovative strategies and technologies to reflect the will of the electorate in South Carolina.</p>
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Please select yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

<b>RESTRUCTURING RECOMMENDATIONS:</b>	<b>Yes</b>  <input type="checkbox"/>	<b>No</b>  <input checked="" type="checkbox"/>
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Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
<b>PRIMARY CONTACT:</b>	Janet Reynolds	(803) 734-9069	jreynolds@elections.sc.gov
<b>SECONDARY CONTACT:</b>	Chris Whitmire	(803) 734-9070	cwhitmire@elections.sc.gov

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	101

I have reviewed and approved the enclosed FY 2017-18 Accountability Report, which is complete and accurate to the extent of my knowledge.

<b>AGENCY DIRECTOR</b> <i>(SIGN AND DATE):</i>	
	<i>(TYPE/PRINT NAME):</i> Marci Andino
<b>BOARD/CMSN CHAIR</b> <i>(SIGN AND DATE):</i>	
	<i>(TYPE/PRINT NAME):</i> John Wells

<b>AGENCY NAME:</b>	<b>State Election Commission</b>		
<b>AGENCY CODE:</b>	<b>E28</b>	<b>SECTION:</b>	<b>101</b>

## **AGENCY'S DISCUSSION AND ANALYSIS**

Elections are the foundation that supports and protects every citizen's freedoms. The South Carolina State Election Commission (SEC) exists to protect those freedoms by ensuring the security and integrity of our election infrastructure. Our mission is to ensure every eligible citizen has the opportunity to register to vote and participate in fair and impartial elections with the assurance that every vote will count.

Conducting elections is a technologically and legally complex profession, subject to exceptional scrutiny by voters, candidates, media, the legal community, activists, and voter advocacy groups. This requires everyone involved in the elections process, whether at the municipal, county, or state level, to possess a wide variety of core competencies including technological, logistical and management skills, as well as a high level of election experience and expertise.

While state and local election officials share in the responsibility of conducting elections, the SEC, as the chief election agency in the state, is responsible for overseeing the overall voter registration and election process. Specifically, the agency is tasked with:

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

Everything we do as an agency – our programs and projects – emanates from these responsibilities. The primary goal is to provide the highest level and quality of service possible within these mandates.

### **MAJOR ACHIEVEMENTS**

#### **Election Security**

Protection of South Carolina's election infrastructure remained a top priority during FY2019. Elections face numerous threats from a wide variety of actors with various motives. The agency is committed to taking all reasonable measures to further enhance the state's election security posture. Major achievements in this fiscal year include the selection of a new statewide paper-based voting system and the deployment of network sensors on county networks. The paper-based voting system will provide another layer of security by having a paper record of every voter's voted ballot. This allows for audits of paper ballots and, if necessary, the ability to hand recount paper ballots. The SEC continued its security partnership with the State Law Enforcement Division (SLED) by working to deploy network sensors on county networks throughout the state.

The SEC continues working with a broad-based team of federal, state, and private cybersecurity, law enforcement and intelligence professionals to ensure the agency takes every prudent measure to enhance the security and resilience of the state election infrastructure. The agency does this through an array of end-to-end measures including, but not limited to:



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- Network Based Security – Networks are protected against threats using various tools and concepts including firewalls, intrusion prevention and detection systems, network sensors, 24/7 monitoring, data encryption, incident reporting mechanisms, software application patch management, two-factor user authentication, user password strength requirements, and user password expiration.
- Risk and Vulnerability Assessments – Cyber and physical security assessments and penetration tests are performed to identify vulnerabilities. All vulnerabilities, regardless of severity, are addressed immediately.
- Training and Education – We work to establish a strong security culture by training election officials to follow security policies and procedures and to recognize cyber threats and attack methods including identifying phishing emails and other social engineering attacks. Users are required to complete cyber security training before being granted access to systems and on an ongoing basis to maintain access. The SEC conducts field audits to ensure election officials are following security policies and procedures.

The SEC continues to improve its security posture by adding layers of security to address changes in the environment and the emergence of new technologies and threats. Taking all reasonable measures to bolster the security and resilience of the state's election infrastructure will remain a top priority for the agency.

### **New Paper-Based Voting System**

The State of South Carolina announced on June 10, 2019, the award of a contract for a new statewide voting system. After a lengthy evaluation of numerous proposals, an evaluation panel unanimously selected the Election Systems and Software (ES&S) ExpressVote voting system. The new paper-based system will replace the state's aging paperless system that has been in place since 2004.

The system will not only provide voters with a dependable system for years to come, but it will also greatly enhance the security and resilience of our election process. Paper ballots will allow election officials to audit paper ballots to verify results. This is a significant measure that will go a long way in providing voters and election officials the assurance that every vote is counted just as the voter intended.

The ExpressVote ballot-marking device provides voters with the familiarity of a touchscreen combined with the security of a paper ballot. Voters will navigate the ballot and make selections using a touchscreen. After verifying selections, voters will print their paper ballot. Voters will then review the paper ballot before inserting it into a scanner. The scanner counts the votes, and the paper ballot is automatically dropped into a ballot box. Votes are recorded on the scanner, and the paper ballots are saved for auditing and verification of results.

The award was made after a six-month procurement process overseen by the S.C. Department of Administration and the State Fiscal Accountability Authority. An evaluation panel made up of the five members of the State Election Commission considered a total of seven proposals including both hand-marked and ballot-marking systems from three voting system providers. Over the course of six-weeks, the panel read the proposals, participated in the demonstrations, and heard from industry experts. Advisors included state and private cybersecurity experts, advocates for voters with disabilities, experts on accessible technology, national voting system technology consultants, and county and state election

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administrators. After deliberation and independent scoring by panel members, the panel unanimously selected the ExpressVote voting system as being the most advantageous to the voters of South Carolina.

Implementation was set to begin July 1, 2019, and first use of the system is planned for later in 2019.

## **2018 General Election**

The SEC and county boards of voter registration and elections successfully conducted the Statewide General Election on November 6, 2018. The SEC created databases for 40 counties and provided election support to all 46 county elections offices. More than 1.7 million South Carolinians voted on a variety of contests on the federal, state and local levels. More than 18,000 poll workers and election officials across the state worked diligently to ensure the general election was a success.

## **Voter Education and Outreach**

The SEC continued to reach out and educate voters on all aspects of voter registration and elections through the Agency's *SC Votes* voter education initiative. The statewide initiative helps ensure voters are informed about the requirements, processes, procedures, and deadlines associated with voter registration and voting in South Carolina. FY2019 efforts were focused on educating voters on efforts to secure South Carolina's election infrastructure, how to register and update your registration, how to vote absentee, how to vote on election day, and Photo ID requirements. The initiative includes educational brochures, posters, videos, outreach at public events, a voter education website ([scVOTES.org](http://scVOTES.org)), social media messaging, and a statewide media campaign.

## **KEY OPPORTUNITIES & CHALLENGES**

### **Election Security**

The greatest challenge for the SEC has been ensuring we have taken all reasonable measures to improve and protect the security and resilience of the state's election infrastructure. The U.S. Department of Homeland Security designated election systems as critical infrastructure in January 2017. The SEC has applied considerable resources to hardening both the state's voting and voter registration systems by applying testing, assessments, and technological and human resources. The development of an unprecedented security partnership of state, federal and private security professionals as well as state and federal law enforcement and intelligence agencies was launched to improve protection of the state's election infrastructure during this period.

Despite these efforts, the SEC continues to face threats that challenge the agency's cyber and physical security initiatives. The agency faces extraordinary challenges in updating and maintaining information technology resources, hiring human resources, and educating and training state and local election officials. To aid in our security efforts, the agency has taken advantage of a multitude of resources and services through the U.S. Department of Homeland Security's cyber hygiene scanning program, risk and vulnerability assessments, and security trainings. The S.C. Department of Administration, Division of Technology assisted the agency to install endpoints in each county to improve the voting systems security posture during this period as well. Our agency has been proactive through partnerships with federal, state, private, and local entities. However, the need for increased security information that can be acted upon in short measure along with the mandate to train election officials statewide on security-related threats is

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a major challenge that the agency continues to address. Implementation of security policies and procedures related to the new paper-based voting system, deployment of county network scanners, security training, assessments, testing, and remediation are all security challenges facing the SEC moving into FY2020.

### **Implementation of the Statewide Voting System**

In June 2019, the SEC announced the award of a contract for a new statewide paper-based system to replace the state's aging paperless system that has been in place since 2004. The SEC plans to begin using the system in late 2019. Implementing the new system will be a major challenge for the agency in FY2020. Specific challenges include:

- Deploying nearly 14,000 ballot-marking devices, nearly 3,000 ballot scanners, approximately 50 election management workstations, and other associated hardware, equipment and supplies
- Overseeing delivery confirmation and acceptance testing
- Development of policies and procedures related to use of the system at the state, county and polling place levels
- Development and conduct of training for state and county election officials as well as poll managers
- Development and implementation of election results auditing processes
- Educating voters on the use of the new system

### **Funding for Costs Associated with New Voting System**

The SEC received \$40 million in state funding to purchase a new statewide voting system in FY2019. While these funds, along with previously appropriated state and federal funds, proved adequate to replace the statewide voting system, other initiatives associated with the new voting system and included in the agency's FY2019 request were not funded. These initiatives include electronic poll books, risk-limiting and other audits, independent verification of election results, and voter education.

Electronic Poll Books – Having a statewide, uniform electronic poll book application is critical to reducing lines and creating other efficiencies at polling places, reducing the time and resources necessary to process voter participation data, and improving the security of election infrastructure. South Carolina currently has an antiquated electronic poll book solution. The software was developed in-house and provided to counties at no charge. Counties are required to purchase laptops to use the software. This approach was prudent more than a decade ago when very few poll books were commercially available and development was in its infancy. Today, competition in the electronic poll book marketplace has resulted in available options that have far greater functionality, ease of use, and security features than the SEC could match with our in-house application.

Not only will poll managers be able to process voters much faster, electronic poll books will also reduce errors in the election process by ensuring voters receive the correct ballot style. In addition, fully eliminating paper voter registration lists will greatly reduce the amount of time and resources necessary to update the statewide voter registration list with information about the voters who participate in a particular election.

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Auditing – Having a paper-based voting system adds an important layer of security to the election process. The paper record produced by the new system can be audited to verify the results of the election as tabulated by the ballot scanners. However, this layer of security cannot be fully realized without a program in place to conduct risk-limiting audits, independent third-party verification of results, or other audits.

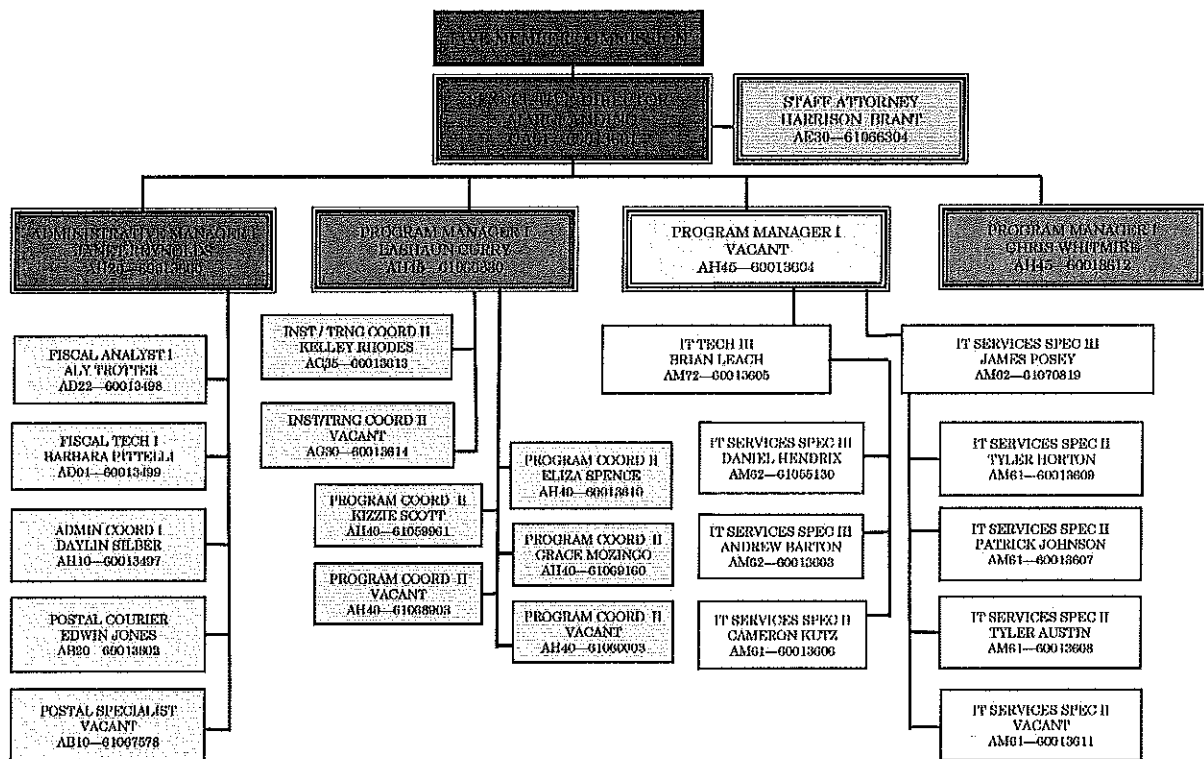
Voter Education – Educating the public on the new voting system will be critical to the success of the new system. The SEC conducts general voter education on all aspects of the voter registration and election process and will incorporate new voting system messaging into these education efforts. However, the agency currently has no funds dedicated to conducting initiatives above and beyond these baseline efforts.

### **Election Legislation**

Each year the SEC provides information to the General Assembly to develop and enact legislation to improve the efficiency and effectiveness of voter registration and elections.

- Funding – The Agency's priority is to continue working with the General Assembly to obtain the funding necessary to implement electronic poll books, to establish an election results auditing program, and to conduct voter education initiatives related specifically to the new voting system.
- Early Voting – The SEC will advocate for the establishment of an early voting period. Early voting will improve the election experience for every South Carolinian by making voting more convenient and by reducing wait times at polling places on election day. In addition, early voting would greatly reduce the time necessary to process paper absentee ballots.
- Voting System-Related Legislation – Fifteen years have passed since elections have been conducted using paper ballots. The paper-based voting systems of today differ greatly from those of the past. Various updates are needed to make the operation of the state's modern paper-based voting system more efficient.
- Uniform Voter Registration Deadline – Voter registration deadlines currently vary depending on the method of registration. This is confusing to voters and to election officials and voter advocates. Amendments to various sections of the S.C. Code of Laws are needed to establish a uniform deadline for all methods of voter registration.
- Lengthy Referendums – The Agency also seeks legislation or statutory changes which alleviate concerns regarding lengthy referendums or other questions appearing on general election ballots.

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<b>AGENCY NAME:</b>	<b>State Election Commission</b>		
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## **RISK ASSESSMENT AND MITIGATION STRATEGIES**

The most negative impact on the public would be an event that causes the loss of public confidence in the election process. The election process is made up of a combination of laws, policies, procedures, people, places and systems. The election systems most critical to the Agency are the statewide voter registration system and the statewide voting system. A failure of either of these systems would have the potential to cause a statewide failure to register voters and conduct fair and accurate elections.

The SEC works with the Department of Administration (DOA), other agencies, and a private security vendor daily to manage, monitor, and secure South Carolina's election infrastructure. These efforts include identifying ways to increase the security of all agency networks, public facing websites, and both the voter registration and voting system used in our state.

The SEC alone does not have the capabilities to protect the State's election infrastructure. The nature and level of outside help would depend on the type of threat or vulnerability. The agencies listed below would be called upon to assist in identifying and addressing security threats and vulnerabilities which have the potential to impact the Agency's ability to conduct voter registration and elections.

- S.C. Department of Administration
- S.C. General Assembly
- S.C. Law Enforcement Division
- S.C. Governor's Office
- U.S. Department of Homeland Security
- U.S. Department of Justice
- Federal Bureau of Investigation
- U.S. Election Assistance Commission
- Multi-State Information Sharing & Analysis Center
- Election Infrastructure Information Sharing & Analysis Center
- County governments
- County boards of voter registration and elections
- S.C. Department of Motor Vehicles (DMV)
- S.C. Department of Social Services
- S.C. Department of Health & Human Services
- S.C. Department of Health & Environmental Control
- S.C. Department of Mental Health
- S.C. Commission for the Blind
- S.C. Department of Alcohol & Other Drug Abuse Services
- S.C. Department of Disabilities & Special Needs
- S.C. Vocational Rehabilitation Department

Following are five risks in the election process that can be mitigated by action of the General Assembly:

- 1) Long lines at polling places create a barrier and impact a voter's ability to vote. The SEC will continue working with the General Assembly to strengthen the election process by reducing wait times at polling places. Electronic poll books and early voting are critical to removing this barrier.
- 2) The SEC has an opportunity to enhance the security of the statewide voting system by establishing a comprehensive program to verify election results by auditing paper ballots. The SEC will continue working with the General Assembly to acquire the funding to establish this program.

<b>AGENCY NAME:</b>	<b>State Election Commission</b>		
<b>AGENCY CODE:</b>	<b>E28</b>	<b>SECTION:</b>	<b>101</b>

- 3) The use of paper ballots will impact election officials' ability to process absentee ballots in a timely manner. For the past 15 years, South Carolinians have become accustomed to seeing election results reported from the absentee precinct shortly after the close of the polls. This was made possible by the use of voting machines for the majority of absentee voting. With paper ballots, election officials will again be required to handle and process every paper absentee ballot. By law this process cannot begin until 9:00 a.m. on election day. Exacerbating this problem is the fact that the rate of absentee voting has increased exponentially over the past 15 years. In the most recent presidential election, nearly 25% of those participating voted absentee. As a result, the counting of votes in a major statewide election could take days to complete.

The General Assembly could mitigate this problem in several ways:

- Requiring an in-person absentee ballot to be challenged at the time it is cast.
  - Allowing absentee ballots to be opened and processed beginning at 9:00 a.m. on the day before an election. Results would not be reported until after 7:00 p.m. on election day.
  - Establishing early voting. Early voting would allow ballots to be processed in the same way ballots are processed on election day.
- 4) Voter registration deadlines vary by registration method which causes confusion and could lead to voter disenfranchisement. The General Assembly could remedy this by establishing a uniform voter registration deadline for all methods.
- 5) As adjustments to county lines are made to reestablish statutorily defined boundaries, voters are impacted by the implementation because precinct lines are not changed at the same time. The General Assembly could establish a process by which county lines and precinct lines are adjusted simultaneously. To further lessen the impact on elections, county and precinct lines should not be adjusted during general election years.

<b>AGENCY NAME:</b>	State Election Commission		
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## Fiscal Year 2020-21 Agency Budget Plan

### FORM A - BUDGET PLAN SUMMARY

<b>OPERATING REQUESTS (FORM B1)</b>	<b>For FY 2020-21, my agency is (mark "X"):</b>	
	<input checked="" type="checkbox"/>	Requesting General Fund Appropriations.
	<input type="checkbox"/>	Requesting Federal/Other Authorization.
	<input type="checkbox"/>	Not requesting any changes.

<b>NON-RECURRING REQUESTS (FORM B2)</b>	<b>For FY 2020-21, my agency is (mark "X"):</b>	
	<input checked="" type="checkbox"/>	Requesting Non-Recurring Appropriations.
	<input type="checkbox"/>	Requesting Non-Recurring Federal/Other Authorization.
	<input type="checkbox"/>	Not requesting any changes.

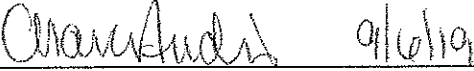
<b>CAPITAL REQUESTS (FORM C)</b>	<b>For FY 2020-21, my agency is (mark "X"):</b>	
	<input type="checkbox"/>	Requesting funding for Capital Projects.
	<input checked="" type="checkbox"/>	Not requesting any changes.
	<input type="checkbox"/>	

<b>PROVISOS (FORM D)</b>	<b>For FY 2020-21, my agency is (mark "X"):</b>	
	<input type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.
	<input checked="" type="checkbox"/>	Only requesting technical proviso changes (such as date references).
	<input type="checkbox"/>	Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
<b>PRIMARY CONTACT:</b>	Janet Reynolds	(803) 734-9069	jreynolds@elections.sc.gov
<b>SECONDARY CONTACT:</b>	Marci Andino	(803) 734-9001	marci@elections.sc.gov

I have reviewed and approved the enclosed FY 2020-21 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	<u>Agency Director</u>	<u>Board or Commission Chair</u>
<b>SIGN/DATE:</b>	 9/6/19	
<b>TYPE/PRINT NAME:</b>	Marci Andino	John Wells

*This form must be signed by the agency head – not a delegate.*



Fiscal Year 2020-21 Budget Request Executive Summary

Agency Code: E230  
 Election Commission  
 Agency Name:  
 Section: 102

BUDGET REQUESTS			FUNDING				FIES					
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Funding to Support New Paper Based Voting System	600,000	0	0	0	600,000	0.00	0.00	0.00	0.00	0.00
2	B2 - Non-Recurring	Completion of New Voting System Solution	7,000,000	0	0	0	7,000,000	0.00	0.00	0.00	0.00	0.00
3	B2 - Non-Recurring	Third Party Consultant for Richland County	500,000	0	0	0	500,000	0.00	0.00	0.00	0.00	0.00
4							0					0.00
5							0					0.00
6							0					0.00
7							0					0.00
8							0					0.00
9							0					0.00
10							0					0.00
11							0					0.00
12							0					0.00
13							0					0.00
14							0					0.00
15							0					0.00
16							0					0.00
17							0					0.00
18							0					0.00
19							0					0.00
20							0					0.00
21							0					0.00
22							0					0.00
23							0					0.00
24							0					0.00
25							0					0.00
26							0					0.00
27							0					0.00
28							0					0.00
29							0					0.00
30							0					0.00
TOTAL BUDGET REQUESTS			8,100,000	0	0	0	8,100,000	0.00	0.00	0.00	0.00	0.00

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	102

## FORM B1 – RECURRING OPERATING REQUEST

<b>AGENCY PRIORITY:</b>	1
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*Provide the Agency Priority Ranking from the Executive Summary.*

<b>TITLE</b>	Funding to Support New Paper Based Voting System
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*Provide a brief, descriptive title for this request.*

<b>AMOUNT</b>	<b>General:</b> \$600,000 <b>Federal:</b> <b>Other:</b> <b>Total:</b>
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*What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.*

<b>NEW POSITIONS</b>	None
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*Please provide the total number of new positions needed for this request.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
<input type="checkbox"/>	Consulted DTO during development	
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

<b>STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES</b>	<b>Mark "X" for primary applicable Statewide Enterprise Strategic Objective:</b>	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

<b>AGENCY NAME:</b>	<b>State Election Commission</b>		
<b>AGENCY CODE:</b>	<b>E28</b>	<b>SECTION:</b>	<b>102</b>

#### ACCOUNTABILITY OF FUNDS

Strategy 2.1 – Support a statewide voting system, ensuring it is easy to use, accurate and secure

This request would advance the strategy above by ensuring that adequate number of ballots and other miscellaneous supplies are available for voters to use when voting at the polls and by ensuring that the security and secrecy of the ballot is provided at all times.

Funds are continually monitored internally and are included in agreed upon procedures audits conducted by the State Auditor's Office.

*What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

#### RECIPIENTS OF FUNDS

The SEC would be the recipient of the funds and would use the funds to provide the necessary supplies and reimbursements to counties for statewide elections.

*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

#### JUSTIFICATION OF REQUEST

South Carolina has used a paperless voting system for 15 years. Following the purchase of a new paper based statewide voting system, items have been identified that are necessary for the efficient use of the new system. This request addresses items specifically related to the paper aspect of the new voting system.

The following items will be needed in order to support statewide elections:

- Ballot cards for 110% of registered voters - \$430,000
- Delivery/pickup of ballot marking devices, precinct tabulators and other items required for polling places - \$150,000
- Miscellaneous supplies such as privacy sleeves, envelopes for in-person absentee voting and spoiled ballots - \$20,000

The cost for these items was determined with quotes obtained from the vendors who supply the products. The amount needed for ballot cards was calculated by multiplying the current cost of card stock by 110% of the number of registered voters as per Section 7-13-430 of the SC Code of Laws.

If the funds are not provided, the items needed to support the new paper based voting system would not be available, which would result in an inability of the SEC to provide reimbursement for the adequate number of ballots needed for voters on election day, and privacy and security of the ballot may be compromised. There is no additional funding available to absorb these costs.

AGENCY NAME:	State Election Commission		
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*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.*

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<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	102

## FORM B2 – NON-RECURRING OPERATING REQUEST

<b>AGENCY PRIORITY</b>	2
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*Provide the Agency Priority Ranking from the Executive Summary.*

<b>TITLE</b>	Completion of New Voting System Solution
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*Provide a brief, descriptive title for this request.*

<b>AMOUNT</b>	\$7M
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*What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input checked="" type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Request for Non-Recurring Appropriations	
<input type="checkbox"/>	Request for Federal/Other Authorization to spend existing funding	
<input type="checkbox"/>	Related to a Recurring request – If so, Priority #	

<b>STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES</b>	<b>Mark "X" for primary applicable Statewide Enterprise Strategic Objective:</b>	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

<b>ACCOUNTABILITY OF FUNDS</b>	Strategy 1.1 – Maintain a statewide voter registration system that is secure, convenient, accessible, and meets the needs of the counties and the citizens of South Carolina.
	This request would advance the strategy above by reducing lines and creating other efficiencies at polling places, reducing the time and resources necessary to process voter participation data, and improving the security of election infrastructure.
	Strategy 2.1 – Support the statewide voting system ensuring it is easy to use, accurate and secure.
	This request would advance the strategy above by providing a program to conduct audits of paper ballots to verify the results of the election as tabulated by the ballot scanners.

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	<p>Strategy 3.3 – Produce public education and information.</p> <p>This request would advance the strategy above by educating voters on the new voting system.</p> <p>The funds would be continually monitored internally and included in agreed upon procedures audits conducted by the State Auditor’s Office.</p>
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*What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency’s accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

<b>RECIPIENTS OF FUNDS</b>	<p>The SEC would be the recipient of all funds for these initiatives.</p> <p>Security and Auditing of the New Voting System – The funds would be used to secure the new voting system and develop a comprehensive system to ensure vote totals are tabulated accurately.</p> <p>Electronic Poll Books – The funds would be used to provide the electronic poll books to counties to be used in polling places on election day.</p> <p>Voter Education and Outreach Program for the New Voting System – The funds would be used to educate voters using various methods including traditional media, social media, and voter education and outreach events.</p> <p>These initiatives would be procured through a competitive bid process.</p>
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*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

JUSTIFICATION OF  
REQUEST

Funding for the following initiatives was included in the SEC's 2019-20 budget request for a new statewide voting system solution. The SEC requested \$60M and \$40M was appropriated. These initiatives are critical to implementing the new statewide voting system, but were not funded.

Security and Auditing of New Voting System

Since 2010, South Carolina has used a comprehensive audit program that analyzed electronic audit data produced by the statewide voting system. With the implementation of a paper based system, new auditing methods are required.

A paper-based voting system adds an important layer of security and bolsters public confidence in the election process. The paper record produced by the new system can be audited to verify the results of the election as tabulated by the ballot scanners. However, this layer of security cannot be fully realized without a program in place to conduct audits of the paper ballots.

Two ways of auditing paper ballots are risk-limiting audits (RLAs) and independent third-party verification. RLAs are post-election audits of samples of paper ballots designed to provide strong statistical evidence that the outcome is correct. Independent third-party verification software tabulates election results using software not provided by the voting system vendor.

The cost to establish an RLA program is approximately \$500,000.

Protecting the security of the state's critical election infrastructure is enhanced by having paper ballots for auditing; however, the use of paper ballots also introduces new security challenges in the handling, storage and delivery of ballots.

The cost for security of the state's critical election infrastructure is \$500,000.

If the funds are not received for security and auditing, the agency would be unable to implement a robust security and auditing program, errors in the ballot tabulation process could go undetected and inaccurate election results could be certified, elections could be overturned, and voters could lose confidence in the integrity of the election process in South Carolina.

Electronic Poll Books

South Carolina currently has an antiquated electronic poll book solution that is not compatible with the new statewide voting system. The software was developed in-house and provided to counties at no charge. Counties are required to purchase laptops to use the software. This approach was prudent more than a decade ago when very few poll books were commercially available and development was in its infancy. Today, competition in the electronic poll book marketplace has resulted in available options that have far greater functionality, ease of use, and security features than the SEC could match with our in-house application. New electronic poll book solutions would also streamline use of the

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new statewide voting system.

Not only will poll managers be able to process voters faster, electronic poll books will ensure voters receive the correct ballot style reducing the likelihood an election could be overturned. In addition, fully eliminating paper voter registration lists at polling places will allow voter history on the statewide voter registration system to be updated and made available to the public faster in order to meet the demands of our customers.

A Request for Information (RFI) was issued by the SEC, and various vendors provided estimates for the cost to provide electronic poll books. \$5M is required to provide electronic poll books for all counties in South Carolina.

If funds are not received, counties would be forced to continue using our antiquated electronic poll book system or paper voter registration lists, the lines at polling places on election day could be longer, and providing voter history could be delayed and the possibility of voters receiving the wrong ballot style could continue.

Voter Education and Outreach Program – New Voting System

Educating the public on the new voting system will be critical to the success of the new system. The SEC conducts general voter education on all aspects of the voter registration and election process and will incorporate new voting system messaging into these education efforts. However, the agency currently has no funds dedicated to conducting initiatives above and beyond these baseline efforts.

If the funds are not provided, the agency will be unable to conduct voter education and outreach efforts to educate voters on the new voting system. Lack of voter registration and outreach efforts could result in voter confusion, long lines at polling places and a lack of voter confidence in the new voting system.

To conduct a voter education and outreach program to educate voters on the new voting system would be approximately \$1M.

There are no additional funds available to absorb the costs for the above initiatives.

*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?*



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## FORM B2 – NON-RECURRING OPERATING REQUEST

<b>AGENCY PRIORITY:</b>	3
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*Provide the Agency Priority Ranking from the Executive Summary.*

<b>TITLE:</b>	Third Party Consultant for Richland County
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*Provide a brief, descriptive title for this request.*

<b>AMOUNT:</b>	\$500,000
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*What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input checked="" type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
	<input type="checkbox"/>	Request for Non-Recurring Appropriations
	<input type="checkbox"/>	Request for Federal/Other Authorization to spend existing funding
<input type="checkbox"/>	Related to a Recurring request – If so, Priority #	

<b>STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES</b>	<b>Mark "X" for primary applicable Statewide Enterprise Strategic Objective:</b>	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

<b>ACCOUNTABILITY OF FUNDS</b>	<p>The funds would be continually monitored internally and included in agreed upon procedures audits conducted by the State Auditor's Office.</p>
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*What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	102

**RECIPIENTS OF FUNDS**

The SEC would be the recipient of the funds and would use the funds to contract for a third party consultant to advise the Richland County Board of Registrations and Elections on the conduct of elections.

*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

**JUSTIFICATION OF REQUEST**

Proviso 101.14 was added to the SEC's FY2019-20 budget requiring the State Election Commission to expend funds to contract for a third party consultant to advise Richland County Board of Voter Registration and Elections on the conduct of elections.

A Request for Information (RFI) was issued by the SEC, and various vendors provided estimates for the cost to provide these services.

The Agency currently does not pay for consultants to advise counties, and there are no additional agency funds available to absorb the cost for these services.

*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?*

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	102

## FORM D – PROVISO REVISION REQUEST

<b>NUMBER</b>	102.12
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*Cite the proviso according to the renumbered list for FY 2020-21 (or mark "NEW").*

<b>TITLE</b>	ELECT: (Match for Additional HAVA Funds)
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*Provide the title from the FY 2019-20 Appropriations Act or suggest a short title for any new request.*

<b>BUDGET PROGRAM</b>	V. Statewide/Special Primaries
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*Identify the associated budget program(s) by name and budget section.*

<b>RELATED BUDGET REQUEST</b>	
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*Is this request associated with a budget request you have submitted for FY 2020-21? If so, cite it here.*

<b>REQUESTED ACTION</b>	Amend
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*Choose from: Add, Delete, Amend, or Codify.*

<b>OTHER AGENCIES AFFECTED</b>	None
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*Which other agencies would be affected by the recommended action? How?*

<b>SUMMARY &amp; EXPLANATION</b>	<p>This proviso allows the SEC to utilize funds appropriated for primary and general elections and for voting system refurbishment to provide a match for federal funds should additional Help America Vote Act (HAVA) funds become available.</p> <p>The SEC is requesting reference to voting system refurbishment funds be deleted as those funds are no longer available.</p>
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*Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.*

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FISCAL IMPACT	No fiscal impact

*Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.*

PROPOSED PROVISO TEXT	In the event that additional Help America Vote Act federal funds become available, the commission shall be authorized to utilize funds appropriated for primary and general elections <del>and for voting system refurbishment</del> to provide a match for the federal funds.

*Paste FY 2019-20 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.*

<b>AGENCY NAME:</b>	State Election Commission		
<b>AGENCY CODE:</b>	E28	<b>SECTION:</b>	102

**FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION**  
**CONTINGENCY PLAN**

<b>TITLE</b>	Agency Cost Savings and General Fund Reduction Contingency Plan
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<b>AMOUNT</b>	\$83,832
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*What is the General Fund 3% reduction amount (minimum based on the FY 2019-20 recurring appropriations)? This amount should correspond to the reduction spreadsheet prepared by EBO.*

<b>ASSOCIATED FTE REDUCTIONS</b>	No FTE's would be reduced.
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*How many FTEs would be reduced in association with this General Fund reduction?*

<b>PROGRAM/ACTIVITY IMPACT</b>	
--------------------------------	--

*What programs or activities are supported by the General Funds identified?*

<b>AGENCY NAME:</b>	State Election Commission		
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<b>SUMMARY</b>	<p><u>Method of Calculation</u></p> <p>The SEC's general fund appropriation is \$6,627,413. \$3,833,000 is exempt from mandated reductions as per Proviso 102.5.</p> <p>Proviso 102.1 references Aid to County stipends for County Boards of Voter Registration and Election Commission board members, and the proviso exempts these funds from the calculation of mandated reductions.</p> <p>Proviso 102.6 states that recurring and nonrecurring primary and general election funds are exempt from the calculation of mandated reductions.</p>
	<p>\$6,627,413</p> <p>(3,833,000)</p> <p>\$ 2,794,413</p> <p>\$2,794,413 x 3% = \$83,832</p>

*Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.*

<b>AGENCY COST SAVINGS PLANS</b>	<p>In order to absorb a 3% reduction, the SEC would reduce spending for supplies, training and travel.</p>
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*What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?*

<b>AGENCY NAME:</b>	State Election Commission		
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## **FORM F – REDUCING COST AND BURDEN TO BUSINESSES AND CITIZENS**

<b>TITLE</b>	Reducing Cost and Burden to Businesses and Citizens
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*Provide a brief, descriptive title for this request.*

<b>EXPECTED SAVINGS TO BUSINESSES AND CITIZENS</b>	\$0
--	-----

*What is the expected savings to South Carolina's businesses and citizens that is generated by this proposal? The savings could be related to time or money.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input type="checkbox"/>	Repeal or revision of regulations.
	<input type="checkbox"/>	Reduction of agency fees or fines to businesses or citizens.
	<input type="checkbox"/>	Greater efficiency in agency services or reduction in compliance burden.
	<input type="checkbox"/>	Other

<b>METHOD OF CALCULATION</b>	
------------------------------	--

*Describe the method of calculation for determining the expected cost or time savings to businesses or citizens.*

<b>REDUCTION OF FEES OR FINES</b>	
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*Which fees or fines does the agency intend to reduce? What was the fine or fee revenue for the previous fiscal year? What was the associated program expenditure for the previous fiscal year? What is the enabling authority for the issuance of the fee or fine?*

<b>REDUCTION OF REGULATION</b>	
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*Which regulations does the agency intend to amend or delete? What is the enabling authority for the regulation?*

AGENCY NAME:	State Election Commission		
AGENCY CODE:	E28	SECTION:	102

#### SUMMARY

The SEC is required to collect the following fees:

- Section 7-13-40 of the SC Code of Laws requires the SEC to collect filing fees from candidates to offset the cost of conducting primaries
- Section 7-3-20 of the SC Code of Laws requires the SEC to provide precinct lists to any registered voter in South Carolina at a reasonable price
- Proviso 101.7 allows the SEC to charge each class participant a fee to attend the SEC's Training and Certification classes to offset the cost for conducting the classes

*Provide an explanation of the proposal and its positive results on businesses or citizens. How will the request affect agency operations?*



**STATE BOARD OF CANVASSERS**  
**AGENDA**  
**October 4, 2019**  
**3:00 pm**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**New Business:**

Certification of the results of the State House District 84 Special Election held on Tuesday, October 1, 2019.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**SCOTT MOSELEY**

**VACANT**

Items may be added as necessary.

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**MARCI ANDINO**  
Executive Director

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1122 Lady Street  
Suite 500  
Columbia, SC 29201

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Columbia, SC 29250

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**STATE BOARD OF CANVASSERS  
MEETING MINUTES**

**October 4, 2019**

**3:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust (via teleconference), Mr. Scott Moseley (via teleconference)

**Others Present:** Harrison Brant, General Counsel; Janet Reynolds, Director of Administration and Finance; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting of the State Board of Canvassers (SBC) to order. Mr. Brant advised that all notices of the meeting had been posted as required by the Freedom of Information Act.

Chairman Wells stated that the purpose of the meeting was the certification of the results of the State House District 84 Special Election held on Tuesday, October 1, 2019. He noted this was the first election using the new statewide voting system. Mr. Brant advised that the election went well and the system worked as intended. A motion was made by Mr. Moseley to certify the results. The motion was seconded by Mr. Faust and then passed by unanimous vote.

A motion to adjourn was made by Mr. Faust and seconded by Mr. Edler. There being no further business to discuss, the meeting was adjourned by unanimous vote.

Respectfully submitted,



Daylin Silber

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

MARCI ANDINO  
Executive Director

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## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast in the State House District 84 Special Election held in Aiken County on October 1, 2019.

Candidate	TOTAL	PERCENT
Melissa Oremus WINNER	809	97.35%
Write-in	22	2.65%

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John Wells, Chairman

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Cliff Edler

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Harold E. Faust

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Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 4th day of October 2019.

**STATE ELECTION COMMISSION**

**AGENDA**

**October 16, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: September 18, 2019 (SEC) and October 4, 2019 (SBC)

**New Business:**

National Federation of the Blind

**Old Business:**

Charleston County Consolidation of Polling Places

Voting System Implementation Update

Information Technology Security Update

Legal Update

Eugene Baten v. Henry McMaster, et al.

SEC v. James John Todd Kincannon

Frank Heindel and Phil Leventis v. Marci Andino, SEC

90-Day NVRA Notice from League of Women Voters

**Next Meeting(s):**

Wednesday, November 20, 2019 at 10:00 a.m. (SEC)

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

---

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
October 16, 2019  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Mr. Harold E. Faust, Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech; Joanne Day, League of Women Voters

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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**Approval of Minutes**

The first item of business was the approval of the minutes for the meetings held on September 18, 2019 (SEC) and October 4, 2019 (SBC). Mr. Moseley made a motion to approve the minutes, seconded by Mr. Edler. The minutes were approved unanimously.

**New Business**

The first item of new business was the National Federation of the Blind. Ms. Andino informed the federation sent a letter to all states expressing concerns about absentee voting, indicating the blind should be able to vote independently as absentee in person voters do. Ms. Andino stated she has responded and no further action is required at this time.

**Old Business**

The first item of old business was the Charleston County consolidation of polling places. Ms. Andino reminded the board Charleston County has widespread polling place consolidation which has resulted in very long lines at the polls. She stated there has been ongoing correspondence with the Charleston County Commission Chairperson this year to rectify the problem.

The second item of old business was the voting system implementation update. Ms. Andin reported forty five counties have completed user acceptance testing on the initial delivery for the new voting system. She also advised the new system was used

in Aiken County October 1 for the Special Election for House District 84 and in York County on October 15 for the City of Rock Hill election, with no issues being reported. Ms. Andino stated the new voting system will be used for all the municipal elections on November 5. She also advised every county has been trained on the new voting system and the SEC is continuing to develop and refine new procedures moving forward.

Information technology security update was the next item of old business. Ms. Andino reported there have been no vulnerabilities found in the Department of Homeland Security's weekly scans. She informed the board there has been an increase in the number of malware cases across the states; and the SEC has taken steps to make email more secure. Ms. Andino also advised the intelligence community has warned of an increased use of social media to disrupt the 2020 election.

Legal updates were the last item under old business. Mr. Brant advised there are no changes to report.

Mr. Wells reminded the members the next State Election Commission meeting will be on November 20, 2019 at 10:00 a.m.

A motion to adjourn the meeting was made by Mr. Faust, seconded by Mr. Moseley. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Pittelli".

Barbara Pittelli,  
Fiscal Tech

**STATE ELECTION COMMISSION**

**AGENDA**

**November 20, 2019**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: October 16, 2019 (SEC)

**New Business:**

Preparations for 2020 Presidential Preference Primary(ies)

**Old Business:**

Charleston County Consolidation of Polling Places

Voting System Implementation Update

Information Technology Security Update

Legal Update

Eugene Baten v. Henry McMaster, et al.

SEC v. James John Todd Kincannon

Frank Heindel and Phil Leventis v. Marci Andino, SEC

90-Day NVRA Notice from League of Women Voters

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

**Next Meeting(s):**

Wednesday, December 18, 2019 at 10:00 a.m. (SEC)

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
November 20, 2019  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler, Mr. Harold E. Faust (via teleconference)

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech; Daylin Silber, Administrative Coordinator

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**SCOTT MOSELEY**

**VACANT**

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**MARCI ANDINO**  
Executive Director

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**Approval of Minutes**

The first item of business was the approval of the minutes for the meeting held on October 16, 2019 (SEC). Mr. Faust made a motion to approve the minutes, seconded by Mr. Edler. The minutes were approved unanimously.

**New Business**

The first item of new business was preparations for the Presidential Preference Primaries (PPPs). Ms. Andino informed the Commissioners that the Democratic party (PPP) will be held on February 29, 2020. She advised that while the Republican party has no plans to hold a PPP at this time, a lawsuit is pending which seeks to require one. She also advised routine training for county staff across the state is scheduled for the first week of January. Ms. Andino advised that the budget for the PPPs has been provided to the counties. She explained that state law directs that cost saving measures be utilized for PPPs such as combining polling places.

Ms. Andino advised that the SEC sets candidate filing fees for PPPs at no more than \$20,000 in accordance with state law. She explained the political parties can charge candidates a larger amount as a certification fee.

**Old Business**

The first item of old business was the consolidation of polling places in Charleston County. Ms. Andino reported the SEC is still trying to work with the Charleston Board



on this issue and is expecting updates on the Board's efforts to identify and secure suitable polling locations.

The second item of old business was the voting system implementation update. Ms. Andino informed the Commission that the new system was used in 40 counties on November 5<sup>th</sup> in what were mostly municipal elections, and then in twelve counties on November 19<sup>th</sup> for runoff elections. Feedback from voters, poll workers and counties was overwhelmingly positive. She explained that despite a media story referencing issues with machines being down and calibration issues in Richland County, the SEC confirmed no such issues actually occurred or were misreported. For example, the report of machines being down was discovered to be an assumption made by voters at a polling location who saw machines that were not opened for use. Ms. Andino also advised that the SEC asked counties to choose one precinct from these elections and hand count all ballots cast for one office in order to verify results. In each instance the results matched those reported by the voting system tabulators. Ms. Andino also stated the SEC continues to work with partner organizations to get the word out about the new voting system, and these efforts have been very successful.

Information technology security update was the next item of old business. Ms. Andino reported that the SEC has hired a new IT security analyst. She advised that no vulnerabilities were found in the Department of Homeland Security's weekly cyberhygiene scans. Ms. Andino stated the SEC continues to identify training opportunities for state and county election officials.

Legal updates were the last item under old business. Mr. Brant advised that the case of Baten v. McMaster, et al., is currently pending on appeal in the Fourth Circuit. He advised that three matters have been resolved and will no longer appear on future agendas. The SEC v. Kincannon case was dismissed by the circuit court. The Heindel v. SEC case was dismissed by the Fourth Circuit Court of Appeals after the plaintiffs filed a voluntary motion to dismiss. Regarding the 90-day NVRA Notice, Mr. Brant reported the League of Women Voters has advised they are no longer associated with the efforts of the group who initiated the notice, and have no present intent to pursue litigation based on the allegations in the notice.

Mr. Wells reminded the members the next State Election Commission meeting will be on December 18, 2019 at 10:00 a.m.

A motion to adjourn the meeting was made by Mr. Edler, seconded by Mr. Faust. The motion passed unanimously.

Respectfully submitted,

Daylin Silber,   
Administrative Coordinator

**STATE ELECTION COMMISSION**  
**AGENDA**  
**December 18, 2019**  
**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: November 20, 2019 (SEC)

New Business:

No new business

Old Business:

Preparations for 2020 Presidential Preference Primary  
Charleston County Consolidation of Polling Places  
Information Technology Security Update  
Legal Update

Eugene Baten v. Henry McMaster, et al.  
S.C. Democratic Party v. SEC

Next Meeting(s):

Wednesday, January 15, 2020 at 10:00 a.m. (SEC)

COMMISSIONERS

JOHN WELLS  
Chairperson

CLIFFORD J. EDLER

HAROLD E. FAUST

SCOTT MOSELEY

VACANT

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION**  
**MEETING MINUTES**  
**December 18, 2019**  
**10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Mr. Clifford J. Edler (via teleconference), Mr. Harold E. Faust, Scott Moseley

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech; Joanne Day, League of Women Voters

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**CLIFFORD J. EDLER**

**HAROLD E. FAUST**

**SCOTT MOSELEY**

**VACANT**

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**Approval of Minutes**

The first item of business was the approval of minutes for the meeting held on November 20, 2019 (SEC). Mr. Moseley made a motion to approve the minutes, seconded by Mr. Faust. The minutes were approved unanimously.

**New Business**

The first item of new business was preparations for the Presidential Preference Primaries (PPPs). Ms. Andino reported that the lawsuit against the Republican Party regarding the failure to hold a PPP was dismissed by the court. She advised that the Democratic Party certified fourteen candidates to be on the ballot. Ms. Andino explained ballot production for the PPP is underway and databases are being created with the goal of delivery to county offices by early January. She advised that PPP training for all counties is scheduled for January. The six counties that did not hold elections in November of 2019 will be trained on the new voting system at the SEC as well as any other county that desires additional training. Ms. Andino advised all preparations are on schedule.

**Old Business**

The first item of old business was the consolidation of polling places in Charleston County. Ms. Andino advised that the County continues to determine suitable polling locations to cut down on consolidation.

Information technology security update was the next item. Ms. Andino reported that the SEC continues to work with public and private partners. She advised that a demo of the new voting system has been set up for the FBI, SLED and CISA (Cybersecurity and Infrastructure Security Agency). She reported that the SEC continues to conduct tests and code reviews to identify potential vulnerabilities in the voter registration system. Staff are also reviewing all current security policies for necessary updates. Ms. Andino also advised that DHS scans have not reported any new vulnerabilities.

The last item was legal updates. Ms. Andino reported no changes in the case of Baten v. McMaster, et al. In the case of SC Democratic Party v. SEC, she advised that the Attorney General's Office will represent the SEC. This case involves a challenge to this state's requirement that individuals registering to vote provide their Social Security Number (SSN). Ms. Andino explained South Carolina's longstanding practice of collecting SSNs as directed by state law predates the Privacy Act of 1974 and was thus grandfathered in under the Act.

Mr. Wells reminded the members the next State Election Commission meeting will be on January 15, 2020 at 10:00 a.m.

A motion to adjourn the meeting was made by Mr. Faust, seconded by Mr. Moseley. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Pittelli".

Barbara Pittelli,  
Fiscal Tech