

**STATE ELECTION COMMISSION**

**AGENDA**

**September 9, 2020**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Old Business:

Litigation Update

Executive Session to receive legal advice and discuss pending litigation

Next Meeting(s):

Wednesday, September 16, 2020 at 10:00 a.m. (SEC)

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
September 9, 2020  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Ms. Joanne Day (via teleconference), Mr. Clifford J. Edler (via teleconference), Ms. Linda McCall (via teleconference) Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; 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

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

**Old Business**

A motion to enter executive session for the purpose of receiving legal advice and to discuss pending litigation was made by Mr. Moseley and seconded by Ms. McCall. The motion passed unanimously, and the Commission entered into executive session.

The Commission subsequently came out of executive session, and Chairman Wells noted that no action was taken other than a vote on the motion to leave executive session.

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MARCI ANDINO  
Executive Director

With no other business to be discussed, Ms. Day motioned to adjourn the meeting, seconded by Ms. McCall. The vote was unanimous.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator

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**STATE ELECTION COMMISSION**

**AGENDA**

**September 16, 2020**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: August 19, 2020 (SEC), August 21, 2020 (SBC & SEC), August 24, 2020 (SEC) and September 9, 2020 (SEC)

**New Business:**

Agency Accountability Report  
COVID-19 Response Reserve Funding Request

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

**Old Business:**

Preparations for the General Election  
Charleston County Consolidation of Polling Places  
Information Technology Security Update  
Legal Update  
Eugene Baten v. Henry McMaster, et al.  
Mary T. Thomas, et al. v. Marci Andino, et al.  
Kylon Middleton, et al. v. Marci Andino, et al.  
Regina Duggins, et al. v. Jay Lucas, et al.

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MARCI ANDINO  
Executive Director

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**Next Meeting(s):**

Wednesday, October 21, 2020 at 10:00 a.m. (SEC)

1122 Lady Street  
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**STATE ELECTION COMMISSION  
MEETING MINUTES  
September 16, 2020  
10:00 a.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Ms. Joanne Day (via teleconference), Mr. Clifford J. Edler (via teleconference), Ms. Linda McCall (via teleconference) Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Howard Knapp, Director of Voter Services; Harrison Brant, General Counsel; Barbara Pittelli, Fiscal Tech

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

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

MARCI ANDINO  
Executive Director

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**Approval of Minutes**

The first item of business was the approval of minutes for the meetings of August 19, 2020 (SEC), August 21, 2020 (SBC & SEC), August 24, 2020 (SEC) and September 9, 2020 (SEC). A motion to approve the minutes of the August 19, 2020 SEC meeting was made by Ms. McCall, seconded by Ms. Day. The motion was approved by unanimous vote. Ms. Day moved to approve the minutes of the August 21, 2020 SBC meeting, seconded by McCall. The minutes were approved unanimously. Mr. Edler moved to approve the minutes of the SEC meeting held on August 21, 2020. The motion was seconded by Ms. Day, and approved unanimously. Ms. McCall moved to approve the minutes of the August 24, 2020 SEC meeting, seconded by Ms. Day. The motion passed by unanimous vote. Ms. Day moved approve the minutes of the September 9, 2020 SEC meeting, seconded by Ms. McCall. It was approved by unanimous vote.

**New Business**

The first item of new business was the Agency Accountability Report. Ms. Andino explained this annual report is a summary of the last fiscal year. She stated it includes expenditures, goals, strategies and measures to move the agency forward. Ms. Andino advised it will be sent to Chairman Wells for his signature before submission to the State Budget Office. It will also be made available on the SEC's website.

The next item of business was the COVID-19 Response Reserve funding request. Ms. Andino reminded the Commission that the General Assembly passed a bill allocating 15 million for the primary and general elections. She stated a funding request was submitted this week for General Election funds to cover items like postage, absentee ballot mailing service, inbound mail processing equipment, personal protective equipment and supplies for polling places, high speed scanners, signature pads, voter education campaigns, and attorneys' fees for litigation related to COVID-19. Ms. Andino advised she expects a quick response, adding the budget request for the primary was done in four days. Ms. Andino stated the equipment needed by the counties includes high speed scanners and precinct scanners. She also explained an outside media firm is assisting with voter education and outreach and that expense was included in the budget request.

### **Old Business**

The first item of old business was preparations for the General Election. Ms. Andino advised the staff is working with counties to implement the special rules for the General Election passed by the General Assembly in H.5305. She stated the training for county directors for the General election will be done via WebEx instead of in person. Voting system databases for the General Election have been sent to counties for review and approval. She stated UOCAVA ballots are on schedule to be mailed by the September 19, 2020 deadline. Ms. Andino reported more than 375,000 applications for absentee ballots have been received.

The Charleston County consolidation of polling places was the next item of old business. Ms. Andino advised Charleston County has been looking for suitable locations. She advised the commission three of the heaviest polling places have all been divided and relocated and Charleston County has gone from 90 polling places to 100. She added they still have work to do.

Information technology security update was the next item. Ms. Andino stated the SEC continues to work with its state and federal partners. She advised there was a secret level briefing in which the SEC was informed of ongoing threats. She also stated steps are being taken to further secure the SEC's intranet sites which include two factor authentication for all SEC and county users. Ms. Andino stated all counties will have to connect their endpoint computers to the network to receive updates and policies prior to the General Election.

The last item was legal updates. Mr. Brant advised that the plaintiffs in Baten filed a petition for rehearing with the Fourth Circuit, and the case could be appealed to the U.S. Supreme Court. The Thomas case is scheduled for trial beginning on September 22. In Middleton, the federal district held a motion hearing on Friday, September 11 on the plaintiffs' request for a preliminary injunction, and it is anticipated a ruling will be issued soon. In Duggins, arguments before the S.C. Supreme Court are scheduled for Friday, September 18.



Chairman Wells informed the next SEC meeting will be on October 21, 2020. With no other business to discuss, a motion was made by Mr. Mosely to adjourn. It was seconded by Mr. Edler and approved unanimously. The meeting was adjourned.

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara Pittelli". The signature is written in a cursive, flowing style.

Barbara Pittelli,  
Fiscal Tech

**STATE ELECTION COMMISSION**

**AGENDA**

**September 17, 2020**

**4:30 p.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: August 19, 2020 (SEC), August 21, 2020 (SBC & SEC), August 24, 2020 (SEC) and September 9, 2020 (SEC)

**New Business:**

Executive session to receive legal advice concerning H5305/R149.  
Discussion of H5305/R149 and any necessary action.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

**Next Meeting(s):**

Wednesday, October 21, 2020 at 10:00 a.m. (SEC)

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
September 17, 2020  
4:30 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Ms. Joanne Day (via teleconference), Mr. Clifford J. Edler (via teleconference), Ms. Linda McCall (via teleconference)

**Others Present:** Marci Andino, Executive Director; Chris Whitmire, Director of Public Information; Howard Knapp, Director of Voter Services; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; M. Elizabeth Crum; Wm. Grayson Lambert; Karl S. Bowers, Jr.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

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.

**New Business**

A motion to enter executive session for the purpose of receiving legal advice concerning H5305/R149 was made by Ms. McCall and seconded by Mr. Edler. The motion passed unanimously, and the Commission entered into executive session.

MARCI ANDINO  
Executive Director

Upon reconvening in open session, Chairman Wells asked for a motion interpreting Section 3 of R149/H5305 as still permitting applications for absentee ballots to be returned by fax and email, and as treating faxed or emailed applications as the equivalent of mailed applications. Ms. McCall so moved, seconded by Ms. Day. The motion passed unanimously.

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Chairman Wells asked for a motion to interpret Section 3 – which sets a deadline of 5:00 p.m. on Friday, October 30, 2020, for the return of applications for absentee ballots “if submitted in-person, or by the qualified elector’s authorized representative” – as expanding the role of an authorized representative under permanent state law to returning an application on behalf of a voter, but as requiring the ballot to be mailed directly to the voter in such cases as the voter’s ballot should not be handed to the authorized representative. Ms. Day so moved, seconded by Mr. Edler. The motion passed unanimously.

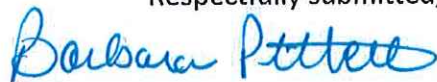
Chairman Wells asked for a motion treating the reference in Section 4 of R149/H5305 to an “authorized representative” as a scrivener’s error which should instead be treated as an “authorized returnee.” Ms. McCall so moved, seconded by Mr. Edler. The motion passed unanimously.



Chairman Wells asked for a motion interpreting Section 5 – which states that “[b]eginning on October 5, 2020, each county board of elections and voter registration must provide for in-office absentee voting” – as requiring in-person absentee voting to begin by October 5, 2020, but permitting in-person absentee to voting to begin prior to this date at the discretion of county election boards. Ms. Day so moved, seconded by Ms. McCall. The motion passed unanimously.

With no further business to discuss, Ms. McCall moved to adjourn the meeting. Ms. Day seconded the motion. The motion passed unanimously, and the meeting adjourned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Barbara Pittelli". The signature is fluid and cursive, with the first name "Barbara" and last name "Pittelli" clearly distinguishable.

Barbara Pittelli

**STATE ELECTION COMMISSION**

**AGENDA**

**September 21, 2020**

**4:00 p.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**New Business:**

1) Discussion on 9/18/2020 Order issued by the Honorable J. Michelle Childs in Middleton and whether to appeal

- Executive session to receive legal advice and discuss ongoing litigation

2) Discussion on R149/H5305 and legislative intent as to the October 5, 2020 start date for in-person absentee voting

- Executive session to receive legal advice

**Next Meeting(s):**

Wednesday, October 21, 2020 at 10:00 a.m. (SEC)

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
September 21, 2020  
4:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Ms. Joanne Day (via teleconference); Ms. Linda McCall (via teleconference); Mr. Scott Moseley (via teleconference)

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Howard Knapp, Director of Voter Services, Barbara Pittelli, Fiscal Tech

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

Chairman Wells called the meeting to order. He noted this is an emergency meeting called to discuss the two items on the agenda with less than twenty-four hours' notice. Thus, a determination needs to be made by two-thirds vote of the Commission vote as to whether emergency or exigent circumstances exist which warrant a meeting or discussion on each of the two agenda items without twenty-four hours' notice to the public.

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MARCI ANDINO  
Executive Director

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The first item on the agenda is a discussion of the September 18, 2020 Order issued by the Honorable J. Michelle Childs in the Middleton case and whether to appeal. The Chairman noted the Order sets aside the witness requirement for by-mail absentee ballots and also requires the SEC to "immediately and publicly inform South Carolina voters about the elimination of the witness requirement ...." He then stated that by complying with the Order, the Commission might be giving the public bad advice or information if it also files an appeal seeking a stay of the order. M. Elizabeth Crum and Grayson Lambert, outside counsel for commission, addressed the commission on these matters. Ms. Crum advised that the Speaker of the House, President of the Senate, and the Republican Party have all indicated they will file an appeal. This leaves the Commission in a position of having to notify voters the witness requirement is not in effect, only to have this ruling potentially stayed several days to a week later and confusing voters. She explained the Commission needs to decide quickly whether to participate and have a say in the appeal. She also explained that the plaintiffs in Middleton and Thomas have asked for attorneys' fees, and the Thomas plaintiffs moved this afternoon to consolidate the two cases. Thus, a determination as to whether to participate in the Middleton case would allow the Commission to participate in the motion to consolidate and address any request for attorneys' fees. Mr. Lambert



explained that emergency appeals in election matters typically move very quickly, sometimes a matter of days. Chairman Wells asked if the Commission will be confusing or misleading voters by telling the public there is no witness requirement only to have the witness requirement reinstated on appeal, potentially resulting in voters' ballots not being counted that are submitted without a signature. Ms. Day moved to hold an emergency meeting on this matter, seconded by Ms. McCall. The motion passed unanimously.

The second item on the agenda is a discussion on R149/H5305 and the legislative intent as to the October 5, 2020 start date for in-person absentee voting. Ms. Crum explained there has been some additional investigation into this issue since the Commission meeting last Thursday, September 17. She explained that the sooner the Commission addresses the question, the sooner it can advise county election boards and the public about the start date and avoid confusion. Mr. Moseley moved to hold an emergency meeting on this issue, seconded by Ms. McCall. The motion passed unanimously.

Ms. Day moved to go into executive session to receive legal advice on these two agenda items and discuss ongoing litigation, second by Ms. McCall. The motion passed unanimously.

Upon reconvening in open session, Chairman Wells asked for a motion to instruct the Commission's attorneys to file an appeal in the Middleton case and request a stay of Judge Childs' Order. Ms. McCall so moved, and Mr. Mosely seconded the motion. In discussion, Chairman Wells stated he thinks the Commission needs a seat at the table, the appeal will happen one or another, and he prefers to file an appeal and be a party to the briefing with some control over scheduling. He also prefers to remain involved in the litigation to have a say on the issue of the plaintiffs' request for attorneys' fees in Middleton and Thomas. The motion passed by a 3-1 vote with Chairman Wells, Ms. McCall, and Mr. Moseley voting in favor. Ms. Day voted against the motion.

Chairman Wells then asked whether anyone had a motion to change the Commission's September 17, 2020 interpretation of Section 5 of R.149/H5305 and as to when in-person absentee voting may begin. Ms. McCall so moved, seconded by Mr. Moseley. In discussion, Ms. McCall explained she thinks the language in Section 5 stating, "[b]eginning on October 5, 2020, each county board of elections and voter registration must provide for in-office absentee voting" means what it says. Chairman Wells stated it is unclear what the Legislature meant and he is disappointed in the Senate for not being more clear in the language used. However, he also does not want to be in a position of interpreting this contrary to a majority of the Senate. Chairman Wells stated he thinks the Commission will cause more confusion for voters if the interpretation is not changed. Ms. McCall amended her motion to state that in-person absentee cannot begin prior to October 5, 2020. Mr. Moseley seconded the motion. The motion passed by a 3-1 vote with Chairman Wells, Ms. McCall, and Mr. Moseley voting in favor. Ms. Day voted against the motion.

Ms. Crum asked if the Commission intended to address whether to file a motion for reconsideration in the Thomas case which was stayed by Order issued by Judge Childs. The purpose of the motion to be filed would be to ask Judge Childs to allow the case to go proceed with a trial as scheduled. Chairman Wells asked for a motion to authorize the Commission's attorneys to file a motion to reconsider in Thomas and proceed with trial. Mr. Moseley so moved, seconded by Ms. McCall. The motion passed unanimously.

Mr. Mosely made a motion to adjourn the meeting, seconded by Ms. McCall. The motion passed unanimously, and meeting adjourned.

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara Pittelli". The signature is written in a cursive, flowing style.

Barbara Pittelli,  
Fiscal Tech

**STATE ELECTION COMMISSION**

**AGENDA**

**September 28, 2020**

**4:00 p.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

**New Business:**

- 1) Discussion of the impact of federal court rulings in Kylon Middleton, et al. v. Marci Andino, et al. on absentee voting.
  - Executive session to receive legal advice.
- 2) Discussion of who can return an application for absentee ballot under H5305/R149.
  - Executive session to receive legal advice.

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

**Next Meeting(s):**

Wednesday, October 21, 2020 at 10:00 a.m. (SEC)

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MARCI ANDINO  
Executive Director

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**STATE ELECTION COMMISSION  
MEETING MINUTES  
September 28, 2020  
4:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Ms. Joanne Day (via teleconference), Mr. Clifford J. Edler (via teleconference), Ms. Linda McCall (via teleconference)

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

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

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.

**Old Business**

The first item on the agenda was a discussion on the impact of federal court rulings in *Kylton Middleton, et al. v. Marci Andino, et al.* on absentee voting. Chairman Wells explained that recent decisions by the Fourth Circuit created “gaps” during which witness requirement has been in effect. This has created confusion and concern among voters and county election officials who need guidance.

MARCI ANDINO  
Executive Director

A motion to enter executive session for the purpose of receiving legal advice was made by Mr. Edler and seconded by Ms. McCall. The motion passed unanimously, and the Commission entered into executive session.

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Upon reconvening in open session, Chairman Wells stated the record should show the Commission received legal advice, and no action was taken in executive session. He also stated the SEC’s attorneys are authorized to continue with the appeal consistent with the Commission’s vote on September 21, 2020.

The next item was a discussion regarding who can return an application for absentee ballot under H5305/R149.

A motion to enter executive session for the purpose of receiving legal advice was made by Ms. McCall and seconded by Ms. Day. The motion passed unanimously, and the Commission entered into executive session.

Upon reconvening in open session, Chairman Wells stated the record should show the Commission received legal advice and no decisions were made. He also stated we need to give guidance to the counties. Ms. McCall made a motion to interpret Section 3 of R149/H5305 as allowing a voter's application for an absentee ballot to be returned in person only if submitted by the voter personally or the voter's authorized representative along with the Request for Absentee Ballot Application By Authorized Returnee form. The motion was seconded by Mr. Edler. Upon discussion, it was clarified that this limitation does not apply to applications returned by mail. Thus, it is acceptable for more than one application to be returned in a single envelope that is mailed to a county election office. The motion passed by unanimous vote.

With no other business to be discussed, Mr. Edler moved to adjourn the meeting, seconded by Ms. Day. The vote in favor was unanimous, and the meeting adjourned.

Respectfully submitted,



Daylin Silber,  
Administrative Coordinator



**STATE ELECTION COMMISSION  
MEETING MINUTES  
October 7, 2020  
5:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman (via teleconference); Ms. Joanne Day (via teleconference), Mr. Clifford J. Edler (via teleconference), Ms. Linda McCall (via teleconference) Scott Moseley

**Others Present:** Marci Andino, Executive Director; 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

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

MARCI ANDINO  
Executive Director

**Old Business**

The first item of business was a legal update in the case of Kylon Middleton, et al. v. Marci Andino, et al. Mr. Brant advised that on October 5, 2020, the U.S. Supreme Court (SCOTUS) issued an order which stayed the District Court's order enjoining the witness requirement for absentee ballots "except to the extent that any ballots cast before this stay issues and received within two days of this order may not be rejected for failing to comply with the witness requirement." He explained this meeting was scheduled to address questions coming in from voters, county election officials, the media, and various groups as to whether absentee ballots received after October 7, 2020 without a witness will be counted, or if voters would otherwise be given a chance to "cure" any issues with the witness requirement. Chairman Wells responded that SCOTUS gave guidance on this issue, and he thinks that guidance was to count any absentee ballots received without a witness through October 7, 2020, but not those received after that date. Ms. Crum advised that the Commission may want to go into executive session to receive legal advice to discuss the implications of the Supreme Court's order.

Chairman Wells stated it would be appropriate to entertain a motion to receive legal advice on the effect of October 5, 2020 order. Mr. Mosely so moved, seconded by Ms. McCall. The motion passed by unanimous vote, and the Commission entered into executive session.

Upon reconvening into open session, Chairman Wells noted the commission received legal advice and no votes were taken. He also noted the commission has heard from its executive director that counties need direction on counting ballots received without a witness signature after October 7<sup>th</sup>. Chairman Wells asked if there was a motion to direct the Executive Director to immediately give clear direction to county election officials that they

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have no authority to cure absentee ballots received by mail that do not have a witness signature after October 7<sup>th</sup>. Ms. McCall so moved. The motion was seconded by Mr. Edler, and passed by unanimous vote.

With no other business to be discussed, Mr. Edler motioned to adjourn the meeting, seconded by Mr. Moseley. The vote in favor was unanimous, and the meeting adjourned.

Respectfully submitted,  
Daylin Silber, Administrative Coordinator

A handwritten signature in blue ink, appearing to read "D Silber", is written below the typed name.

**STATE ELECTION COMMISSION**

**AGENDA**

**October 21, 2020**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: September 16, 2020 (SEC), September 17, 2020 (SEC), September 21, 2020 (SEC), September 28, 2020 (SEC) and October 7, 2020 (SEC)

**New Business:**

General Election Protest and Appeal Schedule  
Center for Election Innovation & Research Grant  
COVID-19 Response Reserve Funding

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**JOANNE DAY**

**CLIFFORD J. EDLER**

**LINDA MCCALL**

**SCOTT MOSELEY**

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**MARCI ANDINO**  
Executive Director

---

**Old Business:**

Preparations for the General Election  
Information Technology Security Update  
Legal Update  
Eugene Baten v. Henry McMaster, et al.  
Mary T. Thomas, et al. v. Marci Andino, et al.  
Kylon Middleton, et al. v. Marci Andino, et al.  
Regina Duggins, et al. v. Jay Lucas, et al.  
League of Women Voters, et al. v. Marci Andino, et al.  
JoAnn Shernoff, et al. v. Marci Andino, et al.

**Next Meeting(s):**

Wednesday, November 10, 2020 at 10:00 a.m. (SBC)  
Wednesday, November 18, 2020 at 10:00 a.m. (SEC)

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Suite 500  
Columbia, SC 29201

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the SEC will be November 23 and the last day to hear appeals will be December 7, 2020. Ms. Andino asked the board members to schedule the week of November 30 for protests and appeals. She explained each side can present opening statements, bring their own witnesses and cross examine them. She also stated a decision is made that day. Ms. Andino also advised the board members it is not known how long these hearings will take and also added more information will be available after protests are filed.

The next item of business was the Center for Election Innovation & Research Grant. Ms. Andino advised the SEC applied for and has received a grant for 1.2 million dollars. She explained those funds will be used for voter education and outreach for the 2020 General Election through print, radio and television.

COVID-19 Response Reserve funding was the next item. Ms. Andino reminded the Commission that the General Assembly passed a bill allocating \$15 million for the primary and general election. She stated the funds are being used to pay for postage, poll manager incentives, COVID-19 training, additional absentee workers at the county locations, mailing service for ballots, and attorneys' fees for legal cases related to COVID-19. Ms. Andino advised an additional \$5 million request was submitted to the Governor's office and approved. These funds will be used to complete the implementation of the electronic pollbook solution. She also advised those funds had been previously approved by the House in the budget, but added the General Assembly did not pass the budget when they returned last month.

### **Old Business**

The first item of old business was preparations for the General Election. Ms. Andino reported previously set records have been broken in regard to absentee ballots requested and issued. She advised 934,000 absentee ballots have been requested and 790,000 have been issued. Mr. Whitmire added 344,000 in-person absentee ballots have been cast and 263,000 absentee ballots have been returned by mail so far. She added 517,000 ballots were issued and 503,000 total were returned in 2016. Ms. Andino stated the counties are able to open the outer envelope beginning on November 1, but are not able to open the "Ballot Herein" envelope until 7:00 am on election day.. She advised that counties are preparing for the possibility some poll workers may not show up due to increases in COVID-19 cases.

Information technology security update was the next item. Ms. Andino stated the SEC continues to work with its state and federal partners. She stated she attended a secret level meeting last week with the Federal Bureau of Investigation, the Department of Homeland Security, South Carolina Law Enforcement Division. She said all efforts are being made to protect the critical election infrastructure.

The last item was legal updates. Ms. Andino advised the petition for Rehearing was denied by the Fourth Circuit in Baten and it has been appealed to the Supreme Court. She stated the Thomas and Middleton cases are on hold after the United States Supreme Court order.



**STATE BOARD OF CANVASSERS**

**AGENDA**

**November 10, 2020**

**10:00 am**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Certification of the results of the 2020 General Election held on Tuesday, November 3, 2020.

- Order recount(s)
- Recess (pending completion of county recounts and certifications)
- Certify results of recount(s)

**COMMISSIONERS**

**JOHN WELLS**  
Chairperson

**JOANNE DAY**

**CLIFFORD J. EDLER**

**LINDA MCCALL**

**SCOTT MOSELEY**

Adjourn.

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**MARCI ANDINO**  
Executive Director

---

1122 Lady Street  
Suite 500  
Columbia, SC 29201

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Columbia, SC 29250

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90 in Bamberg, Barnwell and Colleton Counties. The motion was seconded by Ms. McCall. The motion was passed by unanimous vote and the recount was certified.

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

Respectfully submitted,

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

Daylin Silber

## OATH OF STATE BOARD OF CANVASSERS

We, the State Board of Canvassers, hereby certify the following as the whole number of votes cast for S.C. House of Representatives District 90 in the General Election held on November 3, 2020, as recounted on November 10, 2020.

---

John Wells, **Chairman**

---

Joanne Day

---

Cliff Edler

---

Linda McCall

---

Scott Moseley

**STATE BOARD OF CANVASSERS**

Dated this 11th day of November of 2020.



**SOUTH CAROLINA**  
**ELECTION COMMISSION**

**Resolution of Thanks and Appreciation**

**Whereas**, the mission of the S.C. 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; and

**Whereas**, the State of South Carolina faced extraordinary challenges conducting the 2020 Statewide Primaries and General Election due to the COVID-19 pandemic; and

**Whereas**, county and state election officials along with our valuable agency partners worked tirelessly under unprecedented circumstances to create and enact plans to provide safe and accessible registration and voting opportunities for every citizen; and

**Whereas**, a record 2,533,000 South Carolinians exercised their right to vote in the 2020 General Election; and

**Whereas**, a record 892,000 voters cast in-person absentee ballots, far-surpassing the record of 370,000; and


**Whereas**, a record 441,000 voters cast by-mail absentee ballots, far-surpassing the record of 133,000; and

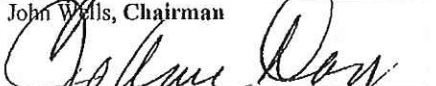
**Whereas**, more than 20,000 South Carolinians volunteered to serve as poll workers amidst a pandemic, wore personal protective equipment, applied social distancing, and kept polling places operating in a safe and efficient manner; and


**Whereas**, poll workers and county and state election officials conducted the 2020 General Election using a new statewide voting system and a new electronic poll book system; and

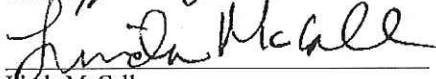
**Whereas**, all involved displayed unwavering dedication to free and fair elections and made the necessary sacrifices to ensure the 2020 General Election was conducted in a nonpartisan, impartial, transparent, efficient, secure and accurate manner;

**Now, therefore**, be it resolved that the S.C. State Election Commission hereby offers its sincere appreciation and gratitude to the voters and our election heroes for their work and accomplishments under extraordinary and unprecedented circumstances in the preservation of our democracy; and further, that this resolution be duly recorded in the minutes of the State Election Commission on this 18<sup>th</sup> day of November in the year 2020.

  
John Wells, Chairman

  
Joanne Day

  
Cliff Edler

  
Linda McCall

  
Scott Moseley

reduced lines on election day with the worst reports being of hour-long lines in the early morning. She stated the agency is currently working on a general election debrief, as well as developing and updating procedures for recounts, certification, and duplication of ballots. The agency will also conduct compliance audits and develop new training classes based on the new technologies and any observations or deficiencies noted during the general election. She stated the election was an overall success, and reported receiving much positive feedback from voters.

The next item under new business was the adoption of the Resolution of Thanks and Appreciation. The commission adopted the resolution which thanks voters and our election heroes for their work and accomplishments under extraordinary and unprecedented circumstances in the preservation of our democracy. A copy of the Resolution is attached and incorporated herein by reference. Ms. Day made a motion to adopt the resolution and it was seconded by Mr. Mosely. The motion passed unanimously.

#### **Old Business**

The first item under old business was the protest and appeals schedule. Ms. Andino informed the board members there is one protest and possibly one appeal. After a discussion, it was agreed that Monday, May 23<sup>rd</sup> at 3:00 p.m. would be an appropriate time for the protest hearing which will be held at the SEC's office.

Information technology security update was the next item. Ms. Andino stated the SEC continues to take all reasonable measures and work with its partners to evaluate and secure our election infrastructure including newly-implemented technologies.

The last item was legal updates. Mr. Brant advised there are no updates in the Baten case as we are still waiting to see whether an appeal to the U.S. Supreme Court is filed. The League of Women Voters case is still pending on appeal to the Fourth Circuit. The remaining cases of Thomas, Middleton, and Shernoff are still pending and proceeding as if going to trial.

With no further business, Mr. Moseley made a motion to adjourn, seconded by Ms. McCall. The motion was passed unanimously.

Respectfully submitted,



Daylin Silber

**STATE BOARD OF CANVASSERS**  
**MEETING MINUTES**  
**November 23, 2020**  
**3:00 p.m.**

1122 Lady Street, 5th Floor  
Columbia, SC 29201

**Present:** Mr. John Wells, Chairman; Ms. Joanne Day, Ms. Linda McCall, Mr. Scott Moseley

**Others Present:** Marci Andino, Executive Director; Harrison Brant, General Counsel; Daylin Silber, Administrative Coordinator; Karl B. Allen, Gerald Malloy, Conway Belangia and members of the public

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.

Chairman Wells stated the purpose of the meeting was to hear the appeal of Jack Logan vs. Greenville County Registrations and Elections and Karl B. Allen.

At 3:30pm, Chairman Wells asked the bailiff to go out to first floor of the building and call out for Mr. Jack Logan three times. The bailiff returned and indicated Mr. Logan was not located.

Gerald Malloy, counsel for the respondent, made a motion to dismiss due to protestant's absence and insufficient evidence in support of a protest. It was passed by unanimous vote.

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

Respectfully submitted,



Daylin Silber

**COMMISSIONERS**

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

MARCI ANDINO  
Executive Director

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STATE OF SOUTH CAROLINA )  
)  
COUNTY OF RICHLAND )  
)  
Jack Logan )  
)  
Protestant, )  
)  
-vs- )  
)  
Greenville County Registration and )  
Elections, and Karl B. Allen )  
)  
Respondents, )  
)  
)  
In Re: State Senate District 7 )  
General Election )  
Held on November 3, 2020 )  
)

ORDER

This matter came before the State Election Commission in its capacity as the State Board of Canvassers (the "Board") on November 23, 2020 at 3:00 p.m. at 1122 Lady Street, Suite 500, Columbia, S.C. 29201. Respondent Karl B. Allen was present at the hearing and represented by Gerald Malloy.

At 3:30 p.m., the Protestant was not present for the hearing. Chairman Wells asked if the Protestant was given notice of hearing. Executive Director Andino responded that notice was served. The Protestant's name was then called three times in the lobby to no avail.

Chairman Wells then allowed Mr. Malloy to make a motion to dismiss on the record on behalf of Respondent Allen. Mr. Malloy asserted the protest should be dismissed based on the absence of the Petitioner and insufficient evidence in support of a protest.

**STATE ELECTION COMMISSION**

**AGENDA**

**December 16, 2020**

**10:00 a.m.**

1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

Approval of Minutes: November 18, 2020 (SEC), November 23, 2020 (SBC)

New Business:

Post-Election Survey

Old Business:

COMMISSIONERS

JOHN WELLS  
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

Legislative Update

Information Technology Security Update

Legal Update

Eugene Baten v. Henry McMaster, et al.

Mary T. Thomas, et al. v. Marci Andino, et al.

Kylon Middleton, et al. v. Marci Andino, et al.

League of Women Voters, et al. v. Marci Andino, et al.

JoAnn Shernoff, et al. v. Marci Andino, et al.

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MARCI ANDINO  
Executive Director

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Next Meeting(s):

Wednesday, January 20, 2020 at 10:00 a.m. (SEC)

1122 Lady Street  
Suite 500  
Columbia, SC 29201

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Columbia, SC 29250

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a straight-party selection. He then asked Ms. Andino to provide him with a sample copy of a 2016 general election ballot for comparison. This showed that while in this election the question was presented by itself on the screen of the ballot-marking device, in 2016 the question appeared on a split-screen that included other offices to be voted on. He stated he did not think was unduly suggestive, but asked Ms. Andino whether it is possible to put more than one question per screen with the current voting system. Ms. Andino explained it is not possible with the current software version, but it will be with the new version of ElectionWare certified by the Commission to be implemented in 2021. Ms. Andino added that the agency does track straight-party voting and this year's statistics showed no increase in straight-party voting between 2018 and 2020.

### **Old Business**

The first item under old business was legislative updates. Ms. Andino informed the Commission members that prefiled legislation has been introduced in both the House and Senate, including a number of bills on a variety of topics related to voting or voter registration. Chairman Wells noted that if the House or Senate wants the Commission to come in and take positions on legislation, he believes the Commission should meet to discuss and decide what position to take, if any. If either body wants Ms. Andino to appear and discuss how legislation may affect agency operations, she should go testify as to what she thinks. Ms. Andino noted legislators sometimes want testimony and may request that she personally appear, but she typically limits her testimony to the potential impact of proposed legislation on voting and election processes as the agency rarely takes a position on legislation. Chairman Wells responded that is how the agency should continue to handle such matters.

Information technology security update was the next item. Ms. Andino stated no critical vulnerabilities were detected in scans of public facing websites by DHS. She added the SEC will continue to work with counties to ensure compliance with election security policies. She advised the SEC is working on adding two factor authentication to email accounts.

The last item was legal updates. Mr. Brant advised there are no significant updates in any of the cases.

Chairman Wells reminded the board members the next meeting will be held on January 20, 2021.

With no further business, Ms. McCall made a motion to adjourn, seconded by Ms. Day. The motion was passed unanimously.

Respectfully submitted,



Daylin Silber

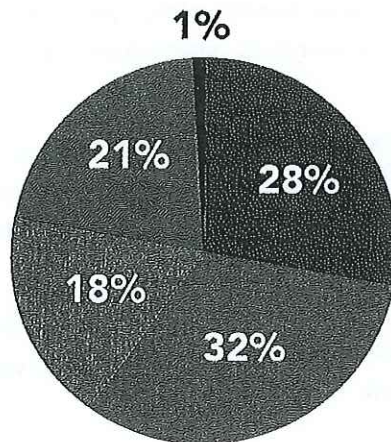
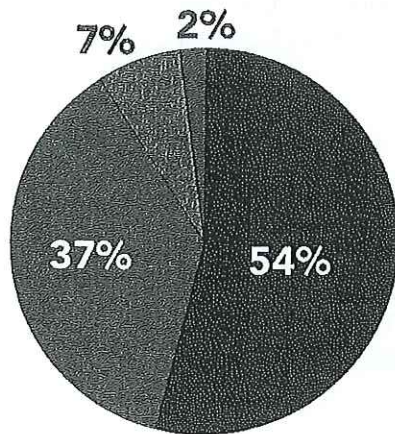


## SC voters are confident in the accuracy of SC Elections

HOW CONFIDENT ARE YOU IN THE ACCURACY OF:

SC ELECTIONS

NATIONAL ELECTIONS



Very Confident
  Somewhat Confident
  Not Very Confident
  Not Confident At All
  Not Sure

**91%**  
 VERY OR SOMEWHAT  
 CONFIDENT  
 IN ACCURACY OF SC ELECTIONS

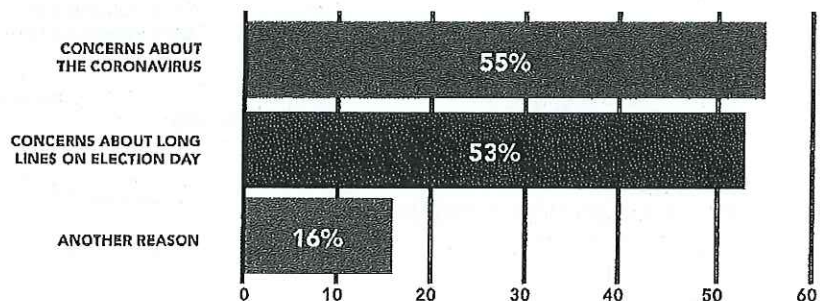
WHEREAS ONLY  
**60%**  
 VERY OR SOMEWHAT  
 CONFIDENT  
 IN ACCURACY OF  
 NATIONAL ELECTIONS

## Absentee In Person Voting

More than half of voters who voted absentee in person (but typically don't) were driven to do so because of concerns about the coronavirus and concerns about long lines on Election Day.

**67%**  
 OF VOTERS WHO VOTED  
 ABSENTEE IN PERSON SAID THEY  
 DO NOT TYPICALLY  
 VOTE THIS WAY

REASON FOR VOTING ABSENTEE IN PERSON



This report presents the findings of a quantitative, online study of registered South Carolina voters who voted in person (on Election Day or in-person absentee) in the November 3 National Election. The sample is comprised of 518 state residents, with a corresponding sampling error of  $\pm 4.4$  percentage points at the 95% confidence level. The study was conducted between November 4 and 9, 2020.

every vote matters.  
 every vote counts.

SOUTH CAROLINA  
 ELECTION COMMISSION

scVOTES.gov

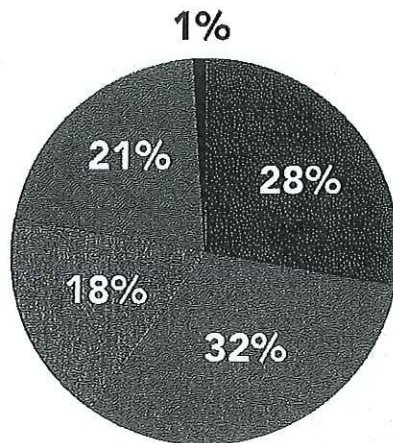
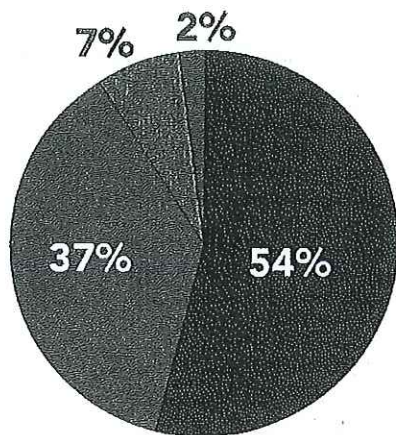


## SC voters are confident in the accuracy of SC Elections

HOW CONFIDENT ARE YOU IN THE ACCURACY OF:

SC ELECTIONS

NATIONAL ELECTIONS



Very Confident
  Somewhat Confident
  Not Very Confident
  Not Confident At All
  Not Sure

**91%**

VERY OR SOMEWHAT  
CONFIDENT  
IN ACCURACY OF SC ELECTIONS

WHEREAS ONLY

**60%**

VERY OR SOMEWHAT  
CONFIDENT  
IN ACCURACY OF  
NATIONAL ELECTIONS

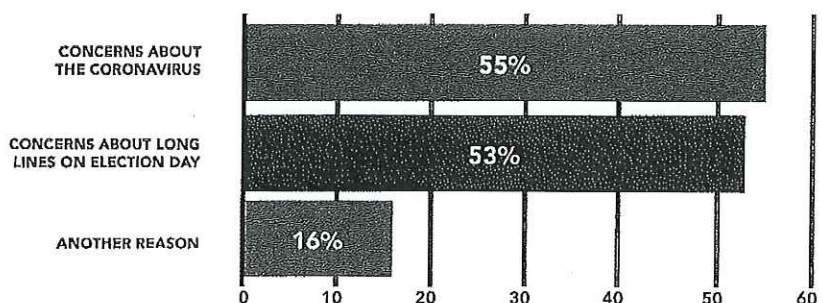
## Absentee In Person Voting

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**67%**

OF VOTERS WHO VOTED  
ABSENTEE IN PERSON SAID THEY  
**DO NOT TYPICALLY  
VOTE THIS WAY**

REASON FOR VOTING ABSENTEE IN PERSON



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