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**Committee:**  
Medical, Military, Public and  
Municipal Affairs, Chairman

**House of Representatives**  
State of South Carolina

January 23, 2023

Mr. Howard M. Knapp, J.D., Executive Director  
South Carolina State Election Commission  
P.O. Box 5987  
Columbia, S.C. 29250

Dear Director Knapp,

Many thanks to you and your staff for your efforts associated with the most recent General Election in South Carolina. With changes to election law and new district lines, I realize that this election required additional work for you and your staff, and I appreciate you.

Due to recent information received from the Berkeley County Republican Party, including a Resolution and Poll Watching Report (attached), I am writing to you to respectfully request that you perform a county compliance audit pursuant to S. C. Code 7-3-20(D)(3) as updated after the passage and enactment of S.108 in the 2022 legislative session. This audit is requested in order to ensure the Berkeley County Board of Registration and Elections' compliance with the requirements of applicable state or federal law or State Election Commission policies, procedures, or standardized processes with regard to the conduct of elections or the voter registration process by all persons involved in the elections process.

Pursuant to your authority in S.C. Code 7-3-20(D)(2), I further request that you use all available election auditing methods to investigate any issues needing attention under state or federal elections law that you may uncover.

Additionally, in accordance with S.C. Code 7-3-25, should it be determined that the Berkeley County Board of Voter Registration and Elections has failed to comply with applicable state or federal law or State Election Commission policies, procedures, or standardized processes with regard to the conduct of the election or voter registration process, I request that action be taken to establish a plan to address the failure and implement such plan.

Thank you for your consideration.

Sincerely,

Sylleste H. Davis

cc: Berkeley County Legislative Delegation  
Johnny Cribb, Berkeley County Supervisor  
Don Saturday, Chair, Berkeley County Elections Board  
Rose Brown, Director, Berkeley County Elections  
Victoria Cowart, Chair, Berkeley County Republican Party

## **BERKELEY COUNTY REPUBLICAN PARTY RESOLUTION REGARDING THE BERKELEY COUNTY ELECTION DIRECTOR**

WHEREAS, Citizens of a Constitutional Republic deserve nothing less than a fair, honest, and transparent election process; and,

WHEREAS, The Berkeley County 2022 primary election drew a protest by Chris Davenport that required a hearing before the Berkeley County Republican Party (BCGOP); and,

WHEREAS, In spite of BCGOP Executive Committee upholding the results of the election, numerous issues of great concern were observed and subsequently uncovered during the hearing which include:

- The machine used during the automatic recount broke down with no apparent method to continue the recount to a certifiable result.
- A second recount was halted by someone at the State Election Commission.
- The Berkeley County Election Commission Chairman was not present when the Commission certified the results of the Davenport/Stern primary.
- The Berkeley County Elections Director was seemingly unable to identify a copy of a precinct tape presented by Mr. Davenport that he received from the Elections Office. The Director studied the document copies in total silence for approximately 5 minutes before declaring she wasn't sure what she was viewing.
- Mr. Davenport was in possession of a report given to him by the Elections Office clearly marked "official" which indicated a discrepancy. During the hearing the Elections Director identified the report as not an official document, with an explanation that the mislabeling was an error in the way reports are generated post-election.
- Mr. Davenport presented numerous discrepancies of vote counts, given to him by the Elections Office, causing him to doubt the results of his primary election; and,

WHEREAS, Reportedly the wrong thumb drives were plugged into some precinct machines during the primary election; and

WHEREAS, The first public notification of the municipal elections for Berkeley County appeared in the Post and Courier July 27, 2022, just a few days before filing opened on August 1. The second notification appeared August 10<sup>th</sup> just five days before filing closed, and

WHEREAS, Additional research into the hiring process of the current Elections Director includes:

- No actual experience as an Elections Director.
- No official Berkeley County Human Resources records showing she held the position of "Deputy Director".
- No official minutes of an Election Commission Meeting where Commissioners were put on record as voting to hire the current Director.
- No ability for public input existed prior to the hire; and,

WHEREAS, These issues create substantial doubt within the Berkeley County Republican Party that our election process is accurate and has competent management by the Elections Director or competent oversight by the Election Commission; therefore,

BE IT RESOLVED, The Berkeley County Republican Party shall convey these issues to the Berkeley County Legislative Delegation for their oversight and to the South Carolina Election Commission for their oversight.

Passed this day, September 19, 2022 by the Berkeley County Republican Party Executive Committee.

Chairman: Victoria Cowart Victoria Cowart

Secretary: Linda Collins Linda Collins



## *Berkeley County Republican Party*

Berkeley County, SC

January 15, 2023

The Honorable Sylleste Davis  
SC House of Representatives

Dear Representative Davis,

The election season is one that is incredibly important and yet busy and taxing for everyone involved. In the spirit of aiding our election leaders at this critical time, members, and friends of the BCRP took to the streets and worked around and in polling locations, both in the early voting and on the day of. Some were Poll Watchers from the Party, others were Candidate Representatives, while others were Observers.

What you will read in the following summary pages will reveal shortcomings in the areas of training, equipment, security (seals on equipment, on ballot boxes or on thumb drive envelopes), curbside voting services, voter privacy, improper handling and processing of paper ballots, records, transparency (absentee votes being processed), elections closing management, and more than questionable conduct in the area of the audit management. Please see the 50 pages of reporting as well as the next pages here for some individual examples.

The Berkeley County Republican Party calls upon every elected and appointed official in this process. Swift action is necessary to remedy this clear pattern of disregard for even the most basic of required procedures—violated even at the main office in the very room in which our Elections Director serves and was present at the time.

That said, the favor of a reply as to next steps would be appreciated. The citizens who marshalled this election assistance and participated in it are deserving of both answers and solutions.

With the utmost respect and sincerity,

*Victoria Cowart*

Victoria Cowart, Chair  
Berkeley County Republican Party

CC: Berkeley County Voter Registration Board, SC Election Commission, SC Republican Party



## *Berkeley County Republican Party*

Berkeley County, SC

January 15, 2023

### Examples from the reports:

- Training
  - Crowfield Baptist Church, significant issue here with a Poll Manager telling Candidate Representatives (two for Dr. Hinson) they were not permitted to speak on the sidewalk leading to the polling location. This was followed by the Poll Clerk coming out asserting that he too did not think it was permissible. We had to inform both Poll Worker and Poll Clerk of the rules. The Poll Manager, a female member of the team, had to be informed of this several times, as she was not willing to consider new information or to look at the Handbook when offered the opportunity.
  - Goose Creek High School,
    - Candidate Watchers (at least 2) in partisan races, 3 others with incomplete sign ins and possible additional violations.
    - Poll Managers/Clerk here also told a Candidate to move 500' despite the fact he was not handing out anything.
    - An unknown woman was permitted to take photos inside the polling area.
  - Hanahan Fire Station 3, provisional ballot box seal compromised and Poll Clerk unaware a seal was necessary. Showed watcher/observer "cheat sheet" and this detail was not on the sheet provided to the Poll Clerk for operations
  - Moncks Corner Early Voting, same
  - Westview 4, Candidate Representatives wearing "Vote for" badges for Candidate Tanner
  - Whitesville Elementary School, Poll Clerk asserted that Candidate Representatives were not permitted to speak outside the polling location and had to move 500' away. This was a consistent problem at numerous locations.
- Equipment
  - Crowfield Baptist Church, equipment failures
  - Foxbank Elementary School, multiple equipment failures
  - Goose Creek Elementary School, multiple equipment failures (8 people tried to vote and couldn't)
  - Goose Creek High, multiple equipment failures—three different device types were breaking down here.
  - Hanahan Library Early Voting, multiple equipment failures



## *Berkeley County Republican Party*

Berkeley County, SC

January 15, 2023

### Examples from the reports continued:

- Equipment Continued
  - Nexton Elementary,
    - poor setup and operation of equipment lead to EPB operating from battery and was not plugged in, equipment breakdowns
  - Stratford High School, equipment failures due to power setup
  - Whitesville Elementary School, DS-200 equipment failure
- Security
  - Boulder Bluff, seal cut no verification of serial number
  - Foxbank Elem, seal issue here as well on ballot box
  - Hanahan Fire Station 3, provisional ballot box seal compromised
  - Moncks Corner Early Voting, the seals were at issue on both the provisional ballot box and on the main ballot box. Both Rosie Brown and Laura Thomas were in the room. These issues were reported to them, and Tracy Mullinax applied the seals at approximately 12:20 pm in the day.
  - New Life, seal damaged
  - Nexton Elementary,
    - seal issues—tags applied without logging anywhere
    - **MAJOR ISSUE OF CONCERN:** Poll Clerk, Wendy, reported that Laura Thomas (Moncks Corner Office) told her, Wendy, to take the EPB into her home, slip the zip ties, and to update the equipment in her home Monday evening.
    - Closing issue: no double checking on the tally. Asked by Watcher/Observer if they matched, received reply, “They never do.”
  - Stratford High School, ballot drawer and box had no seals on them
- Curbside voting services
  - GC High, there were curbside voters waiting here for lengthy periods (35 minutes) and some that were not served or who had to come in to be served (1 in a wheelchair)
  - Nexton Elementary, curbside issues including single Poll Workers on duty with ballots without a secondary person with them



*Berkeley County Republican Party*  
Berkeley County, SC

January 15, 2023

Examples from the reports continued:

- Voter privacy
  - Nexton Elementary, voter privacy issue here with workers & voters walking behind the BMD's with voters in them. This was brought to the Clerk's attention, and she shared the design was intentional and she liked it. Another Watcher/Observer noted the Poll Workers continuing to walk voters behind active BMDs instead of in front of them.
- Improper handling and processing of paper ballots
  - Nexton Elementary, Poll Worker came in and completed a paper ballot and insert it into the machine and then exited the polling location with an "I Voted" sticker
  - Phillip Simmons, Poll Worker, alone, brought in a ballot alone from outside
- Improper records or handling of same
  - St. Stephens Early Voting, midday no oaths on file or at closing
- Transparency issues
  - Nexton Elementary, The Poll Clerk didn't know the beginning count
  - Moncks Corner, numbers requested here as well told report not yet run and/or to check with SEC
- Elections closing management
  - Poll Workers returned with equipment after closings without verification of seals on ballot boxes or on envelopes containing thumb drives
  - Observed Whitesville Fire did not use proper provisional ballot envelopes and hearing those ballots would be "spoiled."
- Elections Audit management **MAJOR ISSUE OF CONCERN**
  - Picture included for this item of **IMPORTANCE**
  - Poll Observer watched inmates coming and going leaving with paper bags of unknown contents
  - Three precincts were selected or hand audit: Foxbank Elementary, Devon Forrest 2 and unknown third
  - Poll Observer is in the room during the process, with inmates at the table and in the middle of the process with ballots. Poll Observer takes a picture, while not getting any "ballot" content in the image.
  - The woman in orange in the picture called for a lunch break. The Poll Observer left at this same time and stopped to speak to Tracy to inform her of departure.
  - Poll Observer returns and notices items missing from the table.



## ***Berkeley County Republican Party***

**Berkeley County, SC**

January 15, 2023

### **Examples from the reports continued:**

- **Elections Audit management MAJOR ISSUE OF CONCERN continued**
  - The woman in orange in the picture tells the Poll Observer to delete the picture and conversations ensue revealing confusion about missing items and their whereabouts.
  - Poll Observer requested procedures for the process, told by Rosie Brown to call SEC.
  - Rosie Brown also told Poll Observer to delete the photo(s).
  - Poll Observer replied to both directives in the affirmative sharing deletion would be fine provided that either or both Rosie Brown and/or the woman in orange would share the pertinent and applicable legislation or procedure for this directive.
  - Rosie Brown returns at a time when the inmates seated at the table clearly assisting in the audit and depicted with ballots, with someone in a uniform from the Department of Emergency Management to tell the Poll Observer repeatedly to delete the Photo(s).
  - Then the same male in uniform tells the Poll Observer to leave that the Poll Observer is causing a disturbance.
  - Poll Observer hears Rosie Brown tell this same uniformed man the inmates were just "moving boxes."