

SUMMARY

A LIMITED REVIEW OF THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BERKELEY COUNTY

WHY WE DID THIS REVIEW

A member of the S.C. General Assembly requested an audit of the Board of Voter Registration and Elections of Berkeley County pursuant to S.C. Code §7-3-20(D)(3).

OBJECTIVES REVIEWED

- Evaluate whether the current county director met the position's qualifications upon hiring and continues to meet the board's expectations thereafter.
- Determine if poll clerk/manager training content was comprehensive and accurate and whether it was completed as required.
- Determine whether public notice requirements for candidate filing and elections were adhered to in accordance with the law.
- Assess the adequacy of the county's response regarding equipment failures.
- Evaluate whether the use of security seals on election equipment and supplies met established requirements.
- Evaluate the curbside voting process to ensure compliance with requirements.
- Review the county's process for certifying its elections to determine if it is compliant with state law.
- Review the county's procedures for opening and closing polls to ensure compliance with requirements.
- Reperform hand-count audits for past election to determine whether reported results were accurate.

RECOMMENDATIONS:

30 Total

- 22 to the county office
- 7 to the board
- 1 to the Governor's Office

Berkeley County is in eastern South Carolina. For the 2022 General Election, there were 149,011 registered voters and 96 precincts, which the county office consolidated into 59 polling locations. The county has nine-member body, called the Board of Voter Registration and Elections of Berkeley County. Currently, there are eight members.

BOARD MEETINGS

Several provisions of the S.C. Freedom of Information Act have not been followed by the board and/or county office, including:

- No advance (full calendar year) written public notice of its meetings.
- Not providing complete notices, specifically with agendas, for its special meetings.
- Not documenting minutes in written format.
- Not following requirements for entering and leaving executive session.
- Discussing items in a meeting not listed on the agenda.

Additionally, the board and/or county office has not posted all of the minutes for its regular and special meetings on its website, adopted a formal procedure for taking action during a meeting, and, at times, has referred to its board as a commission and its members as commissioners, which are obsolete titles.

TRAINING

Training is required by state law for board members, directors and staff, and poll workers. The SEC offers a training and certification program for board members, directors, and staff; this must be completed 18 months after appointment or hire. All poll workers must complete training prior to each election they work.

BOARD MEMBERS

All except 2 board members have met training requirements; 1 has time left to complete the training, while the other lacks 1 course but has exceeded the deadline by 17 months. The later member has also missed three consecutive board meetings, a violation that must be reported to the Governor's Office for removal.

DIRECTOR AND STAFF

The director and all except 1 staff member meet the training requirements timely; the 1 staff who exceeded the 18-month timeline was hired by and eventually completed the training under another director. Staff's continuing education training lacks diversity. In 2022, four of the six staff completed poll manager training. In 2021, three of the six staff also completed this training

POLL WORKERS

In the 2022 General Election, 25 of the 440 poll workers who were assigned to work at polling locations were not trained but were paid for it. Also, two polling location technicians—individuals who fix voting equipment—were not trained. For one of the two, there was no record of where he was assigned to visit or where he actually visited but he was paid for services rendered on election day.

NOTICES

CANDIDATE FILING

A notice of candidate filing provides instruction on how to file as a candidate in an election. While these are required to be published in a newspaper two weeks prior to the opening period for federal, state, and county contests, this requirement does not extend to municipal elections. In 2022, all municipal notices of election were published in a newspaper in accordance with SEC-recommended best practice.

ELECTION

A notice of election is a public notice that contains the name and date of the election as well as a list of precincts and polling locations involved. Two newspaper publications are required: the first, at least 60 days before an election and the second, two weeks after the first. Notices of election were published in accordance with state law in all but two elections in 2022; specifically, the second notice for the House District 97 primary and the first and second notices for the House District 97 special election were not published in a newspaper.

HAND-COUNT AUDITS

The county office allowed county jail inmates to assist in the performance of its hand-count audits, a process that compares the total votes on paper ballots for a particular contest/precinct against the total votes produced by the voting equipment for the same contest/ precinct. While there is no requirement regarding who may perform these audits, individuals with perceived and actual independence and integrity are optimal candidates.

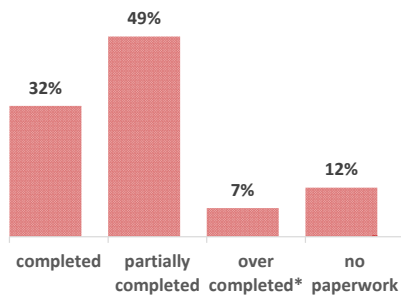
Note, the SEC's Audit Division reperformed the hand-count audits for the same contests/precincts as county office auditors and found the same results as the original audit.

A photograph taken by an observer at the county's hand-count audit is likely a violation of the law. The S.C. Constitution establishes secrecy of the ballot, meaning voted ballots must remain secret all times after a vote is cast. A photograph of a voted ballot has the potential to reveal the identity of a voter.

OPENING & CLOSING PROCEDURES

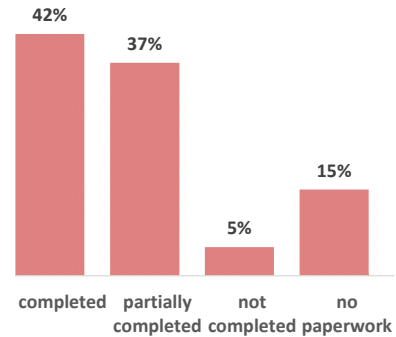
Opening and closing checklists contain a list of various tasks necessary to open and close the polls. These were not adequately completed for all polling locations in the 2022 General Election, providing less assurance that all necessary steps were taken in opening and closing the polls.

COMPLETION OF OPENING CHECKLISTS



*More checkmarks checked than tasks, suggesting list was not used as intended.

COMPLETION OF CLOSING CHECKLISTS



1% off due to rounding

BALLOT RECONCILIATION WORKSHEETS

Ballot reconciliation worksheets provide assurance that all ballots are accounted for. A random sample of precincts from the 2022 General Election showed that these worksheets were not adequately completed or reconciled.

STATUS OF BALLOT RECONCILIATION WORKSHEETS

