

SOUTH CAROLINA STATE ELECTION COMMISSION
MEETING MINUTES
May 17, 2023
10:00 a.m.

1122 Lady Street, 5th Floor
Columbia, SC 29201

Present: Mr. John Wells, Chairman; Ms. JoAnne Day; Mr. Clifford Edler; Ms. Linda McCall;
Mr. Scott Moseley

Others Present: Howard Knapp, Executive Director; Sharese Johnson, Administrative Coordinator;
Thomas Nicholson, General Counsel

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

COMMISSIONERS

JOHN WELLS
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
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.gov

Approval of Minutes

The first item of business was the approval of minutes for the April 19, 2023 (SEC) meeting. A motion to approve the minutes was made by Ms. McCall, seconded by Mr. Edler. The motion was approved by unanimous vote.

New Business

The first item under new business was 2023 Election Legislation. Director Knapp started off with stating three bills have been passed. The S405/R34 bill which conforms state laws with the federal Electoral Reform Act regarding the meeting day and time for each state's electors (electoral college). The next is bill to pass was the S. 525 it has passed and waiting for ratification and the Governor's signature. This bill will allow law enforcement to request certain personal identifying information to be redacted from public information and would take effect July 1, 2025. For elections, their name, address, and other information will be hidden from voter's lists. The last bill to pass is the S.92/R23 which was signed into law May 16, 2023. This bill allows election protest deadlines to be extended if it falls on a legal holiday. The deadline will be extended to 5pm on the next business day.

The second item of new business was Voter List Maintenance. Specifically, regarding the two sets of data South Carolina receives from ERIC: the SSA master death file and the out of state registrations from other member states. In previous years SC was unable to receive this data directly because the FEDS required receiving state governments to be FedRamp certified. The Department of Administration, that houses state agency networks, has never been FedRAMP certified. The SEC has recently learned that the SSA is no longer requiring states to be FedRamp certified, so the SEC is starting the process of applying to get this data directly. South Carolina currently receives notification from ERIC if a SC voter has moved to another member state. About 1/3 of the ERIC membership has left ERIC recently, making this information less helpful. Director Knapp's biggest concern is the value of the data. Since the SEC has started the process of receiving the SSA data directly and is also exploring state to state exchanges directly, the ERIC data may not be worth the extensive price of membership. Director Knapp told the Commission he would update them as these issues progress.

The third item of new business was 2023 Annual U.S. EAC Board of Advisors Meeting. Director Knapp was invited by the EAC to discuss how the SEC is coping with the rising FOIA workload and gave guidelines to the EAC commissioners and others on how they can best approach the issue of transparency vs. privacy. FOIA requests have increased by approximately 500% since January 2021.

The last item of new business was 2023 International Election Technology Conference. Director Knapp was invited by the Puerto Rican Election Commission to come to Puerto Rico to speak to a group of delegates from 22 South, Central, and North American countries about how the SEC uses technology to conduct elections in South Carolina. Director Knapp specially spoke about statewide e-poll book system and statewide election system.

Old Business

The first item under old business was the SEC audit of Berkley County Board of Voter Registration and Elections. SEC is finishing the final draft of the Berkley County audit. A draft will be emailed to each of the commissioners before Berkley delegation and board.

The second item under old business was the Agency Budget Request. The Conference Committee met yesterday May 16, 2023, and is hoping to get everything finalized by the June 30 deadline.

The last item under old business was the Election Infrastructure Security update. Mr. Knapp stated the agency continues to work with its federal, state, and private security partners to protect South Carolina's election infrastructure.

Executive Session

Chairman Wells asked for a motion to go into executive session to receive and discuss legal advice. Ms. Day made motion, seconded by Ms. McCall. The motion passed unanimously.

Zigmantanis, et al v. McMaster, et al
Osborne, et al v. S.C. State Election Commission, et al
SC Safe Elections, et al v. SC State Election Commission, et al
S.C. NAACP, et al v. Alexander, et al
Curry v. S.C. State Election Commission
Other items as needed

No votes were taken during executive session.

Chairman Wells asked for a motion to exit executive session to receive and discuss legal advice. Mr. Moseley made motion, seconded by Ms. McCall. The motion passed unanimously.

Upon returning to open session with no further business to discuss, Mr. Edler made a motion to adjourn, seconded by Ms. McCall. The motion was passed unanimously.

Respectfully submitted,

Sharese Johnson