

Hearing of August 16, 2023

**Report of the Chairman of the  
South Carolina State Election Commission**

On August 16, 2023, pursuant to South Carolina Code of Laws Section 1-23-111, the South Carolina State Election Commission met to hold a hearing on proposed regulations that were published in the South Carolina State Register on June 23, 2023. Chairman John Wells presided over the hearing with all Commissioners present.

The proposed regulations that were the subject of the hearing were all intended to strike and amend the contents of existing regulations, and were published in the State Register under the following document numbers: 5192, 5193, 5194, 5195, 5196, 5197, 5198, and 5199. Each regulation was considered by the Commission in turn. For each, SEC staff introduced the regulation discussing, among other matters, its intended purpose and expected benefit. The Commission considered each regulation. At times the Chair or individual Commissioners asked questions of SEC staff. Members of the public attending the hearing were able to present their comments on the proposed regulations and ask questions of the Commission and SEC staff.

The Commission voted to amend two of the proposed regulations, Documents 5192 and 5196, after considering the substance of the proposed amendments. Thereafter the Commission voted to approve all the proposed regulations.

After the close of the hearing, the record was held open for five business days to receive from the public documents or comments to be included in the record. The Commission received comments from three individuals, and these will be included in the record of the hearing.

Below are the reports relating to each of the regulations considered at the hearing.

**COMMISSIONERS**

JOHN WELLS  
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

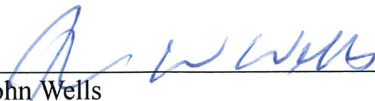
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John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
**REGULATION 45-1, *Definitions*.**

**Hearing of August 16, 2023.**

Document No. 5192

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

On August 16, 2023, the South Carolina State Election Commission (SEC Commission) held a public hearing for amendment of R.45-1, *Definitions*. The proposed amendment would strike the entirety of the existing regulation's contents and replace it with new definitions.

During the hearing the Commission considered an amendment to the proposed regulation as it was published. This amendment was discussed among the Commissioners, who voted to implement it. This amendment will be incorporated into the proposed regulation when it is forwarded to the General Assembly.

The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-1, *Definitions*.

Purpose: To remove obsolete definitions no longer relevant to South Carolina elections and add new definitions.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20. See also Section 7-1-10.

Plan for implementation: The amendments will take effect on publication in the State Register. After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation contains definitions that are obsolete and irrelevant having been written and implemented for a voting system that no longer exists and is not used to conduct elections in South Carolina. The proposed regulation will strike the obsolete definitions and add new definitions that are relevant under current law to the conduct of elections in South Carolina. The new definitions will be available to all the various county boards of voter registration and elections to aid them while preparing for and conducting elections, and will ensure that for purposes of conducting elections, the county boards will have a single source for a common understanding of what the provided definitions indicate.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-1.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

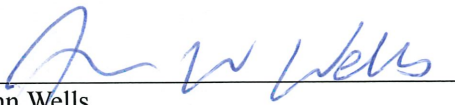
None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5192, was considered, the SEC Commission find the need and reasonableness of the proposed amendment to R.45-1, *Definitions*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
**REGULATION 45-2, *Instructions and***  
***Certification of Managers and Clerks in the Use of Vote Recorders,***  
**title to become "Sale of Lists Program".**

**Hearing of August 16, 2023.**

Document No. 5193

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-2, *Instructions and Certification of Managers and Clerks in the Use of Vote Recorders*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be the sale of voter list information by the SEC, the title of the amended regulation to become "Sale of Lists Program". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-2, "Sale of Lists Program".

Purpose: To strike and amend the contents of current regulation R.45-2 with new content and a new title relating to the sale of voter data.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20. See also Proviso 102.4 from Part IB of the Appropriation Bill, H. 4300, as Ratified by the General Assembly on June 15, 2023.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

Pursuant to S.C. Code 7-3-20(D)(13), the Executive Director of the SEC is to "furnish at reasonable price any precinct lists to a qualified elector requesting them". The SEC has, for years, conducted a program through which this information may be purchased. The only other law specifically addressing how the sale of this information ought to be conducted has been via a continuously renewed proviso to the various budget bills passed by the General Assembly over the years. Procedures for implementing these sales have hitherto been entirely set by internal SEC policy. The proposed amendment of R.45-2 is intended to establish in publicly accessible regulatory form baseline standards for the implementation of this program. The

proposed regulation is also intended to clarify that it is the SEC and not county boards of voter registration that conduct the sale of voter data.

**DETERMINATION OF COSTS AND BENEFITS:**

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-2.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**


None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5193, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-2 with new content and the title, *Sale of Lists Program*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
REGULATION 45-3, *Tabulating Center Personnel*, to become "Ballot Standards".

**Hearing of August 16, 2023.**

Document No. 5194

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-3, *Tabulating Center Personnel*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be standards for ballots to be used in South Carolina elections, the title of the amended regulation to become "Ballot Standards". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-3, "Ballot Standards".

Purpose: To strike and amend the contents of current regulation R.45-3 with new content and a new title relating to standards for ballots used in South Carolina Elections.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

The content of the amended regulation is meant to establish, for the benefit of the various county boards of voter registration and elections, that all ballots used in South Carolina Elections are to conform to the standards set forth in the "Ballot Standards Document," which is provided by the SEC to the county boards. Alterations of ballot formats made by county boards may cause ballots to be printed incorrectly and prevent them from being scanned properly. The regulation is intended to ensure that county boards are referencing a common uniform standard against which any alteration to ballots will be compared, with the expectation that it will indicate to county boards when they should contact the SEC for approval of such alterations.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-3.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:


None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5194, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-3 with new content and the title, *Ballot Standards*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
REGULATION 45-4, *Certification of Program Instructions*; to become "Protest Hearings".

**Hearing of August 16, 2023.**

Document No. 5195

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20.

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-4, *Certification of Program Instructions*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be certain requirements relating to election protest hearing held at the county level after elections. The title of the amended regulation is to become "Protest Hearings". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-4, "Protest Hearings".

Purpose: To strike and amend the contents of current regulation R.45-4 with new content and a new title relating to protest hearings.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20. See also Sections 7-17-50, 7-17-70, 7-17-530, and 7-17-550.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website, and forwarded to certified political parties active in South Carolina.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

Primary protest hearings are conducted at the county level by the county executive committee of the party for which a primary is conducted. Thereafter, an appeal of the ruling from a primary protest may be heard by that party's state executive committee. South Carolina Code Section 7-17-530 and 7-17-550 require the SEC to pay for certain expenses incurred while conducting these primary protests. The regulation seeks to clarify the extent of the SEC's obligation to pay these expenses, and determine how parties should invoice the SEC for such costs. The expected benefit is to clarify for all county and state party executive committees what is expected when a party conducts a primary protest or appeal of a primary protest.



Protests of general and special elections may be conducted at the county level by a county board of canvassers. The decision on a protest issued by a board of canvassers may be appealed to be heard by the SEC Commission sitting as the State Board of Canvassers. South Carolina Code Section 7-17-50 requires that county boards of canvassers must provide the State Board with a transcript of any protest heard at the county level. This is to facilitate the State Board's ability to review the record of a protest on its appeal. The regulation is intended to ensure that county boards advise the State Board that a protest has been filed, so that the State Board is aware of the possibility of an appeal. It is also intended to require the county boards hire a court reporter to ensure that a record of a protest hearing will be taken down, so that a transcript of the protest hearing will be prepared to send to the State Board.

**DETERMINATION OF COSTS AND BENEFITS:**

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-4.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

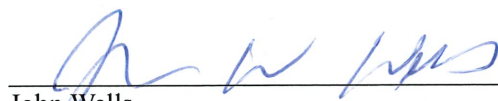
None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5195, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-4 with new content and the title, *Protest Hearings*.

  
John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
REGULATION 45-5, *Ballot Envelopes and Fold Over Ballot Cards*; to become "Administration of  
Election Official's Oaths".

**Hearing of August 16, 2023.**

Document No. 5196

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-5, *Ballot Envelopes and Fold Over Ballot Cards*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be the administration of oaths to various persons involved in preparing for or conducting elections. The title of the amended regulation is to become "Administration of Election Official's Oaths".

During the hearing the Commission considered an amendment to the proposed regulation as it was published. This amendment was discussed among the Commissioners, who voted to implement it. This amendment will be incorporated into the proposed regulation when it is forwarded to the General Assembly.

The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-5, "Administration of Election Official's Oaths".

Purpose: To strike and amend the contents of current regulation R.45-5 with new content and a new title relating to the administration of oaths to various persons involved with the elections process.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

Title 7 of the South Carolina Code of Laws contains at several places a statutory requirement for various persons involved in the elections process to take an oath. These oaths are to be administered and recorded at the county level. Some of these oaths have been handled inconsistently by the various county boards of voter registration and elections. The regulation is meant to ensure that county boards are uniformly aware

of any oath that may be required of persons involved in the elections process, and that such oaths are administered and recorded consistently. The regulation also provides guidance on how and by whom oaths may be administered, where such guidance may not otherwise be clearly stated.

**DETERMINATION OF COSTS AND BENEFITS:**

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-5.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**


None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5196, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-5 with new content and the title, *Administration of Election Official's Oaths*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: Sept 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
**REGULATION 45-6, *Defective Ballot Cards*;**  
**to become "County Reports".**

**Hearing of August 16, 2023.**

Document No. 5197

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-6, *Defective Ballot Cards*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be the various informational reports to be provided to the State Election Commission (SEC). The title of the amended regulation is to become "County Reports". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-6, "County Reports".

Purpose: To strike and amend the contents of current regulation R.45-6 with new content and a new title relating to certain reports to be made to the SEC.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

County Boards of Voter Registration and Elections (county boards) are their own entities under the limited oversight of the SEC. They may be presented with legal demands relating to elections, or subject to lawsuits related to the conduct of elections. The SEC may or may not be a party included in such demands or lawsuits, however the SEC has an interest in knowing about such matters that may affect the conduct of elections in a county and potentially the entire state. The regulation is meant to require that county boards advise the SEC, within a reasonable time, of the existence of legal demands relating to the conduct of elections, even where the SEC may not have any direct involvement providing legal advice or a legal defense of such matters.

The regulation also requires county boards to advise the SEC, within a reasonable time, when the county board's staff becomes aware of acts that may be either violations of election laws, acts that may be election related crimes as defined under Title 7 of the South Carolina Code, or other criminal acts that may affect the conduct of elections. The SEC has an interest in knowing when such acts occur, even where it has no role in reporting such acts to local law enforcement. The requirement is merely that the county boards advise the SEC of such occurrences, and the proposed regulation specifically states that there is no requirement for a county board to consult with the SEC before contacting local law enforcement about such matters.

**DETERMINATION OF COSTS AND BENEFITS:**

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-6.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

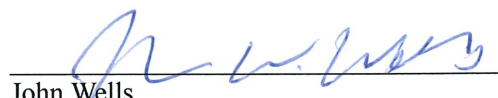
None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5197, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-6 with new content and the title, *County Reports*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: September 20, 2023

**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
**REGULATION 45-7, *Ballot Cards, Sealed After Tabulation*; to become "Ballot Drop Boxes".**

**Hearing of August 16, 2023.**

Document No. 5198

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20.

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-7, *Ballot Cards, Sealed After Tabulation*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be a ban on the use of ballot drop boxes by county boards of voter registration and elections. The title of the amended regulation is to become "Ballot Drop Boxes". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-7, "Ballot Drop Boxes".

Purpose: To strike and amend the contents of current regulation R.45-7 with new content and a new title relating to the use of ballot drop boxes.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20, see also Section 7-15-385.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

In Act 150 of 2022, the General Assembly amended various laws under Title 7 of the South Carolina Code, including those regulating the return of absentee ballots to county boards of voter registration and elections (county boards). By implication, these laws as amended do not allow drop boxes to be used for the return of completed absentee ballots. In the past, before Act 150 went into effect, some county boards had made use of ballot drop boxes, or intended to do so. The purpose of this regulation is to clarify that though drop boxes are not specifically addressed in Title 7, the law does not allow county boards to use drop boxes for the collection of absentee ballots.

**DETERMINATION OF COSTS AND BENEFITS:**

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of R.45-7.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:


None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5198, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-7 with new content and the title, *Ballot Drop Boxes*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: September 20, 2023



**SOUTH CAROLINA STATE ELECTION COMMISSION**  
**PRESIDING OFFICIAL'S REPORT**  
**FOR AMENDMENT OF**  
REGULATION 45-9, *Write-in Ballots, Sealed After Tabulation*; to become "Candidate Nicknames".

**Hearing of August 16, 2023.**

Document No. 5199

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20 and 7-13-325.

On August 16, 2023, the South Carolina State Election Commission (SEC Commission or Commission) held a public hearing for amendment of R.45-9, *Write-in Ballots, Sealed After Tabulation*. The proposed amendment would strike the entirety of the existing regulation and its current title. The subject of the amended regulation is to be nicknames that candidates for public office want to be placed on ballots. The title of the amended regulation is to become "Candidate Nicknames". The Commission hereby adopts the following analysis of factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11) in determining need and reasonableness:

DESCRIPTION OF REGULATION: R.45-9, "Candidate Nicknames".

Purpose: To strike and amend the contents of current regulation R.45-9 with new content and a new title relating to the use of nicknames to appear on ballots in South Carolina Elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20 and 7-13-325.

Plan for implementation: The amended regulation will take effect on publication in the State Register. After taking effect, the SEC will advise the 46 county boards of voter registration and elections of the amendment. A copy of the regulation will be posted on the Agency's website.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

South Carolina Code Section 7-13-325 sets forth the baseline requirements for the use of nicknames to be placed on ballots for candidates for public office. The regulation recognizes that when presented with a request by a candidate to use a derivative name of some kind, an election official will have to exercise their discretion as to whether or not a desired name may be placed on a ballot. From time to time a decision made at the level of a county board of voter registration and elections will be presented to the SEC for review. The proposed regulation simply states that the Executive Director of the SEC may have final authority to determine whether or not a given requested name will be placed on a ballot.

**DETERMINATION OF COSTS AND BENEFITS:**



The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-9.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

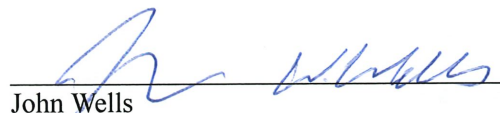
None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

**Conclusion.**

Based on the SEC Commission's public hearing held on August 16, 2023, where the proposed regulation, Document Number 5199, was considered, the SEC Commission finds the need and reasonableness of the proposed amendment to R.45-9 with new content and the title, *Candidate Nicknames*.

  
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John Wells  
Chairman  
South Carolina State Election Commission

Date: September 20, 2023