

SOUTH CAROLINA  
STATE ELECTION COMMISSION

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In the Matter of:

The South Carolina State  
Election Commission Hearing  
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HEARING

DATE: Wednesday, August 16, 2023  
TIME: 9:46 a.m.  
BEFORE: Chairman John Wells  
LOCATION: South Carolina State Election  
Commission  
1122 Lady Street, 5th Floor  
Columbia, SC 29260  
REPORTED BY: Ashley Manini, Notary Public  
JOB NO.: 6029478

A P P E A R A N C E S

List of Attendees:

Diana Davis, COS

William Scott, Citizen

Jared Banks, SEC

Alyssa Rhodes, SEC

Rachel McCaston, SEC

Zane Dukes

Allyn Powell, SC House of Representatives

TJ Lundeen, SEC

Billie Brant

Margaret Shelps, Citizen

Jean Calvert, Citizen

Paula M. Little, Citizen

Judy Justice, Citizen

S. K. White, Citizen

Jane Page Thompson, Citizen

Lori Boddy, AC EC

Lori Moore, Citizen

Heather Hickman, Self

Janis Price, PSW - Palmetto State Watch

Tony Spain

Ed Fleshman

Cory Price

Denise Bach

1 A P P E A R A N C E S (Cont'd)

2 List of Attendees (Cont'd):

3 Peter DeLorme

4 Chrissy Moore

5 Maria Sullivan

6 Tanya Eddins, SC Safe Elections

7 Eaddy Willard, RCGOP

8 Howard Knapp, Executive Director

9 JoAnne Day, Commissioner

10 Clifford Edler, Commissioner

11 Linda McCall, Commissioner

12 Scott Moseley, Commissioner

13 Thomas Nicholson, General Counsel

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E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	Letters Requesting Hearing	N/A
Exhibit 2	Hearing Requests	
	With Commentary	N/A
Exhibit 3	South Carolina State	
	Election Commission	
	Proposed Regulations	N/A



P R O C E E D I N G S

THE CHAIRMAN: All right. I want to welcome everyone today. I am John Wells. I am the Chairman of the South Carolina State Election Commission, and today, the first item is to hold the Commission's August meeting, which begins at ten o'clock on the 16th. So we're going to hold the August the 16th meeting and then move into the main item of business, which is the hearing of the proposed regulations, which is the -- probably the point of interest for most of you all.

So I will call the August 16th, 2023, meeting of the State Election Commission to order, and the first item on our agenda is the approval of the minutes from July 19, 2023. Those have been provided in writing. And so I want to entertain a motion that we approve the minutes as written unless there are any changes that need to be made.

MS. MCCALL: I make the motion.

THE CHAIRMAN: All right. Linda makes that motion that we approve the minutes as written. Do I have a second?

MR. EDLER: Second.

THE CHAIRMAN: Cliff seconds. All in favor of approving the minutes as written, say "Aye."

1                   MULTIPLE SPEAKERS:   Aye.

2                   THE CHAIRMAN:   And the Ayes have it.

3                   Now, the next item on our agenda is the  
4   hearing on the proposed regulations.   So I call the  
5   public hearing on the proposed regulations to order.  
6   We will now have a public hearing pursuant to Code  
7   Section 1-23-111 for the Commission's approval for the  
8   proposed amendment of regulations.

9                   The amended regulations that will be  
10   considered are those for which notice of proposed  
11   regulations and notice of -- for this hearing were  
12   published in the State Register on June 23, 2023,  
13   under the following Document Numbers:   5192, 5193,  
14   5194, 5195, 5196, 5197, 5198, and 5199.

15                  This hearing is only one part of the  
16   extensive regulatory process.   When a hearing is  
17   requested on regulations proposed by a state agency  
18   that is governed by a board or commission, then the  
19   board or commission governing that agency will hold a  
20   hearing.

21                  In this case, the State Election  
22   Commission will hold the hearing.   Should the  
23   Commission approve any of the proposed regulations,  
24   that regulation must be forwarded to the General  
25   Assembly for the further review before it will become

1 an active regulation.

2 The following procedure will be used  
3 for this hearing: For each document, the State  
4 Election Commission Executive Director will describe  
5 the proposed regulations. After Director Knapp  
6 concludes, any member of the public may comment on  
7 that specific regulation. I will call first those who  
8 have signed up on the sign-in sheet to speak on the  
9 regulation.

10 Note that we have eight proposed  
11 regulations to consider today. Comments will be  
12 limited to five minutes per regulation. And if  
13 several members of a group are present, please appoint  
14 a spokesperson for the group. Also note that we have  
15 a court reporter present to take down the proceedings.  
16 Please state your name, county, and organization, if  
17 any, for the court reporter. The Commission is  
18 convening for the sole purpose of considering these  
19 regulations. Please limit your comments to material  
20 that is relevant to the proposed regulation at hand  
21 and is not repetitive of any statements already made.  
22 If you have a written statement, please provide a copy  
23 to the reporter.

24 So I will now call on Thomas Nicholson,  
25 the State Election Commission General Counsel, to

1 begin to present the proposed regulations on the  
2 agenda and call Director Knapp to testify about each  
3 regulation.

4 MR. NICHOLSON: Good morning, Chairman.  
5 Before I get right into each regulation, I want to --  
6 I want to ask Howie about just the -- the -- some  
7 questions that apply to all of them that are being  
8 considered today. And so Howie, the -- the  
9 regulations we have today are all proposed regulations  
10 that strike the contents of existing regulations and  
11 replace it with new content; isn't that correct?

12 THE DIRECTOR: Yes.

13 MR. NICHOLSON: And there are --  
14 currently, there are ten regulations that exist under  
15 Title 45 of the South Carolina Regulatory Code that --  
16 that belong to the SEC?

17 THE DIRECTOR: Yes.

18 MR. NICHOLSON: But we're only dealing  
19 with eight of those today, correct?

20 THE DIRECTOR: Correct.

21 MR. NICHOLSON: And -- but we are going  
22 to be amending the remaining two?

23 THE DIRECTOR: Yes.

24 MR. NICHOLSON: Okay. Can you tell us  
25 about the regulations as they exist now?

1 THE DIRECTOR: The regulations, all ten  
2 of them, were drafted several decades ago, prior to my  
3 own birth, and don't have any bearing on the current  
4 election system, the current election processes that  
5 we have in place throughout the state, and really have  
6 to do with election systems that were in place several  
7 decades ago.

8 MR. NICHOLSON: So are the -- the  
9 counties relying on these regulations to do anything  
10 in their day to day activities?

11 THE DIRECTOR: No.

12 MR. NICHOLSON: So why -- we're --  
13 we're striking the contents and replacing the entirety  
14 of the contents; why are we not just repealing the  
15 regulation and -- and just starting new regulations?

16 THE DIRECTOR: The agency attempted to  
17 do that, but after numerous discussions with members  
18 and staff of the General Assembly, this is their will,  
19 that we do a strike and insert to replace existing  
20 regulations with new relevant regulations.

21 MR. NICHOLSON: So the General Assembly  
22 has been -- is aware of, and has been involved with,  
23 this regulatory process?

24 THE DIRECTOR: Yes.

25 MR. NICHOLSON: Okay. Now I'm going to

1 move on to each proposed regulation.

2 And first up, this is Document Number  
3 5192 that was published in the -- the Notice of  
4 Proposed Regulations. It was published in the State  
5 Register on June 23, 2023. And the -- it is a  
6 proposed regulation to amend Regulation 45-1  
7 Definitions.

8 And the -- the proposed regulation  
9 strikes all the existing definitions and adds a  
10 completely new set of definitions. And these are  
11 being promulgated under 19 -- the South Carolina Code  
12 of Law Section 7-3-10 and 7-3-20, and specifically,  
13 7-3-10 Subsection F and 7-3-20 Subsection D1.

14 So Mr. Knapp, who are these definitions  
15 for?

16 THE DIRECTOR: These definitions are  
17 primarily for the use of county and state election  
18 officials.

19 MR. NICHOLSON: So these are -- these  
20 are definitions of terms that the -- the county board  
21 staff would be expected to know and familiar with in  
22 dealing with?

23 THE DIRECTOR: Yes.

24 MR. NICHOLSON: Now, are these  
25 definitions things that are already in use?

1 THE DIRECTOR: Yes.

2 MR. NICHOLSON: So what is the purpose  
3 of defining them here in the -- in the state  
4 regulations?

5 THE DIRECTOR: So the primary purpose  
6 is clarity. We seek to define terms that are  
7 frequently used both throughout multiple regulations  
8 as well as election administration in general. Many  
9 of these definitions have been specifically requested  
10 to be defined by members of the General Assembly.  
11 Some of these definitions have been misused by county  
12 election officials which confuses voters and  
13 candidates. And really, this -- these definitions  
14 seeked to have everybody on the same page.

15 MR. NICHOLSON: So there are some of  
16 the -- the proposed regulations that have their own  
17 subset of -- of definitions that may say that for the  
18 purposes of this regulation, a word will mean such and  
19 such or so and so; why aren't those in this set of  
20 definitions?

21 THE DIRECTOR: Terms defined in  
22 specific regulations are substantive to those  
23 regulations. The definition, of course, could be used  
24 in multiple other ways. But the definitions in this  
25 section are routinely used throughout the whole scope

1 of election administration.

2 MR. NICHOLSON: So the situation I was  
3 just referring to would be an instance where there is  
4 a particular and unique circumstance where that  
5 definition is ever going to be used?

6 THE DIRECTOR: Correct.

7 MR. NICHOLSON: Looking at the -- the  
8 proposed definitions, there has been -- we received  
9 some comments a little confused about what "ballot  
10 cast" is; could you tell us about the ballot cast  
11 definition?

12 THE DIRECTOR: Well, the genesis of  
13 this was really a question of when is a ballot cast;  
14 when is a ballot actually definitively voted? And  
15 this is actually a topic of much discussion  
16 nationally, and this is one of the definitions  
17 requested by the General Assembly. This is based off  
18 a template definition provided by the United States  
19 Election Assistance Commission, but since every state  
20 governs their own elections, this was customized to  
21 how we do these in South Carolina. So very simply,  
22 it's just the final action a voter takes when they  
23 stick their ballot into a ballot scanner.

24 MR. NICHOLSON: Now, I believe one of  
25 the comments, too, that in the old regulation, or the



1 ones that we are proposing to strike, that definition  
2 in the -- the old one, under A, there was a definition  
3 for "ballot card"; saying "that shall mean the  
4 tabulation or punch card upon which an elector records  
5 his vote by the use of a vote recorder."

6 Now, is -- are -- we're entirely  
7 removing -- proposing to entirely remove that  
8 definition, and we're not -- we're not really  
9 replacing it with an exact definition in its place.  
10 And some people were a little concerned about this.  
11 Could you -- could you speak about the use of the --  
12 the word "ballot card"?

13 THE DIRECTOR: Sure. So "ballot card"  
14 is used today, but the ballot card that's referred to  
15 in the current 45-1A regulation is a card that was  
16 inserted into a metallic contraption that you would  
17 pull a lever and it would punch the -- the holes for  
18 the chosen candidates for that voter. That card has  
19 not been used since the 70s or 60s.

20 MR. NICHOLSON: So that was a specific  
21 technical, kind of, card?

22 THE DIRECTOR: Yes, yes.

23 MR. NICHOLSON: And I believe you're  
24 talking about the old systems where you would, like,  
25 flip a little lever for each cast vote, and in the

1 end, you had to pull, like, a jackpot lever to make  
2 the whole thing work?

3 THE DIRECTOR: Yes. That is correct.

4 MR. NICHOLSON: Do you happen to know  
5 the last time those were in use in the state?

6 THE DIRECTOR: I don't. I -- if I had  
7 to take a guess, it would be the early 1970s.

8 MR. NICHOLSON: Okay. Also, we had  
9 some -- we had some questions in some of the comments  
10 about the -- our definition for "identification," and  
11 we've got that in two places, one in item 4. "Current  
12 identification shall mean identification that is not  
13 expired." And also at Number 19, "Valid  
14 identification shall mean identification that is not  
15 false, suspended, cancelled, or revoked." Can you  
16 talk a little bit about why we've got the "valid  
17 identification" definition and then the "current  
18 identification"?

19 THE DIRECTOR: Yeah. So the current  
20 state -- state voter ID law creates an apparatus or  
21 process by which people can use certain identification  
22 documents to vote. The most obvious and most widely  
23 used of these is obviously your driver's license.

24 So we worked with other state agencies  
25 that provide IDs, such as the DMV, and these

1 definitions are definitions they use in their course  
2 of business. Like current identification, obviously,  
3 an ID that hasn't expired. It can be valid but not  
4 current. A valid identification is one that is  
5 currently okay to use but may or may not be expired.

6 MR. NICHOLSON: Thank you. At  
7 Number -- we have various definitions from Number 10  
8 to Number 13 for "poll clerk," "poll manager," "poll  
9 manager assistant," and "poll worker"; and they -- can  
10 you tell us why we have that array of -- of  
11 definitions for individual people?

12 THE DIRECTOR: So state law, to no  
13 surprise to anybody in this room, is antiquated and  
14 confusing. So poll clerks and poll managers are  
15 essentially the people that run the election at the  
16 polling place level. The titles that they are given  
17 do not relate to their jobs. Poll managers don't  
18 manage anything; poll managers are the workers in the  
19 polling place. Poll clerks are the managers of the  
20 poll managers.

21 None of this makes any sense, but it is  
22 in state statute. So what I'm trying to do is clarify  
23 it in the regulation. These are -- these terms are  
24 already used in state statute, but I'm assigning as  
25 common -- or as an -- as understandable a definition

1 for these people as possible. When I speak to the  
2 general public, I'm trying to say poll worker, because  
3 that's what everybody knows them as; they're poll  
4 workers. But that is just to provide clarity.

5 MR. NICHOLSON: And has this caused  
6 confusion in the past? And what I mean is, people  
7 from the public or from the county office have  
8 contacted us because people are asking them about what  
9 the, you know, what a -- trying to figure out the  
10 distinction between these people?

11 THE DIRECTOR: Yes. We have confusion,  
12 both the general public and voters. We have confusion  
13 with candidates. We have confusion with county board  
14 members. And we even have confusion amongst county  
15 election officials themselves.

16 So this, again, makes sure we're all on  
17 the same page. If somebody has a complaint about a  
18 poll manager, and I ask which one, they don't look at  
19 me like I'm speaking Greek. 'Cause yes, there is one  
20 manager in the polling place, but they're not a poll  
21 manager; they're a poll clerk. So I can't fix state  
22 law. I can't change state law. But I can more  
23 clearly define those roles in state regulation.

24 MR. NICHOLSON: All right. With  
25 regards to this proposed regulation, that's all I have

1 to -- to bring up with Director Knapp.

2 THE CHAIRMAN: All right. That  
3 concludes Director Knapp's portion on 45-1.

4 Now, I have a list of people who have  
5 signed in today. I am terrible with names. Although  
6 a lot of these names look fairly easy to pronounce.  
7 But I will start with signup number 1, who is Diana  
8 Davis.

9 If you -- if you -- let me just put it  
10 this way: if you want to speak to this regulation,  
11 then come up to the podium. Give the court reporter  
12 your name, address, and any organization you  
13 represent. And then tell us what you want to tell us  
14 or ask a question, but don't feel obligated to come up  
15 because we're going to have to move through this  
16 and -- and we want to get through today. So, Diana  
17 Davis.

18 MS. DAVIS: I'm fine.

19 THE CHAIRMAN: Okay. William Scott?

20 MR. SCOTT: Yes, sir. Thank you.

21 Good morning. My name is William  
22 Scott. I came here from Sumter, South Carolina. I  
23 live in -- at 3410 Oleander Drive in Sumter, South  
24 Carolina, and I can't remember what else you asked me  
25 to tell you.

1 I reviewed all the documents, but I'll  
2 limit -- in limit to the amount of time, and for the  
3 benefit of the commission and the members here, I'm  
4 just going to speak specifically on this one document.  
5 I do thank you for the time today, and hopefully  
6 progress can be made on this in a fair and equitable  
7 way to all parties concerned.

8 The first item I'd like to speak to is  
9 the tabulator. I wish he still kept the -- the slide  
10 up there; it would be easier. But it says the  
11 tabulator may be a person. All right. In modern  
12 times, I find that a little archaic. And I also tend  
13 to think it's more prone, possibly, to personal bias  
14 to be involved. So especially with the attention  
15 that's given to elections, I would find that yeah,  
16 having an individual tabulating votes, kind of, is a  
17 questionable practice, in my opinion.

18 Secondly, where -- I think it's line 9  
19 on the definitions, item 9 -- it states that the -- at  
20 the discretion of a poll clerk, an observer may be  
21 ejected or removed. Well, that's kind of ambiguous.  
22 And if you have a poll clerk that maybe has a bias, I  
23 would figure as long as the observer is not impeding  
24 the voting or interfering with the voting, that that  
25 person should be allowed to do that as part of

1 something that is the citizen's right. To where I'd  
2 like to see guidelines state, you know, or maybe put  
3 reference this document. Here are the guidelines. So  
4 you can't have a poll clerk just arbitrarily become a  
5 dictator. Oh, I don't like you in here, whatever.  
6 And kick you out of there. 'Cause I think that is  
7 part of ensuring fair elections, is having the public  
8 involved and being able to observe the proceedings.

9 The other item is the -- I found this  
10 kind of odd, but maybe I don't fully understand it.  
11 Poll manager assistant, when they get -- state must be  
12 16 or 17, I'm like, well, I don't know. Is that not  
13 age discrimination; why are you specifying an age? Is  
14 there something that says a 40 year old couldn't be  
15 assistant? So that just strikes me as odd in the  
16 modern age that possible discriminatory language is  
17 being put into these documents.

18 And then the other one is on the  
19 identification. What guidelines? Is there a  
20 guideline specific that counties, or whoever's in the  
21 polls, can reference that, you know, tells them  
22 specifically how you identify a false ID, how to find  
23 out, you know, if it's suspended, cancelled, or  
24 revoked?

25 And on the earlier thing, talking about

1 IDs, you know, I wonder, it said if it hasn't expired.  
2 Well, what if -- I don't know. I imagine there's some  
3 type of IDs that don't have an expiration date. So it  
4 might still be valid if that municipality decided to  
5 give somebody an ID without an expiration date. So  
6 what do you do in those situation?

7 So I think a lot of these terms and  
8 statements and definitions are a little ambiguous, and  
9 it leaves a lot open for interpretation. And if I was  
10 going to err, I wouldn't want to err on just an  
11 individual's interpretation. I'd at least have --  
12 like to see a little further guidelines and more  
13 delineation. I mean, you can't write about every  
14 single instance. But maybe, I think, it should have  
15 been thought -- maybe a little more thought put into  
16 it to flesh it out just a little bit more.

17 But with that, that's all I'd like to  
18 present to the commission, and thank you for your  
19 time.

20 THE CHAIRMAN: Thank you.

21 All right, the next name on the list is  
22 Jared Banks?

23 Then Alyssa Rhodes?

24 Rachel McCaston?

25 Zane Dukes -- or Oakes [ph]?



1 Allyn Powell?

2 TJ Lundeen?

3 Billy Brant?

4 Margaret Sheep [ph] -- Sheep [ph] -- is  
5 it Shelps?

6 MS. SHELPS: Shelps.

7 THE CHAIRMAN: Shelps?

8 MS. SHELPS: Yes.

9 THE CHAIRMAN: All right.

10 MS. SHELPS: I hope that doesn't go  
11 against my time.

12 Thank you for having this -- this  
13 meeting. It's very important for all the citizens to  
14 be a part of this, and I appreciate that. My name is  
15 Margaret Shelps. I'm at 214 Boxwood Road, Aiken.  
16 And -- Aiken County.

17 So I would like to -- I'd like to just  
18 have an additional statement with the definitions of  
19 either the current identification or ballot  
20 identification that a voter must be a US citizen. I  
21 didn't see any of that stipulated in the definitions.

22 The poll manager assistant, I'd like to  
23 request that you add to this definition that their --  
24 their specific duties must be prescribed by the County  
25 Board of Voter Registration and Elections.

1                   And Number 17, I'd like to add that a  
2 board member should be present during the results  
3 compilation.

4                   And then, I didn't see any definition  
5 for "qualified elector" that was mentioned in 5193.  
6 So if you could add a definition for that.

7                   The "tabulating center personnel"  
8 was -- that was in 45-3 of the original, and I didn't  
9 see a definition for that continued, and maybe that's  
10 no longer --

11                   THE CHAIRMAN: Definition for what?

12                   MS. SHELPS: For "tabulating center  
13 personnel." There was a definition in the original  
14 chapter, 45-3, in the original regulations.

15                   And "break in service" in Document  
16 5196, if we could add some kind of a definition for  
17 that, I'd appreciate that.

18                   And what is the custody procedure for  
19 return of ballot; I didn't really see that in the  
20 definitions?

21                   So it's more of a comment. You know, I  
22 was trying to read through the previous regulations  
23 and then look at all the documents that you have  
24 proposed as of now. And I know this is an overview,  
25 and we'll be getting more definitions as these

1 documents come out. But I'm wondering, will you then  
2 go back -- can you go back and -- and amend these  
3 definitions as you go through the documents to add to  
4 them?

5 MR. NICHOLSON: Are you -- it's a  
6 question about process?

7 MS. SHELPS: Yeah.

8 MR. NICHOLSON: The -- well -- as  
9 Chairman Wells referred to earlier, the next step from  
10 these, if they're approved, would go the General  
11 Assembly. And then it may or may not be approved to  
12 be a regulation. There's nothing preventing down the  
13 road from -- from definitions from being added at a  
14 later time or -- or removed or whatever.

15 And it could be that the General  
16 Assembly, on their input, wants us to add something or  
17 remove something. So -- or the Board may decide  
18 before we send it to the General Assembly to do that.  
19 So it is possible.

20 MS. SHELPS: Okay. All right. So  
21 you'll have all the regulations defined before you  
22 send them to the General Assembly?

23 MR. NICHOLSON: Yes.

24 MS. SHELPS: Okay. Thank you very  
25 much.

1 THE CHAIRMAN: All right. The next  
2 name is Jean Calvert, Calveet [ph]?

3 MS. CALVERT: No.

4 THE CHAIRMAN: Parum [ph] Live [ph]?  
5 Looks like Wendy Nustry [ph]?

6 S.K. White?

7 MS. JUSTICE: I have nothing further to  
8 add. I have nothing further to add.

9 THE CHAIRMAN: What?

10 MS. JUSTICE: I have nothing further to  
11 add.

12 MULTIPLE SPEAKERS: Nothing further to  
13 add.

14 THE CHAIRMAN: Okay. All right.  
15 Jane Page Thompson?

16 MS. THOMPSON: Yes, sir.

17 Jane Page Thompson, Aiken County,  
18 speaking as a citizen. Thank you, Chairman Wells and  
19 Commissioners, for taking time to do this hearing, and  
20 Director Knapp and your staff for preparing all these  
21 documents. And they're pretty easy to find so that  
22 was kind of nice.

23 Under the definitions, my concern falls  
24 with Number 9, an "observer." I agree and echo the  
25 concern that the citizen from Sumter had about "at the

1 discretion of a poll clerk." In my county, we've had  
2 some issues with that. I think other counties have  
3 had issues with that too. I don't see that it's  
4 necessary to be in there under an observer. If they  
5 are disrupting a polling place, there are other laws  
6 and regulations that step in and can define what would  
7 eject them. So I don't think it necessarily needs to  
8 be in the definition of what an observer is.

9 But I am a little bit concerned on the  
10 nuance, probably because Aiken has so many municipal  
11 partisan primaries, that we actually do need a little  
12 bit further clarification. So "an observer shall  
13 indicate a member of the public who is not employed by  
14 an elector board as a poll worker nor is designated by  
15 a political party, or" -- and then this says "a  
16 nonpartisan candidate." It should just say "a  
17 candidate". Because you can have partisan candidates  
18 that have observers; you can have -- yeah, candidates  
19 that have watchers.

20 So I think it doesn't necessarily mean  
21 that it's a partisan or nonpartisan thing. A  
22 candidate can have an observer -- you know, somebody  
23 who is designated for a political party or a  
24 candidate. It doesn't have to be a non-party  
25 candidate. 'Cause then that means partisan candidates

1 may be discriminated against in a different way.  
2 Because we have a confusion in our county where  
3 observers are being treated the same as poll watchers,  
4 and they're not the same.

5 So I think that it's important to make  
6 it clear that it's a political party or a candidate  
7 that this has nothing to do with nonpartisan or  
8 partisan people in the polling place. That would  
9 help. All people have the right to have someone  
10 represent them in the polling place, and observers are  
11 just people that are members of the public coming to  
12 see the process; they aren't a part of anything.

13 And so therefore I'm just concerned  
14 that if you have it in the definition that sets apart  
15 somebody who is nonpartisan, like, for school board,  
16 versus somebody who is partisan for a municipal  
17 partisan primary, that might be confusing.

18 Under the poll manager assistant, in  
19 the definition, it clearly states that this is 16 and  
20 17 year olds that are assisting poll managers. I  
21 understand the concern that anybody who qualifies to  
22 be an assistant should be allowed to be an assistant.

23 I think what you're trying to define is  
24 the actual relationship that's been created between  
25 counties and schools, whether they're public schools

1 or private schools, where students that are under the  
2 voting age can come into the polling place and help  
3 execute elections for an educational process.

4 I have a problem with poll manager  
5 assistants that are 16 or 17 being paid with taxpayer  
6 funds to do that role. I think that this is a great  
7 way to have them have life experience and schoolwork  
8 experience but not necessarily be paid to do that job.  
9 I also have a concern that if we're going to define  
10 that poll manager assistant to be only those 16 and 17  
11 year old students, that maybe that concept of pay be  
12 addressed in their definition.

13 But also I think their role in the  
14 polling place needs to be defined because we see a lot  
15 of counties using the 16, 17 year olds as the people  
16 operating the -- the pollbook. And so you're having a  
17 16 or 17 year old, who is not a legal person, not a  
18 legal voter, doing the most important role in a  
19 polling place, and that's determining whether that ID  
20 coming to them is valid, fraudulent, legitimate --  
21 able to vote; whether that voter is a real legitimate  
22 voter or not.

23 And that -- if that teenager, that  
24 underaged person, makes a mistake, and that voter then  
25 decides to execute their rights to say Hey, wait a

1 minute, I was discriminated against, disenfranchised,  
2 whatever you want to call it, and then tries to sue or  
3 be heard in court about that issue, the person that  
4 denied them the right to vote is underage.

5 So I think that it's really important  
6 that we need to make sure that in these definitions,  
7 that the role of that assistant, if you're going to  
8 say they're 16 and 17 year olds, they need to be there  
9 unpaid, they need to be there in a position where they  
10 cannot deny a voter the right to vote. Thank you.

11 UNIDENTIFIED SPEAKER: And they don't  
12 take an oath.

13 MS. SHELPS: Oh, and they don't take  
14 the -- right. The 16 and 17 year olds can't take an  
15 oath in South Carolina, and all poll workers are  
16 supposed to take an oath. Thank you.

17 THE CHAIRMAN: All right. Deb Easler  
18 [ph] by proxy?

19 MS. THOMPSON: Not for this regulation  
20 but for two others.

21 THE CHAIRMAN: Lori Bordly [ph]?

22 MS. BODDY: Boddy.

23 THE CHAIRMAN: Boddy.

24 MS. BODDY: I have 5197, is that  
25 what --



1 THE CHAIRMAN: All right. This is not  
2 that number.

3 MS. BODDY: Yeah, okay.

4 THE CHAIRMAN: Lori Moore?

5 MS. MOORE: No comment.

6 THE CHAIRMAN: Heather McClain [ph]?  
7 No, Heather --

8 MS. HICKMAN: Hickman?

9 THE CHAIRMAN: Yes.

10 MS. HICKMAN: Thank you. Heather  
11 Hickman, Berkeley County, citizen, just representing  
12 myself.

13 THE REPORTER: Can you repeat that; I'm  
14 sorry?

15 MS. HICKMAN: Citizen, just  
16 representing myself.

17 THE CHAIRMAN: Is it Hickman?

18 MS. HICKMAN: H-I-C-K-M-A-N. I  
19 apologize for my poor handwriting. I'm not a doctor.

20 THE CHAIRMAN: Thank you.

21 MS. HICKMAN: I have simply a question.  
22 The definition of "ballot cast" included a reference  
23 to a "ballot scanner"; when I hear the word "ballot  
24 scanner," I think of an electromechanical device, and  
25 I wonder if that is what is required here. In the

1 event of any issue with our tabulators, I believe is  
2 this -- conducting this same operation. Where I live  
3 in Goose Creek, they were down. Ballots may have to  
4 be inserted into a box and may -- might not pass  
5 through a so-called "ballot scanner."

6 I would like to see this definition  
7 opened up so that a person may considered having -- to  
8 be having cast their ballot by inserting it in the  
9 proper box and not just having it scanned through a  
10 tabulator.

11 THE CHAIRMAN: Okay. I -- I will get  
12 Mr. Knapp to address that when we do our comments.

13 MS. HICKMAN: All right. Thank you.

14 THE CHAIRMAN: Okay. Janis Price?  
15 Tony Spain?

16 Oh, Janis Price. Okay.

17 MS. PRICE: Janis Price, from Aiken,  
18 Palmetto State Watch. So I agree with everyone.  
19 Thank you for having us here today and for listening  
20 to our comments. Appreciate the opportunity to  
21 present, you know, some observations we've made after  
22 reading regulations.

23 So a couple of my things. I'm going to  
24 piggyback on what Ms. Shelps said with some of the --  
25 the words that have been defined that I understand the

1 need to have definitions; I think that's important.  
2 But defining them before the proposed regulation comes  
3 out in another month or two, where there might be an  
4 option once the regulation is out to actually see  
5 that, you know, you might need to make edits. I think  
6 it would -- might -- it might be more prudent to wait  
7 until -- on those definitions until the actual  
8 regulation that it ties to is -- is put out. That way  
9 you don't have to deal with having to pull it back  
10 from whoever and -- I don't know. It just -- it seems  
11 prudent -- makes more sense to, kind of, streamline it  
12 that way.

13 I would request -- there are some  
14 definitions that I felt needed -- that -- that are  
15 referred to in this batch of regulations that I didn't  
16 see definitions for that I would request those  
17 definitions be added. One is the Sale of Lists  
18 Program nickname.

19 THE CHAIRMAN: Excuse me, what was  
20 that?

21 MS. PRICE: Sale of Lists Program.

22 THE CHAIRMAN: I think we're going to  
23 come to that later.

24 MS. PRICE: Right. But I'm saying,  
25 there's no definition for it. So -- to -- I mean

1     there -- y'all have gone through and made a lot of  
2     definitions, but that doesn't get a definition. Does  
3     that make sense?

4                 THE CHAIRMAN: I get it.

5                 MS. PRICE: Okay. So. "Nickname" -- I  
6     know there's one about nicknames, but it doesn't  
7     really define a "nickname." South Carolina Ballot  
8     Standards Document, BSD, and then the County Board of  
9     Canvassers; because I believe, in a couple different  
10    instances, it -- it has a slight nuance of meaning  
11    depending on if it's the one that convenes two days  
12    after the election to certify versus the Board of --  
13    so I think, you know, if we're going to be defining  
14    things, then I'd recommend considering defining those  
15    as well, please.

16                The only last thing I wanted to comment  
17    about was the -- the "ballot cast." I don't -- in  
18    common vernacular, the words are switched. I've never  
19    heard it called a "ballot cast." I've heard it called  
20    a "cast ballot." So I would -- even looking at the  
21    EAC just this morning, there's no definition for a  
22    ballot cast. They don't have anything for that.  
23    So -- but a cast ballot is a thing so I would just  
24    recommend switching the order of the words because  
25    that is something that is commonly used, a cast

1 ballot. So anyway, that is all. Thank you.

2 THE CHAIRMAN: Thank you. Tony Spain?

3 MR. SPAIN: No comment.

4 THE CHAIRMAN: Ed Fleshman?

5 MR. FLESHMAN: Nothing further at this  
6 time.

7 THE CHAIRMAN: Is it Cory Price?

8 MR. PRICE: I have nothing on this one.

9 THE CHAIRMAN: Denise Bach?

10 MS. BACH: Denise Bach, York County.

11 254 Hammond Road in Fort Mill. Just real quick  
12 things. The observer and the watcher, I feel like  
13 they need to be -- it needs to be stated that they are  
14 positioned from a location where they are clearly able  
15 to see the process. You know, being put way in the  
16 corner is -- is not okay. We can't -- the whole  
17 purpose is to see if things are being done as they  
18 should be. And so I would like to see a further  
19 definition that -- you know, that they are to be  
20 positioned from a location where they can -- they can  
21 see clearly.

22 And I -- and I agree with the poll  
23 manager assistant that, you know, we need to have some  
24 specifics on there because they are not of legal age,  
25 you know? They -- they can greet, they can show

1 people to the poll. You know, where they're going to  
2 vote. But anything that requires an oath, I don't  
3 believe we should have someone who can -- who is  
4 unable to take an oath. And I think that was it. All  
5 right. Thank you.

6 THE CHAIRMAN: Thank you.

7 Peter DeLoomis [ph]? DeLormis [ph]?

8 MR. DELORME: Close. No comment.

9 THE CHAIRMAN: All right. What -- what  
10 is it, Mr. --

11 MR. DELORME: DeLorme.

12 THE CHAIRMAN: DeLorin [ph]? DeLorme,  
13 okay. Sorry. Excuse me.

14 Chris -- Chrissy Moore?

15 MS. MOORE: No comment.

16 THE CHAIRMAN: And Maria Sullivan?

17 MS. SULLIVAN: No comment.

18 THE CHAIRMAN: Okay. Now, anyone who  
19 has not signed up wants to speak?

20 MS. JUSTICE: My name is -- my name  
21 should be on your list to speak. Judy Justice?

22 THE CHAIRMAN: Judy Justice. Well, let  
23 me add it.

24 MS. JUSTICE: Okay. Thank you, sir.

25 I'm Judy Justice. I'm from Aiken

1 County. I live at 312 Magnolia Lake Court. The  
2 concern that I have is the definition of "poll  
3 watcher." The poll watcher is someone as a person who  
4 is appointed by a political party, designated in  
5 writing.

6 This has become a very contentious term  
7 used in our political election process. I view this  
8 person who is appointed by someone's political party  
9 or campaign to act as a equal set of eyes to a poll  
10 clerk who is managing the elections process. This  
11 person need to be in -- seated in an area that they  
12 can observe the entire process. They also need to be  
13 in a position that they can hear what's going on,  
14 what's being communicated to a person told by either a  
15 poll manager or a poll clerk about questions that are  
16 being asked.

17 So I think that the definition needs to  
18 have a little more added to the meat and potatoes of  
19 this so that there's clear instructions to a elections  
20 executive who may not agree with the use of poll  
21 watchers and therefore limits their ability to do  
22 their work and the performance of their duty as a poll  
23 watcher. So I'd like to see some more meat added to  
24 that definition.

25 THE CHAIRMAN: All right. That

1 concluded that part of this process. And now, I need  
2 to get questions and comments from the commissioners.

3 Well I have some questions and  
4 comments. So first of all, as to the last speaker, I  
5 think the poll watcher definition defines what the  
6 poll watcher -- who that is, but we do -- we do need  
7 rules as to what they can do and what they can't do.  
8 But that's not what this definition section does; is  
9 that correct?

10 THE DIRECTOR: That is correct. And  
11 I'll just talk -- let me. I'll just cover observers  
12 and watchers in general if you -- Mr. Chairman.

13 So observers -- as with a lot of holes  
14 in the law, there is no such thing as an election  
15 observer in South Carolina. It makes no sense to me  
16 personally because elections are supposed to be  
17 extremely transparent and open; I should be able to  
18 take my children to the polling place and say This is  
19 democracy.

20 But in state law, there is no defined  
21 thing like an observer. Watchers in state law have  
22 duties and responsibilities enumerated in the Title 7,  
23 but observers don't even exist in Title 7. So this is  
24 an attempt to define something that exists in reality  
25 but does not exist in state law.



1 Policies and procedures are in place  
2 for -- at least at the state level -- for addressing  
3 the concerns stated here, and the concerns here that I  
4 too share. Last year -- I believe it was last year --  
5 in consultation with both -- the leadership of both  
6 political parties in the state, this agency drafted,  
7 and this commission adopted, watchers' and observers'  
8 guidelines. And as a high level this is what you can  
9 do, this is what you can't do. Period. And that is  
10 the place where we have, kind of, defined what has  
11 been discussed here. This is not the place to outline  
12 procedures. This is just to identify the people.

13 As to the actual implementation of  
14 these guidelines, I remain frustrated because the  
15 counties are not even formally treating -- they're not  
16 treating watchers and observers uniformly. Poll  
17 managers are not being adequately trained, on the one  
18 hand, to recognize the inherent and explicit rights  
19 and responsibilities of watchers acting on behalf of  
20 parties or candidates, which is extremely important,  
21 nor to the inherent and implied right of observers to  
22 be in the polling place.

23 On the other hand, we have had  
24 situations, as you are well aware, of observers who  
25 are screaming at and harassing poll managers. And

1 this complete lack of civility and breakdown of just  
2 human discourse manifested itself in the primaries in  
3 2020, and that's not okay. I'm not saying the poll  
4 managers in any of the situations were right or wrong,  
5 but screaming at poll workers is not acceptable, and  
6 it's questionably interfering with conduct of an  
7 election.

8 So that was the genesis of the  
9 guidelines that we drafted with the leadership of both  
10 political parties that you approved, and that's what  
11 counties are trained on excessively. I do not want to  
12 shirk at all from accountability, but I have no play  
13 of holding counties responsible when they do not  
14 adhere to those guidelines.

15 So I share a lot of the concerns that  
16 were mentioned here, but I'm just doing my best in  
17 these definitions to define just who these people are,  
18 not the intricate processes or responsibilities or  
19 duties or rights they may hold.

20 THE CHAIRMAN: All right. A question  
21 was asked about Can these be amended later?

22 THE DIRECTOR: Yes.

23 THE CHAIRMAN: And Thomas has answered  
24 They can be amended at any time, but not without a lot  
25 of trouble. Because this is trouble. So -- well, to

1 the extent we can tweak these and get them right the  
2 first time, wouldn't it be better to do that?

3 THE DIRECTOR: It would. This is a  
4 bureaucratic process by design, so if we're -- if  
5 we're changing the things are regulated, it's supposed  
6 to be difficult, so ...

7 THE CHAIRMAN: Well, from what I heard  
8 today on Number 9, Who is the observer --

9 Hey, could you put Number 9 back up?

10 UNIDENTIFIED SPEAKER: I can.

11 THE CHAIRMAN: I mean, put up -- put up  
12 the list that includes 9, the part of the list.

13 This is talking about the observer who  
14 is not appointed by anybody; they're just observing.

15 THE DIRECTOR: Correct, sir.

16 THE CHAIRMAN: And the question was  
17 asked, could we strike "nonpartisan candidate" and  
18 just make it "candidate"? Just to make it clear that  
19 an observer is somebody who is not appointed by  
20 anybody?

21 THE DIRECTOR: Well, an observer may be  
22 there on behalf of somebody but does not have a -- a  
23 letter of agency.

24 THE CHAIRMAN: Right. But there's no  
25 reason to distinguish between nonpartisan and -- in

1 these nonpartisan elections like city council --

2 UNIDENTIFIED SPEAKER: Or school board.

3 THE DIRECTOR: This is just to say you  
4 don't belong to anybody. You're not beholden to  
5 anybody; you're a citizen. But the -- no.

6 THE CHAIRMAN: Well, I -- I may move to  
7 amend that, to just strike the word "nonpartisan,"  
8 just have "candidate" there and leave it at that when  
9 we get to voting on these.

10 The other question that was raised that  
11 bothered me is the -- Number 19, the ballot  
12 identification, which is any identification that is  
13 not false, suspended, canceled, or revoked. That is a  
14 very broad definition of an ID.

15 MR. KNAPP: Mm-hmm.

16 THE CHAIRMAN: And what I was wanting  
17 to do was to add the word "picture" between "mean" and  
18 "identification." "Shall mean picture  
19 identification."

20 THE DIRECTOR: Well, an ID may be valid  
21 without a picture, and that's not -- at least, that  
22 definition was taken straight out of DMV because we're  
23 dealing with case law here. Then Judge Brett  
24 Kavanaugh said very specifically in our voter ID  
25 lawsuit many years ago; I mean, these terms were

1 defined by him and his opinion.

2 So I agree with you, it is broad. But  
3 these definitions -- we did not come up with these.  
4 These are straight out of case law and what other  
5 state agencies use.

6 THE CHAIRMAN: Well, does your Belk  
7 Credit Card count?

8 THE DIRECTOR: Not according to the --  
9 the case, no.

10 THE CHAIRMAN: Why not?

11 THE DIRECTOR: Well --

12 THE CHAIRMAN: It doesn't have to have  
13 a picture. And it's not valid and it hasn't been  
14 suspended, and it's -- hadn't been expired.

15 THE DIRECTOR: Well, the Court did not  
16 recognize the Belk card as being -- being able to be  
17 used in a real election as voter ID.

18 THE CHAIRMAN: So you're saying the  
19 Court has a more restrictive definition than we have?

20 THE DIRECTOR: The Court and other  
21 state agencies have a more precise definition than we  
22 do.

23 THE CHAIRMAN: But I want to vote, and  
24 I got my Belk credit card, and it complies with this  
25 regulation; why can't I vote?

1                   THE DIRECTOR:   Because the -- the -- in  
2   order to vote, federal law and state laws state  
3   specific IDs you can use.   And we're just saying those  
4   IDs have to be --

5                   THE CHAIRMAN:   So there's statutes that  
6   trump this regulation?

7                   THE DIRECTOR:   Yes.   This regulation  
8   just clearly defines what "current and valid" means.  
9   And again, this -- this is an issue, that poll workers  
10   have, that county officials have, is defining what  
11   "current and valid" means; and again, these are just  
12   pulled straight from the DMV and other -- other  
13   government sources.

14                  THE CHAIRMAN:   So what you're defining  
15   there in Number 19 is the word "valid," not so much  
16   the word "identification"?

17                  THE DIRECTOR:   No.   we're not touching  
18   voter ID.   We're not touching identification at all.  
19   Because that has been settled law in this state for  
20   years.

21                  THE CHAIRMAN:   Got to have a picture on  
22   it?

23                  THE DIRECTOR:   Well, not necessarily.  
24   If you don't have a picture ID, you have to swear in  
25   an affidavit that you are unable to get one.   But yes;

1 otherwise, yes, you do.

2 THE CHAIRMAN: But the poll clerk and  
3 the poll manager, which I think it's funny that the  
4 manager -- the poll clerk is the boss of the manager;  
5 is that what you were telling us?

6 THE DIRECTOR: That's what state law  
7 tells us, Mr. Chairman.

8 THE CHAIRMAN: All right. Okay. But  
9 the poll clerk and the poll manager, they're looking  
10 for a picture ID?

11 THE DIRECTOR: Yes, they are. And  
12 they're trained --

13 THE CHAIRMAN: Under current statutory  
14 law?

15 THE DIRECTOR: Correct.

16 THE CHAIRMAN: That's what you're  
17 telling me?

18 THE DIRECTOR: Yes.

19 THE CHAIRMAN: So we don't have to  
20 attach the word "picture" in our regulation because  
21 statutory law covers that?

22 THE DIRECTOR: Yes.

23 THE CHAIRMAN: That's why we're having  
24 this discussion, people; this is -- we're going to get  
25 this right.

1 THE DIRECTOR: It's important. It's  
2 important.

3 THE CHAIRMAN: And we appreciate your  
4 comments; I'm listening when you're talking, so ...

5 UNIDENTIFIED SPEAKER: Mr. Wells? Mr.  
6 Wells? Am I out of order to ask a question? Because  
7 when I look at the definition and it says that it  
8 shall not be false, suspended, canceled, or revoked;  
9 it can be a valid identification. Would that not mean  
10 that a person who shows up with their company ID --  
11 company-issued ID that is a photo ID -- it's current,  
12 it's not false, it hasn't been suspended or revoked.  
13 Would they not be able to use that as a form of  
14 identification?

15 THE CHAIRMAN: I think they might. The  
16 question is coming up about college IDs.

17 THE DIRECTOR: Well, no, Mr. Chairman.  
18 They would not be able to because that's not been a  
19 recognized government ID as defined in the state law.

20 UNIDENTIFIED SPEAKER: Okay. Thank  
21 you.

22 THE CHAIRMAN: So -- so the answer to  
23 her question is, no?

24 THE DIRECTOR: No, no.

25 THE CHAIRMAN: All right.



1 UNIDENTIFIED SPEAKER: Yeah. Thank  
2 you. I just wanted to make sure of that -- wasn't --  
3 that definition was not going to change that process  
4 that we use. Thank you.

5 MR. SCOTT: Real quick, sir. Might I  
6 add to that, sir?

7 THE CHAIRMAN: Yes.

8 MR. SCOTT: Is it not possible that if  
9 you could say Valid identification shall be or comply  
10 with --

11 MULTIPLE SPEAKERS: State law.

12 MR. SCOTT: -- the statute so they  
13 would know to reference that document, you know,  
14 that's given directing the county, letting them know  
15 where to go to look to see what is specified as  
16 legitimate?

17 MR. NICHOLSON: If I --

18 THE CHAIRMAN: That wouldn't add  
19 anything to the regulation because state law and the  
20 statutory law trumps the regulations anyway. So that  
21 doesn't really add anything to it. That's a matter of  
22 training, which we should do the training.

23 MR. KNAPP: Which we do already,  
24 but ...

25 MR. NICHOLSON: I was just going to --

1 to point out that if you did have an alternate version  
2 of a -- of a regulation that you would like to be  
3 considered at some time, the record from the hearing  
4 will be left open for five days after the hearing in  
5 order to send in documents relating to it.

6 UNIDENTIFIED SPEAKER: Mr. Chairman,  
7 quick question. Can't you just combine 4 and 19 under  
8 the same heading as "current, valid, and legal" forms  
9 of identification, meaning that they have to be  
10 current, they can't be revoked, suspended, that -- and  
11 legal? And then just put it under one definition  
12 instead of having Number 4 and Number 19?

13 THE CHAIRMAN: Well, I don't see the  
14 harm in having two. But anyway, we -- we need to move  
15 on. And -- you know, we're off the subject here.  
16 This is the time for comments and questions by  
17 commissioners, and I have, as usual, dominated the  
18 time. So are there any other questions and comments  
19 from our commissioners on this regulation?

20 UNIDENTIFIED SPEAKER: No, sir.

21 THE CHAIRMAN: Well, let's move on to  
22 45-2.

23 MR. NICHOLSON: Okay. Now we are  
24 moving on to -- this is Document Number 5193 that was  
25 published in the State Register on June 23, 2023, a

1 proposed regulation to strike the contents of existing  
2 Regulation 45-2 and replace it with a regulation to be  
3 entitled Sale of Lists Program. And the -- the  
4 jurisdictional information is included on the -- under  
5 Statutory 30 and Document Number 5193 includes 7-3-10  
6 and 7-3-20. But it also includes 7-13-1490 and  
7 7-13-1655.

8 And just -- you will see this on, I  
9 believe, all the remaining regulations. And this was  
10 something that the -- the state registrar's office  
11 asked to be included on this because they don't --  
12 except for in, I think, one -- one of the proposed  
13 new -- newer regulations -- these statutes aren't  
14 relevant to the incoming proposed regulation. They  
15 were relevant to the existing regulation. And that's  
16 why they're there. The registrar asked us to keep it  
17 there.

18 But here, and specifically at Section  
19 7-3-20, capital letter D, item Number 13, it states  
20 that "The SEC, the executive director, shall furnish  
21 at a reasonable price any precinct list to a qualified  
22 elector requesting it." And there's also -- and Dr.  
23 Knapp will testify to that -- there is a proviso in  
24 the -- as part of the State's Appropriations Act. And  
25 it is Proviso Number 102.4. So 102.4 that addressed

1 the Sale of Lists Program. And at this time, I will  
2 ask Director Knapp, can you tell me, how long has  
3 there been a Sale of Lists Program that -- how long  
4 has it been in existence?

5 THE DIRECTOR: To my knowledge, since  
6 the 60s.

7 MR. NICHOLSON: Since the 1960s?

8 THE DIRECTOR: Yes.

9 MR. NICHOLSON: Okay. So the program  
10 has been in existence since the 60s. In more recent  
11 years, the -- I take it that the -- the State Election  
12 Commission, or its preceding institutional bodies as  
13 they may have been called, had been operating this  
14 system?

15 THE DIRECTOR: Yes.

16 MR. NICHOLSON: Okay. And so the SEC  
17 has had a procedure in place for -- for running this  
18 program?

19 THE DIRECTOR: Yes.

20 MR. NICHOLSON: Okay. So -- and of --  
21 as I just cited to 7-3-20(D)(13) and the proviso;  
22 other than those, is there anything -- are there any  
23 instructions anywhere about how the program is to be  
24 run?

25 THE DIRECTOR: Not as specific as this

1 regulation.

2 MR. NICHOLSON: Okay. So why are --  
3 why are we proposing this regulation now?

4 THE DIRECTOR: So this program is  
5 mandated by 7-3-20(D)(13) and Proviso 102.4. So the  
6 process has been legislated -- legislatively mandated  
7 for decades, and it is there to help offset the cost  
8 of maintaining the voter list. Since my appointment,  
9 I have actually halved the cost of a statewide cost  
10 from 5,000 to 2,500 and created, I think, a more  
11 accessible tiered system for candidates running for  
12 office in smaller jurisdictions or only having to pay  
13 for what they actually need and not some massive list  
14 that is -- might be unaffordable or impractical for  
15 them.

16 So that is, kind of, the Sale of Lists,  
17 in general; this has been legislatively mandated for  
18 decades. The -- what you see before you are the  
19 criteria that have been in use by this agency since  
20 its inception, the program's inception. I will say  
21 that we are not recouping the cost associated with  
22 running the Sale of Lists Program because if we did, a  
23 statewide list would not be 2,500; it might be  
24 \$25,000.

25 And so we are trying to be as equitable

1 as possible. But most importantly, neither this  
2 commission nor I have the authority to usurp a  
3 revenue-generating stream that the State has. That is  
4 the sole purview of the General Assembly. The General  
5 Assembly mandated that we generate revenue this way,  
6 and only they can take that away. I have no vested  
7 interest in the Sale of Lists Program. If the General  
8 Assembly wanted to make it free to all qualified  
9 electors, that is perfectly fine with me. Some states  
10 do that. But I would need, then, to have a budget  
11 request to make up for those funds.

12 MR. NICHOLSON: Okay. So I -- I  
13 believe, as you stated, that -- that it's -- because  
14 it is -- there's a proviso in the Budget Act and  
15 the -- of course the statute says "shall furnish at a  
16 reasonable price." And we don't have any discretion  
17 to hand this out for free at this time?

18 THE DIRECTOR: No. Neither the  
19 Commission nor I have the discretion to make this free  
20 to anybody.

21 MR. NICHOLSON: And I believe, as you  
22 stated, there are other states that do that?

23 THE DIRECTOR: There are other states  
24 that have that in their state law, that the list is  
25 free to their voters.

1 MR. NICHOLSON: Can you tell me where  
2 the lists come from?

3 THE DIRECTOR: Well, the list is -- for  
4 lack of better term -- the list is housed in our Voter  
5 Registration and Election Management System; the  
6 acronym is VREMS. So the simple operation of it is  
7 counties register voters, and the SEC takes voter --  
8 removes disqualified voters from the list.

9 MR. NICHOLSON: So is this -- is this  
10 come out of the -- if you look at 7-3-20 letter D item  
11 Number 4, "The SEC Executive Director is to maintain a  
12 complete master file of all the qualified electors by  
13 county and by precincts." Is this information coming  
14 out of that master file?

15 THE DIRECTOR: Yes.

16 MR. NICHOLSON: And under -- again,  
17 under same statute, item -- Number D, item 7, we are  
18 to furnish each county board of voter registration and  
19 elections with a master list of all registered voters  
20 in the county together with a copy of all registered  
21 voters in each precinct of the county at least ten  
22 days prior to each election. And the precinct copy  
23 shall be used as the official list of voters.

24 THE DIRECTOR: Yes. That -- all county  
25 -- I'm sorry.

1 MR. NICHOLSON: This is coming from the  
2 same database?

3 THE DIRECTOR: Yes, all county  
4 officials -- I mean, we don't furnish a physical list,  
5 but all county officials, once they take certain cyber  
6 security -- a cyber security course we make them take,  
7 they have access to VREMS, which is basically giving  
8 them access to the master list.

9 MR. NICHOLSON: So in item 16 under D,  
10 it says that the SEC is to establish and maintain a  
11 statewide voter registration database that shall be  
12 administered by the Commission and made continuously  
13 available to each county board of voter registration  
14 and elections and to other agencies as authorized by  
15 law. Is the -- the voter registration database, is  
16 that where these lists are coming from?

17 THE DIRECTOR: Yes.

18 MR. NICHOLSON: Okay. Now, do the  
19 counties have any rule in -- in what is in the -- the  
20 voter registration database?

21 THE DIRECTOR: Yeah, they add voters.  
22 So whenever a voter registers either in their office  
23 or online or through a motor voter agency as defined  
24 in the National Voter Registration Act of 1993, those  
25 registration forms come to the counties, and the



1 counties process those forms. So --

2 MR. NICHOLSON: So -- go ahead.

3 THE DIRECTOR: The most common way of  
4 how doing this is how I did it. Most people get their  
5 driver's license, they check they want to register to  
6 vote, and that's how that's done for the vast majority  
7 of South Carolinians. They register at the DMV. When  
8 they check that box, DMV then sends that information  
9 to us, which is then sent to the counties for them to  
10 pull, you know, Howard Knapp is registered to vote in  
11 Richland County. Then Richland County processes that  
12 registration.

13 MR. NICHOLSON: So that would also  
14 include things like somebody mails in their -- their  
15 application, things like that?

16 THE DIRECTOR: Yes.

17 MR. NICHOLSON: So they are engaged  
18 with -- with adding people into the database?

19 THE DIRECTOR: Yes.

20 MR. NICHOLSON: Now, with regards to  
21 the operation of that, and this may apply in other  
22 instances with other regulations, there are other --  
23 the -- there may be SEC policy, already existing  
24 policy, that actually may regulate, for lack of a  
25 better word, how the -- the county staffs are entering

1 information into the system, correct?

2 THE DIRECTOR: Yes.

3 MR. NICHOLSON: So there are certain  
4 things they're supposed to do and they're not supposed  
5 to do with regards to this information?

6 THE DIRECTOR: We have intricate  
7 policies on what they're supposed to do. Again, I  
8 can't guarantee they are following all those policies,  
9 but those policies do exist.

10 MR. NICHOLSON: So is there any role  
11 that they take in the sale of this information out of  
12 the system?

13 THE DIRECTOR: No. Counties are not  
14 authorized by state law to sell any of this  
15 information.

16 MR. NICHOLSON: Okay.

17 THE DIRECTOR: Now, I want to add that  
18 we provide, and counties provide, voter participation  
19 information during an election. So that is the one  
20 caveat to this, is during early voting, we send the  
21 early voting participation lists to the parties at the  
22 end of each early voting week.

23 Also -- and we send that by county, all  
24 voters who voted early, that information is sent to  
25 the -- to the parties. After election day, after

1 elections have been certified, and before any  
2 subsequent runoff, we make, and the counties, make  
3 that voter participation information available to  
4 candidates and parties for free because we're still in  
5 the election. Once the election is completely  
6 certified, then that data becomes voter participation  
7 data and it's Sale of Lists.

8 MR. NICHOLSON: Could you describe  
9 who -- who requests these lists?

10 THE DIRECTOR: The vast majority --  
11 well, first, only a qualified elector in South  
12 Carolina can request a list. How does that work in  
13 practicality? It's mostly parties and candidates. If  
14 there are interest groups that want them, what they  
15 usually do is they find a South Carolinian who is  
16 registered to vote and ask them to request it.

17 And I should say that both parties,  
18 Democrats, and Republicans, purchase a list every few  
19 months, and they make those lists available for free  
20 to their candidates.

21 MR. NICHOLSON: But that's within the  
22 party?

23 THE DIRECTOR: That is their own --  
24 yes. That's within their own rules.

25 MR. NICHOLSON: Now, has it ever

1 happened that a county maybe on their own provided a  
2 voter list to somebody without having them go through  
3 the Sale of Lists Program?

4 THE DIRECTOR: This has happened just a  
5 handful of times that I'm aware of, and they were not  
6 supposed to do that.

7 MR. NICHOLSON: And there's no -- so is  
8 this regulation partly intended to make it clear that  
9 it's the SEC that runs this program?

10 THE DIRECTOR: Yes. I mean, this is --  
11 instead of burying this program in state law like it  
12 has been for years, I'm attempting to add, or to bring  
13 some clarity and transparency to the process by saying  
14 Look, this is how this fee is structured. This is the  
15 criteria that I have to use, or any of my successors  
16 will have to use, in establishing the price. And I  
17 just want to be as transparent as I can. This is what  
18 I have to consider.

19 MR. NICHOLSON: And I believe you --  
20 you stated in your previous testimony, 'cause at least  
21 one commenter had the concern that the -- if you  
22 really did it the -- the -- you could easily do an  
23 analysis of the whole scheme, and the cost of a voter  
24 list would be preposterous.

25 THE DIRECTOR: It would. That's why --

1     that's why (4)(D) exists, "Any other factor as  
2     determined"; because if I stuck to every other  
3     criteria above (D), the sale of these lists would be  
4     astronomical. So I have to factor in equity and  
5     accessibility, which are not enumerated here. But  
6     that is -- those are factors that I determine and why  
7     I'm trying to make these lists as affordable as  
8     possible.

9                     MR. NICHOLSON: And I believe you  
10     mentioned that we -- sort of, the -- broken down the  
11     lists into categories that weren't previously  
12     available?

13                    THE DIRECTOR: Yeah. So lists are  
14     primarily broken into two kinds of lists. There's  
15     voter participation, so Candidate A wants the lists of  
16     voters that participated in these voters in these  
17     jurisdictions.

18                    And then there's lists that you can get  
19     that are jurisdictional. I want all voters in  
20     Richland County, or all voters in Sumter, or wherever,  
21     or in this Senate district or this House district. So  
22     the tiered system I've created following my  
23     appointment is by volume. The number of voters on  
24     that list is the list -- or the price you pay for that  
25     list.

1 MR. NICHOLSON: Okay. That's all I  
2 have at this time.

3 THE CHAIRMAN: All right. We took an  
4 hour with the first regulation which was  
5 disappointing. So I want to try to move things along  
6 a little bit now. We are now at the point where those  
7 on the sign-up sheet can add comments. Who wants to  
8 speak to the voter list regulation?

9 All right. And let's start over here.  
10 State your name.

11 MR. PRICE: Cory Price, 2447 Silver  
12 Bluff, Aiken, South Carolina. I just wanted to talk  
13 about the basis of paragraph 4 of your -- of your  
14 proposed regulation. As a procurement professional  
15 with over 26 years of experience with government  
16 procurement where I analyze costs and pricing  
17 information to determine what -- what is reasonable or  
18 not, I believe your stated method for establishing a  
19 price will lead to something other than a reasonable  
20 price.

21 I mean, currently, I believe that a  
22 statewide list is \$2,500, congressional lists -- or US  
23 House districts are \$1,200. I've looked at other  
24 pricing from other states, pulled those where it's  
25 available; what I've found was that South Carolina

1 was -- there's only five states that charge more than  
2 South Carolina. If you excluded the three highest  
3 priced states, which are way out there expensive, out  
4 of line, I would say that the average price is about  
5 \$670 for those lists, for the statewide lists, which  
6 is 3.7 times -- South Carolina charges 3.7 times more  
7 than that.

8 Median price for those lists is \$125  
9 charged by Maryland and Wyoming. The most common  
10 prices are \$20 or \$500. There are four -- four states  
11 that charge between a \$1000 and \$1,100, and then the  
12 price jumps up to \$1,400. When I looked at some  
13 statistics around this, I thought the price break,  
14 anything probably below about \$1,200 is -- you know,  
15 basically -- basically, price analysis, which is --  
16 you know, I looked at -- to do this price analysis, I  
17 looked at other states.

18 And I looked at the South Carolina  
19 procurement law. Because I didn't see where  
20 reasonable price was defined anywhere in the state  
21 law. But there is a state regulation, and it's what  
22 they follow over in the South Carolina Regulation  
23 19-445.2122, and it's basically saying you can use  
24 price analysis, which is what I'm doing here, by  
25 showing -- looked at other states, or you can use cost

1 analysis, which is, kind of, what your paragraph 4  
2 uses. Is basically, you're looking at the cost  
3 elements of it, plus other reasonable factors.

4 What I saw was basically -- I think  
5 that anything over about \$1,200 is unreasonable, and  
6 that's how much you charge for a -- a Senate -- for a  
7 House district list. That's based on comparison with  
8 other prices, you know, comparison that's similar to  
9 what the policy is to look at other catalog prices or  
10 other prices available that you can find.

11 The other thing is looking at your  
12 costs -- your cost. And you had your recouping cost  
13 associated with running the Sale of Lists Program,  
14 including the salary and benefits of all staff  
15 employed to implement and maintain this Sale of Lists  
16 program. I think that's great. The cost of gathering  
17 the -- taking information from your system that's  
18 already there, required by state law to have that  
19 system, and then creating a disc or whatever you do to  
20 transmit that data -- you know, someone spending an  
21 hour or two to do that, their -- their time, that  
22 should be a cost.

23 I think your -- your next statement is  
24 cost of establishing, maintaining, and improving the  
25 state voter registration system. I don't know that I



1 would consider that to be a reasonable cost because  
2 you're already required by the State to maintain that  
3 list. You're required by -- you can't have an  
4 election without that list.

5 So the counties use that information,  
6 just like the political parties or whoever is  
7 requesting that information. So I think you'd have to  
8 consider how many times they use that information in  
9 your analysis of how much you could attribute that  
10 cost. You know, like, if -- if you're getting 50  
11 requests for it, but they're using it 500 times, then  
12 the 500 times -- the 550 would requested would have to  
13 be the denominator over the cost to establish the --  
14 how to allocate that cost.

15 The other thing is, I think that the  
16 market value of the voter registration list, the  
17 paragraph (B) of that, I don't see that being in the  
18 law that establishes it, the Sale of Lists Program. I  
19 think that that's kind of outside that -- the purview.  
20 Because you shouldn't be considering -- it's the --  
21 the regulation says a reasonable price. So that -- I  
22 think that should be stricken.

23 And the other thing is, I like that  
24 you've lowered the price and you've used your  
25 discretion to make this more available to elect --

1 qualified electors; however, the "other factor As  
2 determined by the executive director" is kind of  
3 overly broad, and I don't know if that could be  
4 targeted more and maybe made more clear of what that  
5 could be. Because if someone who -- if an executive  
6 director comes in who doesn't want to make those  
7 qualified -- you know, accessible to others, I think  
8 that could cause an issue. And I'm not saying that  
9 Mr. Knapp is going to try to make these election  
10 lists, the registration lists, harder to get to.  
11 That's all I had. Thank you.

12 THE CHAIRMAN: All right. Show of  
13 hands again on the voter list. You in the -- let's  
14 see, in the back?

15 MS. BACH: Me?

16 THE CHAIRMAN: Yes, please.

17 MS. BACH: Do the name again, or what?

18 THE CHAIRMAN: Yes, because --

19 MS. BACH: Okay. Denise Bach, 254  
20 Hammond Road, Fort Mill. Yeah, I -- I just -- I found  
21 the cost of these lists just to be so unreasonable.  
22 Now, before I retired, I had been a project  
23 coordinator at Bank of America and Wells Fargo, and  
24 I'm currently the Secretary for the York County GOP,  
25 so I deal in this.

1                   And banks on very big spreadsheets of  
2 things on them. If you have a master spreadsheet,  
3 what it requires to -- to get what somebody needs out  
4 of it is a filter. You put a filter thing, you run  
5 the report, file, save as a different name, and then I  
6 email it to whoever needs it. I -- I just fail to see  
7 where this cost is coming from. We're already paying  
8 these employees. I mean, are they not using computers  
9 to run these reports? I'm assuming that we have  
10 technology.

11                   And I also -- and it says as -- in a --  
12 "provided in a format as determined by the executive  
13 director." What is that format? It should be  
14 provided in a format that is requested by the  
15 requester. Do I want it in an Excel, a PDF form? I  
16 mean, you know -- it -- you know, here I -- I can be  
17 delivered a stack of paper. But it should say  
18 "provided in the format that is being requested." I  
19 mean, you know, most people are going to want it in a  
20 digital format. We don't want a pile of paper. I  
21 want an Excel thing that I can run a report with.

22                   But yeah, I -- I just feel like we're  
23 paying twice for this. If we -- if we're hiring staff  
24 that are required to maintain a list, I don't think  
25 it's reasonable for us to have to pay again for these

1 lists to be produced when it is -- it does not take a  
2 lot of effort to take a master list and filter what  
3 you need and put it in there.

4 And I'm also concerned about any other  
5 factors determined by the executive director. You  
6 know, that's kind of an open, you know, checkbook, you  
7 know -- if -- if we're giving the director a hard  
8 time, Well, it's going to cost you more. I -- I just  
9 think we need to define this a little better. This --  
10 you know, let's -- let's get more precise on this.

11 Also, on (A)(2), voter lists --  
12 "registration lists must not contain information that  
13 state or federal law protects from disclosure." Just  
14 tell us what it is. The counties need just, you  
15 know -- okay, no social security numbers, no this.  
16 Just say it. Say what it is. Don't make us -- don't  
17 make the counties guess what that is. Let's be a  
18 little more precise, okay? Thank you, guys.

19 THE CHAIRMAN: All right. Next. Mr.  
20 Scott?

21 MR. SCOTT: Thank you, sir.

22 William Scott. Got it. Okay. Thank  
23 you.

24 Okay. I do totally agree with what my  
25 predecessor was just stating, but I wanted to expand

1 on that a little bit. If the taxpayer is paying for  
2 these funded positions, then I totally agree, it's a  
3 double cost to the taxpayer. And in some ways, I  
4 would relate it almost to a poll tax, if you're not a  
5 member of the big parties. A small organization might  
6 not have the endless pockets of money to be funding  
7 even a \$1,200 cost that -- so it puts them at a  
8 disadvantage just because of their size or they're not  
9 affiliated with the big party groups.

10 Furthermore, as far as control of  
11 power, I think there is a lot of positional power  
12 given to the director that -- maybe with no  
13 limitations. And my experience is if you give people  
14 anything close to -- to power, they will utilize it.  
15 But I would like to see, you know, some checks and  
16 balances; what is it to reign that in, you know?

17 And then as far as we're talking about  
18 market value. I mean, to me, I was always led to  
19 believe government is not in the business of making  
20 money. You know, market to me connotates more like a  
21 commercialized enterprise. So as far as if other  
22 states can do it and do it free for the taxpayers,  
23 they're probably have already paid for it, I don't see  
24 why South Carolina cannot do the same.

25 And then, one other last note -- where

1 did I put it? The salary, you know, it lists salary  
2 for the employees. Are these additionally contracted  
3 employees just for this endeavor? If it is, maybe you  
4 could understand that. My question is what are the  
5 regular workers doing? I'm a former IT project  
6 manager so I've worked with system administrators and  
7 VMware [ph], et cetera, the whole plethora of  
8 operating systems, and it really does not take that  
9 much effort to poll a database. And if you was  
10 printing it, sure, I'm used to the pay a dollar a  
11 page, or whatever -- even banks will charge that. But  
12 if it's a digital copy, I mean really how -- how hard  
13 is that in the modern age? But thank you for your  
14 time.

15 THE CHAIRMAN: All right. Front row.

16 MS. PRICE: I agree with what he said.

17 UNIDENTIFIED SPEAKER: You're Ms.  
18 Thompson, right?

19 MS. PRICE: Oh, Janis -- Janis Price.  
20 I'm sorry. Aiken.

21 UNIDENTIFIED SPEAKER: Price. Got it,  
22 got it.

23 MS. PRICE: Yes. Okay.

24 I know Mr. Knapp had said that this  
25 regulation is being put out to provide clarity for the

1 counties. I just wonder if this is the proper venue  
2 format for that. Title 7-3-10 says "The State  
3 Election Commission shall promulgate regulations to  
4 establish standardized processes for the  
5 administration of elections and voter registration  
6 that must be follow by the county boards of voter  
7 registration and elections." And it goes on. But --  
8 and then the next thing it says is "The Commission  
9 shall promulgate regulations for voter registrations  
10 performed by private entities."

11 I don't see anywhere in here where it  
12 says that the State Election Commission can promulgate  
13 regulations for how it performs its own duties.  
14 That's -- so I kind of -- I know you've got this  
15 program, and I'd like to speak to -- I mean, I agree  
16 with the price reasonable as I don't think the price  
17 is reasonable. It's your job that -- that section  
18 7-3-20 says "The Executive Director shall maintain a  
19 complete master file of all qualified electors by  
20 county and by precincts." And it goes on to list how  
21 those are gone about doing.

22 So to me, y'all are already required to  
23 maintain this list. The counties use it, people use  
24 it. So to furnish at a reasonable price, a reasonable  
25 price would be the cost to take that digital list,

1 like Ms. Bach said, and send it to somebody else,  
2 maybe hour, two hours. I don't know how long it's  
3 going to take; it doesn't take that long.

4 And I know that lists are dynamic.  
5 States like Colorado have a really interesting program  
6 where you can have -- you can purchase a single list.  
7 I believe it's for \$50; they've got seven different  
8 lists available. Or you can have a two-year  
9 subscription to the dynamic list for \$1000. That  
10 might be something that somebody like political  
11 parties would find useful because those do fluctuate  
12 on a daily basis. But again, I think that's outside  
13 the scope of regulation.

14 The other thing that I wanted to add on  
15 about the voter list is voter history. There was just  
16 a lawsuit in Illinois where they were required to  
17 provide voter history, and that's something that South  
18 Carolina does not provide in their voter lists  
19 program, and I -- I think they need to. It's  
20 important for candidates in district analysis for  
21 people running -- wishing to run a campaign. And the  
22 major parties have that information, but not everybody  
23 has access to that information that the major parties  
24 have. So I think that it would -- I mean, I think it  
25 would be right to include voter history in the Sale of



1 Lists.

2 But again, reasonable price, I don't  
3 see anywhere even in the proviso that says any revenue  
4 generated can be kept by the Commission. But it  
5 doesn't say that you're going to -- that it's a  
6 revenue-generating operation. That it's just the fact  
7 that they're -- you're able to sell this at a  
8 reasonable price. So -- and that's been addressed.  
9 Thank you.

10 THE CHAIRMAN: Thank you. Back row.

11 MS. BODDY: Lori Boddy, Aiken County.  
12 173 Gadwall Lane.

13 UNIDENTIFIED SPEAKER: Can you repeat  
14 again when you get up to the microphone?

15 MS. BODDY: Lori Boddy, Aiken County,  
16 173 Gadwall Lane.

17 UNIDENTIFIED SPEAKER: Thank you.

18 MS. BODDY: Just a couple comments.  
19 And a man touched on this earlier. The cost of  
20 establishing the voter rolls, that's mandated in the  
21 national -- the NVRA Section 8, and I don't think that  
22 that -- the cost should actually be rolled back down  
23 to people who are trying to establish to get access to  
24 that. I just wanted to add that.

25 And also, there is a way that's not

1 mentioned in here in how to get access to the voter  
2 rolls to the public, and that is in 7-5-410. "Each  
3 county board of voter registration and elections shall  
4 deposit the official records of registration for  
5 safekeeping in the board's office or in the office of  
6 the clerk of court" -- blah blah blah blah blah.

7 Basically, this is the public official  
8 record that the public can access. That's not  
9 mentioned here; I think that could be mentioned here.  
10 And then there needs to be regulations for that.  
11 Because I know in Aiken County, there was a big game  
12 played with trying to get information around this.  
13 Finally they were given access to this book, and then  
14 they were told that we're going to have to pay staff  
15 to stand and monitor the people in order to -- to look  
16 at these public records. They are public records; I  
17 don't believe that we should have to be paying to look  
18 at them 'cause that is another way to lock down this  
19 data. And I'd like to see that addressed.

20 THE CHAIRMAN: Okay.

21 MS. BODDY: Okay? Thank you very much.

22 THE CHAIRMAN: Thank you. In the back.

23 MS. HICKMAN: Heather Hickman, Berkeley  
24 County, citizen.

25 The past couple of years, South

1 Carolina has brought itself in the enviable position  
2 of having a surplus. Isn't that amazing? In this  
3 past year, our General Assembly elected to donate that  
4 to Scout Motors in the form of \$400 million in cash up  
5 front.

6 I understand that what you're doing  
7 is -- the sale of voter lists is treated as revenue  
8 income, income stream for the State. I'd be willing  
9 to help you draft legislation for a proposal to  
10 redirect surplus funds to offset such costs, which I  
11 think the reasonable cost proposed is still a little  
12 excessive.

13 I did work as a canvasser in the past  
14 year using voter lists paid for at the rate of \$2,500  
15 to demonstrate to Berkeley County a number, well over  
16 a thousand, deceased voters who were still on the  
17 rolls. We also had the provision that deceased voters  
18 are to be removed. And yet we're told deceased voters  
19 are instead made inactive, inactive and remaining in  
20 the same database as active voters, which could be a  
21 very simple matter of accident or malfeasance, to  
22 reactivate them.

23 Case in point, Berkeley County had  
24 149,000 plus registered voters in last September,  
25 October, November, and December; and yet, 159,000

1 voters voted in the general election last November.  
2 Where did these dead voters come from? I think if you  
3 had this accessible to individuals like myself, we  
4 can -- we can help point out when voters that died in  
5 2013 might still need to be removed. But at \$2,500, I  
6 don't get compensated for having paid for that work.  
7 And I didn't ask for compensation; however, it's  
8 prohibitive to do it frequently. Thank you.

9 THE CHAIRMAN: Thank you, Ms. Hickman.  
10 All right. Anyone else on the -- let's  
11 see. We have one in the front row. Is that the last  
12 speaker?

13 Okay. Now, it's your time.

14 MS. SHELPS: Laura Shelps, 214 Boxwood,  
15 Aiken. So I would like to recommend based on -- I too  
16 worked with databases in the IT profession for 30  
17 years, and I know that it's pretty easy to extract  
18 data. I would like to suggest that we train our  
19 county officials on how to extract that data from the  
20 VREMS database because I had a situation where the GOP  
21 requested information, and they were given a quote of  
22 \$1,300 to photocopy and scan each page of 8,000 plus  
23 pages for the voter registration list, so ...

24 And as you said, all county officials  
25 have access to the master list. So if they're trained

1 on how to extract that, they should be able to -- to  
2 help to provide citizens and political parties scan  
3 this with that information.

4 You mentioned that some SEC policies  
5 regarding the voter registration database; I'd just  
6 like to know how to find those SEC policies. I'd like  
7 to familiarize myself with them. And I'd like to  
8 know, you had mentioned for voter participation  
9 information that that should be sent to the parties  
10 after early voting. And then after election day, it's  
11 available to candidates and parties for free. How  
12 would the parties get that information? Are -- are  
13 they sent that information immediately, or do they  
14 request that from the election director? Because we  
15 have not been able to get that; but that's for another  
16 day. I'd just like to know what that process is.

17 And I'd like to refer to 7-5-420; that  
18 is where the copy of the list of voters is sent to  
19 political parties. That was not in any of the  
20 regulation -- or any of the laws that you had  
21 mentioned. So I'd like to include that in there. And  
22 just to make this a lot more transparent.

23 I had signed up for absentee ballots,  
24 and I'll tell you what. I can track my vote very well  
25 with the absentee ballot system that we use. It would

1 be great if we could use that same thing for voters so  
2 that they don't have to ask for the lists. They can  
3 go online. They can see how their history -- their  
4 voting history was just like the absentee ballots.

5 So again, just, let's -- let's try to  
6 access that data instead of moving around papers all  
7 the time. It would probably reduce a lot of costs.  
8 Thank you.

9 THE CHAIRMAN: All right. Thank you.

10 All right. Questions or comments from  
11 the Commission? Commissioners?

12 MR. MOSELEY: I've got a question. On  
13 voter lists now, can they -- when they're purchased,  
14 can they be reproduced, shared, copied?

15 THE DIRECTOR: Yes.

16 MR. MOSELEY: Okay. Can they be  
17 resold?

18 THE DIRECTOR: There's nothing in law  
19 that says they can't be resold. I don't know that  
20 that's ever happened.

21 MR. MOSELEY: Can mail services  
22 purchase them?

23 THE DIRECTOR: Mail services purchase  
24 them.

25 MR. MOSELEY: Then they can resell

1       them, I guess?

2                       THE DIRECTOR:   Maybe.

3                       MR. MOSELEY:   There's no law saying  
4       they can't?

5                       THE DIRECTOR:   Not to my knowledge.

6                       THE CHAIRMAN:   Anyone else?

7                       I've heard the comments, which are  
8       about price for the most part.   And that's a matter of  
9       efficiency.   I think the regulations are proper and we  
10      need to work on efficiency to try to bring the price  
11      down.   But we do need a regulation that says we charge  
12      based on the cost to produce the list.   And so let's  
13      move on to Number 45-3, and this is the regulation on  
14      ballot standards.

15                      MR. NICHOLSON:   All right.   We are now  
16      looking at Document Number 5194 that was published in  
17      the South Carolina State Register on June 23, 2023.  
18      This is a proposed regulation to strike and amend  
19      existing Regulation 45-3 and replace it -- the  
20      contents entirely with content about ballot standards.  
21      And the on-point statutory authority are Section  
22      7-3-10 and 7-3-20.

23                      All note that there are several other  
24      statutes scattered through the code that give authority  
25      in general about various different aspects of ballot

1 production such as 7-5-10, which is absentee ballots  
2 in general. There's 7-15-690 and 7-15-650, which have  
3 to do with -- absentee ballots, and there is 7-13-611  
4 about county and state primary ballots. And actually,  
5 7-13-1490 that is already listed there from the old  
6 regulation also does apply to this one.

7 Now -- so Mr. Knapp, this regulation,  
8 who specifically is this regulation for?

9 THE DIRECTOR: This is aimed directly  
10 at county election officials.

11 MR. NICHOLSON: Okay. So it's for --  
12 for their reference and -- and for them to understand  
13 what they're supposed to do with regards to the Ballot  
14 Standards Document.

15 THE DIRECTOR: Yes.

16 MR. NICHOLSON: So who is going to be  
17 going -- to do election work, who is going to be  
18 looking for the Ballot Standards Document?

19 THE DIRECTOR: So the Ballot Standards  
20 Document is a document that is used internally by  
21 my -- for the agency's database coding team. These  
22 database coders are the individuals that actually make  
23 the ballots; they code the ballots that people see,  
24 either on paper or on the ballot marking device  
25 screen. This Ballot Standards Document is the



1 definitive guideline for how to do that. And though  
2 counties don't make their own ballots or code their  
3 own ballots, they need to be aware of why things are  
4 the way they are on the ballots because we have had  
5 issues in the past.

6 MR. NICHOLSON: So in some occasions,  
7 it -- the -- the county staff can actually alter  
8 things on the ballots themselves?

9 THE DIRECTOR: Well, they can't alter  
10 them per se. I'll give a very real example as to how  
11 bad this has gotten in the past. So the 2020 general  
12 election, we had a county director, who is no longer a  
13 county director, who for whatever reason felt that his  
14 initials should be at the bottom tab of all absentee  
15 ballots. So in the statewide election, I don't know  
16 why, but it's always been that the executive  
17 director's signature and title is just printed on the  
18 back saying, you know, basically, this is an official  
19 ballot, et cetera.

20 Well, this director thought his name  
21 should be on it too so he put his initials on a -- the  
22 tear tab at the bottom of the absentee ballots where  
23 usually the clerk who produced the absentee ballot  
24 would initial that they did it. He wanted his  
25 initials on it.

1           His change to his ballots prior to  
2       sending his database to his vendor to print and mail  
3       the ballots caused every tiny mark on the ballots to  
4       be off by a few millimeters, which meant every ballot  
5       in that county, which was roughly 15,000 absentee  
6       ballots, had to be reduplicated and were not able to  
7       be read.

8           So that director was aware of the  
9       Ballot Standards Document. They're all aware of the  
10      Ballot Standards Document, and they all have access to  
11      it. But this -- this regulation basically says This  
12      is the Ballot Standards Document. It is the law. You  
13      cannot change ballots that were produced by the SEC  
14      and nor should you.

15           Now, that -- I should also add that  
16      during the ballot development process, counties are a  
17      part of the quality checking process. If we misspell  
18      a candidate's a name or an office or whatever,  
19      counties can see that and have us change it prior to  
20      it being finalized. And that is a very thorough  
21      process. But we cannot have counties changing ballots  
22      after they've been mailed or right when they're about  
23      to be mailed to voters.

24           MR. NICHOLSON: Now the -- you were  
25      referring earlier -- saying earlier that the counties

1 know -- they know what this document is and they know  
2 where to find it?

3 THE DIRECTOR: Yes.

4 MR. NICHOLSON: So the -- the -- so it  
5 sounds like there is policy outside of this regulation  
6 that instructs the counties on how to deal with these  
7 things?

8 THE DIRECTOR: Yes.

9 MR. NICHOLSON: Okay. All right. And  
10 I believe there have been some comments that there  
11 ought to be a definition for BSD; is there, I mean --  
12 but from what I'm hearing from you, the counties  
13 already know what it is?

14 THE DIRECTOR: Yes.

15 MR. NICHOLSON: And because of our  
16 other policy, they are -- they know what to look for  
17 and where to get it. Also I believe the Ballot  
18 Standards Document changes over time?

19 THE DIRECTOR: It does.

20 MR. NICHOLSON: So --

21 THE DIRECTOR: So I'll give you an  
22 example. If we do a software upgrade that may change  
23 certain nuances of which buttons to push when and  
24 where when we're building ballots, the Ballots  
25 Standards Document will be updated to reflect those

1 changes, and that's -- that's a living document that  
2 changes as software is upgraded.

3 MR. NICHOLSON: Okay. Also I'd just  
4 like to ask in general, with regards to all the things  
5 that the SEC does or that the county offices may be  
6 expected to do, is it possible to -- what I want to  
7 say -- do we want a regulation for every single detail  
8 of every process?

9 THE DIRECTOR: No. I don't think  
10 anybody wants that.

11 MR. NICHOLSON: Okay. So at some point  
12 we've got to stop putting stuff in regulations and let  
13 the -- the counties do their job with the -- the other  
14 reference material they have and the training we  
15 provide and things like that?

16 THE DIRECTOR: Yes. The goal is to  
17 make the document itself at any point in time have the  
18 full force and effect of law without having to outline  
19 every detail of what's actually in the document.

20 MR. NICHOLSON: Okay. All right,  
21 that's all I have.

22 THE CHAIRMAN: All right. Now, the  
23 Ballot -- the Ballot Standards Document, or the Ballot  
24 Standards Regulation. Who wants to speak to that  
25 regulation?

1                   One in the front row. All right, come  
2 on. Come forward.

3                   MS. THOMPSON: Thompson, Aiken,  
4 citizen. So the issue that I'm bringing up may be in  
5 the other document that I didn't read, and it may be  
6 coming later in some other regulation, but the  
7 uniformity of a ballot can -- may be what is causing  
8 some of the practical boots on the ground issues that  
9 I have observed in the last 22 years of watching this  
10 happen, people voting. So I believe, maybe, this is a  
11 good time to add a directive to the standard, which  
12 would be that document that the counties use and the  
13 State Elections Commission use to create this design  
14 content, the layout, and appearance.

15                   The uniformity factor is where I'm  
16 getting at. We have a lot in our county,  
17 specifically, a lot of older voters, and we have a lot  
18 of voters that probably need a larger fingertip area  
19 on the devices. And they probably need larger print,  
20 just because of the demographic of the county I'm in.  
21 So maybe a uniform ballot design isn't necessarily  
22 what we're striving for, is we're striving for a  
23 ballot design that allows voters to engage with the  
24 technology and cast their vote correctly.

25                   And we get a lot of the excuse that

1 the -- the real excuse about voter error and  
2 calibration issues. And I know you all have heard  
3 that. I have even called this office out of concern  
4 for my local county having a calibration issue, and I  
5 was told by a staff member here that I am  
6 disseminating misinformation. And then it came out in  
7 a report that yes, they did have calibration issues on  
8 about 16 precincts.

9 So calibration issues become a big  
10 catchphrase. And they become a combative or  
11 considered a negative phrase, but they can happen.  
12 When you have people having to mark a ballot all the  
13 way over into the margin of a screen and they're not  
14 used to it, but the -- the ballot bubble doesn't come  
15 all the way over into the rest of the ballot itself.  
16 Or if there's not enough room between multiple voters.  
17 I have fat fingers. I could hit the wrong person very  
18 easily. So it would be great if they could make those  
19 spaces wider.

20 And I know this seems really minutia,  
21 but when you deal with people concerned every year in  
22 multiple elections, primaries, and races, that simple  
23 things like that, that if the print were just a little  
24 larger, and the space that they have to put their  
25 finger were a little bit bigger, then we wouldn't have

1 a lot of the things that end up boiling up into things  
2 like You're portraying misinformation or You're  
3 disenfranchising voters or You're trying to be  
4 combative in an election process.

5 So I feel like a lot of those issues  
6 could be fixed with a very simple directive from this  
7 commission to the people that deal with the Ballot  
8 Standards Document that -- please don't forsake  
9 demographic need for your compliance with uniformity.  
10 Because we do have very different demographics in  
11 counties where people may not be as tech savvy.  
12 People may not be as young and comfortable with  
13 reading technology. They may not be as good at  
14 hitting things with their fingers.

15 So I think that if that directive comes  
16 from you, that in the Ballot Standards Document,  
17 making sure that voters correct identification and  
18 interface with the technology records the proper  
19 result is imperative rather than trying to strive for  
20 uniformity. That would be helpful to alleviate a lot  
21 of these concerns that voters do have on election day.  
22 Thank you.

23 THE CHAIRMAN: All right. Now,  
24 comments from the commissioners?

25 My comment is that the regulation is

1 necessary to have a uniform ballot. We want to always  
2 be receptive to changes in that ballot to make it more  
3 user friendly, particularly for elderly or people with  
4 some other handicap. We don't like to -- I don't want  
5 to make the elderly go to the elderly booth over  
6 there. Sometimes that is embarrassing for those  
7 people. It would be better if all of them had the  
8 large print.

9 THE DIRECTOR: The voter can change  
10 that. Every single voter can customize that for  
11 themselves on the BMD. So that's -- I understand  
12 again that for that very reason.

13 THE CHAIRMAN: We want to accommodate  
14 our elderly citizens --

15 THE DIRECTOR: Yes.

16 THE CHAIRMAN: -- and those with  
17 disabilities who --

18 THE DIRECTOR: That's already in place.

19 UNIDENTIFIED SPEAKER: And they do --

20 THE DIRECTOR: And they do.

21 UNIDENTIFIED SPEAKER: -- accommodate  
22 voters with disabilities.

23 THE DIRECTOR: My mother-in-law tells  
24 me every time she votes, yes.

25 THE CHAIRMAN: All right. So now we've



1 done better on those two. And we are at 45-4. It is  
2 now 12 o'clock, and I want some input as to where we  
3 go from here as far as a break. Let me -- let me be  
4 specific: bathroom break or a lunch break. So let's  
5 talk first about a bathroom break. A short break,  
6 ten-minute break.

7 UNIDENTIFIED SPEAKER: That sounds --  
8 that sounds good.

9 THE CHAIRMAN: All right. We have some  
10 votes in favor of that so let's take a ten-minute  
11 bathroom break and then see if we can plunge through a  
12 few more of these before we take a long break.

13 THE DIRECTOR: What time do you want to  
14 be back, Mr. Chairman? It's 11:57.

15 THE CHAIRMAN: Let's be back in here by  
16 ten after because we need to keep moving.

17 THE DIRECTOR: Yes, sir.

18 THE CHAIRMAN: So we're in recess.

19 (Off the record.)

20 THE CHAIRMAN: And we are now on  
21 Regulation 45-4, which concerns protest hearings. And  
22 I will turn it over to our counsel.

23 MR. NICHOLSON: Okay. We are now  
24 bringing up Document Number 5195. It was published in  
25 the South Carolina State Register on June 23, 2023, to

1 amend the contents of the existing Regulation 45-4 by  
2 striking the entirety of the contents and replacing it  
3 with new contents. And the legal authority for these  
4 will be generally under Sections 7-3-10 and 7-3-20.

5 Now, the other statutes that are  
6 involved with the requirements being -- the  
7 requirements in these regulations are state  
8 statutes -- particularly states statutes in Title 7  
9 Section 7-17-50 and Section 7-17-530 and 7-17-550.  
10 And these -- these statutes relate to the conduct of  
11 protest hearings and the requirement, for some  
12 instances, the SEC to pay the cost for transcripts and  
13 the requirement that a transcript be made, that there  
14 be a transcript.

15 And so turning to the -- to the text of  
16 the regulation as proposed, the first under heading A  
17 are protests heard by county boards of canvassers.  
18 And Mr. Knapp, if you could explain what the County  
19 Board of Canvassers is?

20 THE DIRECTOR: So in Statute Title 7,  
21 the county boards of canvassers are the other  
22 responsibility of a county board of voter registration  
23 and elections, much in the same way that the State  
24 Board of Canvassers is the same body as the State  
25 Election Commission.

1 MR. NICHOLSON: Okay. And the -- under  
2 what circumstances is a county board of canvassers  
3 going to be hearing a protest?

4 THE DIRECTOR: They hear all protests  
5 of municipal -- or really any election that's held in  
6 their jurisdiction, their county.

7 MR. NICHOLSON: Okay. So basically a  
8 county and smaller?

9 THE DIRECTOR: Yes.

10 MR. NICHOLSON: Okay.

11 THE DIRECTOR: Countywide and less  
12 than.

13 MR. NICHOLSON: Now, is there any --  
14 what -- what role does the State Election Commission  
15 have in any kind of appeal process out of the protest  
16 hearing?

17 THE DIRECTOR: The primaries, virtually  
18 no role at all, except as those prescribed in this  
19 regulation here.

20 MR. NICHOLSON: So when we get to  
21 Section B, that is -- so when you say "no role,"  
22 you're talking about this half of the regulation?

23 THE DIRECTOR: We pay the bill for the  
24 court reporter and that's it.

25 MR. NICHOLSON: So we pay the bill for

1 the court -- for the transcript and the court  
2 reporter, but other than that, we don't -- the SEC  
3 doesn't conduct these at all, correct?

4 THE DIRECTOR: No.

5 MR. NICHOLSON: And we don't hear  
6 appeals from these, correct?

7 THE DIRECTOR: No.

8 MR. NICHOLSON: And we don't -- we  
9 don't -- the SEC doesn't have any -- does the SEC have  
10 any power to enforce the party's compliance with other  
11 law that may be out there with regards to this?

12 THE DIRECTOR: Absolutely not. And  
13 this regulation has nothing to do with the conduct of  
14 primary protests or anything like that. This is just  
15 who pays for what, when.

16 MR. NICHOLSON: Okay. If we go back to  
17 A. Now, if you could, with regards to both of these,  
18 can you tell me why it's necessary to have this  
19 regulation?

20 THE DIRECTOR: Clarity and  
21 transparency. Again, this is another procedure that  
22 has been in place for decades. But with the massive  
23 turnover in election officials, we need this to be  
24 conspicuous and clarifying that certain stakeholders  
25 are responsible for certain things. I know there's

1 some talk and discussion about protests in general,  
2 but that is not what this is about.

3 MR. NICHOLSON: I see under item 1, it  
4 says "County boards of voter registration and  
5 elections must notify the State Election Commission  
6 when a protest is filed and provide copies of the  
7 protest filing to the state Election Commission within  
8 one business day of being filed with the county  
9 board"; can you tell us why we need that?

10 THE DIRECTOR: Because -- maybe it  
11 shouldn't shock everybody, but we don't always --  
12 we're not always told everything by the county  
13 offices. And sometimes we have been notified of the  
14 appeal, and we have no idea that that protest is even  
15 filed. So this mandates that Yes counties, you need  
16 to tell the State that a candidate is protesting their  
17 election, which again, may be common sense but not  
18 common practice all the time.

19 MR. NICHOLSON: And Number 2 talks  
20 about the "County board of canvassers must retain a  
21 court reporter for all protest hearings," and they  
22 "must submit the written transcript of the protest  
23 hearing to the State Board of Canvassers ..." Now,  
24 why does the State Board of Canvassers need the  
25 transcript?

1 THE DIRECTOR: The State Board of  
2 Canvassers, or the State Election Commission, needs to  
3 have a record of proceedings because we are inevitably  
4 involved in some capacity as those appeals are pushed  
5 forward.

6 MR. NICHOLSON: So it's -- it's a -- if  
7 the SEC must hear an appeal out of the protest, it's  
8 so they have a record of what happened underneath?

9 THE DIRECTOR: At -- at the most, yes.  
10 If we are the appellate body, the State Board of  
11 Canvassers has a record that we don't have to rely on  
12 the county -- at some point in the future. We don't  
13 even have -- some counties not even have a record of  
14 the proceeding, which is an injustice both to the  
15 candidates and to the election in general. Not to  
16 mention the appellate body, which as you said, may be  
17 the State Board of Canvassers themselves.

18 MR. NICHOLSON: And item 4 says "The  
19 county board of voter registration and elections is  
20 responsible for paying the costs associated with the  
21 hearing or protest under its jurisdiction, including  
22 feeds for court reporters and transcripts." That's --  
23 that's in the context of a -- that's just in the  
24 context of a -- a hearing held by the county board of  
25 canvassers?

1 THE DIRECTOR: Correct.

2 MR. NICHOLSON: All right. If you go  
3 on to item D. All right. And we -- we talked earlier  
4 about the distinction between the primary protest and  
5 the board of canvasser protest. So and I wanted to  
6 state what state law already states, that the State  
7 Election Commission must pay the cost of the court  
8 reporter and the transcript for the political party  
9 primary protest and appeal hearings. Can you tell us  
10 why this -- this particular half of the regulation is  
11 necessary?

12 THE DIRECTOR: So everybody is on the  
13 same page of who is paying what and who is reimbursing  
14 for what.

15 MR. NICHOLSON: Has there been  
16 controversy about that?

17 THE DIRECTOR: There has been  
18 questions, and sometimes when parties ask counties,  
19 counties have no idea. Then they have to call us, and  
20 we provide clarification. But this is to memorialize  
21 the process as is, both for the edification of county  
22 offices and candidates.

23 MR. NICHOLSON: Now, is this -- what is  
24 specified under Sections 2 and 3; is this the process  
25 that has already been followed?

1 THE DIRECTOR: Yes.

2 MR. NICHOLSON: Okay. Now could part  
3 of the problem be here that sometimes the counties are  
4 so unfamiliar with having a protest that -- or the  
5 parties themselves are so unfamiliar with the process  
6 that they are a little flatfooted when they are  
7 actually presented with a protest?

8 THE DIRECTOR: Yes, that is a fair  
9 statement.

10 MR. NICHOLSON: Okay. And this is an  
11 attempt to put some guidance out there?

12 THE DIRECTOR: Yes. That way the --  
13 the party, the candidate, or the -- the county office  
14 themselves can say, you know, this regulation outlines  
15 the process, and there's no ambiguity.

16 MR. NICHOLSON: Okay. That's all I  
17 have.

18 THE CHAIRMAN: All right. Now, we're  
19 going to take comments and questions about 45-4, which  
20 as Mr. Knapp has said, this is about hiring a court  
21 reporter to take a transcript of a protest hearing in  
22 primaries and in general elections. It's not the  
23 rules. It's not when do you have to file a protest,  
24 none of that. It's just, you know, have a court  
25 reporter. So does anyone want to speak to that



1 regulation?

2 MR. SCOTT: Okay. Thank you, sir.

3 Just a few things I wanted to noted. For where it  
4 says "The State Election Commission will pay the cost  
5 of the court reporter and transcript by reimbursing  
6 the provoking parties." I'm just thinking, what if  
7 it's an individual? What if I had an issue and I  
8 needed to -- you know, felt my vote was denied me and  
9 legally, et cetera, and I want to have a hearing and  
10 go through the process, why is it just a political  
11 party? 'Cause I'm still -- would be expected to pay  
12 the same cost, I would imagine, of the -- you know, at  
13 the court reporter funding being generated there. So  
14 that was just one thing.

15 And the other is when it says "under  
16 exceptional circumstances as determined by the  
17 Executive Director"; well, if it's ambiguous like  
18 that, if you can't -- and it's not clearly defined.  
19 What is an "exceptional circumstance"? And -- 'cause  
20 by defining that, it helps maybe avoid bias 'cause  
21 there could be another individual or party that they  
22 just awarded them the ability to get reimbursed or,  
23 you know, have some funding back.

24 Well, I didn't know 'cause I don't know  
25 the policy or what the -- the definition of an

1 exceptional circumstance is. So I would not know that  
2 I could file, or maybe file an appeal, with the  
3 director, say Hey, I'm going to appeal this and ask  
4 that you consider this. So without knowing, it just  
5 sort of places the non-party types at a, you know,  
6 disadvantage is my contention. But thank you.

7 THE CHAIRMAN: Mr. Knapp, as to the  
8 question about an individual, I guess this is a  
9 nonpartisan candidate?

10 THE DIRECTOR: The entire section means  
11 for party primaries. There's no lone wolves in a  
12 primary -- party primary. So the individual  
13 nonpartisan candidate is not covered anywhere in that  
14 section.

15 THE CHAIRMAN: I think the question  
16 was, if I'm a voter and I don't think my vote got  
17 counted; but that's not the protest that we're talking  
18 about. We're talking about a candidate who protests  
19 and says the election was held unfairly.

20 THE DIRECTOR: Correct.

21 THE CHAIRMAN: Or somebody violated a  
22 rule. So that's -- that's not what we're talking  
23 about.

24 THE DIRECTOR: That's not what we're  
25 talking about.

1 THE CHAIRMAN: Did you want to speak to  
2 this?

3 MS. EDDINS: Yes, sir.

4 THE CHAIRMAN: All right. Come on up.

5 MS. EDDINS: Good afternoon. I'm Tanya  
6 Eddins from Rembert, South Carolina. One of the  
7 things that I'm interested in is seeing how that  
8 particular protest is going to be covered with, I  
9 think it was Bill 4066, that has a fee associated,  
10 that's being looked at by the parties that was  
11 introduced by Brandon Newton charging folks \$5,000 to  
12 formally -- formally file a protest. How would  
13 those -- how would that regulation from Section 45 and  
14 the bill from 66, how would those two coalesce?

15 THE CHAIRMAN: Mr. Knapp?

16 THE DIRECTOR: We're not promulgating  
17 regulations on proposed laws. If -- it's not law. So  
18 this -- this is not -- if such time that bill becomes  
19 law, we may have to revisit this, but this was not  
20 crafted with anything that parties may charge in mind.

21 MS. EDDINS: Thank you.

22 THE CHAIRMAN: All right. Any  
23 questions or comments from commissioners on the court  
24 reporter rule?

25 And hearing none, then we will go on to

1 the next rule, which pertains to Oaths, 45-5. And I  
2 call on Mr. Nicholson.

3 MR. NICHOLSON: Okay. We are now  
4 looking at Document Number 5196 that was published in  
5 the June 23, 2023, edition of the South Carolina State  
6 Register. This is a -- another proposed regulation to  
7 amend existing Regulation 45-5, strike the entirety of  
8 the contents and replace it, in this case with a  
9 regulation about the administration of election  
10 officials' oaths. And the general legal authority for  
11 this is that under South Carolina Code Section 7-3-10  
12 and 7-3-20 with regards to the new regulation.

13 All right. Mr. Knapp, if you could --  
14 and I'll point out too that most of these -- the  
15 separate revisions of this -- this particular  
16 regulation happen to cite directly to the code section  
17 that requires it. Now Mr. Knapp, can you tell me what  
18 the purpose of this regulation is?

19 THE DIRECTOR: To consolidate oaths  
20 that are promulgated in Title 7 into one regulation  
21 for, again, clarity.

22 MR. NICHOLSON: And what is the -- what  
23 is the -- the regulation intended to achieve?

24 THE DIRECTOR: Clarity, uniformity. We  
25 have a lot of counties out there we learned last year

1 were not even aware of these oaths, were not following  
2 the law in regards to the oath, and were oaths plural.  
3 So this is to make these more conspicuous.

4 And, you know, we added Section G that  
5 there may be a situation where I feel someone needs to  
6 be taking an oath, or somebody's going to be involved  
7 in the election process that needs to be sworn to  
8 uphold the Constitution. So that gives me the  
9 authority to mandate that that person take an oath.

10 But we're not creating any -- besides  
11 that one line, we're not creating anything new that  
12 does not already exist in state law.

13 MR. NICHOLSON: So the requirements for  
14 oaths stated here are -- the requirement to do them  
15 already exists in the state code?

16 THE DIRECTOR: Correct.

17 MR. NICHOLSON: And I believe in the --  
18 in the past has the commission or county boards  
19 received complaints about irregularities in following  
20 the processes that may be required under state law?

21 THE DIRECTOR: Yes, yes.

22 MR. NICHOLSON: That's all I have.

23 THE CHAIRMAN: All right. So Mr.  
24 Knapp, there is a -- an oath for poll managers, let's  
25 see -- board of canvassers, the ballot printer?

1 THE DIRECTOR: Yes.

2 THE CHAIRMAN: The voting system  
3 custodian is the guy who keeps the machines?

4 THE DIRECTOR: Basically, yes.

5 THE CHAIRMAN: All right. And  
6 everybody takes an oath?

7 THE DIRECTOR: Everybody takes an oath.

8 THE CHAIRMAN: And is -- is this a  
9 written oath?

10 THE DIRECTOR: This -- well, it is  
11 written. But it's the standard oath that elected  
12 officials and appointed officials take to uphold the  
13 Constitution of the United States and the State of  
14 South Carolina.

15 THE CHAIRMAN: So before you have an  
16 election, all these people need to be sworn?

17 THE DIRECTOR: They are supposed to be,  
18 yes.

19 THE CHAIRMAN: Follow the Constitution?

20 THE DIRECTOR: Yes.

21 THE CHAIRMAN: Not to cheat?

22 THE DIRECTOR: Not to cheat.

23 THE CHAIRMAN: All right. Okay. Now,  
24 members of the public who want to speak to the oath  
25 regulation?

1                   One, two, three. I think I have three  
2 hands. All right. Let's start over here. We started  
3 over here last time; let's start over here this time.

4                   MS. SHELPS: Margaret Shelps. So  
5 regarding (C)(1) and (D)(1), there -- it says "Every  
6 poll clerk and poll manager, including poll manager's  
7 assistants ..."; poll manager assistants are minors,  
8 and I don't believe that they can take an oath such as  
9 this.

10                  And regarding (F)(1), how frequent is  
11 this oath administered and signed? It doesn't really  
12 speak to a frequency on that. And who is allowed to  
13 administer the oath? And I also didn't see any -- an  
14 oath for at technician or a PLT, so I'd like to know  
15 if you can add those; it seems like they should be  
16 required.

17                  THE CHAIRMAN: What is a PLT?

18                  THE DIRECTOR: Polling Location  
19 Technician.

20                  MS. SHELPS: Is there a definition for  
21 that?

22                  THE DIRECTOR: Not in regulation, but  
23 there is in policy.

24                  MS. SHELPS: There we go. So maybe we  
25 could add that as a definition. All right, that's all

1 I have to say.

2 THE CHAIRMAN: The question was how  
3 often are these oaths taken; is this for each  
4 election?

5 THE DIRECTOR: Yes.

6 THE CHAIRMAN: So we do this election  
7 day or whenever election voting starts, take an oath?

8 THE DIRECTOR: And -- exactly. And  
9 to -- as to the substance of the oaths, this is  
10 straight out of statute. If citizens want what's  
11 written here changed, they need to have the General  
12 Assembly change it.

13 THE CHAIRMAN: Okay. All right. Now,  
14 I have a hand up over here.

15 MS. PRICE: Janis Price, Aiken. So  
16 right out of the gate, there's a typo in the title.  
17 It has "Official -- apostrophe s -- Oaths"; the  
18 apostrophe ought to be after the "s." So that was the  
19 first comment that I had, in the title that y'all have  
20 in the regulation you put up.

21 The second thing, I -- I do think that  
22 this regulation should bolster the state law, and I  
23 kind of feel like it makes it a little more vague. So  
24 state law's very -- there are actually two oaths.  
25 There's the oath that is a written oath that is taken



1 when they complete training, and that ought to be  
2 filed with the Clerk of Court. And then there's the  
3 other oath that is taken election morning, and they  
4 just -- I think they sign their name on a piece of  
5 paper; is that right?

6 THE DIRECTOR: Yes.

7 MS. PRICE: And that stays with the  
8 ballots -- the ballot box at the County. So I think  
9 there -- that can be clarified a little bit more. And  
10 then -- because what this is doing is it actually --  
11 state law says that the oaths must be immediately  
12 filed. But this regulation knocks it down a notch,  
13 and it says "as soon as practical." Well what's --  
14 what's that? I mean, it's a month before I can get  
15 there.

16 I think the reason that the oaths are  
17 filed -- you know, they take training beforehand --  
18 you know, I think a month beforehand, and -- or up to  
19 a month beforehand. And then they're filed with the  
20 Clerk of Court. That's a public record; they're a  
21 public official. That means that the public ought to,  
22 in reality, be able to go down to the courthouse and  
23 see who has taken the training before an election and  
24 verify that. But if they don't get filed until the  
25 director has time to get there a month later or

1 whenever that -- it's very ambiguous. I think that  
2 that creates a little bit -- it makes it less clear.  
3 And the law is very clear. So maybe -- I suggest in  
4 the -- in the regulation to bring that -- that clarity  
5 that the law has.

6 So basically, in Section C, again, the  
7 assistant poll manager, I take issue with, you know,  
8 if they're minors and can't legally sign an oath -- I  
9 just don't know. I mean, when I looked, I don't  
10 believe that a minor in South Carolina can sign oaths  
11 so should they be also doing the same jobs that those  
12 who have signed an oath are doing? And I say that,  
13 again, to what was referenced earlier with, you know,  
14 them having the important job of verifying the voter,  
15 versus something like ushering somebody to a  
16 tabulation machine or something; that would be more of  
17 what an assistant job would -- in my mind, somebody  
18 who wouldn't necessarily need as high of a thing,  
19 so ...

20 Also, the break in service definition  
21 that's in 45-1, I -- I was recommending that it move  
22 to here to, kind of, because it applies to this  
23 section. I -- I don't know that defining a break in  
24 service really does much good because who's policing  
25 this, you know? I think it creates an additional

1 layer of difficulty to -- to decide Oh, wait, have  
2 they taken this within the last year; and then, you  
3 know, is their name already on file with the county?  
4 I mean, why not just have them do it every time? It  
5 seems more intuitive that way. That's kind of what  
6 the laws recommend.

7 They need the oath when they're  
8 commissioned just -- how we do it. Seems like it  
9 makes the process easier; it makes it easier on the  
10 election director in each county if they don't have to  
11 keep track of, you know, when did somebody have a  
12 break in service and are they up to date? I mean,  
13 they're required to take the training 30 days  
14 beforehand, then they sign the oath 30 days  
15 beforehand. Just seems -- anyway. That's pretty much  
16 all I have.

17 THE CHAIRMAN: Mr. Knapp, the  
18 requirement that the county board file the oaths with  
19 the Clerk of Courts sounds like a good note to me.  
20 But that -- is that taken from state law?

21 THE DIRECTOR: It's the same as state  
22 law.

23 THE CHAIRMAN: So we don't have the  
24 authority to put 30 days or 7 days or 24 hours or any  
25 requirement on there?

1 THE DIRECTOR: No, no.

2 THE CHAIRMAN: They said "practical" so  
3 we're stuck with practical.

4 MS. PRICE: No. The state law says  
5 "immediately."

6 UNIDENTIFIED SPEAKER: Immediately.  
7 It's the Constitution.

8 MS. PRICE: And the regulation says "as  
9 soon as practical."

10 MR. NICHOLSON: I think that -- I'm not  
11 sure why that particular one has that in there. I do  
12 know that there has been a routine problem where  
13 the -- the board will go to the clerk with this oath  
14 to file, and the clerk says What are you doing; you  
15 know, Why are you bothering me with this?

16 THE DIRECTOR: Most clerks of court has  
17 no -- they have no idea what to do with this. They  
18 just don't.

19 MR. NICHOLSON: And it also may simply  
20 be depending on when they are getting the oath, like,  
21 early in the morning. Could be the clerk's not up  
22 yet, or not open.

23 THE CHAIRMAN: But whether it's  
24 immediate or practical, I still don't know how long  
25 that is.

1 MR. NICHOLSON: Yeah, but I don't --  
2 yeah, I don't.

3 THE DIRECTOR: Well, if you're getting  
4 an oath at 6:30 in the morning, the courthouse is not  
5 open. So you cannot immediately file at 6:30 in the  
6 morning. But you can file as soon as is immediately  
7 practical, which is when it's open and there's people  
8 there to receive files.

9 THE CHAIRMAN: Well, we are almost  
10 splitting these hairs

11 THE DIRECTOR: Well, and this is most  
12 of this.

13 UNIDENTIFIED SPEAKER: Mr. Chairman,  
14 those are two separate oaths. The constitutional oath  
15 is required to be recorded with the Clerk of Court  
16 after the person who is going to be managing the poll  
17 takes their training. So that happens well before  
18 6 a.m. Voter oath; that happens on election day.  
19 There are two different oaths. One, the one that  
20 executes someone as a worker in the polls is filed  
21 well in advance of any early voting and any day-of  
22 work. And then on the day of --

23 THE CHAIRMAN: How you know they're  
24 going to be there?

25 UNIDENTIFIED SPEAKER: The point is,

1 all of these -- these are the pool of people that have  
2 qualified to have been trained as clerks and poll  
3 workers on election day. On election day, the people  
4 that actually show up reaffirm that oath by signing  
5 the tape at the beginning and at the end of the  
6 election day.

7 So the pool of total number of people  
8 are filed with the Clerk of Court. Greenville has one  
9 of the best procedures on how that works. The Clerk  
10 of Courts find it very simple. They come in, they  
11 make a reference in the book, and the attached  
12 document stays there and one goes back to the  
13 elections office. Their policy is fabulous. That  
14 happens before any early voting happens. That happens  
15 weeks before actually an election day happens in South  
16 Carolina.

17 Then on election day, the number of  
18 people that actually show up, like you said, are the  
19 ones that sign the tapes on that day. So there are  
20 two oaths, and there are two different roles that  
21 those oaths have. I'm sorry --

22 THE CHAIRMAN: So noted. One more hand  
23 in the back.

24 MS. HICKMAN: Heather Hickman, Berkeley  
25 County, citizen.

1           It's really a question: What teeth do  
2 these have? On election day, I went -- well, let me  
3 back up. During early voting, I went to each of the  
4 three open polling places through Berkeley County,  
5 watched either the opening of the polls, the midday  
6 conduct of the election, or the closing of polls.

7           Sometime in the day I asked each of the  
8 poll clerks for a copy of those oaths. Later in the  
9 day, I asked at the County Board of Elections Office  
10 for a copy of any sworn oaths by anybody that was  
11 conducting elections that morning. And the county  
12 office could not provide any. I asked again the  
13 second day, and the county office showed me basically  
14 a handwritten piece of paper that said these are the  
15 people that are here and they signed their signature.

16           Do we have any teeth in any of this? I  
17 recognize there's statute. And -- and on that note,  
18 the statute actually states, as was referred to,  
19 "These oaths are to be filed with the Court of Common  
20 Pleas." I'm a law-abiding citizen and I don't know  
21 anything about court structures. I just, you know,  
22 try to find a court, and there's magistrate, and  
23 there's family court, and there's criminal court, and  
24 there's courts. And it took me about half a day to  
25 find a court of common pleas.

1                   However, in Berkeley County, we did  
2                   have a person who ran for Clerk of Court. Her office  
3                   was helpful in helping me identify the Court of Common  
4                   Please. However, she never hear of an oath. And when  
5                   I finally found the statute, it says those are to be  
6                   recorded with the Court of Common Please. She dug a  
7                   little further and said Well, we think we sent those  
8                   to Columbia.

9                   So there's some holes in the process.  
10                  I don't know all the holes 'cause I don't know all the  
11                  process, and I'm not here to fix all the holes. I'm  
12                  just saying, if we can have teeth in a regulation, we  
13                  need them. If we have regulations with no teeth, we  
14                  might not need the regulations. There's probably a  
15                  balance in there somewhere. I'm just a citizen trying  
16                  to figure out how things work, and it's hard.

17                  THE CHAIRMAN: All right.

18                  MS. HICKMAN: Thank y'all.

19                  THE CHAIRMAN: Now, with those  
20                  comments, I want to call on the commissioners. And I  
21                  sympathize with Ms. Hickman about the fact that  
22                  people -- some counties are not following the oath  
23                  structure. But that is exactly what Mr. Knapp said;  
24                  this is to make this taking of the oath more uniform  
25                  and more regular throughout South Carolina. And to



1 remind our clerks that -- I mean our election  
2 workers -- that they need to take the oaths.

3 The filing with the Clerk of Court is  
4 problematic if the clerk doesn't want to file them.  
5 We might need to train the Clerk of Court. But  
6 instead of having teeth in the regulation, I think we  
7 need training.

8 THE DIRECTOR: I -- I pause to add  
9 teeth. These statutes involve elected officials, and  
10 I don't know if we can impose teeth on clerks of  
11 court, or --

12 THE CHAIRMAN: No, but we can train our  
13 workers.

14 THE DIRECTOR: Oh, we can -- yes.

15 THE CHAIRMAN: And that's what we need  
16 to do. Train our workers that this is a big deal.

17 THE DIRECTOR: We do.

18 THE CHAIRMAN: This is a big deal; take  
19 the oath.

20 THE DIRECTOR: Yes.

21 THE CHAIRMAN: That you're going to do  
22 what you're supposed to do before you participate in  
23 the election as a poll worker. And we need to  
24 concentrate our training on that. You know, we've  
25 been concentrating our training on how to work the

1 machine, how to turn the machine on.

2 THE DIRECTOR: We -- we have geared  
3 our -- our new train division has -- has geared our  
4 training towards that, to put more emphasis on the  
5 oaths and they should be given, where they should be  
6 filed. But no, I cannot guarantee that county  
7 directors or boards will adhere to this all the time.

8 THE CHAIRMAN: But we need to train  
9 them.

10 THE DIRECTOR: Yes.

11 THE CHAIRMAN: Train them up. Like  
12 Steve Spurrier used to say, "I need to coach him up."

13 THE DIRECTOR: Coach him up, that's  
14 right.

15 THE CHAIRMAN: A quarterback's not  
16 doing what I want him to do? I need to coach him up.  
17 We need to coach our people up. All right.

18 Now, that was the oaths. The next  
19 regulation, 45-6, County Reports.

20 MR. NICHOLSON: All right. We -- we  
21 now have Document Number 5197; it is a proposed  
22 regulation that was published in the June 23, 2023,  
23 edition of the South Carolina State Register. This is  
24 a regulation intended to amend the existing regulation  
25 number 45-6 by striking the entirety of the contents

1 and replacing it with content relating to certain  
2 county reports. The statutory authority for these is  
3 cited as Section 7-3-10 and 7-3-20 that are pertinent  
4 to the proposed regulation, to the new content.

5 And -- all right, Mr. Knapp, if you  
6 could tell us what the -- what the purpose of this  
7 regulation is?

8 THE DIRECTOR: The goal of this  
9 regulation is to amend a -- again, what we already ask  
10 counties to do, which is notify the State Election  
11 Commission when any of these situations occur.

12 So if counties think an employee, or a  
13 board thinks a director, or et cetera think that an  
14 individual in their office has violated the state law  
15 or federal law, we need to know about it. And if  
16 citizens are alleging that the law is not being  
17 followed by a county office, we need to know as part  
18 of our supervisory authority in Title 7. So this is  
19 just to mandate, again, more information from the  
20 counties to the state for accountability purposes.

21 Part of it's also about legal  
22 challenges. County offices are sued, I don't want to  
23 say routinely, but they're -- they're sued. And we  
24 are usually sued as well. And it would be nice if we  
25 had a heads up that Hey, we are being sued on this is

1 issue and -- you know, we are at the State Election  
2 Commission as an agency is involved in all these  
3 situations where whether we are a named party or SLED  
4 or the FBI or the Department of Justice are consulting  
5 with us, it's hard to do that; it's hard to be of use  
6 to the complainants or Department of Justice or SLED  
7 or anybody else if we don't know what's going on. So  
8 this is just mandating that counties inform us of the  
9 issues that have been presented to them.

10 MR. NICHOLSON: So this is just -- this  
11 is just basically requiring them to -- to tell us  
12 what's going on with regards to these issues. And  
13 when you referred to lawsuits, which is Section B, so  
14 as it from time to time -- has it happened, or might  
15 it happen, that a county board might be sued relating  
16 to their conduct of voting registration or elections?

17 THE DIRECTOR: Yes.

18 MR. NICHOLSON: Okay. And have there  
19 been occasions when we weren't told about that  
20 until --

21 THE DIRECTOR: Yes, yes.

22 MR. NICHOLSON: And sometimes people --  
23 a county will receive correspondence telling them that  
24 they are, or they might be, in violation of law and  
25 ask them to look into it or it may ask them for a

1 response. And sort of the same issue there, we want  
2 to know when that is going on.

3 THE DIRECTOR: Yes. It's hard for me  
4 to be of help to anybody in the situation as the chief  
5 election official of the state if I don't know what's  
6 going on.

7 MR. NICHOLSON: Number 5 there, it says  
8 that for this -- for Subsection B, it says "This  
9 section only requires a report of the events described  
10 in Subsections 1 to 3 above within the time set forth  
11 in Section C below. County boards should consult  
12 their own legal counsel for advice on handling legal  
13 matters." Now, why have we included that provision in  
14 the regulation?

15 THE DIRECTOR: Because there is this  
16 common misconception among many different groups and  
17 even counties that we can give legal advice to  
18 counties. We cannot. County attorneys are the legal  
19 counsel of the county boards and the directors and  
20 staff. You, as general counsel, your duty is to the  
21 board and to me; you cannot give legal counsel to any  
22 county official, or really anybody outside of here.

23 So this is to reiterate what we already  
24 tell counties; if there is a legal issue, the first  
25 person you need to call is your county attorney. And

1 this specifies that. And on the other side of that  
2 coin, there is a big and growing problem throughout  
3 the state of county attorneys not knowing what their  
4 job is. A lot of county attorneys have this  
5 misconception that Oh, the county election and voter  
6 registration office is a state office; it is not. The  
7 county election office is a county office just like  
8 the sheriff, utilities, any other office.

9 The South Carolina Attorney General has  
10 held his opinions many times that just because a  
11 county office is governed by a state-appointed board  
12 does not make it any less of a county office. So this  
13 puts it either further into regulatory law that yes,  
14 county attorney, you owe a duty of representation to  
15 the employees and board members of your county.

16 MR. NICHOLSON: Thank you.

17 THE DIRECTOR: Yes.

18 MR. NICHOLSON: If you would move to,  
19 Subsection C -- C. This states that "Reports covered  
20 under this regulation should be made to the State  
21 Election Commission within thirty days of the county  
22 board becoming aware of the event." This gives them  
23 time to -- I mean, because there may be something they  
24 need to respond to directly and immediately on a local  
25 level, and we just want -- we just want a report of

1 what's going on in a reasonable time.

2 THE DIRECTOR: Yes.

3 MR. NICHOLSON: Go back up to A,  
4 please. So provision (A)(4): "This section only  
5 requires a report of the events described, and nothing  
6 in this section shall prevent a Board from first  
7 reporting the acts described in subsections (1) to (3)  
8 above to a law enforcement authority. Now, does that  
9 require them to report anything to a law enforcement  
10 authority?

11 THE DIRECTOR: No.

12 MR. NICHOLSON: Can we require them to  
13 do that?

14 THE DIRECTOR: No.

15 MR. NICHOLSON: Okay. That -- the --  
16 if there's something on the -- if they see something  
17 on the local level that appears to be a criminal  
18 offense, especially if it's ongoing, we don't want  
19 to -- them to feel like they've got to come to us  
20 first.

21 THE DIRECTOR: Absolutely not. I've  
22 repeatedly said to county directors and board members,  
23 if you think a crime has been committed, you report  
24 that to SLED. I mean, we need to know about it,  
25 but -- because SLED will eventually ask us about it,

1 and so will the FBI. But no. They need to tell SLED  
2 first.

3 MR. NICHOLSON: Item Number 2 says --  
4 item 1 describes -- talks about "any person that  
5 reasonably appears to constitute an offense listed  
6 under Title 7, Chapter 25 of the 1976 South Carolina  
7 Code of Laws." And I believe that -- that Chapter 25  
8 is where the -- many of the -- the election-specific  
9 crimes are listed?

10 THE DIRECTOR: Yeah. That is correct.  
11 That's where election crimes are enumerated. It  
12 should be noted that just because someone doesn't  
13 follow the law does not make it a crime. So that's a  
14 common misconception is You're not following the law;  
15 therefore, you need to go to jail. But that's not how  
16 it works. So that section is specifically about  
17 election crimes, associated penalties, and elements of  
18 that crime are enumerated.

19 MR. NICHOLSON: Now, both in that and  
20 item 2, we refer to -- use the -- the terminology that  
21 "reasonably appear to constitute an offense" or  
22 "reasonably appears to be a substantial violation."  
23 We're not on the ground, and we can't make that kind  
24 of determination, can we?

25 THE DIRECTOR: No. We -- as has been



1 English juris prudence for centuries, applying a  
2 reasonable person's standard to the situation, 'cause  
3 we're not on the ground, and we don't know what's  
4 going on.

5 MR. NICHOLSON: So the people we have  
6 that would be relied on to make those calls are  
7 working for the counties?

8 THE DIRECTOR: Yes.

9 MR. NICHOLSON: Okay. That's all I've  
10 got.

11 THE CHAIRMAN: All right. Now this  
12 section, Public Regulations, pertains to reports by  
13 the county boards of lawsuits for bad acts. So does  
14 anyone want to speak to this regulation?

15 Okay, I see one, two, three, four, five  
16 hands. And I'll start over here.

17 MS. MOORE: Chrissy Moore, Ridgeway,  
18 South Carolina. I am speaking to the Section C,  
19 "County boards should consult their own legal counsel  
20 for advice on handling legal matters." I think that  
21 that should be removed from the proposed change. The  
22 county board should not be expected to seek or consult  
23 their own legal counsel due to cost or other matters.

24 The county boards, they are dependent  
25 on the SEC for overall general guidance, including

1 legal matters, if ever faced with this challenge.  
2 These boards also likely do not have the proper  
3 training or expertise to properly select independent  
4 legal guidance without assistance from the SEC.

5 I think a lot of times there's a top  
6 down here, and the SEC is given a lot of power;  
7 they're also given all the money to -- to have the  
8 legal counsel. And a lot of times these counties  
9 don't have this. And so I think it's unreasonable to  
10 expect that the counties have to provide for their own  
11 legal assistance and not -- it's like they're almost  
12 on their own, when the SEC is given a lot of power and  
13 money to do oversight. Thank you.

14 THE CHAIRMAN: All right. Other  
15 comments on this section?

16 Ms. Thompson?

17 MS. THOMPSON: I'm actually reading the  
18 comments of Deborah Easter that were sent to Mr. Knapp  
19 on July 21, 2023, relative to the 5197 45-6. She sent  
20 a very accurate personal account of a situation where  
21 "reasonably appears to constitute an offense" was used  
22 against her erroneously because the employee mistook  
23 her for a different person and then proceeded to  
24 malign her, question her integrity, question her as a  
25 voter, as an America citizen, as a lot of those

1 things.

2 And I think that when you have  
3 "reasonably appears to constitute an offense," it's a  
4 very vague term. And I understand Director Knapp's  
5 wanting to apply a reasonable person's standard or a  
6 prudent person's standard here. But oftentimes, like  
7 we've discovered today, a lot of people we would think  
8 we would be reasonable and prudent, like a clerk of  
9 court that's elected to deal with the court report's  
10 matters, like the person who's been hired to be a poll  
11 worker and has gone through training. They need more  
12 training. They don't have the information they need  
13 to be a reasonable person in this situation.

14 And so maybe eliminating the vagueness  
15 of that, giving that vague authority to somebody who  
16 should be able to act in a reasonable way, but  
17 obviously because of various situations, may or may  
18 not be able to execute reasonably. I think if you  
19 eliminate that language, 25 is very clear as to what  
20 is a violation of the law. The law is very clear  
21 there of what the crimes are. It is very, very clear.  
22 I don't think that there needs to be subjective  
23 language in the regulations that makes it more  
24 complicated for people to understand when the law is  
25 so very clear about it.

1                   A quick point in hearing your  
2       discussions about this. I can think of three  
3       instances in my county where the county attorney has  
4       said it is not his responsibility to represent the  
5       commission or their appointed director; that is the  
6       attorney general's job. His job is to represent the  
7       employees of the county elections office.

8                   So that has happened. I think you were  
9       in a hearing. I've been in a hearing. I've witnessed  
10      another person's hearing where that distinction was  
11      clearly made by our county attorney. And that  
12      confusion needs to be clarified either in this  
13      regulation or at -- at some time. And if it's a  
14      matter of needing to educate the county attorneys,  
15      like Director Knapp said, that they don't know what  
16      they're supposed to be doing, then maybe the clerk of  
17      courts and the county attorneys need to have that  
18      education in their mandatory required annual training  
19      that the State requires of them to have that job.  
20      That they do have roles and they do have  
21      responsibilities.

22                  And if it's not true, whatever  
23      understanding you're saying today, is that the county  
24      attorney represents the commission, the director, and  
25      the employees of a county election's office, correct?

1 MR. NICHOLSON: That would be our --  
2 that has been the SEC's position, yes.

3 THE DIRECTOR: That would be -- that is  
4 the position of the South Carolina Attorney General.

5 MS. THOMPSON: So when the Attorney  
6 General's office sends someone to represent the  
7 commission, or to represent the director, they are  
8 going with their own opinion.

9 THE DIRECTOR: I don't know what you're  
10 referring to.

11 THE DIRECTOR: So in a hearing, when --  
12 when the county attorney says Wait, your complaint is  
13 filed against the commission and the director, not  
14 against the employees of the county, that -- they need  
15 to be represented by the AG. This hearing's going to  
16 be postponed till the AG can send someone down to do  
17 that. And then the AG gets involved in the scheduling  
18 and they're trying to send somebody down to represent  
19 that person; that's the AG going against their own  
20 opinion?

21 THE DIRECTOR: I would need more  
22 specifics than just broad strokes.

23 MS. THOMPSON: Okay. So a --

24 THE DIRECTOR: Not if it's a state  
25 court. Look, your county attorney's wrong. Your

1 county attorney is wrong. And I don't know why the  
2 Attorney General would appoint -- if a county attorney  
3 refuses to do his job, I think the Attorney General  
4 has to appoint an attorney.

5 MS. THOMPSON: Okay. So I think that  
6 maybe this needs to be defined better because if I'm  
7 standing here telling y'all this, and I'm really hyper  
8 focused on this issue, then we do have a problem with  
9 the counties' attorneys knowing who they're supposed  
10 to represent when issues come up and how they're  
11 supposed to represent them. And they cause a lot of  
12 delay and a lot of ill will from voters in Wellington  
13 and citizens when those delays happen unnecessarily,  
14 especially relative to public information that's  
15 supposed to be given to the voters anyway.

16 So if you can clarify that even more in  
17 this. And then use this regulation as a way to put  
18 onerous back on the General Assembly and the -- the  
19 county attorneys to fund that function within their  
20 purview, I think that's a -- that's a service to the  
21 citizenry that will benefit.

22 THE CHAIRMAN: All right. Next.

23 MR. SCOTT: All right. Thank you. I  
24 just wanted to comment on this. We've talked about  
25 reports in so many other -- whatever you call them,

1 5192s, et cetera. If transparency could be added  
2 into -- for this, for me to have confidence in the  
3 voting system and believe it's legitimate, a little  
4 transparency would go a long way.

5 Oftentimes, you see these laws and  
6 rules stating violating of the voting act, voting  
7 this, whatever. But when people break it, there's not  
8 a lot of information put out to give the voter  
9 confidence that yes, it is properly enforced, there is  
10 teeth to it. So we don't have poll workers, poll  
11 clerks, whoever, just running crazy out there. So  
12 if -- once it's adjudicated -- I understand if it's  
13 still in process, yeah, you don't want that out there;  
14 you can't, probably legally. But once it's decided,  
15 maybe disciplinary actions or judicial decisions  
16 against a particular county council or county election  
17 official or something like that where the -- where  
18 citizens of that county could look and see, that  
19 person has a history of violating this, violating  
20 that. So then maybe they can take some kind of local  
21 action to get that person removed. 'Cause if the  
22 trend shows that they do habitually violate the laws,  
23 I mean, personally, I wouldn't want them in there  
24 anymore. But thank you.

25 MS. BODDY: Lori Boddy. So in general,

1 I agree with the philosophy behind the -- what's being  
2 written in 5197. But I do have some concerns that  
3 there's some vague language in there and a couple  
4 other concerns and what that's going to mean for  
5 training for county boards.

6 In general, I think that this is going  
7 to be difficult for boards to administer. I have  
8 concerns about maintaining consistency and  
9 implementing these reports. A concern that there  
10 could -- this could be opening the door for legal  
11 issues, and then I am concerned after reporting what's  
12 going to really happen as a result of the reporting.

13 Specifically in (A)(3) and (B)(2), we  
14 say "may" and "any"; those seem very, very subjective  
15 and vague to me, and that's concerning. In (A)(2), I  
16 see the word "substantial"; that's not -- that's  
17 really subjective as well. And I think that those  
18 should be revisited for the reasons I mentioned.

19 In Section (B)(3), I think that needs  
20 to be removed, and that really should be for the  
21 county board's attention to work with their county  
22 attorneys for (E)(5).

23 And (E)(4) needs to be removed because  
24 I feel like it's redundant with all of Title 7, which  
25 is the responsibility of the county boards of voter



1 registrations and elections which includes  
2 correspondence with our constituents until an actual  
3 issue occurs.

4 And finally, I think we need to -- to  
5 find where information from this reporting from the  
6 county boards, who it can be shared with and that it  
7 notes limitations if it goes to different agencies in  
8 the federal government or even third parties. Thank  
9 you.

10 MS. PRICE: Janis Price, Aiken. Two  
11 things really quickly. I agree with the sentiment of  
12 what's been said before. I think that subjective  
13 language is -- is not really beneficial; I think that  
14 it can create more problems than not. Honestly, I  
15 mean, there's a section that delineates what is and  
16 isn't a problem.

17 And then in the polling place, you  
18 know, the -- the poll manager is clothed with the --  
19 with the police powers. I mean, if -- if that were  
20 posted somewhere, you know, just South Carolina code,  
21 I think that would clear up a lot. Not to make them  
22 dictators, but just to show people, like -- and  
23 that -- that kind of gives you a reasonable code of  
24 conduct too, because you know how you're going to act  
25 around a police officer, you know? And I think that

1     that -- maybe posting that might help. That's all.

2                   THE CHAIRMAN: All right. Questions or  
3     comments from the commissioners?

4                   I have heard the concerns about vague  
5     language in these reporting requirements, but overall  
6     I think we have to trust our election workers to have  
7     some discretion and judgment in what's a person having  
8     a bad day and what's a violation of law and what's a  
9     disruption of voting and what is normal under the  
10    circumstances. So I -- I think we can let that  
11    language ride as it is.

12                   We can't legislate wisdom so I hope  
13    that we will have people with some wisdom and  
14    discretion. Not report every little thing. People  
15    have a bad day. Polling places and otherwise.

16                   But I think also we do need Number 3,  
17    which is -- (3)(B), which is Notice. If someone knows  
18    that a situation is brewing that can lead to a  
19    lawsuit, I think we need early notice. Your insurance  
20    companies always want early notice of a claim, and  
21    that's part of your responsibility as a policy holder,  
22    to notify them if you know something's getting ready  
23    to come up. So they can prepare for it. So we ought  
24    to be doing the same thing.

25                   Let's go on to 45-7, and this is Drop

1 Boxes.

2 MR. NICHOLSON: Okay. Now we are  
3 looking at Document Number 5198. This is another  
4 proposed regulation published in the state register --  
5 South Carolina State Register on June 23, 2023; it is  
6 amending existing Regulation 45-7 by striking the  
7 entirety of the contents and replacing it with new  
8 content. The -- the legal authority for the new  
9 information is stated as Section 7-3-10, 7-3-20 --  
10 7-3-20, excuse me. South Carolina Code Section 7-3-10  
11 and 7-3-20 are pertinent to the proposed new content.

12 And the subject of the -- the  
13 regulation will be ballot drop boxes. Now there is  
14 another code section out there that is pertinent to  
15 this, and that is South Carolina Code Section  
16 7-15-385, which, in brief, specifies how a absentee  
17 ballot should be returned. And essentially, the  
18 existing statute occupies all the territory. And in  
19 order to make sure that -- well, anyway. Mr. Knapp,  
20 what is the purpose of this regulation?

21 THE CHAIRMAN: What is a drop box?

22 THE DIRECTOR: A drop box is,  
23 basically, like a mail drop box that's unmanned, and  
24 it's just sitting there on the curb. Many  
25 jurisdictions across the country use unmanned ballot

1 drop boxes to accept absentee ballots. As Thomas just  
2 mentioned, state law does not outright ban them but  
3 makes it so impractically impossible that they could  
4 be used in that way that we don't have them here.  
5 But, again for clarity's sake, I am just saying we do  
6 not have unmanned, unmonitored absentee ballot drop  
7 boxes in this state. Period.

8 THE CHAIRMAN: Do we have any drop box  
9 fans out there?

10 THE DIRECTOR: We had a few counties  
11 try and buy ballot drop boxes prior to the 2020  
12 election, and we instructed them not to. Some did  
13 anyway. I don't think they're in use, but some  
14 counties have spent money.

15 THE CHAIRMAN: But this is to stop that  
16 in the future?

17 THE DIRECTOR: Yes. Explicitly.

18 MR. NICHOLSON: That's all I have.

19 THE DIRECTOR: Me too.

20 THE CHAIRMAN: All right. Any comments  
21 on drop boxes. Can we just move on?

22 Now, the next regulation, which is  
23 45-9, which I noticed we skipped 45-8?

24 THE DIRECTOR: Yeah. We're --

25 THE CHAIRMAN: All right. This is the

1 Candidate Nickname; it should be fun to talk about.

2 MR. NICHOLSON: Okay. Now we're going  
3 to look at Document Number 5199, a proposed regulation  
4 published in the June 23, 2023, edition of the South  
5 Carolina State Register. This is a proposed  
6 regulation to strike and amend the contents of  
7 existing Regulation 45-9. The authority for this are,  
8 in general, under South Carolina Code Section 7-3-10  
9 and 7-3-20, but also under Section 7-13-25 of -- which  
10 is -- the title of that statute is The use of  
11 candidate's given name, derivative of, or nickname on  
12 the ballot. And because the -- I can read this --  
13 Howie, do you want me to just read the regulation?

14 THE DIRECTOR: Yes, please do.

15 MR. NICHOLSON: All right. From the  
16 top. "The name of a candidate authorized by law to  
17 appear on a ballot in a general, special, or primary  
18 election in this state for any office may be one of  
19 the following, or a combination of them: One is the  
20 candidate's given name. Two is a derivative of the  
21 candidate's given name, properly acquired under the  
22 common law and used in good faith for honest purposes;  
23 or three, a nickname, which bears no relation to the  
24 candidate's given name but which is used in good faith  
25 for honest purposes and does not exceed 15 letters on

1 the ballot. The derivative name or nickname may not  
2 imply professional or social status, an office, or  
3 military rank. A candidate wanting to use ..." then  
4 there's procedure.

5 "A candidate wanting to use a  
6 derivative name or nickname as permitted by items 2  
7 and 3 shall notify the authority responsible by law  
8 for conducting the election in writing before a  
9 deadline for receiving or certifying candidates' names  
10 for inclusion on the ballot, the name he wishes to  
11 have appear and shall present evidence required by the  
12 authority conducting the election that the name  
13 indicated is his derivative name or nickname. In  
14 deciding whether the name indicated is the candidate's  
15 derivative name or nickname, the authority conducting  
16 the election shall consider appropriate criteria,  
17 including, but not limited to, the following: item (a)  
18 whether the name is the designation by which the  
19 candidate is usually and commonly known in the  
20 community in which he resides or -- in which he  
21 resides or called by other persons" -- that's a  
22 typo -- "item (b) whether the name is the designation  
23 by which the candidate calls himself or which he has  
24 adopted; and (c), whether the name is the designation  
25 under which the candidate transacts private and

1 official business."

2 And then it says "The State Election  
3 Commission may promulgate regulations to carry out  
4 provisions of this section, including, but not limited  
5 to, forms to be completed by the candidate, the  
6 deadline by which a candidate shall indicate a name he  
7 wishes to appear on the ballot." So that is the  
8 underlying statute that kind of lays out the super  
9 structure of this regulation. Which is brief, much  
10 briefer than that.

11 So Howie, if you could first testify  
12 about what the purpose of this regulation is?

13 THE DIRECTOR: To provide clarity and  
14 codify what's already happening. So I have -- in my  
15 tenure, I have had countywide and less than countywide  
16 officials file for office, county directors make a  
17 decision on whether the person can put a certain name  
18 or not on the ballot, and the person will appeal it,  
19 for a lack of a better term, to me. And I have made  
20 the decision. Statewide officials and multicounty  
21 officials, it's the same thing.

22 This is just to give some finality to  
23 who can say for certain what the name on the ballot's  
24 going to be. And most of the time, 99.9 percent of  
25 the time, you have -- it's just common sense. Like,

1 Mark Sanford is not Mark; it's Marshall Clement. You  
2 can argue Mark is a derivative of Marshall, maybe.

3 But Joe Wilson, his name's not Joseph,  
4 and it's not Joe; it's Addison Graves, Senior.  
5 Everybody knows him as Joe. So he's been Joe Wilson  
6 on the ballot since he's run for office. If you -- as  
7 we had in 2020, I think his name was Cowboy Joe or  
8 Cowboy Bob, and as a former Montanan, Cowboy is an  
9 actual profession where I'm from, and that is not  
10 allowed on the ballot. You know, if somebody wants --  
11 if somebody else wanted "Straight Shootin'" on the  
12 ballot, that's not allowed under state law.

13 So there needs to be somebody who just  
14 makes that decision. Who am I to make that decision?  
15 Well, that's what the Commission is for, is to appoint  
16 somebody who has the reasonableness to make that  
17 decision, and that's what the Senate is for, to  
18 confirm my appointment. If neither Commission nor the  
19 South Carolina Senate thought I had the reasonableness  
20 or thought process to make that decision, they would  
21 not have appointed me.

22 MR. NICHOLSON: So essentially,  
23 somebody is going to have make this call?

24 THE DIRECTOR: Somebody has to make the  
25 call, and this is for efficiency's sake.



1 MR. NICHOLSON: But they have to stay  
2 within the terms of the statute?

3 THE DIRECTOR: Oh, yes. Yeah. I can't  
4 just arbitrarily say No. I have to apply what's in  
5 state statute to the situation, as I always have.

6 MR. NICHOLSON: Okay. That's all I  
7 got.

8 THE CHAIRMAN: Okay. Who needs to  
9 speak to the dictator?

10 MS. THOMPSON: Thompson, Aiken,  
11 citizen. So in the Statement of Attention of  
12 Candidacy, it is provided the synopsis of the state  
13 law that the attorney read and the name that they  
14 would like to have appear on the ballot. So that is  
15 the written form of request for the nickname.

16 So I am suggesting that in this  
17 regulation, you say after submission of a statement of  
18 the intention of the candidacy, if an appeal is  
19 necessary, the appeal will be decided by the State  
20 Election Executive Director. Then that makes this  
21 very definitive and very clear.

22 I think that people will start thinking  
23 that they have to get permission to use a nickname  
24 before they declare their candidacy. So if as they  
25 declare their candidacy, that's their written notice,

1 as the ballot is being determined, that's when an  
2 appeal can happen.

3 I think that to -- in the case of  
4 someone like Joe Wilson, he's already campaigned now  
5 for his next run. So he has established his nickname.  
6 So if somebody who hasn't filed a statement of  
7 intention for candidacy may not have disclosed in  
8 writing what they want their nickname to be, but they  
9 still start getting their posters printed. And then  
10 they find out that oh, their elections director isn't  
11 going to approve that name. Then they appeal to the  
12 state director to have that definitively said.

13 I think there might be a way to say  
14 that any appeal at any time can be made to the state  
15 elections director to determine what that nickname  
16 will be, whether they've filed a statement of  
17 intention of candidacy or not.

18 I know I'm in the weeds. And I live in  
19 the weeds. But candidates have those issues that come  
20 up. So it can be either/or, or both, or maybe it's  
21 just a procedure where the appeal is that Mr. Knapp,  
22 or whoever has that position's, sole discretion. And  
23 it can then be presented in writing to have any time,  
24 not necessarily with the statement of candidacy.

25 THE CHAIRMAN: Mr. Knapp, the

1 regulation as proposed has the final decision of  
2 whether a candidate blah blah blah -- it doesn't say  
3 who makes the initial decision.

4 THE DIRECTOR: Well, the statute talks  
5 about the jurisdiction charged with conducting the  
6 election so that's implied by the statute that that  
7 jurisdiction makes the initial decision.

8 THE CHAIRMAN: So if my name -- if I  
9 want to be Bubba, I go ask my -- I fill out the form  
10 and submit that to the county election official?

11 THE DIRECTOR: Correct.

12 THE CHAIRMAN: And they make a ruling.  
13 And it may be that they rule that I can be Bubba, in  
14 which case I'm happy but my opponent may be upset.

15 THE DIRECTOR: Well, it -- it  
16 inevitably becomes my problem because we build the  
17 ballots regardless. So we have to know what name to  
18 put -- to put on there, and the term "Executive  
19 Director" is already defined in Section 1. There's  
20 only one Executive Director in the state.

21 THE CHAIRMAN: Of course, there may not  
22 be an initial decision because the county election  
23 person may just put down whatever they put, and it may  
24 violate the state statute --

25 THE DIRECTOR: Yes.

1 THE CHAIRMAN: -- and they just didn't  
2 realize -- they didn't yet to do wrong, but they  
3 didn't realize that this violated -- so they put down  
4 Colonel Sanders, which is a military name.

5 THE DIRECTOR: And some people's names  
6 are Sergeant or Bubba, and that's -- they have an ID  
7 that shows that.

8 THE CHAIRMAN: But as a practical  
9 matter, it goes to the candidate first?

10 THE DIRECTOR: Well, if it's a -- if  
11 the person is filing at the county, yes. If they're  
12 filing here --

13 THE CHAIRMAN: If they're filing for a  
14 state office, they don't file at the county; there is  
15 no county.

16 THE DIRECTOR: Not unless you're filing  
17 for State Senate or State House; those -- those  
18 individuals have the option of either office, either  
19 the county or the state. But if it's statewide  
20 office, they can only file here for congressional.

21 THE CHAIRMAN: But this -- the purpose  
22 of this regulation is to say the buck stops with you?

23 THE DIRECTOR: Yes. In a nice --

24 THE CHAIRMAN: No matter what the  
25 argument is or who is arguing, the buck stops here,

1 and we do need a final decision.

2 THE DIRECTOR: Correct. The buck  
3 has -- I mean, the buck stops with nobody in Title 7  
4 in a lot of situations, and that is frustrating to me.  
5 But the buck would stop with me, and I have -- I am  
6 overseen by y'all.

7 THE CHAIRMAN: 'Cause ultimately, we've  
8 got to print the ballot.

9 THE DIRECTOR: Ultimately, the ballot  
10 has got to be made.

11 THE CHAIRMAN: [Unintelligible  
12 response.]

13 MS. EDDINS: Hi, I'm Tanya Eddins from  
14 Sumter. We have our mayor from Sumter for 30 years,  
15 and he was known as Bubba McElveen. Bubba McElveen, I  
16 don't know if I would have recognized his actual name  
17 if it had been printed on the ballot. So there is  
18 some discretion that is going on already.

19 Maybe, perhaps, on the form as you  
20 showed just earlier, Ms. Thompson, you could put on  
21 there "nicknames acceptable," and put it at the bottom  
22 with the rule that states that. So it shows it's  
23 subject to approval. That way, it's -- you have --  
24 the candidate has -- is well-informed ahead of time to  
25 be able to, you know, have that matter cleared up

1 prior to a ballot being printed.

2 THE CHAIRMAN: But the regulation as  
3 written implies that there may be an initial decision  
4 somewhere else. But it just specifies that the buck  
5 stops here.

6 THE DIRECTOR: The statute applies to  
7 the decision that's made at the filing moment. The  
8 regulation would say the buck stops with me.

9 THE CHAIRMAN: So both of those  
10 situations?

11 THE DIRECTOR: They're complimentary.  
12 And if this regulation became -- this proposed  
13 regulation became an active regulation, we absolutely  
14 would change the filing form to say what you mentioned  
15 so everybody's on the same page, that if you've got a  
16 problem, appeal it to me.

17 THE CHAIRMAN: Whether you are the  
18 person with the nickname or the opponent of the person  
19 with the nickname?

20 THE DIRECTOR: Yes, I would assume so.  
21 I've never had an opponent that has a problem. It's  
22 usually the person that wants a certain -- their  
23 own -- my neighbor's name is Bubba. I honest to God  
24 don't even know what his real first name is. I just  
25 always know him as Bubba. So yes.

1 THE CHAIRMAN: It would be unfair for  
2 your neighbor, in this example, to have to run as  
3 Theodore or whatever his real name is.

4 THE DIRECTOR: I think it's -- but yes,  
5 that would be unfair.

6 THE CHAIRMAN: Because no one would  
7 know who he was.

8 THE DIRECTOR: I wouldn't even know who  
9 he was.

10 THE CHAIRMAN: All right.

11 MS. THOMPSON: So inserting the word  
12 discretion of the "State" Executive Director in the  
13 last sentence of the regulation kind of does that.  
14 Whether then it can mean that --

15 THE CHAIRMAN: Well, good points have  
16 been made by all. But I think that I kind of favor  
17 leaving it like it is. It is the final decision, not  
18 the initial decision. And -- but the buck does have  
19 to stop somewhere because somebody has to tell the  
20 printer what to put on the ballot.

21 THE DIRECTOR: And the -- the State  
22 Executive Director is defined in Section 1. Executive  
23 Director is defined as the State Election Director.

24 THE CHAIRMAN: All right. I think we  
25 are at the end of the presentation. Now, this

1 concludes the public hearing pursuant to Code Section  
2 1-23-111 for the approval of the proposed regulations  
3 as published in the State Registry on June 23, 2023.

4 Note that the members of the public may  
5 submit written material -- you may submit written  
6 material for inclusion in the record for a period of  
7 five working days after the hearing.

8 So now, do we go now to a vote on the  
9 regulations?

10 MR. NICHOLSON: Yes. But just before  
11 that, I would just state that if you do want to submit  
12 documents for inclusion in the record, send them to --  
13 depending how you want to do it, you can send them via  
14 email to the elections@elections.sc.gov address or  
15 the -- you can mail it if you want to. But it does  
16 need to get -- get in within five days.

17 Also just to let you know, if you --  
18 with your request for a hearing -- submitted comments,  
19 with your request for a hearing, those will go into  
20 the record.

21 THE CHAIRMAN: All right. Now.  
22 Commissioners, we have the regulations as written. So  
23 I think before we entertain a motion to approve the  
24 regulations as written, I need to ask for any motions  
25 to amend the regulations as written. Those would have



1 to be -- a motion would have to be made specifically  
2 stating what the amendment would be. It would have to  
3 be seconded and have to get a positive vote.

4 Now, do I have any motions to amend the  
5 regulations as written?

6 MS. MCCALL: As written or there's  
7 change that the audience ...

8 THE CHAIRMAN: Well, I had -- I -- I  
9 wish -- I wanted to do an amendment to Section 9 for  
10 45-1, just to delete the word "nonpartisan." So it  
11 would read "designated by a political party or a  
12 candidate." Not a partisan candidate, any candidate.

13 So I wanted to propose that amendment,  
14 but I am the moderator so I'm not going to make that  
15 motion. If anyone wants to make that motion, we  
16 will --

17 MS. MCCALL: I will make the motion for  
18 that one to be amended.

19 THE CHAIRMAN: All right. So that is  
20 Section 9 in 45-1, and this is speaking -- it is  
21 defining -- it's the definition of an "observer."  
22 That's what it is. And we're taking out the word  
23 "nonpartisan." So Linda makes that motion; is there a  
24 second to that motion for amendment?

25 MS. DAY: Second.

1 THE CHAIRMAN: All right. JoAnne  
2 seconds that motion. All right, any discussion? I  
3 don't think it hurts anything to take that out.

4 MR. NICHOLSON: Just to let you know,  
5 we probably have to resubmit it as a proposed  
6 regulation.

7 THE CHAIRMAN: All right.

8 MR. NICHOLSON: It's kind of on the  
9 line. You can -- you can -- within a proposed  
10 regulation, you can make -- for instance, if there's a  
11 comma out of place. Stuff like that is doable. If  
12 you start changing text, they generally require you to  
13 resubmit the -- the regulation as a proposed  
14 regulation. Which we can do.

15 THE CHAIRMAN: Well, what I want to do  
16 is make this amendment, send it up as -- as done, as  
17 amended, and if they make us come back to a public  
18 hearing, they make us come back to a public hearing.  
19 But I want to send it up -- I mean, there must be some  
20 purpose behind a public hearing, which is to talk  
21 about amendments.

22 MR. NICHOLSON: It's true. Well, it's  
23 true. You can -- and you can amend it. But if you do  
24 that, you have -- especially if it's a substantial  
25 amendment, you will have to republish it in the

1 Register.

2 THE CHAIRMAN: Well, this is not a  
3 substantial amendment.

4 MR. NICHOLSON: Well, we can try and  
5 see what happens because it will be the Registry that  
6 shoots us down.

7 THE CHAIRMAN: Please? If it passes,  
8 which it has not done yet.

9 All right. So I have made trouble; I  
10 have amended paragraph -- or suggested an amendment to  
11 paragraph 9. All in favor of that, say "Aye."

12 MULTIPLE SPEAKERS: Aye.

13 THE CHAIRMAN: Linda votes "Aye."

14 MR. EDLER: Aye.

15 THE CHAIRMAN: Cliff votes "Aye."

16 MR. MOSELEY: Aye.

17 THE CHAIRMAN: It's unanimous. So  
18 we're going to make that modification.

19 MR. NICHOLSON: So we're going to  
20 strike out --

21 THE CHAIRMAN: "Nonpartisan." In the  
22 second line of -- of paragraph 9.

23 MR. NICHOLSON: "Designated by a  
24 political party ..." So basically strike out "or a  
25 nonpartisan candidate" -- or a --

1 UNIDENTIFIED SPEAKER: Just the word  
2 "nonpartisan."

3 MR. NICHOLSON: Oh, yes. Okay. All  
4 right. Yeah, that's all it will take.

5 THE CHAIRMAN: Now, another complaint  
6 about -- that typo was in 45-5, "Administration of  
7 election official's oaths"; and there was a question  
8 of where to put the apostrophe, whether we put it  
9 before the "s" or after the "s." And that's the  
10 question of whether we're talking about plural  
11 officials' or singular official's. I think this is  
12 election plural officials'. So surely, we can correct  
13 a typo.

14 MR. NICHOLSON: I believe so.

15 UNIDENTIFIED SPEAKER: Scrivener's  
16 error.

17 THE CHAIRMAN: I move -- well, I'm just  
18 going to make the motion that we correct the typo by  
19 acclamation. Is everybody in favor of correcting the  
20 typo?

21 All right. So that will -- that will  
22 go well with that typo fixed. Now, with those -- are  
23 there any more amendments?

24 Hearing none, do I have a motion that  
25 we pass the written regulations as amended and send

1 those to the General Assembly?

2 MS. MCCALL: I will make the motion.

3 THE CHAIRMAN: Linda makes that motion.  
4 Do I have a second?

5 MR. EDLER: Second.

6 THE CHAIRMAN: Cliff seconds. Any  
7 discussion? All in favor, say "Aye."

8 MULTIPLE SPEAKERS: Aye.

9 THE CHAIRMAN: And the Ayes have it.  
10 So I think that the change in Section 9 is more or  
11 less a scrivener's issue; it's not -- I don't think  
12 it's a real substantive change.

13 MR. NICHOLSON: Well, we'll be -- this  
14 is simple. We'll be very clear about what we did, and  
15 if there's a problem, let whoever has a problem with  
16 it bring it up. Because it will go -- it will go  
17 before the --

18 THE CHAIRMAN: Blame me.

19 MR. NICHOLSON: -- the House and the  
20 Senate committees that deal with this.

21 THE CHAIRMAN: Okay. All right. Now,  
22 do I have a motion that we adjourn?

23 MR. NICHOLSON: There -- you have to  
24 vote whether to send up all of them.

25 THE CHAIRMAN: What?

1 MR. NICHOLSON: You have to vote on  
2 each one of them.

3 THE CHAIRMAN: Separately?

4 MR. NICHOLSON: Yes. Whether you want  
5 to forward it to the General Assembly.

6 THE CHAIRMAN: Okay. Well, all right.  
7 We are going to do it on blast, but as to --

8 MR. NICHOLSON: Well, you -- I mean, if  
9 you want to read out the -- all of them and have a  
10 vote on all of those as to forward then -- to the  
11 General Assembly, you could do that.

12 UNIDENTIFIED SPEAKER: I think we just  
13 did that.

14 THE CHAIRMAN: We just had a motion to  
15 send up the regulations -- we didn't list them by  
16 number -- the regulations as written with the  
17 exception of the amendment that we voted on. So we've  
18 already passed that.

19 MR. NICHOLSON: Oh, you did say that?

20 THE CHAIRMAN: Yeah.

21 MR. NICHOLSON: I thought that you were  
22 talking about the first -- I'm sorry. Okay. If  
23 you -- if you voted to send them all up already then  
24 we're good.

25 THE CHAIRMAN: We're tired. We're worn

1 out.

2 MR. NICHOLSON: I also can't hear over  
3 this fan.

4 THE CHAIRMAN: So we have -- we have a  
5 positive vote to send up the regulations as amended en  
6 masse. So now, do we have a motion to adjourn.

7 MS. DAY: I move we adjourn.

8 THE CHAIRMAN: JoAnne moves we adjourn.

9 MR. EDLER: Second.

10 THE CHAIRMAN: Cliff seconds. All in  
11 favor, say "Aye."

12 MULTIPLE SPEAKERS: Aye.

13 THE CHAIRMAN: And we are adjourned.

14 (Whereupon, the proceeding concluded at  
15 1:37 p.m.)

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RECEIVED

JUL 18 2023

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Your Name  
Your Address  
July 6, 2023

*Carolyn M. Goyette*

*Elkhart, IN 46121*

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

Your Name

*Carolyn M. Goyette*

EXHIBIT

1



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JUL 19 2023

SC ELECTION COMM.

Lori Chapman

Fort Mill, SC 29708

July 14, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Lori Chapman

Deniece R. Halford

Fairfax, SC 29827

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JUL 22 2023

SC ELECTION COMM.

12 July 2023

Mr. Howard Knapp  
Executive Director, South  
Carolina State Election Commission  
POB 5987  
Columbia, SC 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations Posted: South Carolina State Register Vol. 47, Issue 6 (June 23, 2023)

ELECTION COMMISSION, STATE

- Document No. 5192 R.45-1, Definitions
- Document No. 5193 R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders
- Document No. 5194 R.45-3, Tabulating Center Personnel
- Document No. 5195 R.45-4, Certification of Program Instructions
- Document No. 5196 R.45-5, Ballot Envelopes and Fold Over Ballot Cards
- Document No. 5197 R.45-6, Defective Ballot Cards
- Document No. 5198 R.45-7, Ballot Cards, Sealed After Tabulation
- Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

Why was Section 45-8 - Defective and Duplicate Ballot Cards, Sealed After Tabulation; left off the Proposed Regulation list?

Please acknowledge via the below email, that you have received this request for public hearing.

I look forward to the public hearing.

  
Deniece R. Halford

RECEIVED

JUL 20 2023

SC ELECTION COMM.

Teresa St. John

Barnwell, SC 29812

July 12, 2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6  
(June 23, 2023)

**ELECTION COMMISSION, STATE**

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Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

Please acknowledge via the below email that you have received this request.

I look forward to the public hearing.

Teresa St. John



Template for hearing  
request. Must be rec'd by 23<sup>rd</sup> July

RECEIVED

JUL 21 2023

SC ELECTION COMM.

Name BOBBIE BOSTICK

Date 7-18-2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023)

**ELECTION COMMISSION, STATE**

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Document No. 5198 R.45-7, Ballot Cards, Sealed After Tabulation

Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

Please acknowledge via the below email that you have received this request.

I look forward to the public hearing.

Bobbie Bostick

signature

Email:

RECEIVED

JUL 21 2023

SC ELECTION COMM.

Template for hearing Request  
Rcvd in Colo - 23<sup>th</sup> July

Name Dawn Mansfield 29812  
Address [REDACTED], Barnwell SC  
Phone number [REDACTED]  
Date 17 Jul 2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023)

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Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

Please acknowledge via the below email that you have received this request.

I look forward to the public hearing.

signature

*Dawn Mansfield*

Email: [REDACTED]

RECEIVED  
JUL 19 2023  
SC ELECTION COMM.



RECEIVED

JUL 18 2023

SC ELECTION COMM.

Bernadette St. John

Barnwell, SC 29812

July 12, 2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023)

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Document No. 5198 R.45-7, Ballot Cards, Sealed After Tabulation

Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

I have many concerns regarding the proposed regulations and look forward to discussing at the public hearing. Please acknowledge via the below email that you have received this request.

*Bernadette St. John*

June 6, 2023

**RECEIVED**

JUL 12 2023

Mr. Howard Knapp, Executive Director  
South Carolina State Election Commission  
P.O. Box 5987  
Columbia, South Carolina 29250

SC ELECTION COMM.

**RE: Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023) Election Commission State**

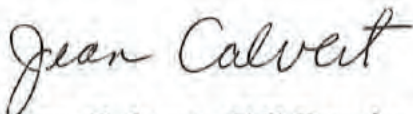
Dear Executive Director Knapp:

This letter is to request a public hearing at 1122 Lady Street, Suite 5000, Columbia, SC, 29250 on August 16, 2023 regarding the following subjects.

Subject R.45-1, Definitions. Document - 5192.  
Subject R.45-2. Instructions and Certification of Managers, and Clerks in the use of Vote Recorders. Document - 5193.  
Subject R.45-3. Tabulating Center Personnel. Document - 5194.  
Subject R.45-4. Certification of Program Instruction. Document - 5195.  
Subject R.45-5. Ballot Envelopes and Fold over Ballot Cards. Document -5196.  
Subject R.45-6. Defective Ballot Cards. Document - 5197.  
Subject R.45-7. Ballot Cards, Sealed after tabulation. Document - 5198.  
Subject R.45-9. Write-in Ballots, Sealed after tabulation. Document - 5199.

Thank you for your consideration of this request. Please send an email acknowledgement of your receipt of this request. Thank you.

Sincerely,



Jean Calvert, EC Precinct Sandstone 70

[REDACTED]  
Aiken, SC 29803

Cell: [REDACTED]

Email [REDACTED]



June 6, 2023

Mr. Howard Knapp, Executive Director  
South Carolina State Election Commission  
P.O. Box 5987  
Columbia, South Carolina 29250

**RE: Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023) Election Commission State**

Dear Executive Director Knapp:

This letter is to request a public hearing at 1122 Lady Street, Suite 5000, Columbia, SC, 29250 on August 16, 2023 regarding the following subjects.

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Subject R.45-7. Ballot Cards, Sealed after tabulation. Document - 5198.  
Subject R.45-9. Write-in Ballots, Sealed after tabulation. Document - 5199.

Thank you for your consideration of this request. Please send an email acknowledgement of your receipt of this request. Thank you.

Sincerely,



Charles Calvert

[REDACTED]  
Aiken, SC 29803

Phone: [REDACTED]

Email: [REDACTED]



RECEIVED

JUL 25 2023

SC ELECTION COMM.

Robert St.John

Barnwell, SC 29812

July 12, 2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: **South Carolina State Register Vol 47, Issue 6 (June 23, 2023)**

**ELECTION COMMISSION, STATE**

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Document No. 5198 R.45-7, Ballot Cards, Sealed After Tabulation

Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation

Please acknowledge via the below email that you have received this request.

I look forward to the public hearing.

*Robert E. St. John Jr.*

[Redacted Signature Block]

Name *Bonnie C. Simmons*  
Address [REDACTED] *Barnwell, SC*  
Phone number [REDACTED] *29912*  
Date *7/17/23*

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for **Public Hearing** on August 16, 2023, at 10:00 AM

Proposed Regulations **posted: South Carolina State Register Vol 47,  
Issue 6 (June 23, 2023)**

ELECTION COMMISSION, STATE

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Tabulation

Document No. 5199 R.45-9, Write-in Ballots, Sealed After  
Tabulation

RECEIVED

JUL 21 2023

SC ELECTION COMM.

Please acknowledge via the below email that you have received this request.

I look forward to the public hearing.

signature  
Email:

*Bonnie C. Simmons*

[REDACTED]

RECEIVED

JUL 12 2023

July 9, 2023

SC ELECTION COMM.

Susan Nelson

Mt. Pleasant, SC 29429

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Susan Nelson  
Delegate and Officer-Charleston County Republican Party  
Precinct 39

RECEIVED

JUL 12 2023

SC ELECTION COMM.

Ann Beauchamp

Charleston, SC 29414

July 6, 2023

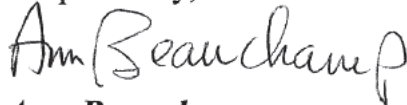
Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Our most sacred right as citizens is a free and fair election. Having followed the election process closely and participated in canvassing of several counties, our elections, even in South Carolina, are neither free or fair, and election laws are bound by the Constitution to guarantee my right as a citizen to free and fair elections and that my vote be accurately counted for the candidate for whom I vote.

Respectfully,



**Ann Beauchamp**

Citizen of the United States of America  
Citizen of South Carolina  
Citizen of Charleston County



RECEIVED

JUL 12 2023

SC ELECTION COMM.

July 7, 2023

Mr. Howard M Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I just had an opportunity to take a look at proposed changes to the regulations for our State Election Commission. In an effort to ensure that these proposed changes are properly considered, I am formally requesting that: Pursuant to SC 1-23-110 (A)(3) a public hearing be held to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7 and finally 45-9.

Thank you for this opportunity and I look forward to attending on August 16<sup>th</sup>, 2023 at 10am.



Regards,  
Judith Fleshman

[REDACTED]  
Columbia, SC 29205

Secretary  
Ward 13 (Rosewood Elementary)

RECEIVED

JUL 12 2023

SC ELECTION COMM.


July 7, 2023

Mr. Howard M Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

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Thank you for this opportunity and I look forward to attending on August 16<sup>th</sup>, 2023 at 10am.



Regards,  
Edward Fleshman

[REDACTED]  
Columbia, SC 29205  
Executive Committeeman  
Ward 13 (Rosewood Elementary)

RECEIVED

Lynn E. Caulkins

JUL 12 2023

Mount Pleasant, SC 29466

July 10, 2023


SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Lynn E. Caulkins

Tony Pichoff

Hopkins, SC 29061

July 13, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Tony Pichoff

**RECEIVED**

JUL 22 2023

SC ELECTION COMM.



Nancy Nicholson

Tega Cay, SC 29708

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

July 8, 2023

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Nancy Nicholson

RECEIVED

JUL 12 2023

SC ELECTION COMM.



**RECEIVED**

**JUL 18 2023**

**SC ELECTION COMM.**

July 12, 2023

Howard M. Knapp, Executive Director

SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

In particular, I find the idea that only one person can determine if a person can use a nickname on the ballot. I believe that the use of a nickname should be at the sole discretion of the candidate unless that name is a derogatory one that would be found repugnant by the public.

Regards,

Richard F. Zuendt

[REDACTED]  
Hartsville, South Carolina 29550-0182  
Home: [REDACTED] Cell: [REDACTED]

RECEIVED

JUL 18 2023

SC ELECTION COMM.

Charles A. Ostrowski

Bluffton, SC 29909

Howard M. Knapp, Executive Director  
SC State Election Commission  
P.O. Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

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Sincerely,



Charles A. Ostrowski

RECEIVED

JUL 18 2023

John Pitman

Bluffton, SC 29909

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
P.O. Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pitman", with a long horizontal line extending from the end of the signature.

John Pitman

RECEIVED

JUL 18 2023

SC ELECTION COMM.

Nancy Pitman

Bluffton, SC 29909

Howard M. Knapp, Executive Director  
SC State Election Commission  
P.O. Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

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Sincerely,



Nancy Pitman

RECEIVED

JUL 18 2023

SC ELECTION COMM.

July 12, 2023

Mr. Howard M Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

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Thank you for this opportunity and I look forward to attending on August 16<sup>th</sup>, 2023 at 10am.

Regards,  
Tracy Robins

[REDACTED]  
Columbia SC 29206  
Executive Committeeman  
Gregg Park Precinct



**RECEIVED**

**JUL 18 2023**

**SC ELECTION COMM.**

July 12, 2023

Mr. Howard M Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

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Thank you for this opportunity and I look forward to attending on August 16<sup>th</sup>, 2023 at 10am.

Regards,  
Paul Robins

[REDACTED]  
Columbia SC 29206  
Precinct President  
Gregg Park Precinct

RECEIVED

JUL 17 2023

SC ELECTION COMM.

Jeff Uhlig

Columbia, SC 29206-1139

July 13, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A 3 , I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Jeff Uhlig



Lori Moore

Fort Mill, SC 29715

July 8, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

**RECEIVED**

**JUL 17 2023**

**SC ELECTION COMM.**

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Lori Moore

**RECEIVED**

**JUL 17 2023**

Sharon W Mercer

Columbia SC 292026

July 13, 2023

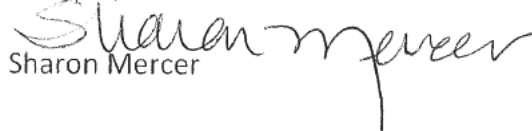
Howard M Knapp  
SC Election Commission  
PO Box 5987  
Columbia SC 29250

SC ELECTION COMM.

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110 (A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Sharon Mercer

RECEIVED

JUL 17 2023

SC ELECTION COMM.

Dana Kahaly

[REDACTED]  
Columbia, SC 29206  
[REDACTED]

Howard M. Knapp, Executive Director  
SC State Election Commission  
P.O Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9. Thank you for your attention to this matter.

Respectfully,



Dana Kahaly

[REDACTED]  
Columbia, SC 29206

**RECEIVED**

**JUL 13 2023**

**SC ELECTION COMM.**

Jill Kajouras

[REDACTED] Mt Pleasant, SC. 29466

July 9, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am a delegate for Charleston County, Precinct 39. Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Jill Kajouras

RECEIVED

JUL 13 2023

SC ELECTION COMM.

William R. Scott

Sumter, SC 29154

July 10, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



William R. Scott

RECEIVED

JUL 14 2023

SC ELECTION COMM.

WENDY LYNCH

[REDACTED]

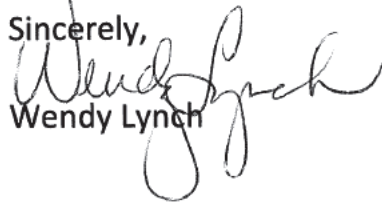
TIMMONSVILLE, SC 29161

JULY 11, 2023

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Wendy Lynch

July 12, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

**RECEIVED**

**JUL 14 2023**

**SC ELECTION COMM.**

Venitia A. Reebe



Sumter, S.C. - 29154

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

A handwritten signature in black ink, appearing to read "Venitia A. Reebe".

Venitia A. Reebe

July 12, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Annie L. Reebel

  
Sumter, S.C. - 29154

**RECEIVED**

**JUL 14 2023**

**SC ELECTION COMM.**

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

*Annie L. Reebel*

Annie L. Reebel



RECEIVED

JUL 14 2023

Minnie Britt

SC ELECTION COMM.

Charleston, SC 29407

July 10, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Minnie Britt

**RECEIVED**

**JUL 14 2023**

**SC ELECTION COMM.**

Caroline Sallee

Charleston, SC 29407

July 10, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

Caroline Sallee



Aideen Stratford

RECEIVED

Charleston, SC 29407

July 10, 2023

JUL 14 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

SC ELECTION COMM.

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

*Aideen Stratford*  
Aideen Stratford

**RECEIVED**

**JUL 17 2023**

**SC ELECTION COMM.**

S K White

Columbia

SC 20229

12<sup>th</sup> July 2023

Dear Mr. Knapp,

Re: Proposed Regulations for the Election Commission.

I appreciate the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC1-23-110(A)(3 ), I hereby request a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

I thank you for your attention in this matter.

Sincerely



S K White

Executive Committeeman

Bridgecreek Precinct

Howard M. Knapp  
Executive Director  
PO Box 5987  
Columbia, SC  
29250

**RECEIVED**

JUL 13 2023

SC ELECTION COMM.

7/10/23

Dear Mr. Knapp,

Pursuant to SC 1-23-110(A)(B)  
I am hereby requesting a hearing  
to discuss regulations 45-1, 45-2,  
45-3, 45-4, 45-5, 45-6, 45-7 and  
45-9. Thank you for the opportunity  
to submit for consideration comments  
regarding the proposed regulations for  
the Election Commission.

Sincerely,

Vicki M. Boyer

RECEIVED

Loni Riley

Chesterfield SC, 29709

July 9, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

JUL 11 2023

SC ELECTION COMM.

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Loni Riley

Kenneth Riley

Chesterfield SC, 29709

July 9, 2023

**RECEIVED**

**JUL 11 2023**

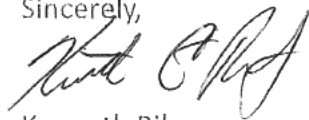
**SC ELECTION COMM.**

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Kenneth Riley



Michael Kajouras

[REDACTED] Mt Pleasant, SC. 29466

July 9, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

**RECEIVED**

**JUL 12 2023**

**SC ELECTION COMM.**

Dear Mr. Knapp,

I am a delegate for Charleston County, Precinct 39. Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Michael Kajouras



**RECEIVED**

**JUL 12 2023**

**SC ELECTION COMM.**

Kay R. Milton

Mount Pleasant, SC 29466

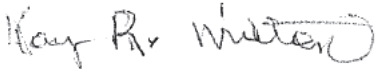
July 9, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am a delegate for Charleston County, Precinct 39. Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Kay R. Milton

RECEIVED

JUL 12 2023

John B. Milton

Mount Pleasant, SC 29466

July 9, 2023

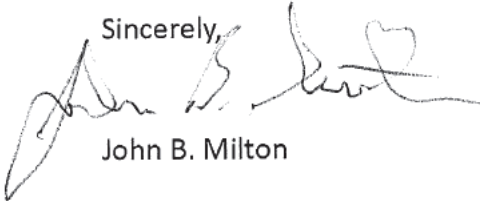
SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am a delegate for Charleston County, Precinct 39. Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



John B. Milton

Edward L. Caulkins

Mount Pleasant, SC 29466

July 10, 2023

RECEIVED

JUL 12 2023

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Edward L. Caulkins



Ingrid Centurion

Goose Creek, SC 29445

July 6, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Ingrid Centurion

**RECEIVED**

JUL 22 2023

SC ELECTION COMM.

Denise Bach

Fort Mill, SC 29715

July 8, 2023

**RECEIVED**  
JUL 11 2023  
SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

I am also sending you a paper copy of this letter.

Sincerely,



Denise Bach

Warren D. Arthur, IV

[REDACTED]  
Hartsville, SC 29550  
[REDACTED]

**RECEIVED**

JUL 11 2023

SC ELECTION COMM.

July 7, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission.

Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Warren D. Arthur, IV



BARBARA ARTHUR

[REDACTED]  
HARTSVILLE, SC 29550  
[REDACTED]

RECEIVED

JUL 11 2023

SC ELECTION COMM.

July 7, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission.

Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,

  
Barbara Arthur

Chrissy Moore

[REDACTED]  
Ridgeway, SC 29130

July 6, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
P.O. Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission Pursuant to SC 1-23-110(A)(3).

I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Chrissy Moore

Sent with [Proton Mail](#) secure email.

RECEIVED

JUL 20 2023

SC ELECTION COMM.



Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia SC 29250

Columbia SC 29229

Dear Mr. Knapp

Thank you for the opportunity to submit comments for consideration regarding proposed changes to regulations for the Election Commission. It is imperative, and in the public interest, that scrutiny of any and all proposed changes, their intent, and consequences thereof, be encouraged and thoroughly explored prior to approval. It is therefore encouraging to know that you will honor the office to which you were elected by holding a well-advertised public hearing to explain and examine the proposed changes and their origin, in entirety.

Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4- 45-5, 45-6, 45-7, and 45-9.

I anticipate your favorable response.

Sincerely



Nicola Dulaveris

RECEIVED

JUL 21 2023

SC ELECTION COMM.

July 7, 2023

Howard M. Knapp, Executive Director  
South Carolina State Election Commission  
PO Box 5987  
Columbia, SC 29250

RECEIVED  
JUL 22 2023  
SC ELECTION COMM.

Dear Mr. Knapp:

Pursuant to SC 1-23-110(A)(3), I am requesting a hearing to discuss those proposed regulations pertaining to the South Carolina State Election Commission including, but not limited to, 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9. Thank you for your attention to this matter.

Respectfully,

Melinda M. Hicks

Columbia, SC 29209

Cory Price

Aiken, SC 29803

7/16/23

RECEIVED

JUL 22 2023

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am writing in reference to the State Election Commission's submission to the June 2023 State Register regarding proposed regulations.

I am requesting a hearing pursuant to SC 1-23-110(A)(3) on the following proposed regulations:

- 45-1 – Document 5192
- 45-2 – Document 5193
- 45-3 – Document 5194
- 45-4 – Document 5195
- 45-5 – Document 5196
- 45-6 – Document 5197
- 45-7 – Document 5198
- 45-9 – Document 5199

Please consider the following comments on the proposed regulations:

I support the State Election Commission's efforts to promulgate regulations pursuant to SC Code 7-3-10(F): "The commission shall promulgate regulations to establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections. The regulations must take into account unique circumstances around the State including, but not limited to, population and geographic disparities among the various counties." I think it's important for the Election Commission to put forth well-thought-out regulations that set clear parameters for the counties in the conduction of election and registration processes.

While I am requesting a hearing on all proposed regulations, I am submitting comments on 45-2, specifically referring your proposed pricing model for the Sale of Lists Program. You are proposing the following in section A. (4):

- (4) The Executive Director may determine a reasonable price for voter registration lists by considering as factors:
  - (a) Recouping the costs associated with running the Sale of Lists program. Costs include but are not limited to:



- (i) Salary and benefits of all staff employed to implement and maintain the Sale of Lists program;
- (ii) Costs of establishing, maintaining, and improving the statewide voter registration and election management system.
- (b) The market value of the voter registration lists and the benefit to the State of South Carolina of revenue generated by the sale of lists program.
- (c) Accessibility of the data to qualified electors.
- (d) Any other factor as determined by the Executive Director.

As a procurement professional with over 26 years of experience with government procurement where I analyze cost and pricing information to determine that it is reasonable, I do not believe your stated method of establishing a price will lead to a "reasonable price."

SC State Election Law 7-3-20(D)(13) states, the executive director shall: "furnish at reasonable price any precinct lists to a qualified elector requesting them." This law requires the pricing of the lists to be reasonable and implies that they must be available to any qualified elector requesting them. The current pricing of these lists by South Carolina does not make these lists available to most electors as the charge for the statewide list is set at \$2500, which is beyond the means of most electors, and many considering running for office. I believe the factors identified in the proposed regulation will lead to either maintaining the current price or result in a price increase.

Analyzing this through the lens of what would be reasonable to the State of South Carolina, I reviewed state procurement law to find the standards the state uses to determine if pricing is reasonable. I found the following in SC Regulation 19-445.2122.

SC Regulation 19-445.2122 Price Reasonableness  
19-445.2122. Price Reasonableness.

A. General. The objective of offer analysis is to ensure that the final contract price is fair and reasonable. The procurement officer is responsible for evaluating the reasonableness of the offered prices. Normally, competition establishes price reasonableness. Therefore, when contracting on a firm-fixed-price basis, comparison of the proposed prices will usually satisfy the requirement to perform a price analysis, and a cost analysis need not be performed. In limited situations, a cost analysis (see subsection B(2)) may be appropriate to establish reasonableness of the otherwise successful offeror's price. The analytical techniques and procedures described in this regulation may be used, singly or in combination with others, to ensure that the final price is fair and reasonable. In addition, they should be used to analyze cost or pricing data required by Section 11-35-1830. The complexity and circumstances of each acquisition should determine the appropriate level of detail for the analysis. The appropriate Chief Procurement Officer may develop and issue procedures which shall be followed by all agencies conducting offer analysis. The responsible procurement officer may request the advice and assistance of other experts to ensure that an appropriate analysis is performed.

B. Analytical techniques include, but are not limited to, the following:

- (1) Price analysis is the process of examining and evaluating a proposed price without evaluating its separate cost elements and proposed profit. Examples of price analysis criteria include but are



not limited to: (a) price submissions of prospective bidders or offerors in the current procurement; (b) prior price quotations and contract prices charged by the bidder, offeror, or contractor; (c) prices published in catalogues or price lists; (d) prices available on the open market; and (e) in-house estimates of cost. The responsible procurement officer may use various price analysis techniques and procedures to ensure a fair and reasonable price.

(2) Cost analysis is the review and evaluation of any separate cost elements and profit or fee in an offeror's or contractor's proposal, as needed to determine a fair and reasonable price, and the application of judgment to determine how well the proposed costs represent what the cost of the contract should be, assuming reasonable economy and efficiency. Cost analysis includes the appropriate verification of cost or pricing data, and the use of this data to evaluate: (a) specific elements of costs; (b) the necessity for certain costs; (c) the reasonableness of amounts estimated for the necessary costs; (d) the reasonableness of allowances for contingencies; (e) the basis used for allocation of indirect costs; (f) the appropriateness of allocations of particular indirect costs to the proposed contract; and (g) the reasonableness of the total cost or price. The responsible procurement officer may use various cost analysis techniques and procedures to ensure a fair and reasonable price, given the circumstances of the acquisition.

C. Unbalanced pricing. All offers with separately priced line items or subline items shall be analyzed to determine if the prices are unbalanced. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more line items is significantly over or understated as indicated by the application of cost or price analysis techniques. If the responsible procurement officer determines that unbalanced pricing may increase performance risk (e.g., it is so unbalanced as to be tantamount to allowing an advance payment) or could result in payment of unreasonably high prices, she may conclude that the offer is unreasonable as to price.

Analyzing the current \$2,500 price for the lists via price analysis per 19-445.2122 B. (1) I would contend that the current price is not reasonable based on a comparison with the pricing of similar lists from other states (I would consider these to be prices published in catalogues or price lists or prices available on the open market). Reviewing the programs from 46 other states (four states do not sell the lists to the public) via website searches and phone calls to those states that do not publish their pricing, reveals that only five states charge more than South Carolina. Ten states provide the information for free, twelve states charge less than \$100, and ten additional states charge \$500 or less. Excluding the three highest priced outliers (\$37,000 Alabama, \$12,500 Wisconsin, and \$10,000 Virginia) leads to an average price of \$674.27. South Carolina currently charges 3.7 times this average. The median price of those states that charge for the lists is \$125 (charged by Maryland and Wyoming). The most common prices are \$20 and \$500 charged by four states each. There are four states that charge between \$1,000 and \$1,100 then pricing jumps to \$1,400 charged by Texas (a much more populous state than South Carolina). Based on this price analysis, I would consider the prices of the ten states charging more than Iowa's \$1,100 to be unreasonable.

In reviewing the programs of other states, I found that Colorado is one of a handful of states that offers a subscription service to their voter rolls. Their program costs either \$50 for one of 7 static lists or for \$1,000 they offer an unlimited access subscription to the dynamic voter rolls for all lists for a two-year statewide election cycle as follows:



*[Colorado] Subscription provides electronic download access to the listed data extracts for the 2023-2024 statewide election cycle including the Odd-year Coordinated Election, Primary Election, and General Election. The following reports are included with the subscription:*

- Statewide Registered Voter List (EX-003) updated monthly
- Master Voter History (EX-002) with updates following the primary, general, and odd-year elections
- Statewide Mail Ballots Returned (CE-018) for the primary, general, and odd-year elections - hourly after ballots are mailed
- Statewide In-Person Voting List (CE-019) for the primary, general, and odd-year elections - hourly after in-person voting begins
- Statewide UOCAVA Voter List (CE-036) for the primary, general and odd-year elections - one time after ballots are mailed
- Statewide Voter Service and Polling Center Locations List (VSPC) for the primary, general and odd-year elections - one time after ballots are mailed
- Public List of Voters with a Ballot (CE-068) for the primary, general, and odd-year elections - daily after ballots are mailed

The language of Section A.(4) of the proposed regulation lends itself more toward cost analysis per 19-445.2122 B. (2) since it lists cost factors that the Executive Director can consider in subsection A.(4)(a).

Reviewing the specific elements of costs identified in your proposed language, I would consider the “Salary and benefits of all staff employed to implement and maintain the Sale of Lists program” as stated in paragraph A.4(a)(i) to be a reasonable factor to be considered in establishing a reasonable price as they are necessary costs for running the program and relate to the final cost objective of providing the lists to qualified electors as stated in law. However, I would consider the “Costs of establishing, maintaining, and improving the statewide voter registration and election management system” to be unnecessary and unrelated to the final cost objective of providing the lists to qualified electors, and therefore unreasonable costs to be included as a factor in establishing pricing for the lists. Additionally, per state law “The executive director shall maintain a complete master file of all qualified electors by county and by precincts” so these costs are required by law for another final cost objective, unrelated to the Sale of Lists Program and likely inconsistent with budgeting and fiscal rules since it can be used to get around legislatively approved budget limits and “pad your program”.

Paragraph A.(4)(b) appears to be inconsistent with state law since consideration of “The market value of the voter registration lists and the benefit to the State of South Carolina of revenue generated by the sale of lists program” is not mentioned anywhere in South Carolina election law.

Your stated factors also include “Accessibility of the data to qualified electors.” I agree with this being a factor in that it is consistent with the principles of open government as well with state law.

Paragraph A.(4)(d) states "Any other factor as determined by the Executive Director." Giving this broad authority to the Executive Director may be inconsistent with state law and is definitely arbitrary and nebulous.

In conclusion, I believe the State Election Commission should consider major revisions to the proposed Sale of Lists Program so that its method of establishing pricing will result in a reasonable price that is consistent with state law, specifically, SC State Election Law 7-3-20(D)(13).

Sincerely,

Cory L. Price

cc: Senator Tom Young



Janis Price

Aiken, SC 29803

7/16/2023

RECEIVED

JUL 22 2023

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am writing in reference to the State Election Commission's submission to the June 2023 State Register regarding proposed regulations.

I am requesting a hearing pursuant to SC 1-23-110(A)(3) on the following proposed regulations:

45-1 – Document 5192  
45-2 – Document 5193  
45-3 – Document 5194  
45-4 – Document 5195  
45-5 – Document 5196  
45-6 – Document 5197  
45-7 – Document 5198  
45-9 – Document 5199

I would be very appreciative if you would take the time to consider the following comments:

I support the State Election Commission's efforts to promulgate regulations pursuant to SC Code 7-3-10(F): "The commission shall promulgate regulations to establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections. The regulations must take into account unique circumstances around the State including, but not limited to, population and geographic disparities among the various counties." I think it's important for the Election Commission to put forth well-thought-out regulations that set clear parameters for the counties in the conduction of election and registration processes.

45-1:

- By striking all existing regulations, the SEC is starting with a blank slate and should not be constrained by previous headers such as the one titled "Definitions", nor by numbering. It appears the SEC intends to promulgate further regulations in subsequent issues of the State Register. Therefore, the conspicuously missing 45-8 should not have been skipped. Rather, Document 5199 and what is being proposed as 45-9 should actually be numbered 45-8. Then, on the next set of regulations, 45-9 should be titled



“Definitions” and contain the actual definitions that appear in that batch of proposed regulations.

- Document 5192 contains definitions of terms for regulations that have not yet been proposed. Specifically, “ballot cast”, “ballot tabulation”, “candidate representative”, “current identification”, “observer”, “poll worker”, “polling location technician”, “polling place”, “voting place”, “poll watcher”, “results reporting”, and “valid identification” are not mentioned in Document 5193, 5194, 5195, 5196, 5197, 5198 or 5199. Other state agencies, when promulgating regulations, have a new definition section for each set of regulations promulgated, or just define terms within the regulation itself, which is also done here in the case of Document 5198, which defines “absentee ballot drop box” and “drop box” within the proposed regulation. It is improper to define words before releasing regulations that contain those words, especially given the number of inconsistencies in the current definition list, which are detailed below.
- The following terms contained within Documents 5193-5199 are not given a definition but should likely be included in 45-1: “qualified elector”, “assistant poll manager” (this should reinforce what is in 7-13-110 for the benefit of local officials that are not familiar with state law), “person” (as used in Document 5197, 45-6. Is this a member of the public, South Carolina citizen, county employee, poll manager/clerk?), “Sale of Lists Program”, “nickname”, “South Carolina Ballot Standards Document (BSD)”, “County Board of Canvassers”, “break in service”.
- Assuming regulations to be proposed in the future will contain the terms defined in Document 5192 but not used in Documents 5193-5199, please consider the following comments:
  - #1 “Ballot cast” does not make sense as a term, and I can find no reference of it being used anywhere in other election materials around the country. “Ballot” is a noun and “cast” is a verb, so typically when these words are used in conjunction with one another, the verb is used in an adjectival sense, which would place it before the noun. i.e. a cast ballot, meaning one that has already been placed in the ballot box. Used in a sentence: “The cast ballot is removed from the tabulation machine after the election.” When it’s used as a verb, the verb precedes the direct object, requiring the use of an article, such as a/an/the. For example: “Voters cast a ballot in the box.” Maybe a more appropriate word would be “cast ballot”. However, without context to which to refer, it is impossible to afford fair opportunity for public comment.
  - #9 “Observer” as defined is an arbitrary definition because it contains the phrase “permitted at the discretion of the poll clerk to observe”. This type of ambiguity in a regulation that has the force of law will only create confusion conflicts with SC Constitution, Article I, Section 3. Privileges and immunities; due process; equal protection of laws. “The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.). Leaving the privilege to ‘observe’ to the discretion of the poll clerk potentially denies South Carolina citizens of their liberty without due process of law, and does not afford equal protection under the law for all citizens. This denies the public right to observe an election. The poll manager/clerks are clothed



with police powers in the polling place. Instead of redefining “observer” with a definition that deviates from common vernacular and is not elsewhere defined in SC statute, why not place prominent signs in all polling places that quote SC Codes 7-13-140, -150 & -160 that reinforces the roll of the poll managers?

- Recommendation is to remove any words defined in 45-1 that do not appear in 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, or 45-9.
- #4 “Current identification” and #19 “Valid identification”: Are these the same thing? Do they require two different line numbers or could they be combined for the sake of reading ease and clarity?

45-2:

- 7-3-10(F) limits the State Election Commission to the promulgation of “regulations to establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections.” This regulation is in violation of existing SC State Law because it is not targeted toward establishing standardized processes to be followed by the county boards, but instead gives the State Election Commission and/or the State Election Commission Director authority in excess of existing statutory authority granted by the General Assembly.
- Additional comments regarding the proposed regulation:
  - State law allows for ‘precinct lists’ to be furnished at a reasonable price. 7-3-20(D)13
  - The current pricing schemata listed at <https://scvotes.gov/resources/sale-of-voter-registration-lists/> is not reasonable.
  - Of states that sell lists, 90% charge less than what South Carolina currently charges. The median price for a statewide voter list is \$125. \$2500 for a statewide list is not a reasonable price to charge for an electronic document that the state is already in possession of and required by law to maintain. See **Appendix 1**.
  - Many voter list sales programs in other states include extensive voter history as this information is essential to candidates in district analysis. The SEC should consider including voter history in voter list sales, as the SEC is already in possession of this information. Alabama’s list is free and the voters receive valuable voter history that South Carolina does not disclose to the public.
  - Our tax dollars have paid the State Election Commission to maintain these rolls, nor should we pay again to receive digital copies of these records.
  - A.(2): “Voter registration lists must not contain information that state or federal law protects from disclosure.” This is vague and does not provide clarification for counties in conducting elections or registrations. The SEC website could say something like, “Federal law precludes giving out SSN, etc.” A study of other states’ websites that have developed transparent voter roll sales programs is recommended.
  - A.(3): Refer to the first bullet in this section. This exceeds statutory authority.
  - A.(4)(a)(i)&(ii): This cost absolutely should not be borne by the public, and the current \$2500 for the statewide list is not a reasonable price as previously stated. If you were following federal or state procurement law, this would not qualify in any manner as a reasonable price because the cost of the program would have to be distributed among all the counties and only attributable to the portion of the job



borne by a specific employee. Basic accounting principles ought to be applied to account for the cost of the action, not the entire program, as the program is part of the job of the executive director, as per existing SC law. Also, the state of South Carolina is not a business and must not be run in such a manner as to benefit, make a profit for, or impact revenues of the government.

- Please see **Appendix 1** for determination of price reasonableness in State Procurement Practices in SC. As described in the proposed SEC regulation the SEC's methodology is in conflict with SC's definition of a reasonable price. Nowhere in the SC Procurement regulations does it factor in potential revenue in determining price reasonableness.
- The price should be nominal and reflect the amount of time it takes a staff member to compile the request and send it out (30 min, an hour?).
- According to 7-3-20(D)(4-8, 13, 16, 18):
  - (D) The executive director shall: (4) maintain a complete master file of all qualified electors by county and by precincts;
    - (5) delete the name of any elector:
      - (a) who is deceased;
      - (b) who is no longer qualified to vote in the precinct where currently registered;
      - (c) who has been convicted of a disqualifying crime;
      - (d) who is otherwise no longer qualified to vote as may be provided by law; or
      - (e) who requests in writing that his name be removed;
    - (6) enter names on the master file as they are reported by the county boards of voter registration and elections;
    - (7) furnish each county board of voter registration and elections with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;
    - (8) maintain all information furnished to his office relating to the inclusion or deletion of names from the master file for four years;
    - (13) furnish at reasonable price any precinct lists to a qualified elector requesting them;
    - (16) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law;
    - (18) enter into the master file a separate designation for each voter casting an absentee ballot or an early ballot in an election;
- Additionally, SC Code 7-1-20(14) refers to "the active roster of voters maintained by the State Election Commission", further underpinning the General Assembly's intent that the SEC maintain the voter rolls.
- The National Voter Registration Act (NVRA) also requires voter list maintenance.
- The average income in SC is just over \$48,000/year. Even at the current price of \$2500, that is cost prohibitive to the average voter in South Carolina.



- SC State Law is very clear that maintaining a master file of qualified electors is the job of the Executive Director. The Executive Director does not have the statutory authority to recuperate the cost based on the criteria provided in A.(4).

45-3:

- As stated in 45-1 above, “South Carolina Ballot Standards Document” should be defined.
- “must first request approval...” language is vague and allows for loopholes: ‘must first submit a written request and receive approval from the Executive Director prior to any changes being made.’

45-4:

- A. Suggest adding a section that reinforces current state law governing protest hearings in regards to the hearing being conducted as closely as possible to South Carolina court procedures, and not limiting the amount of evidence that can be produced.
- B. As in 45-2 above, this section is outside the scope of authority of the State Election Commission as it does not establish standardized processes for the county boards in the conduction of elections and/or voter registration. Recommend this section be removed.
- This regulation strikes language requiring processes for computer certification. Will additional regulations address computer certification?

45-5:

- Please note the typo in the title of this proposed regulation. It reads “Administration of Election Official’s Oaths”. It should read “Administration of Election Officials’ Oaths”.
- A.(5) The county board must file the oath as soon as practicable with clerk of court of the county. This contradicts state law. SC Code 7-5-10(3) states that oaths “must be immediately filed.”
- B. Suggest adding a definition for “Board of canvassers” in 45-1 as this is a unique time when the county board is considered the board of canvassers.
- C.(1) Suggest adding a definition for “assistant poll manager” in 45-1. Can a minor legally sign an oath without parental permission? Age of majority in SC is 18, yet 16 and 17 year-olds are legally allowed to be assistant poll managers. If they can’t legally sign an oath, then they ought not to be doing a job that those that have had to sign an oath do. One suggestion would be to create a program through the schools whereby the assistant poll managers volunteer (i.e. unpaid) and obtain credit for school. If no oath is signed, their jobs should be clearly laid out in the regulation.
- C.(2) “Break in service” definition should move to 45-1 in the definition section. This does not address the qualification of the workers as defined in 7-13-72. Counties should be improving their procedures. The list of poll managers is public and should be on file with the clerk of court for public inspection. The practice of having all appointed poll managers take an oath after every training makes logical sense as it will prevent missing oaths and provide an accurate list of current poll managers at the clerk of court prior to every election and create less confusion at the end of the training sessions. Allowing no oath to be taken unless there is a break in service requires more micromanaging and tracking on the part of the training official. According to 7-13-1700 updated training needs to be performed within 30 days of elections. If poll managers are to take an oath that they are qualified on all equipment then they need to be trained on all equipment,



including but not limited to E-Poll Books, Ballot Marking Devices, and tabulation machines.

- C.(5) The county board must file the oath as soon as practicable with clerk of court of the county. This contradicts SC State Law 7-13-72 which requires the oath to be filed immediately with the clerk of court of the county. Suggest “by close of business the next business day following the training, a full business day prior to an election.”
- D. Please reread 7-13-100. This oath is intended to be signed before the opening of the polls and placed with the ballots in the ballot box after polls close. There is no need to have this oath filed with the clerk of court. Additionally, only requiring a poll manager to sign one 7-13-100 oath per election will result in confusion if they work at one poll during early voting and another on election day. This will result in their signed oath not being in the box at every polling location where they have worked, and could potentially result in additional labor for someone trying to track down the oath of the person who worked at one poll but whose oath is filed with a different set of ballots for early voting.
- F. Is this intended to cover the PLT? If the PLT’s or others who access equipment need oaths, then it is recommended they have name tags to distinguish them as people who have authority to handle election equipment.
- G. See first bullet point in 45-2 above. This does not establish a standardized process for the conduct of elections, but creates an arbitrary regulation. Suggest striking.

45-6:

- A. uses “shall”, B. uses “shall”, C. uses “should”. This language is inconsistent. Recommend “should” for C.
- A.(1&2) What state and federal laws specifically? This language is overly vague and open to interpretation.
- A.(3) Either it’s against the state law or not, this is subjective and leaves the door open for confusion and multiple interpretations. I recommend striking the second half of the sentence. A poll manager is clothed with police powers. I suggest creating a sign that can be posted prominently at each polling location that contains SC Code 7-13-140, -150, & -160. A sign such as this will clarify for all parties what the roll of the poll manager is and defuse any potentially questionable situations.
- Any complaints from concerned citizens should be taken seriously and investigated promptly.
- Proper documentation of any lapses in procedure or issues should also be available to the public.
- 45-6 struck language pertaining to defective/spoiled ballots. Will there be a new regulation describing the process for handling defective/spoiled ballots?

45-7:

- Drop boxes
- Definitions for “absentee ballot drop box” and “drop box” should be moved to 45-1.
- 45-7 strikes language pertaining to sealed ballot boxes after elections. Will there be additional regulations written regarding the secure storage of ballots after an election?

45-9

- “Nickname” should be defined above in 45-1.



- As stated above, SC Code 7-3-10(F) requires the promulgation of regulations that establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections. As written, this proposed regulation does not provide any guidance to the county boards, but rather lays an important decision at the hands of one person, and creates a situation where micromanagement is necessary.
- A regulation about nicknames should either state that all candidates should be able to use a nickname, or they should not. Personally, if they're known by that name and they want to use it on the ballot, I think they should be allowed to. An example of this would be William Perry. If only allowed to go by William Perry, chances are many people would not recognize him. But if allowed to use his nickname, William "the Refrigerator" Perry would be easily recognizable. Not being allowed to use his nickname could hurt his chances at the polls.
- A sound definition of "nickname" is key, and should detail what is and isn't acceptable, such as profanity or slogans, like in Robert "No New Taxes" Smith.
- For example, VT law states: The consent of candidate form contains an affidavit indicating that the candidate has been known by that nickname for at least three years, and the nickname cannot be a slogan, or otherwise indicate a political, economic, social, or religious view or affiliation. 17 V.S.A. §2361.
- 45-9 strikes language pertaining to the sealing of write-in ballots. Will there be additional regulations detailing this process in the future?

Thank you for taking the time to consider these comments.

Sincerely,

Janis Price

cc: Senator Tom Young

## Appendix 1

Florida	Free
Michigan	Free
New Hampshire	Free
New York	Free
North Carolina	Free
Ohio	Free
Oklahoma	Free
Vermont	Free
Washington	Free
Nevada	Free
Arkansas	\$7.50
Alaska	\$20.00
Idaho	\$20.00
Mississippi	\$20.00
Pennsylvania	\$20.00
Arizona	\$25.00
Delaware	\$25.00
Rhode Island	\$25.00
Missouri	\$35.00
Minnesota	\$46.00
Colorado	\$50.00
Tennessee	\$75.00
Maryland	\$125.00
Wyoming	\$125.00
Kansas	\$200.00
Georgia	\$250.00
Connecticut	\$300.00
New Jersey	\$375.00
Illinois	\$500.00
Nebraska	\$500.00
Oregon	\$500.00
West Virginia	\$500.00

Hawaii	\$1,000.00
Montana	\$1,000.00
Utah	\$1,050.00
Iowa	\$1,100.00
Texas	\$1,400.00
Kentucky	\$2,000.00
Maine	\$2,200.00
South Carolina	\$2,500.00
South Dakota	\$2,500.00
Louisiana	\$5,000.00
New Mexico	\$5,500.00
Virginia	\$10,000.00
Wisconsin	\$12,500.00
Alabama	\$37,000.00



## Appendix 2

### SC Regulation 19-445.2122 Price Reasonableness 19-445.2122. Price Reasonableness.

A. General. The objective of offer analysis is to ensure that the final contract price is fair and reasonable. The procurement officer is responsible for evaluating the reasonableness of the offered prices. Normally, competition establishes price reasonableness. Therefore, when contracting on a firm-fixed-price basis, comparison of the proposed prices will usually satisfy the requirement to perform a price analysis, and a cost analysis need not be performed. In limited situations, a cost analysis (see subsection B(2)) may be appropriate to establish reasonableness of the otherwise successful offeror's price. The analytical techniques and procedures described in this regulation may be used, singly or in combination with others, to ensure that the final price is fair and reasonable. In addition, they should be used to analyze cost or pricing data required by Section 11-35-1830. The complexity and circumstances of each acquisition should determine the appropriate level of detail for the analysis. The appropriate Chief Procurement Officer may develop and issue procedures which shall be followed by all agencies conducting offer analysis. The responsible procurement officer may request the advice and assistance of other experts to ensure that an appropriate analysis is performed.

B. Analytical techniques include, but are not limited to, the following:

(1) Price analysis is the process of examining and evaluating a proposed price without evaluating its separate cost elements and proposed profit. Examples of price analysis criteria include but are not limited to: (a) price submissions of prospective bidders or offerors in the current procurement; (b) prior price quotations and contract prices charged by the bidder, offeror, or contractor; (c) prices published in catalogues or price lists; (d) prices available on the open market; and (e) in-house estimates of cost. The responsible procurement officer may use various price analysis techniques and procedures to ensure a fair and reasonable price.

(2) Cost analysis is the review and evaluation of any separate cost elements and profit or fee in an offeror's or contractor's proposal, as needed to determine a fair and reasonable price, and the application of judgment to determine how well the proposed costs represent what the cost of the contract should be, assuming reasonable economy and efficiency. Cost analysis includes the appropriate verification of cost or pricing data, and the use of this data to evaluate: (a) specific elements of costs; (b) the necessity for certain costs; (c) the reasonableness of amounts estimated for the necessary costs; (d) the reasonableness of allowances for contingencies; (e) the basis used for allocation of indirect costs; (f) the appropriateness of allocations of particular indirect costs to the proposed contract; and (g) the reasonableness of the total cost

or price. The responsible procurement officer may use various cost analysis techniques and procedures to ensure a fair and reasonable price, given the circumstances of the acquisition.

C. Unbalanced pricing. All offers with separately priced line items or subline items shall be analyzed to determine if the prices are unbalanced. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more line items is significantly over or understated as indicated by the application of cost or price analysis techniques. If the responsible procurement officer determines that unbalanced pricing may increase performance risk (e.g., it is so unbalanced as to be tantamount to allowing an advance payment) or could result in payment of unreasonably high prices, she may conclude that the offer is unreasonable as to price.



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JUL 13 2023

SC ELECTION COMM.

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am writing to you today with concerns about the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I, Ivie Szalai, am as a result of this am requesting a hearing to discuss Regulation 45-1: Definitions; Regulation 45-2: Sale of Lists Program; Regulation 45-3: Ballot Standards; Regulation 45-4: Protest Hearings; Regulation 45-5: Administration of Election Official's [sic] Oaths; Regulation 45-6: County Reports; Regulation 45-7: Ballot Drop Boxes; Regulation 45-9: Candidate Nicknames. Thank you for the opportunity to submit my comments below for your consideration.

Sincerely,  
Ivie Szalai

Beaufort, SC 29906

**Regulation 45-1: Definitions**

**Statement of Rationale:**

*The State Election Commission (SEC) proposes to update this regulation by striking definitions that are either no longer accurate with regards to the current voting system or no longer descriptive of any of the voting system's component parts or procedures, and by providing new definitions relevant to current law and the conduct of elections in South Carolina.*

**Rebuttal:**

In my humble opinion, if we focus on election integrity, we need to go back to the basics when elections were trusted. We are perpetuating this mistrust by continuing to use machines that many citizens do not have faith in. The election commission should be focused on ensuring the citizens of the state of South Carolina that their vote actually does count and cannot be manipulated. The only way to do this is to go back to paper ballots and same day voting with very limited early and mail in voting. Therefore, updating definitions is not necessary.

**Regulation 45-2: Sale of Lists Program**

**Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Sale of Lists Program."*

**Rebuttal:**

Voter list should not be subject to sale. They should be available under the Freedom of Information Act. Therefore, I take specific objection to "(b) The market value of the voter registration lists and the benefit to the State of South Carolina of revenue generated by the sale of lists program." There should be no market value. The cost of the list should be in alignment with what the SC FOIA customarily allows for the cost of such material.

**Regulation 45-3: Ballot Standards**

**Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the regulation will also be struck and amended to be "Ballot Standards."*

**Rebuttal:**

Again, referring back to my rebuttal for Regulation 45-2, we need to focus on election integrity. By changing the regulations to go with what we currently have which is not trusted by many citizens, we lose any trust moving forward that our elections are safe and secure.

**Regulation 45-4: Protest Hearings**

**Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with*



*new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Protest Hearings."*

**Rebuttal:**

There needs to be more to what this procedure entails and what kind of appeal is available if the decision is not satisfactory. For example, the horrible disservice that happened in Beaufort County to candidate Mike Covert in his County Council primary race. Our local party did virtually nothing except write a letter saying how this should not have happened. Candidates should have recourse and remedies when such egregious errors are made. Where is the due process? This needs to be addressed.

**Regulation 45-5: Administration of Election Official's [sic] Oaths**

**Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Administration of Election Official's Oaths."*

**Rebuttal:**

Where is the clarity? Where is the transparency? Where are the old rules that regulated Oaths? How am I to know what is new or what was changed? How can citizens verify that oaths were legally given?

**Regulation 45-6: County Reports**

**Statement of Rationale:**

*The State Election Commission (SEC) proposes to amend Regulation 456 to remove instructions no longer relevant to the current voting system used in South Carolina. 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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "County Reports."*



**Rebuttal:**

Where are defective ballot cards addressed now? We do still have defective cards with this new system. Getting rid of regulations that still may be pertinent does not seem to be best practice.

**Regulation 45-7: Ballot Drop Boxes****Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Ballot Drop Boxes."*

**Rebuttal:**

Drop boxes should never be allowed under any circumstances. I hope that the language in this regulation is strong enough to verify that.

**Regulation 45-9: Candidate Nicknames****Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Candidate Nicknames."*

**Rebuttal:**

Will this decision on nicknames be made on an individual basis? Should there be some sort of guidelines? Leaving this up to one individual opens the door for partisanship to be a factor. If someone has gone by a particular nickname for most of their life and that is how they are recognizable should not be up for debate. I had something similar happen to me. I go by my middle name "Ivie". My first name is Elizabeth and my last name is foreign. My son's high school for School Improvement Council put me on the ballot as Elizabeth Szalai. Nobody knew who that was because people just knew me as



Ivie. I had to ask them to redo it. It gave me a huge disadvantage. Just as one person with sole discretion could potentially disadvantage a candidate.

Emailed and hard copy sent in mail.

Aiken, SC 29803-7698

July 11, 2023

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

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JUL 14 2023

SC ELECTION COMM.

Regarding:

- Document 5192: Regulation 45-1: Definitions
- Document 5193: Regulation 45-2: Sale of Lists Program
- Document 5194: Regulation 45-3: Ballot Standards
- Document 5195: Regulation 45-4: Protest Hearings
- Document 5196: Regulation 45-5: Administration of Election Official's [sic] Oaths
- Document 5197: Regulation 45-6: County Reports
- Document 5198: Regulation 45-7: Ballot Drop Boxes
- Document 5199: Regulation 45-9: Candidate Nicknames

Dear Director Knapp,

I am writing to request a public hearing -- pursuant to Section 1-23-110(A)(3) of the 1976 South Carolina Code of Laws, as amended -- on *all* of the documents and *all* of the proposed regulations as listed above.

Sprinkled throughout these documents, I have found indications that the South Carolina State Election Commission (SCSEC) wants to permanently remove language in the regulations having to do with the use of paper ballots in elections conducted in our state.

I feel compelled to remind the SCSEC of this section of The South Carolina Constitution:

-----  
ARTICLE II

§ 1. Elections to be by secret ballot; protection of right of suffrage.

All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret. The right of suffrage, as regulated in this Constitution, shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct. (1970 (56) 2691; 1971 (57) 319.)

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Over the years and in Aiken County, South Carolina, the method of voting has changed from one where voters, upon showing valid identification to a poll worker:

- Had their information physically located in a paper book;
- Physically signed a piece of paper; and

- Voted using a physical ballot -- a piece of paper -- that was inserted into a machine that punched holes corresponding to the candidates of their choice.

Paper ballots were physically counted and could be physically re-counted.

Over time, the SCSEC has changed the method of voting such that both the check-in process and the method of voting are by electronic machines.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that the people are *not* able to vote by secret ballot since:

1. their voter information is scanned in and may be able to be tracked to both a particular voting machine and their individual vote; and
2. it has been proven that votes cast on an electronic voting machine can be flipped to a candidate other than the one for whom the voter intended.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that the votes of the people *are* counted in secret on electronic voting machines. Even though there may be a "paper back up," those paper ballots may never be checked against the electronic votes and counts.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that elections in South Carolina are *not* free of "all undue influence from power, bribery, tumult, or improper conduct" as long as:

1. electronic voting machine programming is proprietary;
2. any of the devices is connected to the Internet and/or another transmission device; and
3. as long as any voter information is shared with ERIC and/or other foreign entities (one of which I was informed was located in Spain).

Personally -- and in keeping with The South Carolina Constitution -- I want to go back to the old punch card system of voting, where ballots had to be counted by hand at the voting precinct and they had to be run through counters at the county elections office afterwards.

Every person connected with elections in South Carolina will be held accountable to what is written in Exodus 20:15-16 in The Holy Bible:

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Any proposed election-related regulation that does not honor The South Carolina Constitution in every respect *must* be revised to preserve the right of suffrage in our state.

Again, I request a public hearing on *all* of the documents and *all* of the proposed regulations as listed above, regarding the matters that I have listed herein.

Sincerely,



Vicki Simons



July 11, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

**RECEIVED**

**JUL 14 2023**

**SC ELECTION COMM.**

Dear Mr. Knapp,

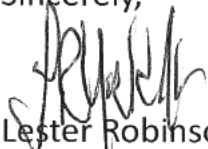
I have read with interest new and updated voting regulations proposed by the State Election Commission.

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

In addition, I am fully supportive of SC House Bill H.3162 to amend the South Carolina code of laws by adding section 7-13-1625 to provide that *"any voting system purchased for use in South Carolina must utilize hand-marked paper ballots that are counted by hand while prohibiting tabulating equipment"*.

The utilization of hand-marked paper ballots is certainly a big step forward to ensure safe and fair elections. However, only the hand counting of such ballots can guarantee true voting transparency which is what every citizen in our fine state deserves.

Sincerely,



Lester Robinson York, Jr.

[REDACTED]  
Bluffton, SC 29910

RECEIVED

JUL 17 2023

SC ELECTION COMM.

Tara Palubicki

NChas, SC 29405

July 13, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

Thank you for the opportunity to submit comments for consideration regarding the proposed regulations for the Election Commission. My concern with all of these changes is the move to centralize our elections into your (unelected by the people's) hands. How do We The People hold you accountable? Another concern I have is the elimination of "paper ballots" language and not that piece of paper that gets a bar code printed on it then inserted into a machine. We have no way of knowing that how we voted is the way it is counted. How will we ever be able to preform an actual audit? and not just a reinsert of bar coded papers into the machine again. I do not support eliminating "paper" ballot language from our laws.

Pursuant to SC 1-23-110(A)(3), I am hereby requesting a hearing to discuss regulations 45-1, 45-2, 45-3, 45-4, 45-5, 45-6, 45-7, and 45-9.

Sincerely,



Tara Palubicki

July 17, 2023

Howard M. Knapp  
Executive Director  
South Carolina State Election Commission  
PO Box 5987  
Columbia, SC 29250

**RECEIVED**  
JUL 19 2023  
SC ELECTION COMM.

Subject: Request for Public Hearing

Mr. Knapp,

I am hereby requesting a public hearing on the proposed amendments to the following Regulations:

**Document No. 5192 R.45-1 "Definitions"**

A general comment about this amendment is that each definition should be included in their corresponding regulation and not set apart as a stand alone regulation.

2. "ballot tabulation" definitions should include not only "deposit into a ballot scanner" but also the manual, hand count of ballots.

19. "Valid Identification" definition should include the acceptable types of identification that is required to vote which is also not false, suspended, cancelled, revoked or *expired*.

**Document No. 5193 R.45-2 Sale of Lists Program**

Where is this "program " identified and defined in the Regulations and/or Code of Law? What defines a "qualified elector." Item A(4) The factors to determine a reasonable price for voter registration lists appears excessive and overstated in order to compile a specific list from a data base that is maintained by the Executive Director. A fee should be established and stated in the regulation similar to the fee structure on SCVotes.gov.

**Document No. 5194 R.45-3 Ballot Standards**

If the SC Ballot Standards Document shall be the definitive reference resource, then should there be ANY deviation to this standard without the same review/approval process of the SC Ballot Standards Document?

**Document No. 5195 R.45-4 Protest Hearings**



**Document No. 5196 R.45-5 Administration of Election Official's Oaths**

"Break in Service" is defined in C.(2) but not defined when referenced in A(2). "Practicable" is too vague and a specific time requirement should be stated in A.(5), C.(5) and D(4).

**Document No. 5197 R45-6 County Reports**

The "thirty days" in Line Item 3 would be more effective if stated in line items A. & B. ie. ... "shall report *within thirty days* the following..."

**Document No. 5198 R45-7 Ballot Drop Boxes**

Is there a difference between 'Ballot Drop Boxes', as used in the document name, vs. 'absentee ballot drop box' in Line Item B?

**Document No. 5199 R45-9 Candidate Nicknames**

Your consideration in granting a public hearing will be appreciated.

*Billie Brant*

Billie Brant

[REDACTED]  
Barnwell, SC 29812  
[REDACTED]

Lori L. Boddy

Aiken, SC

Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RECEIVED  
JUL 21 2023  
SC ELECTION COMM.

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (6/23/2023)

Document No. 5192 R.45-1, Definitions

- Seems this should be done once all the draft regulations are released so they are comprehensive
- Add Election records – absentee envelopes, voted ballots, cast vote records, logic & accuracy testing results, tabulation results and scanner thumb drives, ballot reconciliation forms, provisional ballot final report, final tabulation results. These shall be considered public records.
- Be consistent, do not put definitions in other chapters

Document No. 5192 R.45-2, Sale of List Programs

- General comment – List sales should not be a source of revenue from SC voters. SC should look at nationally what's being done and determine the cost based on how much it takes to fulfill a request to produce the list.

Document No. 5196 R.45-5, Ballot Envelopes and Fold Over Ballot Cards -> County Reports

- Section A-3, subjective and vague will open the door for possible more harassment of Election Officials or destroy public trust
- B-2, vague and subjective
- B-3 remove
- B-4 vague and subjective
- Add – SEC shall not share above of the reports from section A or B outside of SLED including federal agencies such as the DHS, or third parties such as EI-ISAC.

Document No. 5197 R.45-6, Defective Ballot Cards->Administration of Election Official Oaths

- F – should call out PLT, equipment delivery temporary staff, temporary office staff and anyone working in election office on election day or night as needing to take the Custodian Oath.
- Add comments about once the polls are closed until the Certification is complete only the Board of Voter Registration & Elections or permanent election staff shall handle ballots including regular ballots, provisional ballots or media devices containing ballot images.

Please acknowledge via the below email that you have received this request. This document was sent in US mail on 7/13/23.

Regards,

Lori L. Boddy



Aiken, SC 29803-7698  
July 11, 2023

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

RECEIVED

JUL 22 2023

SC ELECTION COMM.

Regarding:

- Document 5192: Regulation 45-1: Definitions
- Document 5193: Regulation 45-2: Sale of Lists Program
- Document 5194: Regulation 45-3: Ballot Standards
- Document 5195: Regulation 45-4: Protest Hearings
- Document 5196: Regulation 45-5: Administration of Election Official's [sic] Oaths
- Document 5197: Regulation 45-6: County Reports
- Document 5198: Regulation 45-7: Ballot Drop Boxes
- Document 5199: Regulation 45-9: Candidate Nicknames

Dear Director Knapp,

I am writing to request a public hearing -- pursuant to Section 1-23-110(A)(3) of the 1976 South Carolina Code of Laws, as amended -- on *all* of the documents and *all* of the proposed regulations as listed above.

Sprinkled throughout these documents, I have found indications that the South Carolina State Election Commission (SCSEC) wants to permanently remove language in the regulations having to do with the use of paper ballots in elections conducted in our state.

I feel compelled to remind the SCSEC of this section of The South Carolina Constitution:

-----  
ARTICLE II

§ 1. Elections to be by secret ballot; protection of right of suffrage.

All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret. The right of suffrage, as regulated in this Constitution, shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct. (1970 (56) 2691; 1971 (57) 319.)

-----

Over the years and in Aiken County, South Carolina, the method of voting has changed from one where voters, upon showing valid identification to a poll worker:

- Had their information physically located in a paper book;
- Physically signed a piece of paper; and



- Voted using a physical ballot -- a piece of paper -- that was inserted into a machine that punched holes corresponding to the candidates of their choice.

Paper ballots were physically counted and could be physically re-counted.

Over time, the SCSEC has changed the method of voting such that both the check-in process and the method of voting are by electronic machines.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that the people are *not* able to vote by secret ballot since:

1. their voter information is scanned in and may be able to be tracked to both a particular voting machine and their individual vote; and
2. it has been proven that votes cast on an electronic voting machine can be flipped to a candidate other than the one for whom the voter intended.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that the votes of the people *are* counted in secret on electronic voting machines. Even though there may be a "paper back up," those paper ballots may never be checked against the electronic votes and counts.

Currently -- and what I believe to be a violation of The South Carolina Constitution -- I believe that elections in South Carolina are *not* free of "all undue influence from power, bribery, tumult, or improper conduct" as long as:

1. electronic voting machine programming is proprietary;
2. any of the devices is connected to the Internet and/or another transmission device; and
3. as long as any voter information is shared with ERIC and/or other foreign entities (one of which I was informed was located in Spain).

Personally -- and in keeping with The South Carolina Constitution -- I want to go back to the old punch card system of voting, where ballots had to be counted by hand at the voting precinct and they had to be run through counters at the county elections office afterwards.

Every person connected with elections in South Carolina will be held accountable to what is written in Exodus 20:15-16 in The Holy Bible:

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Any proposed election-related regulation that does not honor The South Carolina Constitution in every respect *must* be revised to preserve the right of suffrage in our state.

Again, I request a public hearing on *all* of the documents and *all* of the proposed regulations as listed above, regarding the matters that I have listed herein.

Sincerely,



Vicki Simons

RECEIVED

JUL 25 2023

SC ELECTION COMM.

Deborah Easter

Aiken, South Carolina 29803

Home  
Cell

July 21, 2023

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

RE: Request for Public Hearing on August 16, 2023, at 10:00 AM

Proposed Regulations posted: South Carolina State Register Vol 47, Issue 6 (June 23, 2023)  
ELECTION COMMISSION, STATE

Document No. 5192 R. 45-1, Definitions

6. "Election official" shall indicate any person appointed to or employed by a federal, state, county, or municipal election authority or electoral board.

Why would there be a need to combine these two very different positions into one definition?

Document No. 5197 R.45-6, Defective Ballot Cards.

(1) Any act by any person that reasonably appears to constitute an offense listed under Title 7, Chapter 25 of the 1976 South Carolina Code of Laws.

"Reasonably appears to constitute an offense" can be misused and I have personal experience to validate that and welcome the opportunity to present it.

~~Please acknowledge via the below email that you have received this request.~~

I look forward to the public hearing.

*Deborah A. Easter*

Deborah A. Easter



RECEIVED

July 18, 2023

JUL 27 2023

Margaret Shelps

Aiken, SC 29803

Phone:

SC ELECTION COMM.

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

**RE: Notice of Public Hearing and Opportunity for Public Comment:**

Comment on Notice of Proposed Regulations as authorized under Title 7 (Section 1-23-110(A)(3) of the 1976 of the South Carolina Code of Laws.

I am requesting a public hearing for comments to the proposed regulations released in the June Register.

**Regarding Document No. 5192 R.45-1 Definitions**

- 1- Will there be additional definitions as more regulations are written?
- 2- What is the difference between #4 (current identification) and # 19 (valid identification)  
An additional statement should be added that the voter must be a U.S. Citizen and the identification must not be expired.
- 3- #12 – Poll manager assistant – please add to this definition “and their specific duties must be prescribed by the county board of voter registration and elections”
- 4- #17 – add that a Board member should be present during the results compilation
- 5- Define qualified elector
- 6- Add a definition for “defective ballot card”
- 7- Add a definition for “tabulating center personnel”
- 8- Add a definition for “Voting system custodian”
- 9- Add a definition for “tabulating device” as mentioned in Document 5196 (F(1))
- 10- Add a definition for “Break in Service” with respect to Document 5196
- 11- Return of Ballot – what is the custody procedure?

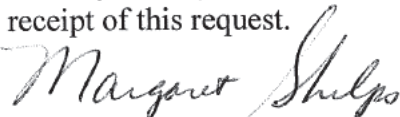
**Regarding Document No. 5193 R.45-2 (Instructions and Certification of Managers and Clerks in the Use of Vote Recorders) - Sale of Lists Program**

- 1- Where is the “Sale of Lists Program” defined? This document leaves much to be “determined by the Executive Director”

**Regarding Document No. 5196 R.45-5, (Ballot Envelopes and Fold Over Ballot Cards) - Administration of Election Official's Oaths**

- 1- C(1) and D(1)– Can a minor (poll manager assistant ) take an oath?
- 2- F(1) – how frequent is this oath administered and signed?
  - a. Who is allowed to administer this oath?
- 3- I did not see a technician or PLT oath, this should be required.

Thank you for your consideration of this request. If possible, please send an email acknowledgement of your receipt of this request.

  
Margaret Shelps



RECEIVED

JUL 27 2023

SC ELECTION COMM.

July 20, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I am writing as a concerned citizen after reading the updated voting regulations proposed by the State Election Commission.

Pursuant to SC 1-23-110(A)(3), I am, as a result of this, requesting a hearing to discuss Regulation 45-1: Definitions; Regulation 45-2: Sale of Lists Program; Regulation 45-3: Ballot Standards; Regulation 45-4: Protest Hearings; Regulation 45-5: Administration of Election Official's [sic] Oaths; Regulation 45-6: County Reports; Regulation 45-7: Ballot Drop Boxes; Regulation 45-9: Candidate Nicknames.

Thank you for the opportunity to comment on what is being proposed.

Sincerely,



Lee Bothell

Beaufort, SC 29906

**Regulation 45-1: Definitions**

**Statement of Rationale:**

*The State Election Commission (SEC) proposes to update this regulation by striking definitions that are either no longer accurate with regards to the current voting system or no longer descriptive of any of the voting system's component parts or procedures, and by providing new definitions relevant to current law and the conduct of elections in South Carolina.*

**Comment:**

The election commission should be focused on ensuring the citizens of the state of South Carolina that their vote actually does count and cannot be manipulated. The only way to do this is to go back to paper ballots and same day voting with very limited early and mail in voting. There are examples of how this is successfully and quickly completed with transparency. Therefore, updating definitions is not necessary.

**Regulation 45-2: Sale of Lists Program**

**Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Sale of Lists Program."*

**Comment:**

Voter list should not be subject to sale. They should be available under the Freedom of Information Act. I object to "(b) The market value of the voter registration lists and the benefit to the State of South Carolina of revenue generated by the sale of lists program." There should be no market value. The cost of the list should be in alignment with what the SC FOIA customarily allows for the cost of such material.

#### **Regulation 45-3: Ballot Standards**

##### **Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the regulation will also be struck and amended to be "Ballot Standards."*

##### **Comment:**

By changing the regulations to go with what we currently is starting from a false premise. What we have is not trusted by many citizens.

#### **Regulation 45-4: Protest Hearings**

##### **Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Protest Hearings."*

##### **Comment:**

What are the details of the process? What kind of appeal is available if the decision is not satisfactory? Candidates should have recourse and remedies when such egregious errors are made. Where is the due process? This needs to be addressed.

#### **Regulation 45-5: Administration of Election Official's [sic] Oaths**

##### **Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Administration of Election Official's Oaths."*

##### **Comment:**

How can citizens verify that oaths were legally given? Where is the transparency?



**Regulation 45-6: County Reports****Statement of Rationale:**

*The State Election Commission (SEC) proposes to amend Regulation 456 to remove instructions no longer relevant to the current voting system used in South Carolina. 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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "County Reports."*

**Comment:**

We still have defective cards with this current new system. How is this being addressed.

**Regulation 45-7: Ballot Drop Boxes****Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Ballot Drop Boxes."*

**Comment:**

If the only concern is the electronic record, how are we sure that ballots are secure if they have to be rerun? Where are the checks and balances for all of the general public to see?

**Regulation 45-9: Candidate Nicknames****Statement of Rationale:**

*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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Candidate Nicknames."*

**Comment:**

Will this decision on nicknames be made on an individual basis? Should there be some sort of guidelines? Leaving this up to one individual opens the door for partisanship to be a factor.

Agency Name: Election Commission  
Statutory Authority: 7-3-10 and 7-3-20  
Document Number: 5192  
Proposed in State Register Volume and Issue: 47/6  
Status: Proposed  
Subject: R.45-1, Definitions

History: 5192

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

EXHIBIT

3

exhibitmaker.com

Document No. 5192  
**STATE ELECTION COMMISSION**  
CHAPTER 45  
Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-1. Definitions.

**Preamble:**

The State Election Commission (SEC) proposes to amend R.45-1 to remove obsolete and irrelevant definitions and to add new definitions.

**Section-by-Section Discussion:**

Amend R.45-1.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of 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: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

**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 regulation will be amended to strike the obsolete definitions and to add definitions that are relevant under current law.

#### 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.

#### Statement of Rationale:

The State Election Commission (SEC) proposes to update this regulation by striking definitions that are either no longer accurate with regards to the current voting system or no longer descriptive of any of the voting system's component parts or procedures, and by providing new definitions relevant to current law and the conduct of elections in South Carolina.

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

##### 45-1. Definitions.

~~A. The words "ballot card" shall mean the tabulation or punch card upon which an elector records his vote by the use of a vote recorder;~~

~~B. The words "ballot label" shall mean the card, paper, or other material placed on the vote recorder containing the names of offices and candidates and statements, questions, and propositions to be voted on; however, the ballot card and ballot label may be by design combined on the same card, paper, or other material if required to suit the particular type of vote recorder approved and being used in the county;~~

~~C. The words "defective ballot card" shall mean a ballot card that is so torn, bent, or otherwise defaced or has been marked by other than the marking device, so that it cannot be counted by the automatic tabulating machine;~~

~~D. The words "tabulating machine" shall mean any data processing machine used in counting ballot cards and tabulating votes thereon;~~

~~E. The words "vote recorder" shall mean a device into which a ballot card may be inserted so that an elector may record his vote for any candidate and for or against any question or proposition by punching or marking the ballot card; and~~

~~F. The words "vote recorder" or "tabulating machine" shall not include a voting machine.~~



In addition to the definitions stated under Title Seven, Chapter One of the South Carolina Code of Laws, the South Carolina State Election Commission provides the following definitions:

1. “Ballot Cast” shall indicate the final action a voter takes in selecting contest options and irrevocably confirming their intent to vote as selected. Examples include when a ballot has been deposited by the voter into a ballot box, ballot scanner or, in the case of an absentee ballot, when the ballot is received by the county board of voter registration and elections. Once a ballot is cast, it cannot be changed.

2. “Ballot Tabulation” shall indicate the act of recording the voter’s intent in selecting contest options, as memorialized on the voter’s ballot. A ballot is cast and tabulated upon deposit into a ballot scanner, which automatically records the votes of the ballot. A tabulator may be a person or device and the ballot is deemed tabulated once the voter’s intent is recorded.

3. “Candidate Representative” shall indicate an individual who assists a candidate during his election campaign and represents the campaign on behalf of the candidate.

4. “Current Identification” shall mean identification that is not expired.

5. “Electoral Board” shall mean a board or other authority empowered to hold a general or special election as defined under Title Seven, Chapter One of the South Carolina Code of Laws.

6. “Election official” shall indicate any person appointed to or employed by a federal, state, county, or municipal election authority or electoral board.

7. “Executive Director” shall indicate the Executive Director of the South Carolina State Election Commission.

8. “State Election Commission” shall indicate the South Carolina State Election Commission as established under Title Seven, Chapter Three of the South Carolina Code of Laws.

9. “Observer” shall indicate any member of the public who is not employed by an electoral board as a poll worker nor is designated by a political party or a non-partisan candidate as a poll watcher but is permitted at the discretion of the poll clerk to observe election activities inside a polling place.

10. “Poll Clerk” shall mean the lead poll manager who oversees the polling place and supervises the poll workers assigned to work there.

11. “Poll Manager” shall indicate a poll worker who takes direction from the poll clerk.

12. “Poll manager assistant” shall indicate poll workers who are sixteen or seventeen years old and assist poll managers.

13. “Poll worker” shall be a general term that describes any person employed by an electoral board to work at a polling place.

14. “Polling location technician” shall indicate an employee of an electoral board who provides technical support services for election equipment used at polling places. Also known as a PLT.

15. “Polling Place” shall have the same meaning as “voting place” as defined under Title Seven, Chapter One of the South Carolina Code of Laws.

16. “Poll Watcher” shall indicate an individual designated in writing by a political party, by a partisan candidate or by a non-partisan candidate to watch the election process inside a polling precinct.

17. “Results Compilation” shall indicate the act of aggregating results of an election into a central election management system. An example is when an electoral board assembles the tabulated results data of all participating precincts and uploads the data into a central election management system.

18. “Results Reporting” shall indicate the act of producing an understandable and discernable account of election results and publishing those results.

19. “Valid Identification” shall mean identification that is not false, suspended, cancelled, or revoked.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5193

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders

History: 5193

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

Document No. 5193  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-2. Instructions and Certification of Managers and Clerks in the Use of Vote Recorders.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-2 to remove obsolete content and instructions and replace it with new content relating to the sale of voter registration lists. The title of Regulation 45-2 will be amended to “Sale of Lists Program.”

**Section-by-Section Discussion:**

Strike and amend Regulation 45-2.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed repeal of Regulation 45-2.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulation 45-2, “Instructions and Certification of Managers and Clerks in the Use of Vote Recorders”, title to be amended as “Sale of Lists Program.”

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the sale of lists program conducted by the SEC.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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.

#### 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 repeal 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.

#### Statement of Rationale:

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Sale of Lists Program."

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

~~45-2. Instructions and Certification of Managers and Clerks in the Use of Vote Recorders.~~Sale of Lists Program.

~~Not less than ten nor more than twenty one days before each election in counties in which vote recorders are to be used, the commissioners of elections or other electoral board shall instruct or cause to be instructed in the use of the vote recorder, and in their duties in connection therewith, the managers and clerks appointed to serve in such election, and who have not been previously instructed and found qualified. The commissioners of election or other electoral board shall give to each poll manager and clerk, who has~~



~~received such instruction and is found qualified to conduct such election with the vote recorder, a certificate to that effect. For the purpose of giving such instructions, the commissioners of election or other electoral board shall call such meeting or meetings of managers and clerks as shall be necessary. Each manager and clerk shall, upon notice, attend such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the election with vote recorders. No manager or clerk shall serve at any election at which a vote recorder is used unless he shall have received such instructions, shall have been qualified to perform his duties in connection with the vote recorder, and shall have received a certificate to that effect from the commissioners of election or other electoral board. But nothing herein shall be construed to prevent the appointment of a person as a manager or clerk of election to fill a vacancy on the day of the election or on the preceding day.~~

A. The Executive Director of the South Carolina State Election Commission shall provide voter registration lists to qualified electors at a reasonable price through the Sale of Lists Program.

(1) Voter registration lists will be provided only to individuals who are qualified electors in the State of South Carolina.

(2) Voter registration lists must not contain information that state or federal law protects from disclosure.

(3) Voter registration lists must be provided in a format as determined by the Executive Director of the South Carolina State Election Commission.

(4) The Executive Director may determine a reasonable price for voter registration lists by considering as factors:

(a) Recouping the costs associated with running the Sale of Lists program. Costs include but are not limited to:

(i) Salary and benefits of all staff employed to implement and maintain the Sale of Lists program;

(ii) Costs of establishing, maintaining, and improving the statewide voter registration and election management system.

(b) The market value of the voter registration lists and the benefit to the State of South Carolina of revenue generated by the sale of lists program.

(c) Accessibility of the data to qualified electors.

(d) Any other factor as determined by the Executive Director.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5194

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: R.45-3, Tabulating Center Personnel

History: 5194

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

Document No. 5194  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-3. Tabulating Center Personnel.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-3 to remove obsolete content and instructions and replace it with new content relating to current standards for ballots used in South Carolina Elections. The title of R.45-3 will become “Ballot Standards”.

**Section-by-Section Discussion:**

Strike and amend the content of Regulation 45-3 with new content, including the regulation title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulation 45-3, current title “Tabulating Center Personnel”, title to be amended as “Ballot Standards”. South Carolina State Election Commission.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be standards for ballots used in South Carolina elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

**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.

#### 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.

#### **Statement of Rationale:**

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the regulation will also be struck and amended to be "Ballot Standards."

~~Indicates Matter Stricken~~

Indicates New Matter

#### **Text:**

#### ~~45-3. Tabulating Center Personnel~~Ballot Standards.

~~All tabulating center personnel must be trained or caused to be trained by the commissioners of election or other electoral board in their respective duties and certified as required in 45-2, above, of these Regulations. All programmers, operators, and other data center personnel performing any function or duty with respect to tabulating votes before election day, on election day, or subsequent to election day, shall take an oath as provided for managers and clerks in § 7-13-80 of the 1976 S. C. Code.~~

The South Carolina Ballot Standards Document (BSD) shall be the definitive reference resource for ballot design requirements and guidelines. The BSD provides for uniform ballot content, layout, design, and appearance of all ballots used in South Carolina elections and ensures that ballots conform to applicable state laws. All ballots created and used in any election shall conform to the standards and specifications as set forth in the BSD. Any election official who believes it is necessary to deviate from the standards set forth in the BSD must first request approval from the Executive Director or his designee and provide sufficient and timely documentation and information to support the request.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5195

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: R.45-4, Certification of Program Instructions

History: 5195

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
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Document No. 5195  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-4, Certification of Program Instructions.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-4 by striking its current contents and replacing it with new content relating to the conduct of protest hearings. The title of R.45-4 will be amended to “Protest Hearings”.

**Section-by-Section Discussion:**

Strike and amend the content of Regulation 45-4, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulations 45-4, “Certification of Program Instructions”, title to amendment to “Protest Hearings”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be certain procedures required that relate to the conduct of protest hearings.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

**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.

#### 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.

#### Statement of Rationale:

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Protest Hearings."

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

##### ~~45-4. Certification of Program Instructions.~~Protest Hearings.

~~During the official computer certification, all program test decks, program instructions, and print out sheets become property of the commissioners of election or other electoral board. All program instructions must be certified by the programmers who programmed them, and such instructions shall be kept with the test decks, and following consolidation and certification of the election returns filed as follows:~~

- ~~1. With the commissioners of election in general and special elections, other than municipal elections;~~

- ~~2. With the County Executive Committee in primary elections;~~
- ~~3. With the City or Town Clerk in municipal elections and;~~
- ~~4. With the electoral board charged with the duty of conducting any other type election.~~

A. Protests Heard by County Boards of Canvassers:

(1) County boards of voter registration and elections must notify the State Election Commission when a protest is filed and provide copies of the protest filing to the State Election Commission within one business day of being filed with the county board.

(2) County boards of canvassers must retain a court reporter for all protest hearings. The court reporter will attend the hearing of a protest, take down and prepare a full record of the protest hearing, and produce a written transcript of the protest hearing.

(3) The county board of canvassers must submit the written transcript of the protest hearing to the State Board of Canvassers no later than noon on the first Monday following the hearing of the protest.

(4) The county board of voter registration and elections is responsible for paying the costs associated with the hearing of protests under its jurisdiction, including fees for court reporters and transcripts.

B. Primary Protests and Appeals Heard by County Party Executive Committees and State Party Executive Committees:

(1) The State Election Commission must pay the costs of the court reporter and the transcript of political party primary protest and appeal hearings.

(a) The State Election Commission will pay the costs of the court reporter and transcript by reimbursing the political party for the expenses incurred.

(b) The State Election Commission will not pay the costs of the court reporter directly to the service provider except under exceptional circumstances as determined by the Executive Director.

(c) The State Election Commission must not pay or reimburse any additional costs associated with the conduct of the hearing.

(2) To pay the cost of any county or political party hearing, the state party executive committee, or their designee, must submit documentation of the costs to the State Election Commission. The State Election Commission will not accept requests for payment from county party executive committees except under exceptional circumstances as determined by the Executive Director.

(3) Documentation of the costs must be presented in the form of an invoice from the court reporter, and must be submitted to the State Election Commission by the party no later than sixty days after the date of the hearing. The State Election Commission will not pay costs when documentation is submitted more than sixty days after the date of the hearing except under exceptional circumstances as determined by the Executive Director.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5196

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: R.45-5, Ballot Envelopes and Fold Over Ballot Cards

History: 5196

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

Document No. 5196  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-5. Ballot Envelopes and Fold Over Ballot Cards.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-5 by striking its current contents and replacing it with new content relating to the conduct of oaths required of certain persons engaged to work during elections or on election-related matters. The title of R.45-5 will be amended to “Administration of Election Official’s Oaths”.

**Section-by-Section Discussion:**

Strike and amend the content of Regulation 45-5, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulations 45-5, “Ballot Envelopes and Fold Over Ballot Cards.”  
Title to become “Administration of Election Official’s Oaths”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the administration of oaths to certain persons engaged to work during elections or on election-related matters.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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.

#### 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.

#### Statement of Rationale:

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Administration of Election Official’s Oaths.”

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

~~45-5. Ballot Envelopes and Fold-Over Ballot Cards.~~Administration of Election Official’s Oaths.

~~—In vote recorder counties, in order to insure secrecy of the ballot and to provide for write-in space in elections, the commissioners of election or other electoral board shall authorize the use of one of the following types of ballot cards:~~

~~—A. Ballot Card and Envelope.~~

~~—1. Use in Primaries —the ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. After the polls close and the ballot box is opened, poll managers shall~~



~~separate ballot cards from ballot envelopes and the envelopes shall be returned to the County Executive Committee with other election supplies.~~

~~2. Use in Elections Other Than Primaries — the ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. The ballot card and the ballot envelope must remain together in the ballot box in order to constitute a valid vote. Separated ballots shall be classified as invalid ballots and shall not be counted. After the polls close, the poll managers shall review the ballot card and the ballot envelope to ascertain whether the voter has cast write-in votes. If no write-in vote is recorded on the ballot envelope, such envelopes shall be returned to the commissioners of election or other electoral board with the other election supplies. If a write-in vote has been recorded on the ballot envelope, the poll managers shall follow the provisions of § 7-13-1410(f) of the 1976 S. C. Code.~~

~~B. Fold Over Ballot Card.~~

~~1. Use in Primaries — after the polls close and the ballot box is opened, poll managers shall separate the punch portion of the card from the fold over portion and the latter portion shall be returned to the County Executive Committee with other election supplies.~~

~~2. Use in Elections Other Than Primary Elections — the punch portion of the card and the write in fold over portion must remain together in the ballot box in order to constitute a valid vote. Separated ballots shall be classified as invalid ballots and shall not be counted. After the polls close, the poll managers shall review the fold over ballot card to ascertain whether the elector has cast any write-in votes. If no write-in vote is recorded on the write-in portion of the ballot, then the write-in portion of the ballot card shall be returned to the commissioners of election or other electoral board with the other election supplies. If a write-in vote has been recorded on the proper portion of the fold over ballot card, the poll managers shall follow the provisions of § 7-13-1410(f) of the 1976 S. C. Code.~~

#### A. Board member oath required by S.C. Code 7-5-10.

(1) Every member of a county board of voter registration and elections must subscribe to the oath of office prescribed by Section 26, Article III of the S.C. Constitution.

(2) The member must subscribe to the oath once at the first meeting in which the member participates. The member must subscribe to the oath again after any break in service.

(3) The following persons are authorized to administer the oath:

(a) Chairperson, vice-chairperson, or secretary of the county board of voter registration and elections.

(b) A notary public commissioned to perform notarial acts pursuant to South Carolina Law.

(c) Any judge or magistrate recognized by state or federal law.

(4) To subscribe to the oath, the member must, in the presence of a person authorized to administer the oath, read and sign the oath on a form prescribed by the Executive Director.

(5) The county board must file the oath as soon as practicable with clerk of court of the county.

#### B. Board of canvassers member oath required by S.C. Code 7-17-10.

(1) Every member of a county board of canvassers must subscribe to the oath of office prescribed by Section 26, Article III of the S.C. Constitution.

(2) Members must subscribe to the oath at every meeting of the county board of canvassers in which the member participates.

(3) The following persons are authorized to administer the oath:

(a) Chairperson, vice-chairperson, or secretary of the county board of voter registration and elections.

(b) A notary public commissioned to perform notarial acts pursuant to South Carolina Law.

(c) Any judge or magistrate recognized by state or federal law.

(4) To subscribe to the oath, the member must, in the presence of a person authorized to administer the oath, read and sign the oath on a form prescribed by the Executive Director of the State Election Commission.

(5) The county board must keep a copy of the signed oath with the records of the meeting.

#### C. Poll manager's oath required by S.C. Code 7-13-72.

(1) Every poll clerk and poll manager, including poll manager's assistants and those serving as a poll clerk or manager in an early voting center, must subscribe to the oath of office prescribed by Section 26, Article III of the S.C. Constitution.

(2) Clerks and managers must subscribe to the oath once before performing any duty of a clerk or manager. Clerks and managers must subscribe to the oath again after any break in service. "Break in service" as used in this item is defined as not serving as a poll manager in any election within a one-year period of any election in which the manager is being appointed to serve.

(3) The following persons are authorized to administer the oath:

(a) Any member of the county board of voter registration and elections.

(b) Any person deputized by the county board of voter registration and elections to administer poll manager's oaths.

(c) A notary public commissioned to perform notarial acts pursuant to South Carolina Law.

(d) Any judge or magistrate recognized by state or federal law.

(4) To subscribe to the oath, the member must, in the presence of a person authorized to administer the oath, read and sign the oath on a form prescribed by the Executive Director of the State Election Commission.

(5) The county board must file the oath as soon as practicable with clerk of court of the county.

#### D. Poll manager's oath required by S.C. Code 7-13-100.

(1) Every poll clerk and poll manager, including poll manager's assistants and those serving as a poll clerk or manager in an early voting center, must subscribe to the election day oath once for each election.

(a) Early voting clerks and managers must subscribe to the oath before the opening of the early voting center on the clerk or manager's first day of working at the early voting period.

(b) Election day clerks and managers must subscribe to the oath before the opening of the polls on election day.

(2) The following persons are authorized to administer the oath:

(a) Any poll clerk or poll manager.

(b) Any member of the county board of voter registration and elections.

(c) Any person deputized by the county board of voter registration and elections to administer poll manager's oaths.

(d) A notary public commissioned to perform notarial acts pursuant to South Carolina Law.

(e) Any judge or magistrate recognized by state or federal law.

(3) To subscribe to the oath, the member must, in the presence of a person authorized to administer the oath, read and sign the oath on a form prescribed by the Executive Director of the State Election Commission.

(4) The county board must file the oath as soon as practicable with clerk of court of the county.

#### E. Ballot Printer's Oath.

(1) Any printer or employee of such printer engaged in the work of printing the official ballots for any election, or who has access to such work must subscribe to the printer's oath prescribed by S.C. Code of Laws 7-13-420 before any ballots are printed for any election.

(2) The following persons are authorized to administer the oath:

(a) Any member of the county board of voter registration and elections.

(b) Any person deputized by the county board to administer the Printer's Oath.

(c) The Executive Director of the South Carolina State Election Commission.

(3) To subscribe to the oath, the printer or employee must read and sign the oath on a form prescribed by the Executive Director of the State Election Commission and provide the signed copy to the county board of voter registration and elections.

(4) The signed copy must be retained with the county board's records of the election.

#### F. Voting System Custodian's Oath

(1) Any person who operates the tabulating devices in any election or preparatory thereto must subscribe to the Voting System Custodian Oath authorized by S.C. Code of Laws 7-13-1500. The text of the oath must be prescribed by the Executive Director. Persons required to subscribe to oath shall include any person who has access to election equipment.

(2) To subscribe to the oath, the member must, in the presence of a person authorized to administer the oath, read and sign the oath on a form prescribed by the Executive Director of the State Election Commission.

(3) The signed copy of the oath must be filed with the records of the county board of voter registration and elections.

G. The Executive Director may require any additional oaths of state, county, and municipal election officials as he may deem necessary to aid in ensuring the accuracy, integrity, and credibility of the state's elections.

Agency Name: Election Commission  
Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655  
Document Number: 5197  
Proposed in State Register Volume and Issue: 47/6  
Status: Proposed  
Subject: R.45-6, Defective Ballot Cards

History: 5197

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

Document No. 5197  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-6. Defective Ballot Cards.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-6 by striking its current contents and replacing it with new content relating to certain reports to be made to the SEC that will be required of county boards of voter registration and elections. The title of R.45-6 will become “County Reports”.

**Section-by-Section Discussion:**

Strike and amend the content of Regulation 45-6, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulations 45-6, “Defective Ballot Cards”, title to become “County Reports”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be certain reports to the SEC required of county boards of voter registration and elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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.

#### 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.

#### **Statement of Rationale:**

The State Election Commission (SEC) proposes to amend Regulation 45-6 to remove instructions no longer relevant to the current voting system used in South Carolina. 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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "County Reports."

~~Indicates Matter Stricken~~

Indicates New Matter

#### **Text:**

45-6. ~~Defective Ballot Cards.~~ County Reports.

~~Defective ballot cards in precincts using vote recorders may be separated from other ballot cards, duplicated according to § 7-13-1410(f) of the 1976 S. C. Code, tabulated and added to the official election returns of the precinct. When a defective ballot is duplicated, one election official shall read the defective ballot to a second election official who shall punch the duplicated card. Such punched duplicated card and~~



~~the original shall be reviewed by one other election official in order to be sure a true and accurate duplicate of the original ballot has been made.~~

A. County Boards of Voter Registration and Elections shall report the following to the State Election Commission:

(1) Any act by any person that reasonably appears to constitute an offense listed under Title 7, Chapter 25 of the 1976 South Carolina Code of Laws.

(2) Any other act by any person that reasonably appears to be a substantial violation of state or federal law that regulates the conduct of elections;

(3) Any act by any person in violation of state law, where the violation may affect a Board's conduct of voter registration and elections.

(4) This section only requires a report of the events described, and nothing in this section shall prevent a Board from first reporting the acts described in subsections (1) to (3) above to law enforcement authorities.

B. County Boards of Voter Registration and Elections shall also report to the State Election Commission the following:

(1) Any lawsuit served on the Board relating to the Board's conduct of voter registration or elections;

(2) Any correspondence received by the Board stating that the Board is, or may be, in violation of state or United States law regulating the conduct of voter registration or elections;

(3) Any correspondence received by the Board stating or implying that the sender is contemplating litigation due to an alleged violation of state or United States law regulating the conduct of voter registration or elections;

(4) Any correspondence received by the Board requesting action by the Board that would affect the conduct of voter registration or elections.

(5) This section only requires a report of the events described in subsections (1) to (3) above within the time set forth in Section (C) below. County Boards should consult their own legal counsel for advice on handling legal matters.

C. Reports covered under this regulation should be made to the State Election Commission within thirty days of the County Board becoming aware of the event to be reported.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5198

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: R.45-7, Ballot Cards, Sealed After Tabulation

History: 5198

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		

Document No. 5198  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-7. Ballot Cards, Sealed After Tabulation.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-7 by striking its current contents and replacing it with new content regulating the use of ballot drop boxes. The title of R.45-7 will be amended to “Ballot Drop Boxes”.

**Section-by-Section Discussion:**

Strike and amend the content of Regulation 45-7, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-7.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Regulation 45-7, “Ballot Cards, Sealed After Tabulation”, title to become “Ballot Drop Boxes”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the use of ballot drop boxes.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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.

#### 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 45-7.

#### 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.

#### Statement of Rationale:

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Ballot Drop Boxes."

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

#### ~~45-7. Ballot Cards, Sealed After Tabulation.~~Ballot Drop Boxes.

~~In vote recorder precincts, as soon as the ballot cards for a precinct have been run through the computer, the ballot cards, together with a copy of the precinct return and the precinct header cards shall be placed in a container plainly marked with the precinct name, sealed with paper seals, signed by at least two election officials and filed as follows:~~

- ~~1. With the commissioners of election in general and special elections, other than municipal elections;~~
- ~~2. With the County Executive Committee in primary elections;~~

~~3. With the City or Town Clerk in municipal elections and;~~

~~4. With the electoral board charged with the duty of conducting any other type of election.~~

A. A county board of voter registration and elections may not utilize absentee ballot drop boxes for receiving or collecting completed absentee ballots.

B. For purposes of this regulation, ‘absentee ballot drop box’ or ‘drop box’ means an unattended, secure receptacle established, provided, controlled, or operated by an electoral board for the purpose of receiving or collecting completed absentee ballots.

Agency Name: Election Commission

Statutory Authority: 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

Document Number: 5199

Proposed in State Register Volume and Issue: 47/6

Status: Proposed

Subject: 45-9, Write-in Ballots, Sealed After Tabulation

History: 5199

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	06/23/2023	Proposed Reg Published in SR		



Document No. 5199  
**STATE ELECTION COMMISSION**  
**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-325, 7-13-1490, and 7-13-1655

45-9. Write-in Ballots, Sealed After Tabulation.

**Preamble:**

The State Election Commission (SEC) proposes to amend Regulation 45-9 to remove obsolete content and instructions and replace it with new content relating to the use by candidates of nicknames and derivative names on ballots. The title for R.45-9 will be amended to “Candidate Nicknames”.

**Section-by-Section Discussion:**

Strike and amend Regulation 45-9.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Notice of Public Hearing and Opportunity for Public Comment:**

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 45-9. “Write-in Ballots, Sealed After Tabulation”. Title to become “Candidate Nicknames”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be nicknames used by candidates for electoral office that are to be printed on ballots.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-325, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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.

#### 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.

#### Statement of Rationale:

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 current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Candidate Nicknames."

~~Indicates Matter Stricken~~

Indicates New Matter

#### Text:

45-9. ~~Write in Ballots, Sealed After Tabulation.~~ Candidate Nicknames.

~~After tabulation, the ballot envelopes or fold over write in portion shall be placed in a container clearly marked with the precinct name, sealed with paper seals, signed by at least two election officials, and filed as follows:~~

- ~~1. With the commissioners of election in general and special elections, other than municipal elections;~~
- ~~2. With the County Executive Committee in primary elections;~~

- ~~3. With the City or Town Clerk in municipal elections and;~~
- ~~4. With the electoral board charged with the duty of conducting any other type of election.~~

The final decision on whether a candidate authorized by law to appear on a ballot in a general, special, or primary election in this State for any office may use their nickname, or derivative name to appear on a ballot is at the discretion of the Executive Director.

William R. Scott

Sumter, SC 29154

August 20, 2023

Howard M. Knapp, Executive Director  
SC State Election Commission  
PO Box 5987  
Columbia, SC 29250

Dear Mr. Knapp,

I attended the SC Election Commission hearing at 10am on Wednesday the 16<sup>th</sup> of August, and I wish to request an appeal of the commissions decision to only remove one word and adjust a comma before approving the collection of documents that were presented during this hearing.

I must admit that I, like many of the other citizens who provided inputs during this hearing, was very disappointed to witness the committee's actions during this hearing. Based on the committee's decision to approve the changes as presented (after hearing all the inputs that were presented), it is my desire to appeal the committee's decision to approve all of the changes as written-presented during this hearing.

I wish to request that the transcript from the 10am 16 August hearing be reviewed in detail, as I firmly believe that the committee received a numerous number of valid inputs from the citizens that spoke during this hearing.

Sincerely,



William R. Scott

July 21, 2023

Margaret Shelps

Aiken, SC 29803

Phone: [REDACTED]

Mr. Howard Knapp  
Executive Director, South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250-5987

**RE: Notice of Public Hearing and Opportunity for Public Comment:**

Comment on Notice of Proposed Regulations as authorized under Title 7 (Section 1-23-110(A)(3) of the 1976 of the South Carolina Code of Laws.

Observation of Public Hearing held August 16, 2023

- 1- The commissioners appeared disinterested in public comment and did not participate in questions or comments provided by the audience.
- 2- Instead of discussion, the citizens were told they need to take issues up with the General Assembly.
- 3- There was no discussion for any of the documents after lengthy public comments.
- 4- The meeting was held as a mere formality to move documents along to the General Assembly, this is my opinion after speaking to 3 of the commissioners after the meeting.
- 5- **I left the meeting with the impression that the commissioners are ramming these regulations through and giving more power to the "Executive Director of the S.C. SEC"**
- 6- I felt intimidated by the police presence. The officer should not have been placed at the commissioner's table. If he was there as a precaution, he should have been placed either near the door or with the audience.

**Regarding Document No. 5192 R.45-1 Definitions**

- During the presentation of this document, it was stated that Poll managers should be trained on rights of Poll Watchers to remedy counties not treating them uniformly
- Although State cannot oversee county treatment of Observers and Poll Watchers, the Election directors have a direct line to the State Executive Director. I propose the Candidate or Political party which the poll watchers represent be offered the same courtesy.
- **Definition 12- Poll Manager Assistant** should reiterate the language from Section 7-13-110: Sixteen- and seventeen-year-olds must serve under supervision of the chairman of the managers of the polling place, and their specific duties must be prescribed by the county board of voter registration and elections.

Note: this is often overlooked when assigning assistants

- **Definitions 4 and 19** do not include that the voter must be a U.S. Citizen and the identification must not be expired.
- **Definition 17** should include mention that a Board member must be present during "Results Compilation"
- Include the definition from former regulation: 45-3 Tabulating Center Personnel.  
All tabulating center personnel must be trained or caused to be trained by the commissioners of election or other electoral board in their respective duties and certified (*certification should be spelled out in other documents if the existing law is not clear*). All programmers, operators, and other data center personnel performing any function or duty with respect to tabulating votes before election day, on election day, or subsequent to election day, shall take an oath as provided for managers and clerks in Section 7-13-80 of the 1976 S. C. Code.

### **Regarding Document No. 5193 R.45-2 Sale of Lists Program**

- The citizens provided much input as to the restrictive pricing of this program and how it **could be remedied by training personnel in the use of extracting data and/or reports from the main database**. No discussion from commissioners ensued.
- There are many references that entitle the Executive Director ultimate determination
  - o For example
    - A.(3)...as determined by the Executive Director of the SC SEC
    - A.(4)...the Executive Director may determine
    - A/(4)(d)...as determined by the Executive Director
- A.(4)(a)The cost of procure data should not be inflated so as to pay for the Sale of Lists program
  - o The “qualified electors” should not have to pay for this program
  - o How is the cost of the Sale of Lists program determined?
- Is the Sale of Lists program defined anywhere else?

### **Regarding Document No. 5195 R.45-4 Protest Hearings**

- There are many references that entitle the Executive Director ultimate determination
  - o For Example
    - B.(1)(b) ...as determined by the Executive Director
    - B.(2) ...as determined by the Executive Director
    - B.(3) ...as determined by the Executive Director

### **Regarding Document No. 5196 R.45-5 Administration of Election Official’s Oaths**

- I questioned C (Poll managers oath required by S.C. Code 7-13-72)
  - o (1) Every poll clerk and poll manager, including poll manager’s assistants ...must subscribe to the oath of office...
  - o I questioned whether a minor (poll manager’s assistants) can take a legal oath
  - o Response from executive Director “this is copied from the law”
    - I don’t see this specifically mentioned in 7-13-72 or in 7-13-100
- F.(1) – how frequent must this oath be signed?
- G. “the Executive Director may....as he may deem necessary...”

### **Regarding Document No. 5197 R.45-5 Administration of Election Official’s Oaths**

- This is subjective and overly vague

**I wish to request that the transcript from the 10AM August 16<sup>th</sup> hearing be reviewed in detail (and immediately placed on the SEC website). I firmly believe the committee received numerous valid inputs from citizens who spoke at the hearing and pre-submitted comments.**

Sincerely,

Margaret Shelps



Janis Price

Aiken, SC 29803

Thomas Nicholson  
SC State Election Commission  
1122 Lady St.  
Columbia, SC 29201

Dear Mr. Nicholson,

Pursuant to SC Code 1-23-111(B), I am submitting written comments to be recorded in the record of the public hearing on Wednesday, August 16, 2023.

Along with two dozen citizens from all over the state, I attended a hearing at the State Election Commission. During this 3 ½ hour hearing, I made several observations. First of all, with the exception of a few notes taken by Chairman Wells, the board members did not appear to take notes about what the members of the public testified to. In addition, it was noted by more than one attendee that during the hearing the Executive Director appeared disinterested in the proceedings, and was on his phone for not an insignificant amount of time. The biggest surprise was that there was a police officer sitting at the table near the Election Commission director. This was completely unnecessary, a waste of taxpayer dollars, and created a hostile environment.

While Chairman Wells engaged with the public at the hearing, only one other board member asked questions, and the rest did not provide input as to the testimony that was made. I would like to raise an objection as to how the voting was handled. If one were following Robert's Rules of Order, each individual proposed regulation would have been voted on immediately after the testimony was received and discussion concluded. This would have allowed the information to be fresh in everyone's mind prior to the vote.

However, that is not what happened. The testimony for all regulations were heard, then the Chairman made a motion to vote on them as a block, after which Mr. Nicholson stated that they would have to go back to the drawing board if any substantive changes were made and start the process of resubmitting regulations to the State Register (pursuant to SC Code 1-23-110(C)(2): "Following the public hearing and consideration of all submissions, an agency must not submit a regulation to the General Assembly for review if the regulation contains a substantive change in the content of regulation as proposed pursuant to subsection (A)(3) **and** the substantive change was not raised, considered, or discussed by public comment received pursuant to this section. The agency shall refile such a regulation for publication in the State Register as a proposed regulation pursuant to subsection (A)(3)." [emphasis added]

Read that code carefully. The word 'and' is key. The SEC proceeded under the impression that any changes would require the process to start from the beginning, when in actuality – and I

confirmed this by contacting the SC Legislative Council myself today – changes could have been submitted if they were discussed during the hearing. What that statute prevents is a unilateral change by the SEC without public input at the hearing.

Additionally, according to 1-23-110(C)(1) “The agency shall consider fully all written and oral submissions respecting the proposed regulation.”

I do not believe the agency considered all written and oral submissions prior to voting not to make substantive changes.

The Board therefore had the obligation to consider and make certain changes that were raised during testimony. However, once Mr. Nicholson stated that any substantive changes would require the board to have to go back to the beginning of the process, it became obvious very quickly that the board members were averse to making changes, even though after the testimony was given, it was clear that there were several changes that would have resulted in better regulations. Please refer to the testimony provided by myself and others (both written and oral) and the transcript of the hearing.

Specifically, 45-1 contains definitions. It was pointed out that some shifting around of definitions ought to take place, as the commission defined words that they had not yet created regulations for. The recommendation was to postpone defining those words until the relevant regulation was promulgated since the words are being defined without any context. Additionally, new terms are being created such as ‘ballot cast’, which the SEC stated is defined by the EAC, but I am not able to find anywhere in the EAC website. I am familiar with the term ‘cast ballot’. Perhaps this is the word they were wanting to define?

45-2 is outside the scope of what should be regulated by the Elections Commission in the first place, as it does not give counties clarity on how to conduct elections per state law. Besides that, the methods which are described in the regulation contradict what is standard practice elsewhere in the State of South Carolina, as testified by an expert witness with over 26 years of relevant experience. This regulation seems to be trying to justify the continued excessive price of voter rolls compared to the ‘reasonable price’ allowed by state law.

45-4 B. again attempts to regulate what the SEC will do, which is in direct contradiction to the law governing the agency’s promulgation of regulations. The purpose of these regulations is to direct counties in the conduct of elections. If the legislature wanted the SEC to write regulations governing themselves, they would have explicitly written it in the law.

45-5 contradicts what is currently written in SC state law. State law requires oaths to be filed ‘immediately’, and the regulation relaxes it by allowing it ‘as soon as practicable’. Additionally, the regulation adds a ‘break in service’ which contradicts the law that requires it before each election. This confuses the process greatly and will necessitate a more complex tracking system than if they were simply required of everyone every time.

45-9 is another example. We suggested they refer to the SC Code that defines what a nickname is to provide clarity and give authority to the counties. However, this regulation, along with several others, gives large amounts of discretion to the Executive Director without reaffirming what the criteria are to begin with. We testified that this would create confusion instead of bring clarity.

The bottom line is this. The public, who spent the greater part of a day testifying to help improve the process and create clarity for the counties in the conduct of their elections, left with the impression that the State Election Commission was just going through the motions to check off the box of having had a hearing, with no real intentions of taking into consideration well-thought-out constructive criticism that would improve the process for the counties, which is the whole point of promulgating regulations to begin with.

At one point in the hearing, it became blatantly obvious that the Executive Director himself did not even have a firm grasp of SC law regarding the oaths of office. He stated that it was not practical to *immediately* file the oaths with the clerk of court because the clerk of court is not open at 6:30 am before the polls open. However, he failed to take into account that there are two different oaths with two different requirements, which was explained in my testimony. One oath is taken up to a month before the election, which is then filed with the clerk of court, while the oath taken at 6:30 in the morning before polls open is *not* required to be filed with the clerk of court, rather it is to be kept with the ballots in the ballot box. There were also major issues raised with regard to oaths require given to the assistant poll managers who are minors and not legally of age to be taking an oath.

Throughout the regulations there is wording that gives the Executive Director the final word on a decision. This language gives a lot of power to the Executive Director, and as was pointed out in the testimony, there are other ways that the regulations could have been worded so as to provide more clear direction to the counties in the conduct of their elections.

A few other observations: 1-23-110(B) states "Notices required by this section must be mailed by the promulgating agency..." I mailed a letter (as well as e-mailed) but I only received a response from the SEC via e-mail. Does that mean I can request a hearing by e-mail as well?

SC Code 1-23-111 states that "...The presiding official shall allow questioning of agency representatives or witnesses..." At no time during the hearing was this fact explicitly disclosed to the citizens at the hearing. Section (C) states "If the presiding official determines that the need for or reasonableness of the proposed regulation has not been established..." This was not addressed at all in the hearing. The mere mention of potentially having to go back to the drawing board made them reticent to make any changes at all, regardless of need.

It appears the SEC has not complied with more than one section of SC Code 1-23-110 & 111. I request that the Committee reviewing these regulations take this into consideration and review in full the testimony and materials presented to the SEC, and that the SEC be required to

reconsider and edit those regulations where ample evidence was brought forward justifying those changes.

Thank you in advance for your consideration.

Sincerely,

Janis Price