

STATE ELECTION COMMISSION
MEETING MINUTES
July 17, 2024
10:00 a.m.

1122 Lady Street, 5th Floor
Columbia, SC 29201

Present: Hon. Dennis Shedd, Chairman; Ms. JoAnne Day; Mr. Clifford Edler; Ms. Linda McCall; Mr. Scott Moseley; All commissioners attended via teleconference.

Others Present: Howard Knapp, Executive Director; Thomas Nicholson, General Counsel; Jenny Wooten McGill, Director of Government Affairs and Policy.

Chairman Shedd confirmed all commissioners are present and that there is a quorum and called the meeting to order. Director Knapp advised all notices of the meeting had been posted as required by the Freedom of Information Act.

COMMISSIONERS

HON. DENNIS W. SHEDD
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

Approval of Minutes

The first item of business was the approval of minutes for the June 14, 2024, State Board of Canvassers (SBC) meeting. A motion was made by Ms. Day to approve the minutes, seconded by Mr. Edler. The motion was approved by unanimous vote. Ms. Day motioned to approve the minutes from the June 28, 2024, State Board of Canvassers (SBC) meeting, followed by Mr. Edler. The motion was approved by unanimous vote. Ms. Day motioned to approve the minutes from the July 17, 2024, State Election Commission (SEC) meeting, followed by Mr. Edler. The motion was approved by unanimous vote.

HOWARD M. KNAPP
Executive Director

New Business

System Upgrade to ES&S's Electionware software – Version 6.3.3.0

Director Knapp advised the commission that he recommends the commission approve the system upgrade. Director Knapp explained the system upgrade and shared that the upgrade was certified by the Election Assistance Commission (EAC), and each state completes its own security testing. The upgrade passed the SEC security testing in May 2024, and the new software will be used on any new equipment purchased. The upgrade enhances the central count scanners and helps existing ballot marking devices to be calibrated more easily. Currently, only English is on the ballot card, but would allow for additional language on the ballot card. States are mandated by the Department of Justice to include other languages if the state meets a certain population threshold under the census. However, Director Knapp shared that we anticipate that South Carolina will meet the population threshold at the next census. Chairman Shedd asked about the population threshold and confirmed that there will be nothing adding related to other languages on the ballot. Director Knapp confirmed that the upgrade means we have the capability to add additional languages on the ballot but it will not go into effect at this time or before the next election.

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Chairman Shedd made a motion in favor of approving the upgrade. Ms. Day seconded the motion. The software upgrade was approved by unanimous vote.

General Election Workshops

Director Knapp gave an update to the commission about the three statewide training workshops taking place ahead of the November General Election. The SEC will be holding a security workshop as a joint effort by the SEC, SLED, DHS.

Director Knapp provided an update on the two workshops scheduled for September for county election directors and staff and board member workshops to go over what needs to be done for the General Election. SEC commissioners do not have an obligation to be involved.

State Election Commission's Oral Public Comment Policy

Director Knapp provided an update on the commission's public comment policy and shared that it is up to the commission to determine if there should be a change in the public comment policy. Chairman Shedd shared that he believes that if someone wants to come to a commission meeting and take a minute to share comments, then they should be able to do this. The commission agreed to leave the policy like it is but should think about making changes and revisit at a later meeting.

State Election Commission Regional Meetings

Director Knapp shared that the South Carolina code allows for the commission to meet at other locations and times. Chairman Shedd asked if regional meetings are ever held for better access to the public. Director Knapp explained it is feasible to hold regional meetings. Chairman Shedd asked if it needs to be decided today or at another meeting. Chairman Shedd opened discussion for the commissioners. Chairman Shedd expressed thoughts to have meetings across the state so that the commission can hear local comments and the regional meetings would allow for the public to see the meetings and provide for better transparency. Commissioner Moseley shared that he believes it is a good idea. Ms. Day asked if we would have all these meetings before the general election. Chairman Shedd expressed that he would like to have meetings ahead of the general election so people could see the process of the commission and allow the public to give comments. Director Knapp shared scheduling considerations for the remainder of the year. Chairman Shedd asked the commission if they feel it's worth pursuing and come up with a tentative plan. Commissioner McCall shared that she is okay with it but expressed concerns about travel time. Chairman Shedd asked for the SEC staff to put together a proposal for moving forward with this idea. Ms. Day brought up the prospect of including items on the agenda that the public would like to know about.

Old Business

FY 24-25 Agency Budget Request Update

Director Knapp provided an update to the commission about the agency's budget request and what was funded through the regular budget process. Director Knapp also gave an update on the agency's provisos. Director Knapp explained Proviso 117.178 that covers libraries and the penalties to libraries that refuse to be polling locations.

Agency Regulations Update

Director Knapp provided an update to the commission about the agency's regulation amendment project to review the existing regulations that are outdated and replace them. Director Knapp shared

that existing regulations are outdated and antiquated. Director Shedd asked if the old regulations are still in place until they are replaced. Director Knapp further discussed the existing regulations and explained that the updated regulations must go to the general assembly for their consideration. Chairman Shedd asked if the commission had an opportunity to review the regulations. Director Knapp shared that the commission has reviewed the regulations and held a public comment hearing last year.

Election Infrastructure Security Update

Director Knapp shared that the agency received a grant from Congress that primarily pays for security upgrades. Director Knapp shared that the agency continues to receive harassing and threatening phone calls surrounding non-citizens voting. Chairman Shedd expressed that the public could be confused by the NVRA declination form and that there may be a larger issue surrounding the declination form. Chairman Shedd asked if any other security agencies have been advised of the threats. Chairman Shedd expressed the need for de-escalation training for those who receive calls from the public. Chairman Shedd asked questions about what is checked to confirm someone is not a citizen and how we know there are no non-citizens registered to vote. Director Knapp explained that there is no law allowing for verification of citizenship. Director Knapp explained that there is a process through with the SEC checks lists of non-citizens received from the DMV that the SEC checks against the voter registration system and the DHS SAVE Program. There was further discussion around what is available to verify citizenship of the voter rolls. Chairman Shedd asked if the SEC is comfortable that we check voter rolls as best we can and as best as we know how for non-citizens. Director Knapp confirmed this. Chairman Shedd asked if the commission were to initiate a program to verify citizenship would there be legal challenges around trying to start a program to verify citizenship. Chairman Shedd expressed that the SEC is undertaking everything possible to try and check the voter list for non-citizens. Chairman Shedd expressed that the agency should be cautious over statements made to the public around non-citizens on the voter list. There was discussion about the declination form distributed to the public by motor voter agencies.

EXECUTIVE SESSION

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

Chairman Shedd stepped away from the meeting for discussion of the Public Interest Legal Foundation case.

No votes were taken during executive session. Ms. McCall made a motion to exit executive session, seconded by Ms. Day. The motion passed unanimously.

Director Knapp reminded the Commissioners the next SEC meeting would be Wednesday, August 21, at 10:00 a.m.

Chairman Shedd suggested putting something on the website to advise the public to call ahead to make an appointment. Chairman Shedd brought up access to a polling place and groups of people forming at the entrance of the polling location. Further discussion around current statutes related to campaign signs, campaign literature, or candidates or their proxies campaigning or standing outside polling location.

With no further business to discuss, Chairman Shedd closed the meeting.