

March 3, 2017

The Honorable Gary E. Clary, Chairperson  
Executive Subcommittee  
Legislative Oversight Committee  
South Carolina House of Representatives  
P.O. Box 11867  
Columbia, S.C. 29211

Dear Representative Clary:

The South Carolina State Election Commission (SEC) has received the Subcommittee's request for information in reference to the Legislative Oversight Committee's study of the agency. Included with this letter are the responses to the questions posed.

#### Voter Fraud

- Have there ever been any verified cases of voter fraud in South Carolina?
- What actions does the state take to try and prevent voter fraud?
- How does the state investigate allegations of voter fraud?
- How does the state address circumstances of voter fraud, when it is found to have occurred? If it has never been found to have occurred, what would the state do to address the situation if found in the future?
  - Please see Attachment A.

#### Local v. State Responsibilities

- Please provide a side by side bulleted list of which aspects of elections are the responsibility of the State Election Commission v. Local Election Officials.
  - Please see Attachment B.
- Please explain who serves as the governing body over the local election officials and if there are any differences among them.
  - Please see Attachment C.
- Please provide a list of the training local election officials are required to complete. Please note if any of the training is required on a regular basis (e.g. annually, before each election, etc.)
  - Please see Attachment D.
- What steps are taken to ensure local officials obtain this training?
  - Please see Attachment E.
- Please provide a table which includes the following: (1) under the first column, a list of common complaints received from the public regarding the election process; (2) under the second column human issues, if any that may cause the situation from which each of the common complaints arise; (3) under

#### COMMISSIONERS

BILLY WAY, JR.  
Chairperson

MARK A. BENSON

MARILYN BOWERS

E. ALLEN DAWSON

NICOLE SPAIN WHITE

---

MARCI ANDINO  
Executive Director

---

1122 Lady Street  
Suite 500  
Columbia, SC 29201

P.O. Box 5987  
Columbia, SC 29250

803.734.9060  
Fax: 803.734.9366  
www.scvotes.org

the third column, equipment or mechanical issues, if any, that may cause the situation from which each of the common complaints arise; and (4) under the fourth column, current laws, if any, that may cause the situation from which each of the common complaints arise.

- Please see Attachment F.

Should the Subcommittee have any additional questions, regarding this matter, please contact this office.

Sincerely,

Signature Redacted

Marci Andino  
Executive Director

# Attachment A

## Voter Fraud

- Have there ever been any verified cases of voter fraud in South Carolina?
  - The State Election Commission does not have the authority to investigate or prosecute alleged voter fraud. Voter fraud is investigated by law enforcement and prosecuted by Solicitors. As a result, the State Election Commission is not necessarily aware of all verified cases of voter fraud in the state. While the State Election Commission is aware of some isolated cases of election crimes, the best source of comprehensive information on these cases are the offices that investigate and prosecute these alleged crimes. While the agency has no comprehensive information about all cases of voter fraud, the known cases seem to indicate that voter fraud is not a significant or widespread problem in South Carolina.
- What actions does the state take to try and prevent voter fraud?
  - The State Election Commission takes voter fraud very seriously and has implemented numerous actions to ensure that everyone eligible to vote has the opportunity to vote, and to ensure those who are not eligible to vote do not vote.
    - Voter Registration
      - Voters must be registered to vote. In applying for voter registration, voters swear under penalty of law that they are qualified. Voters who register by mail must provide proof of identity before voting for the first time. Voters who register online are verified through a crosscheck with Department of Motor Vehicles records.
    - Absentee Voting
      - Voters are required to request an application for absentee voting for each election. Voters sign the application. Voters who are mailed a ballot must also sign the ballot envelope and have it witnessed. Original voter signatures are kept on file at each county voter registration and elections office. Voters who vote absentee in person are required to show one of five qualified Photo IDs before voting.
    - Voting at the Polls
      - Voter registration lists and procedures ensure voters are registered before voting. Voters are required to show one of five qualified Photo IDs before voting. An exception for voters who have a reasonable impediment to obtaining a Photo ID allows these voters to vote after signing an affidavit attesting to their identity and impediment. Voters are required to sign a poll list before voting.

- Training
    - County boards of registration and elections are trained in the proper procedures for conducting voter registration and elections. Election-specific training is conducted prior to every statewide election.
    - Poll Workers are trained by county election officials prior to every election using a training program approved by the State Election Commission.
    - Voters are educated and informed on the proper procedures for registering to vote and voting.
    - SEC conducts a monthly training and information sharing session with county directors.
  - Election Infrastructure Security
    - The agency takes all reasonable measures to secure the state's election infrastructure.
    - The SEC works with the Department of Administration, the State Law Enforcement Division, the S.C. National Guard, the U.S. Department of Homeland Security, the Federal Bureau of Investigation, and private vendors to ensure the physical and cyber security of the state's election infrastructure.
    - Voter Registration System contains numerous security elements and features to include the use of Two-Factor Authentication for system user access.
    - Voting System equipment is not connected to the internet.
- How does the state investigate allegations of voter fraud?
  - The State Election Commission does not have the authority to investigate voter fraud. The SEC provides any evidence of voter fraud to the State Law Enforcement Division. However, allegations of voter fraud typically occur at the county level. The SEC instructs county boards of registration and elections to provide any evidence of voter fraud to local law enforcement or Solicitors. The SEC instructs members of the public to provide any allegation or evidence of voter fraud to local law enforcement.
- How does the state address circumstances of voter fraud, when it is found to have occurred? If it has never been found to have occurred, what would the state do to address the situation if found in the future?
  - If the SEC is notified of instances of voter fraud by the results of prosecution, the SEC conducts assessments of state and county operations to identify areas and processes that may need revision.

## ATTACHMENT B

### Election Official Responsibilities

State Election Officials	County Boards of Voter Registration and Elections
Supervise the conduct of county boards of voter registration and elections.	
Conduct reviews, audits or other post-election analysis of county boards to ensure compliance.	
Maintain the statewide voter registration database and provide access to county boards.	Add new registrations and make changes to existing registrations. Determine assignment of proper precinct and election districts.
Remove name of any elector who is no longer qualified to vote and notify electors.	
Furnish voter registration lists to county boards for all elections.	
Procure, lease and contract for use of equipment and services used by agency.	
Furnish at a reasonable price lists of voters to any qualified elector.	
Serve as chief state election official for implementing Federal Acts.	
Publish on agency website changes to voting procedures enacted by state or local governments.	
Administer training and certification program for county and municipal election officials.	
Report noncompliant county board members to legislative delegations and Governor.	
Recommend corrective action plans for non-compliant County Board members.	
	Conduct voter registration and notify applicant of disposition of application.
	Hold hearings when the legal qualifications of a voter are challenged.
Furnish registration forms and other election materials to county boards.	
Coordinate a registration program with state agencies designated to conduct voter registration activities under the National Voter Registration Act.	Process applications received from agencies designated to conduct voter registration activities under the National Voter Registration Act.
Maintain a record of voter participation for all elections.	

State Election Officials	County Boards of Voter Registration and Elections
	Determine polling places/alternative polling places.
	Perform reassignment of precincts and/or reapportionment when precincts and/or district lines are changed.
Certify/decertify political parties.	
Provide a candidate filing and tracking system for use by county boards and the public.	
Conduct candidate filing for statewide offices, Congressional, and Solicitor.	Conduct candidate filing for State Senate, State House, countywide and less than countywide offices.
Provide petition forms.	
Receive petitions for new political parties.	Check petitions for new political parties.
	Check all petition forms.
Receive petitions for candidates wishing to run for statewide offices, Congressional, and Solicitor/determine candidate qualifications.	Receive petitions for candidates wishing to run for State Senate, State House, countywide and less than countywide offices/determine candidate qualifications.
Provide a system for candidate filing.	
Determine if a candidate for statewide or multicounty office has withdrawn for a legitimate nonpolitical reason.	Determine if a candidate for countywide or less than countywide office has withdrawn for a legitimate nonpolitical reason.
Train/advise county boards in conducting primaries.	Conduct primaries and runoffs.
Train/advise county boards in conducting general and special elections.	Conduct general and special elections.
Train/advise county boards in conducting municipal elections.	Conduct municipal elections (duties vary depending on agreement with municipality).
Provide poll manager training materials: handbook, PowerPoint and online training management system.	Recruit and train poll managers. Determine number of poll managers to be used in an election.
Support statewide voting system by determining ballot standards and providing election databases used to produce electronic and paper ballots for primaries and elections.	Establish election definitions following ballot standards for an upcoming election. Eight counties create own their own election databases for primaries and elections. Prepare voting system for use in elections.
Certify and approve voting systems for use in South Carolina. Decertify voting systems that no longer meet the requirements of Title 7.	
Select statewide voting system.	
	Conduct provisional ballot hearings.
	Determine number of voting machines to be assigned to each precinct.

State Election Officials	County Boards of Voter Registration and Elections
	Secure and maintain voting system to include voting machines and equipment.
Provide absentee voting system for use by county boards.	Conduct absentee voting/track absentee voter participation.
Provide electronic ballot delivery system for military and overseas citizens.	Receive/duplicate ballots received from military and overseas citizens by electronic means.
	Determine absentee voting locations.
Canvass votes for multicounty offices.	Canvass votes cast in county.
Conduct pre-certification audit of tabulated results for statewide and county wide elections. Other election audits are preformed upon request.	Submit pre-certification audit files to SEC.
Certify results of multicounty offices.	Certify votes cast in county.
Conduct post-certification audit of tabulated results for statewide and county wide elections. Other election audits are preformed upon request.	Submit post-certification audit files to SEC.
Order mandatory recounts for statewide or multicounty offices.	Order mandatory recounts for countywide and less than countywide offices.
Conduct protest hearings for statewide or multicounty offices.	Conduct protest hearings for countywide and less than countywide offices.
Conduct appeal hearings for countywide and less than countywide offices.	
	Conduct mandatory recounts; canvass and certify.
Report election winners to Secretary of State's Office.	
Conduct voter education and outreach program to educate the public about voter registration, elections and changes in election law.	Conduct voter education and outreach program to educate the public about voter registration, elections and changes in election law.
Complete Federal surveys following statewide elections.	

## ATTACHMENT C

### County Boards of Registration and Elections

**SECTION 7-5-10.** Appointment of board members; previous offices abolished; training and certification requirements.

(A)(1) The Governor shall appoint, upon the recommendation of the legislative delegation of the counties, competent and discreet persons in each county, who are qualified electors of that county and who must be known as the "Board of Voter Registration and Elections of \_\_\_\_\_ County". The total number of members on the board must not be less than five nor more than nine persons. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26, Article III of the Constitution: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee immediately shall notify the Governor who shall then remove the member from office.



(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board must hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board. A member of the board must not be hired or serve as a member of the staff while serving as a board member.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions, voter registration boards, or combined boards are abolished. The powers and duties of the county election commissions, voter registration boards, or combined boards are devolved upon the board of voter registration and elections for each county created in subsection (A). Those members currently serving on the county election commissions, voter registration boards, or combined boards shall continue to serve in a combined governing capacity until at least five members of the successor board members established under this section are appointed and qualify.

(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member's initial appointment or his reappointment following a break in service, or within eighteen months after a staff person's initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

(3) Following completion of the training and certification program required in item (1), each

board member, and each staff person designated by the board or commission, must take at least one training course each year.

## **ATTACHMENT D**

### **Local Election Official Training Required**

County voter registration and elections board members, county directors and staff are required to complete a training and certification program administered by the State Election Commission.

Training requirements are as follows:

- County voter registration and elections board members (6 classes)
  - Two core components
  - Two election electives
  - Two professional development electives
  - One continuing education component each calendar year
- County directors (11 classes)
  - Four core components
  - Three management/leadership components
  - Two election electives
  - Two professional development electives
  - Two continuing education components each calendar year
- County staff (7 classes)
  - Three core components
  - Two election electives
  - Two professional development electives
  - One continuing education component each calendar year

## ATTACHMENT E

### Steps to Ensure Local Officials Obtain Training

County voter registration and elections board members must complete the training and certification program within 18 months of their appointment. Once certification is obtained, county board members must complete one training component or attend the South Carolina Association of Registration and Election Officials conference each year.

Board members who are not compliant with the training and certification program requirements are:

- Not provided with a stipend unless a written request detailing an extenuating circumstance is approved by the legislative delegation. (Proviso 101.7 (Training and Certification Program), 2016-2017, Appropriations Act Part 1B (101-E280 Election Commission)).
- Reported to the Governor's Office each quarter for removal unless the Governor grants the member an extension to complete the training and certification program based on extenuating circumstances. (SC Code Ann. § 7-5-10 (D)(2)).
- Reported to the legislative delegation. (Proviso 101.7 (Training and Certification Program), 2016-2017, Appropriations Act Part 1B (101-E280 Election Commission)).

The SEC takes the following steps to ensure local officials have the opportunity to receive training:

- Carefully evaluates participant needs to offer a sufficient number of each type of class to ensure all participants have the opportunity to become certified within the requisite time period and to remain certified during the course of their service. This results in approximately 30 – 35 classes being offered each year.
- Offers Saturday classes.
- Provides training in various regional locations throughout the state.
- Provides a Training Management System which allows board members, directors, and staff to:
  - Register for classes.
  - Make online payments for classes.
  - Track certification progress.

## ATTACHMENT F

### Common Complaints from the Public

The following is a list of some common complaints the State Election Commission receives. Most complaints are received around the time of statewide elections. Most of the complaints listed here are not common but are recurring.

Complaint	Human issues, if any, that may cause situation	Equipment or mechanical issues, if any, that may cause situation	Current laws, if any that may cause situation
Long lines at polling places	<ul style="list-style-type: none"> <li>• Large numbers of voters arriving at the same time</li> <li>• Large numbers of voters with voter registration issues</li> <li>• Failure to use problem resolution table and other queue management techniques</li> <li>• Inefficient polling place arrangement</li> <li>• Inexperienced or poorly trained poll managers</li> </ul>	<ul style="list-style-type: none"> <li>• Insufficient number of voting machines</li> <li>• Voting machine or equipment failure</li> <li>• Failure to use electronic poll books</li> <li>• Insufficient number of electronic poll books</li> <li>• Electronic poll books not working</li> </ul>	
Voting machines not working	<ul style="list-style-type: none"> <li>• Failure to properly prepare or maintain voting machines</li> </ul>	<ul style="list-style-type: none"> <li>• Voting machine screen or other component failures</li> </ul>	

Complaint	Human issues, if any, that may cause situation	Equipment or mechanical issues, if any, that may cause situation	Current laws, if any that may cause situation
Not registered in time for election	<ul style="list-style-type: none"> <li>• Voters fail to ensure they are properly registered prior to deadline</li> <li>• Voters don't understand the proper procedure for updating voter registration address. For example, voter believes an address update with the U.S. Postal Service serves as a voter registration update.</li> </ul>		<ul style="list-style-type: none"> <li>• 7-5-150. Closing registration books; registration of person coming of age while books closed.</li> </ul>
Can't vote in both the Republican and Democratic Primaries	<ul style="list-style-type: none"> <li>• Voter does not understand prohibition in state law</li> </ul>		<ul style="list-style-type: none"> <li>• 7-13-1040. No person to vote in more than one primary on the same day.</li> </ul>
Lack of early voting			<ul style="list-style-type: none"> <li>• 7-15-320. Persons qualified to vote by absentee ballot.</li> </ul>
Inability to write in candidate for President and Vice president			<ul style="list-style-type: none"> <li>• 7-13-360. Place on ballot for write-in names.</li> </ul>
Claims of "vote flipping"	<ul style="list-style-type: none"> <li>• Voter touches screen improperly causing an unintended selection</li> </ul>	<ul style="list-style-type: none"> <li>• Voting machine touchscreens in need of calibration could cause a touch close to the edge of one selection area to register as a selection for an adjacent area</li> </ul>	

Complaint	Human issues, if any, that may cause situation	Equipment or mechanical issues, if any, that may cause situation	Current laws, if any that may cause situation
Candidates/candidate representatives campaigning at polls			<ul style="list-style-type: none"> <li>• 7-25-180. Unlawful distribution of campaign literature.</li> </ul>
Not enough absentee hours or locations	<ul style="list-style-type: none"> <li>• County board does not provide additional absentee hours or locations requiring in-person absentee voting to take place only during regular business hours at the county office.</li> </ul>		
Voting system does not produce a voter-verified paper record		<ul style="list-style-type: none"> <li>• Current voting system does not produce a voter-verified paper record</li> </ul>	
Elected officials/candidates are not residents of the county/district/municipality they represent/seek to represent in elected office	<ul style="list-style-type: none"> <li>• Candidates being registered to vote where they do not reside</li> <li>• Lack of understanding by the complainant of the definition of residency for voter registration purposes</li> </ul>		<ul style="list-style-type: none"> <li>• 7-1-25. "Domicile" defined.</li> <li>• 7-5-230. Legal qualifications; challenges, proof of residency or domicile; appeals.</li> </ul>
Emergency responders unable to transmit ballot electronically when called to remote locations on short notice before an election			<ul style="list-style-type: none"> <li>• 7-15-690. Duty of State Election Commission; regulations.</li> </ul>