

**STATE ELECTION COMMISSION
MEETING MINUTES
September 15, 2021
10:00 a.m.**

1122 Lady Street, 5th Floor
Columbia, SC 29201

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

Others Present: Marci Andino, Executive Director; Howard Knapp, Director of Voter Services; Harrison Brant, General Counsel; Chris Whitmire, Director of Public Information; Barbara Pittelli, Administrative Coordinator and two members of the public

COMMISSIONERS

JOHN WELLS
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

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

Approval of Minutes

The first item of business was the approval of minutes for the meeting of August 18, 2021 (SEC). A motion to approve the minutes was made by Ms. McCall, seconded by Mr. Edler. The motion was approved by unanimous vote

New Business

MARCI ANDINO
Executive Director

The House Legislative Oversight Committee (HLOC) was the first item under new business. Ms. Andino informed the Commission a letter from HLOC was received by the State Election Commission (SEC) requesting information pertaining to the SEC's duties, responsibilities and operations with a response due date of October 1, 2021. Ms. Andino advised the SEC will meet the due date.

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The next item under new business was the FY2022/23 budget request. Ms. Andino advised the budget request is due September 24, 2021. Ms. Andino stated the agency is requesting \$550,000 in recurring funds for dedicated auditors to conduct compliance audits, and \$850,000 in recurring funds for Mi-fi access for the electronic poll books.

The agency accountability report was the last item under new business. Ms. Andino advised the report, due September 15, 2021, is a summary of the agency's activities for the prior fiscal year. Ms. Andino stated it will include the increase in absentee voting, COVID 19, emergency COVID 19 funding, risk assessments and mitigation strategies.

Old Business

Reapportionment was the first item under old business. Ms. Andino advised that final data from the U.S. Census is expected September 30, 2021. She further advised plans will be passed by the General Assembly when they return in the fall, after which the county elections offices will begin implementing said plans.

The second item under old business was an update on agency goals for 2021. Ms. Andino informed the Commission that the updates to the statewide voting system has been completed. She advised the agency is finishing changes to the E poll books and defining how they should be used across the state. Ms. Andino further advised training will begin for the counties and poll managers for the November elections.

The election infrastructure security update was the next item under old business. Mr. Knapp advised the Department of Homeland Security completed penetration testing of the State Election Commission's (SEC) systems done in coordination with the Department of Administration (DOA). He stated there was a very low number of findings, nothing the SEC has control over, and that the agency is working with the DOA on any remediations.

The last order of old business was the executive director vacancy. Chairman Wells asked for a motion to go into executive session to discuss a personnel matter. Ms. Day made said motion, seconded by Mr. Edler. The motion passed by unanimous vote and the board went into executive session. No votes were taken during executive session. Upon returning to open session, Mr. Moseley made a motion to appoint Howard Knapp as Interim Executive Director while continuing to vet candidates. Ms. Day seconded the motion, and the motion was approved by unanimous vote.

Chairman Wells reminded the Commission members the next meeting will be held on October 20, 2021.

With no further business, Ms. Day made a motion to adjourn, seconded by Mr. Edler. The motion was passed unanimously.

Respectfully submitted,

Barbara Pittelli

Chair Wm. Weston J. Newton

First Vice-Chair:
Joseph H. Jefferson, Jr.

Legislative Oversight Committee



Kambrell H. Garvin
Rosalyn D. Henderson-Myers
Jeffrey E. "Jeff" Johnson
John R. McCravy, III
Adam M. Morgan
Melissa Luckey Oremus
Marvin R. Pendarvis
Tommy M. Stringer
Chris Wooten

South Carolina House of Representatives

Gil Gatch
William M. "Bill" Hixon
Kimberly O. Johnson
Josiah Magnuson
Timothy A. "Tim" McGinnis
Travis A. Moore
Russell L. Ott
Michael F. Rivers, Sr.
John Taliaferro (Jay) West, II

Jennifer L. Dobson
Research Director

Cathy A. Greer
Administration Coordinator

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Charles L. Appleby, IV
Legal Counsel

Lewis Carter
Research Analyst/Auditor

Riley E. McCullough
Research Analyst

August 31, 2021

Chair John W. Wells
State Election Commission
Post Office Box 10
Lugoff, South Carolina 29078

Via Email: jwells@haxleywells.com

Director Marci Andino
State Election Commission
Post Office Box 5987
Columbia, South Carolina 29250

Via Email: marci@elections.sc.gov

Dear Chair Wells and Director Andino:

The purpose of this correspondence is to obtain information pertaining to the State Election Commission's duties, responsibilities, and operations. Please respond to the following inquiries by Friday, October 1, 2021.

Maintain accuracy of the state's active voter roll (i.e., list maintenance)

1. Please provide an update on the implementation status of the ad hoc committee's recommendation for increased interagency collaboration with the Department of Health and Environmental Control and the Department of Motor Vehicles to assist with removing deceased voters from the state's active voter roll.
2. How many, if any, deceased voters have been removed from the state's active voter roll since July 1, 2021? If any have been removed, please note how many have been removed in each county.

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Chair Wells and Director Marci Andino
State Election Commission

3. How does the State Election Commission ensure that responses to constituents about issues of concern, including concerns about possible deceased voters, are made in a timely manner (i.e., what steps occur if a call, email, or letter is received)?
4. Please work with committee staff to develop a graphic (i.e., process flow chart) illustrating what steps the agency takes to maintain accuracy of the state's active voter roll by addressing situations where the address on the voter registration record is no longer where the individual lives.
5. Please provide an update on the number of names that have been removed from the state's active voter roll since January 2017 through the present due to a move (i.e., change of address). If any have been removed, please note how many have been removed in each county by each year.
6. When was the last time the agency conducted postcard outreach to those on the active voter roll that did not vote in two prior general election cycles? How many, if any, were removed based upon this last postcard outreach effort? If any have been removed, please note how many have been removed in each county based upon this outreach effort.

Inform the public, without compromising security, about physical and electronic election systems in place and safeguards for those systems

A concern expressed by some constituents pertaining to the accuracy of voter rolls is unauthorized access to election systems (i.e., hacking via Internet connectivity). A specific concern expressed at the ad hoc committee June 30, 2021, meeting is if adequate safeguards are in place to ensure a qualified elector's vote is counted as cast.

7. Please list the physical and electronic locations and devices through which votes cast in an election are transmitted or stored (e.g., county election offices; physical absentee ballot; voting machine; Statewide Voter Registration and Election Management System, etc.).
8. For each location provided in response to the question above, please list and explain, with applicable dates, (a) internet connectivity capacity of each electronic device, (b) measures taken to secure both physical and electronic locations from physical or electronic tampering or manipulation by outside entities (e.g., security software, security audits, locks on doors where absentee ballots maintained, etc.) from January 2017 through December 2020, and (c) any relevant agency policies with the date of the most recent review and update.

For subpart (b):

- Please separate those for which the agency has direct control and those on which the agency instructs counties but may not have direct control.
- For measures on which the agency instructs counties, please explain how the agency holds counties accountable for complying with the instructions.

Chair Wells and Director Marci Andino
State Election Commission

9. Please list in an Excel document all reviews, audits, or other postelection analysis performed by the agency between January 2017 and the present pursuant to S.C. Code Section 7-3-20(C)(2)¹ or any other directive. For each, please include: (a) the date, (b) one to two sentence summary of the purpose of the review, audit, or analysis; and (c) how the public may access the review, audit, or other postelection analysis.
10. Please explain how the agency complies with S.C. Code Section 7-3-20(C)(2).

As with other information agencies submit to the Committee, the agency's response will be posted online as part of our commitment to transparency. Please ensure you do not include any confidential information in your response to this letter nor information you believe may compromise the security of any voting processes. Additionally, I ask that you work with Committee staff in developing any graphics (i.e., process flow charts) that may assist in understanding relevant processes related to agency operations. Committee staff will reach out to you in the near future.

Thank you for your cooperation and for your service to the people of South Carolina.

Sincerely,



Wm. Weston J. Newton
Chairman, House Legislative Oversight Committee

cc: Ad hoc committee

¹ Section 7-3-20. Executive director of the State Election Commission

(C) The executive director shall

(2) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration, as established pursuant to Article 1, Chapter 5, to ensure those boards' compliance with the requirements with applicable state or federal law or State Election Commission policies and procedures with regard to the conduct of elections or the voter registration process by all persons involved in the elections process.