

**STATE ELECTION COMMISSION
MEETING MINUTES
October 20, 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,
Mr. Scott Moseley, and Ms. Linda McCall (via teleconference)

Others Present: Howard Knapp Interim Executive Director; Chris Whitmire, Director of
Public Information and Training; Barbara Pittelli, Administrative
Coordinator

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

COMMISSIONERS

JOHN WELLS
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

Approval of Minutes

The first item of business was the approval of minutes for the meeting of September 15,
2021 (SEC). A motion to approve the minutes was made by Ms. Day, seconded by Ms.
McCall. The motion was approved by unanimous vote.

New Business

HOWARD M. KNAPP
Interim Executive Director

The legal matter of *SC NAACP, et al v. Governor Henry McMaster, et al* was the first item
under new business. Mr. Knapp informed the Commission the State Election Commission
(SEC) was reported to be a party to the lawsuit, although the agency had merely received a
copy of the complaint via first class mail, which is not proper service. He further informed
that the complaint stated that voters are being disenfranchised due to the delay in
redistricting. Mr. Knapp stated, with approval from the Attorney General's office, the SEC
will be represented by outside counsel. He further stated, upon advice of said counsel, the
SEC should demand proper service of the lawsuit. Chairman Wells asked for a motion to
authorize outside counsel to demand proper service. Ms. Day made said motion, seconded
by Mr. Edler. The motion was approved by unanimous vote.

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The second item under new business was the Commission's policy on public comments
during commission meetings. Mr. Knapp advised that state agencies with boards or
commissions follow the Attorney General's guidance to either allow a comment period at
each meeting, or not allow public comments at all. The Commission put forth the following
policy:

- The Executive Director will have the discretion to place a person/group on an agenda.

- Board approval will be required if a person/group is partisan.
- The length of time to speak will be determined by the Executive Director.
- No questions to or from the Commission will be allowed.
- Request to speak will need to be made one month in advance of the following month's meeting.

Mr. Moseley made a motion to approve the policy, Mr. Edler seconded the motion. The motion was approved by unanimous vote.

Old Business

The Legislative Oversight Committee(s) (House and Senate) Reviews was the first item under old business. Mr. Knapp advised the House Legislative Committee granted the agency an extension of thirty days and that the agency will meet the new deadline. Mr. Knapp advised the SEC had three hearings over the summer with the Senate Legislative Oversight Committee and that all outstanding questions to date have been answered.

The second item under old business was the FY2022/23 budget request. Mr. Knapp stated the agency presented the SEC budget request to representatives of the Governor's office and the Executive Budget office on October 13, 2021. The agency is requesting \$550,000 in recurring funds for dedicated compliance auditors, \$850,000 in recurring funds for Mi-fi access for the electronic poll books, and additional administrative and legal positions. Mr. Wells asked if any questions were asked by the Governor's Office in the meeting. Mr. Knapp replied that questions were asked regarding the compliance auditor request. The basis for the request stems from a recommendation by the Inspector General's Office, however, a recent issue had arisen that demonstrated the real challenges the SEC faces in trying to enforce uniformity of election processes and conformity with state law by county offices. Mr. Knapp elaborated that it had recently come to his attention that the Greenville County Board of Voter Registration and Elections had been holding elections for the county's fire districts at the very fire stations overseen by the fire district commissions. In other words, instead of going to their normal polling place/precinct, voters were having to go to the fire stations to vote. Mr. Knapp informed the commission that it was the opinion of the agency that this was not allowed under state law and informed the county of this opinion. The county staff were not pleased with the news Mr. Knapp gave them, but Mr. Knapp stated he was getting an official opinion from the S.C. Attorney General's Office, which would hopefully be issued by the next commission meeting.

Reapportionment was the next item under old business. Mr. Knapp advised there is no update. Plans were slated to be passed when the General Assembly returned in the fall, but neither House nor Senate stated when or if they will be returning before January.

An update on agency goals for 2021 was the next order of old business. Mr. Knapp informed all counties have finished upgrading their electronic poll books to the newest version which included some security updates and usability customizations. He further informed the

agency contracted with the Election Center to develop a standardized structure of elections for every county.

The next item discussed was the election infrastructure security update. Mr. Knapp advised the agency received all the county security assessment reports from the Department of Homeland Security (DHS). Mr. Knapp stated as the DHS reports were in a new format, the agency will be sending letters to each county that lists and explains the DHS recommendations on a practical level.

The last item 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. McCall 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.

Chairman Wells reminded the Commission members the next meeting will be held on November 17, 2021.

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

Respectfully submitted,

Barbara Pittelli