

SOUTH CAROLINA
ELECTION COMMISSION

**Municipal Clerks and Treasurers Institute
The Election Process**

MASC
March 13, 2014
8:00 a.m. – 10:45 a.m.
Columbia SC

EVERY **votE** MATTERS
EVERY **votE** COUNTS.

SOUTH CAROLINA
ELECTION COMMISSION

Contacts

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- **State Election Commission**
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Count the number of “F’s”

FINISHED FILES ARE THE RESULT OF YEARS
OF SCIENTIFIC STUDY COMBINED WITH
THE EXPERIENCE OF YEARS.

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Important Upcoming Deadlines

- Voter registration
- Deadline to return absentee (ABS) by mail application
- Deadline to vote ABS in person
- Election Day, Deadline to return ABS ballots
- Provisional Ballot & Certification Hearing, Protest Deadline

Municipal Election Commissions

- Three members
 - At least two required to conduct business
- Public body, FOIA applies
 - Post notices of meetings
 - Take minutes
- Certification within 18 months of appointment
 - 3 classes required: Duties of MEC (online), PM Training (online), Protests (in person)

**Political participation
SC Code of Laws 7-13-75**

If you have jurisdiction over the election:

- May Not
 - Participate in any candidate’s campaign
 - Contribute to any candidate or attend fundraiser held for candidate
 - Work as a poll manager
- May
 - Attend political party functions
 - Contribute to political parties
- Subject to removal by Governor or appointive authority

Primary Duties

- Publishing election notices
- Conducting candidate filing
- Providing for poll managers
- Providing for ABS and election day ballots
- Obtaining Voter Registration list
- Overseeing election day voting process
- Holding prov. ballot/cert. hearing
- Hearing protests

Planning Ahead

- Develop your Election Calendar
 - Election date, VR deadline, ABS deadlines, election notice deadline, filing period
- Contact county election commission (CEC) at least 90 days in advance to “order election.” Ensures prep of:
 - Voting machines, paper ballots
 - VR List

Election Notices

- Two notices required to be published in newspaper of general circulation in the municipality
- First notice must be published no later than **60 days prior** to election (may publish earlier to include filing dates)
- Second notice published **two weeks after** first notice

Election Notices Include:

- Election date
- Last day to register to vote
- Offices included
- Filing information (suggested)
- Date, time, location of ABS ballot examination
- Date, time, location of provisional ballot hearing
- List of precincts/ polling places
- Voting hours

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Candidate Filing 1

- Most file with municipal clerk
- Statement of Candidacy (SIC) or Petition
- SIC: No candidate may file later than 60 days prior to General Election
 - City/town can set earlier deadline or filing period by ordinance
- Petitions due 75 days prior to GE

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Candidate Filing 2

- No longer required to collect or confirm candidates filing of Statement of Economic Interests (SEI)
- Remind candidates of requirement to file online with State Ethics Commission
- MEC responsible for verifying candidate qualifications

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Candidate Qualifications

- Qualifications determined at time of election
- Must reside in municipality for 30 days
- Must be registered voter
- Age 18 +
- Persons convicted of felony or offenses against elections laws not qualified until:
 - 15 years after completion of sentence, or
 - Pardoned

Poll Managers (PM)

- CEC will help recruit qualified poll managers
- Training required
- 3 PMs/first 500 voters, 1/each additional 500
- 1 PM is the clerk (aka "Head PM")
- Poll manager pay: \$60/day x 2 days = \$120
- Clerk pay: \$60/day x 3 days = \$180
- PM Supplies
- Polling Location Technicians (PLTs)

Paper Ballots for the Polling Place

- Two types of paper ballots at polling place:
 - Emergency/Provisional 10%
 - Failsafe Provisional 5%
- Three purposes:
 - Emergency
 - Provisional
 - Failsafe provisional

Election Day

- Commissioner Duties
 - Cannot serve as poll managers
 - Visit polling places
 - Check for problem areas
 - Long lines
 - Campaigns signs/literature at polls
 - Ensure VR list being marked properly
 - Ensure checklists/forms completed

Campaigning at Polls 1

Within 200 feet of entrance:

- no campaign material (literature, signs, etc.)
- Only exception is candidate badge, no larger than 4¼" x 4¼", candidate name & office
- Candidates/staff may/not greet voters, solicit votes
- Any person intimidating voters or interfering with the orderly conduct of the election should be asked to move outside 200 ft.

Campaigning at Polls 2

Inside Polling Place:

- Candidate must remove badge
- Candidate may not solicit votes
- Any person interfering with election should be asked to leave
- Any person may view VR list & poll list if there are no voters waiting to vote

Poll Watchers 1

- Each candidate may have one watcher at a time at the polling place
- Every watcher must:
 - Be a qualified voter in county
 - Be certified in writing by the candidate to the managers (signed letter).
 - Wear badge no larger than 4¼" x 4¼", letters no larger than ¼", "Watcher for _____"

Poll Watchers 2

- Poll watchers will be stationed so they can observe the process
- Watchers may not interact directly with voters
- May not interfere with orderly election process; unruly watchers could be asked to leave

Challenging Voters 1

- Voters who are challenged cast a provisional ballot.
- The election commission decides whether to count a provisional ballot at the provisional ballot hearing.
- Only poll watchers and qualified voters may challenge voters
- Challenges must be directed to manager

Challenging Voters 2

- Challenges must be about a voter's qualifications to vote in the election
- Provisional ballots are cast on paper
- Ballot goes in envelope on which the reason and challenger's info. is recorded
- Poll managers follow provisional ballot procedures in Poll Managers Handbook and S.C. Code of Laws 7-13-810

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Photo ID

- S.C. Driver's License
- S.C. ID Card issued by DMV
- S.C. Voter Registration Card **with photo**
- Military ID issued by the Federal Government, including VA Benefits Card
- U.S. Passport

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If voter has qualifying Photo ID

- They are ready to vote
- They do not need to obtain a voter registration card with a photo
- They should remember to bring one of the photo IDs to their polling place. This also applies to in-person absentee voting.

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If voter does not have qualifying Photo ID

- Should get one before going to the polls to vote
- Photo IDs are free from
 - DMV
 - County voter registration office

Paper VR Card with Photo

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

STATE OF S.C. VOTER REGISTRATION NOTIFICATION
 COUNTY: Aiken
 PRECINCT: Carolina 0th 01
 REG. NO: 02408078 REG. DATE: 01/20/10
 District: 1st Senate District
 1004 Tenth Ave
 North Augusta, SC 29632

County: Aiken State: SC Precinct: Carolina 0th 01

Signature of Elector: _____
 Name: _____
 SEX: Female RACE: White/AA DOB: 05/19/78
 VOTES AT: _____
 Address: Legions Post 032
 0818 Broadwood Drive
 COUNTY/STATION OFFICIAL: _____

This card along with the attached notification may be used as a VOTER REGISTRATION CARD with PHOTO. To use as a photo ID, DO NOT DETACH STUB.



Plastic VR Card with Photo (front)

S.C. Voter Identification Card

NAME: Allison Jones

REG. NO: 321234567



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If a Voter Forgets Their Photo ID

- If a voter has a Photo ID but forgets to bring it to the polls on Election Day, they have two options:
 - Retrieve their Photo ID and return to vote
 - Vote a provisional ballot that will NOT count UNLESS they show their photo ID to the county election commission by the time of the provisional ballot hearing.

If a Voter Does Not Have a Photo ID

- If a voter does not have a photo ID due to some obstacle, they may vote a provisional ballot after:
 - Showing their paper voter registration card without a photo (old card), and
 - Signing an affidavit attesting to their identity and impediment

Who Determines Reasonableness?

- Voter may claim any obstacle he finds reasonable, as long as it is true.
- Only the voter determines what is reasonable.
- Poll Managers and other election officials do not determine the reasonableness of the claimed impediment.

Reasonable Impediment

- Ballot will count unless county election commission has grounds to believe affidavit is false
- Someone would have to provide proof that either:
 - Voter lied about his identity, or
 - Voter lied about having a reasonable impediment

Name Not on VR List

- PMs must have a way to contact county VR office
- PM calls county VR office and provides voter name from ID
- VR office checks voter's eligibility
- If eligible, voter's name is written in at end of paper VR list & allowed to vote
- Use separate lists if using laptop
- If unable to contact county VR office, must allow voter to vote provisional ballot

Election Night

- Public may witness the closing of the polls and counting of votes
- Precinct totals will be posted at polling place
- ABS totals will be added by CEC and forwarded to tally location
- All results released on election night are unofficial

After Election Day 1

Provisional Ballot Hearing

- Failsafe Provisional Ballots – Must count after confirming change of address
- Voter did not bring Photo ID – Must count if voter has shown Photo ID to MEC
- Voter has no Photo ID (Reasonable Impediment) – Must count if voter signed affidavit and no one proves voter lied about identity or having impediment

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After Election Day 2

Provisional Ballot Hearing

- Voter Qualification Challenges:
 - Read name of voter; ask if voter, challenger or witness is present
 - If no challenger, examine envelope to determine if there is reason for an administrative challenge
 - If no challenger, ballot is no longer provisional, and must be counted
 - Ballot is removed from envelope and comingled with other ballots found to be valid

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Provisional Ballot Hearing

- Held no later than three days after election
- Separate provisional by reason
- Challenger goes first, voter (if present) goes second
- May present evidence, be represented by atty.
- MEC may ask questions
- MEC must vote in public on each ballot
- If the MEC declares ballot to be invalid, ballot should remain in envelope and retained
- MEC decisions on provisionals are final

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Certification Hearing

- Immediately after provisional ballot hearing
- MEC complete canvass of results
- Sign canvass sheets certifying results
- Results then become OFFICIAL

Determining Mandatory Recounts

- Difference between winning candidate and losing candidate is 1 % or less
- In a multiple seats to fill election, difference between the lowest of the winners and highest of the losers is 1% or less
- Recounts apply to offices, not elections
- Recount can be waived by losing candidate in writing

Determining Majority/Runoffs 1

- Applies to primaries, some municipal elections
- One seat to fill - A majority if votes for candidate are greater than:
 $(\text{Total Votes Cast for Office}) \div 2$
- If no candidate has majority, runoff between two candidates remaining with most votes
- If dividend is fraction, don't round up or down
- No write-ins in runoffs

Determining Majority/Runoffs 2

- **Multiple Seats to Fill** - Candidate has a majority if votes for candidate are greater than:
 $(\text{Votes Cast}) \div (\text{Seats to Fill}) \div 2$

Determining Multiple Seat Majority

- **Example: 5 candidates for 3 seats on town council**
 - Candidate A 60 votes
 - Candidate B 55 votes
 - Candidate C 45 votes
 - Candidate D 30 votes
 - Candidate E 20 votes
- Divide total votes cast (210)/number of seats to fill (3), divide by 2
- $210 \div 3 = 70$, then $70 \div 2 = 35$
- Any number *in excess* of 35 is a majority. Candidates A, B, and C all have majorities and win the three seats on council.
- Not enough candidates with majority
- More than enough candidates with majority

Election Protests 1

- Only candidates have standing to protest
- Deadline to file protests: 48 hours after election
- Must be filed with MEC
- Protests must be in writing listing each reason
- MEC must hold hearing within 48 hours
- MEC decision may be appealed to Circuit Court within 10 days of decision

Election Protests 2

- Set time/date for hearing
- Provide written notices to all candidates
- Provide copy of the protest to candidates
- Get a court reporter
- Notify municipal attorney
- Schedule hearing/meeting rooms
- Secure ballots, voter registration lists, etc
- Post meeting notice at least 24 hours prior
- Issue/deliver subpoenas

Election Protests 3

- MEC remains in session until a conclusion is reached by a majority vote
- May go into executive session to obtain legal advice
- Board issues a written decision
- Signed copies are provided to candidates
- Send transcript to SEC

Municipal Special Elections

- Not required if within 180 days of next municipal GE
- Use 5-15-70 to determine filing dates
- Use 7-13-190 to determine election dates
- Filing by SIC no later than 45 days prior
- Filing by petition no later than 60 days prior
- Special election on 13th Tuesday
- Requires election notice
- Cancelling special election 7-13-190(E)
 - Only one files, no write-in declares within 14 days

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- Name three
 - famous people
 - wealthy people
 - powerful people in the world
- Name three
 - people you care about
 - people who have influenced you
 - friends who have helped you in some way

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