

July 17, 2020

Honorable Harvey Peeler, Jr.  
President of the Senate  
S.C. Senate  
POB 142  
Columbia, SC 29202

Honorable Jay Lucas  
Speaker of the House  
S.C. House of Representatives  
POB 11867  
Columbia, SC 29202

**COMMISSIONERS**

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Dear Senator Peeler and Speaker Lucas:

On March 30<sup>th</sup>, I sent a letter expressing concerns about the pandemic and its impact on the conduct of all elections scheduled for 2020. I am writing today to update you on our experience conducting the June Primaries and to underscore serious concerns related to the safe and efficient conduct of the November General Election.

As you know, conducting elections as currently prescribed by law requires large numbers of voters to congregate in one place – something public safety and health officials ask everyone to avoid in a pandemic. Compounding the issue, many poll managers fall into high-risk health categories and decline to serve. While new poll managers can be recruited, it is difficult to replace the years of experience that senior managers possess. County election officials also struggle with the availability of polling places as facility owners and managers decline to make places available in the pandemic. Poll manager shortages, inexperienced poll managers and lack of polling places leads to consolidation, crowding, long lines, confusion and errors on election day.

Prior to the June Primaries, changes to absentee voting laws and protective measures were implemented. In May, the General Assembly passed legislation allowing all qualified electors to vote absentee (for June elections only), the opening of absentee ballot return envelopes the day before the election, and in-person absentee voters to scan their ballots. Funding was also provided to underwrite costs for protection of the health and safety of voters, poll workers, and county election officials. Two weeks prior to the primaries, a federal court suspended the witness requirement for mail-in absentee ballots for the primary and runoffs only. This action gave voters the opportunity to cast their ballot in self-isolation and quarantine.

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Extraordinary efforts by voters, poll managers and election officials led to successful primaries. While there were isolated issues, the primaries were successful overall as voters were able to vote in a timely and efficient manner, and election officials were able to count those votes and report totals on election night.

However, success in June does not necessarily translate to success in November. Voter turnout and absentee voting in a General Election are significantly higher than in primaries. Even under normal circumstances, presidential elections are the ultimate test of any state's election process. With the unique and unprecedented challenges of the pandemic, additional actions are necessary to ensure a safe and efficient election process in November.

Turnout in non-gubernatorial statewide primaries averages 18%, while turnout in presidential elections averages 71%. While direct comparisons are not particularly useful, it is instructive to examine the changes to the statewide voting dynamic in June and project those numbers to November.

Absentee voting in the June Primaries increased by 213% compared to the 2016 Statewide Primaries (61,000 to 191,000). Absentee ballots cast by mail increased 370% (27,000 to 127,000) as the preferred method of absentee voting shifted from absentee in person to absentee by mail. Prior to the pandemic, 27% of absentee voters voted by mail. In the 2020 Statewide Primaries, 66% voted by mail.

Applying the overall increases in absentee voting and absentee by mail to the General Election produce a dramatic increase in absentee voting and a shift in the way absentee ballots are cast. If absentee voting increases by 213% over the 2016 General Election, more than 1.6 million absentee ballots will be cast in November. If voters choose by mail at the same rate as June, more than 1 million of those ballots will be cast by mail.

Based on the experiences of state and county election officials conducting the June primaries and the projections for the General Election, we have the following concerns:

- The absentee-by-mail process will be overwhelmed and overrun if we have in place only the same rules and provisions in place in June. The opening and counting of absentee-by-mail ballots will require substantially more time to complete, and election results will be significantly delayed.
- With significantly more voters at the polls in November, social distancing at polling places will become far more difficult, and in some places, will be impossible.
- Poll manager shortages are expected to be more extreme. More managers will be needed than in June, and with the spread of COVID-19, more managers will be unavailable to serve.

- Polling place availability may also be impacted due to the spread of COVID-19.
- The resulting polling place consolidations will have a far greater impact on voter wait times with the increase in turnout.
- Increased wait times and fear of COVID-19 will cause unqualified voters to flood the curbside voting process at polling places interfering with its intended purpose of helping voters with disabilities.

Based on our experiences conducting the June primaries, we respectfully recommend the following emergency changes to our election process be made in order to safely and securely conduct the 2020 General Election during the COVID-19 pandemic:

- Reinstate the “state of emergency” reason allowing every voter the option to vote absentee.
- Allow voters to apply for an absentee ballot online.
- Remove the witness requirement for absentee return envelopes.
- Allow use of drop boxes for return of absentee ballots.
- Provide election officials with more time to process absentee-by-mail ballots or extend the date in which counties must certify the results of the election.
- Allow curbside voting to take place at designated locations instead of every at polling place.

The General Assembly could consider additional solutions that have proven to be successful in many other states:

- Allow voters with disabilities, first responders and medical personnel to use the existing electronic ballot delivery tool currently used by military and overseas citizens.
- Early voting would provide voters with an additional option, relieve congestion at polling places, reduce wait times, and relieve stress on the absentee-by-mail process.
- Vote-by-mail programs are becoming more popular as an alternative to voting in person, although there may not be enough time to implement this prior to November.

The six recommendations listed above for conducting safe and secure elections in the midst of a pandemic are put forth in the spirit of implementing solutions that will enable the voters of South Carolina to continue to express their will through elections despite

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the overwhelming challenges. With that in mind, we respectfully ask that immediate action be taken so election officials have as much time as possible to ensure we can rise to the greatest challenge to our election system our state has even seen.

Sincerely,



Marci Andino

/mba

Cc: Governor Henry D. McMaster  
Senator Hugh Leatherman, President Pro Tempore Emeritus  
Senator A. Shane Massey, Senate Majority Leader  
Senator Nikki G. Setzler, Senate Minority Leader  
Senator Luke Rankin, Chairman, Senate Judiciary  
Representative Thomas E. Pope, House Speaker Pro Tempore  
Representative J. Gary Simrill, House Majority Leader  
Representative J. Todd Rutherford, House Minority Leader  
Representative Mandy Powers Norrell, First Vice Chair, House Judiciary  
Representative G. Murrell Smith, Jr., Chairman House Ways and Means  
John Wells, Chairman, State Election Commission