

**Minutes of the Richland County
Board of Elections and Voter Registration
2020 Hampton Street
Tuesday, December 27, 2011
5:30 p.m.**

Board Members Attending

Ms. M. Elizabeth Crum, Chair
Mr. Allen Dowdy, Vice Chair
Ms. Elaine DuBose
Ms. Tina Herbert (via conference call)

Staff Attending

Ms. Lillian McBride, Executive Director
Mr. Garry Baum, Deputy Director

Others in Attendance

Mr. Larry Smith, County Attorney

Call to Order

Ms. Crum called the meeting to order at 5:43 p.m.

Approval of Minutes

The Board Members reviewed minutes from the meeting held on October 25, 2011. Mr. Dowdy motioned to accept the minutes. Seconded, and approved 4-0.

Unfinished Business

None indicated.

New Business

An update was provided by Ms. Lillian McBride, Executive Director regarding funding for the January 2012 Presidential Preference Primary (PPP). Ms. McBride indicated that she had received word that the Republican Party will not fund the PPP. Ms. McBride asked the Board Members if they had any suggestions on measures to take to provide funding for the PPP. Ms. M. Elizabeth Crum, Chair, stated that the Board did not have a funding source and offered a suggestion to have County Council provide the funding for the PPP.

Executive Session

A motion was made and accepted to proceed into Executive Session at 5:47 pm. The Executive Session ended at 6:08 pm. A motion by Ms. Crum to submit a proposal to County Council to approve the finances needed to cover the PPP expenses. Seconded, and approved 4-0.

New Business (continued)

The U.S. Department of Justice has blocked the implementation of the Voter Photo ID Bill. Mr. Garry Baum, Deputy Director, advised the Board Members that additional information regarding

the U.S. Department of Justice's opinion can be found on SC Election Commissions page: ElectionNET.

Ms. Crum raised questions regarding the Board Member's responsibilities during the Blythewood Election that will be held in January 2012. Ms. Crum stated that during previous elections, Board Members were made available throughout the day of the election to assist with processing Absentee ballots. Ms. McBride and Mr. Baum replied that the Board Members do not have to be present to open the Absentee Ballots on Election Day, but they are required to certify the election results on Thursday following the elections. Mr. Baum also stated that he was not aware of there being a law in existence requiring the Board Members to be present on Election Day to process the Absentee ballots, but there may be procedures that are in place that state the Board Members need to be present. Ms. Crum replied that if the Board is required by law to assist with processing Absentee votes, then the Board does not possess the authority to delegate that responsibility, especially if the Board is responsible for certifying the Election results on the Thursday following the election. Mr. Baum referred to SC § 7-15-420 regarding the Receipt, Tabulation and Reporting of Absentee Ballots.

SECTION 7-15-420. Receipt, tabulation and reporting of absentee ballots.

The county election commission, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on election day, the managers appointed pursuant to Section 7-13-70, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county registration board making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return-addressed envelopes received by the county registration board before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county registration board after time for closing of the polls. The printed instructions required by Section 7-15-370 (2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked "Ballot Herein" removed and placed in a locked box or boxes. After all return-addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked "Ballot Herein", placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on Election Day, the absentee ballots may be tabulated, including any absentee ballots received on Election Day before the polls are closed. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.

Mr. Larry Smith, County Attorney elaborated on the expression, "inherent but not expressed" regarding SC § 7-15-420. Ms. Crum proposed to request an Attorney General Opinion

regarding the duties and responsibilities of the Board Members on Election Day. Ms. Crum stated that in the past, a minimum of 2 Board Members had been present on Election Day.

Mr. Dowdy motioned to have a Board Member present at 7:00pm on Election Night until tabulation of the ballots is completed. Someone will also be available on an on-call basis if any issues may arise with the voting precincts. The Board Members will return on Thursday at 10:00am to certify the election results. Seconded, and approved 4-0.

Next Meeting

An email will be sent regarding the date and time of the next Board meeting.

Adjournment

There being no further business, the meeting adjourned at 6:39 p.m.