



State of South Carolina
Office of the Inspector General

SENT VIA ELECTRONIC MAIL

July 19, 2021

OIG File NO: 2021-5099-PI

Marci Andino
South Carolina Elections Commission
1122 Lady Street, Suite 500
Columbia, South Carolina 29201

RE: Summary results of the South Carolina Office of the Inspector General's review of a complaint regarding mismanagement by the South Carolina Elections Commission (SCEC).

Dear Director Andino:

The South Carolina Office of the State Inspector General (SIG) conducted a preliminary inquiry based upon a credible confidential complaint alleging the SCEC did not conduct reviews, audits, or other post-election analysis of county boards of elections and voter registration as mandated by South Carolina Code of Laws, §7-3-20. In addition, the complainant alleged, *inter alia*, the SCEC mismanaged the purchase of the electronic poll book (EPB) system because the EPB was not capable of conducting runoff elections. This investigation reviewed pertinent documents and records, and conducted interviews to obtain facts to substantiate or refute the allegations and present those findings to the SCEC for review.

The SIG limited its scope to determine whether the SCEC conducted reviews, audits, or other post-election analysis of county boards of elections and voter registration as mandated by South Carolina Code of Laws, §7-3-20. In addition, the SIG examined whether the EPB was capable of conducting runoff elections. The SIG used the preponderance of the evidence standard.

The following review sets forth the SIG's findings and analysis for your use in addressing operational and policy deficiencies.

Executive Summary

The SIG reviewed SCEIS and SCEC records and conducted interviews, including interviews of SCEC and State Fiscal Accountability Authority (SFAA) Division of Procurement Services Materials Management Office (MMO) employees.

Background

In 2014, the South Carolina Legislature amended SC Code of Laws, §7-3-20, relating to the selection and duties of the executive director of the SCEC, so as to require the executive director to supervise, review, and audit the conduct and performance of the county boards of voter registration and elections effective 6/2/2014. However, the appropriations and increase in funded staffing levels needed to execute the compliance reviews and audits did not materialize until the beginning of fiscal year (FY) 2015-16 (7/1/15) due to the timing of the budget cycle. The staffing for the new positions was not completed until January 2016. South Carolina Code of Laws §7-3-20 (C) (2) states the executive director shall “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 with regard to the conduct of elections or the voter registration process by all persons involved in the elections process.”

SIG Analysis and Findings

Concern #1: Did the SCEC conduct reviews, audits, or other post-election analysis of county board of elections and voter registration as mandated in SC Code of Laws §7-3-20?

Analysis: Following the 2014 statutory amendment, the SCEC contracted with the Coeur Group in 2014 to develop an audit program to implement the compliance reviews, audits, or post-election analysis mandated by the statute. The cost of the Coeur Group contract was \$48,037.50. Pursuant to the contract, the Coeur Group delivered the [*State Election Commission County Field Audit Plan*](#) in November 2014 and the [*State Election Commission Auditor’s Training Plan*](#) in January 2015. Both documents recommended seven broad areas of inquiry with specific associated audit topics:

- Voter Registration;
- Absentee Voting;
- Candidate Filing;
- Voting System;
- Polling Place Operations;
- Canvassing and Post-Election Reconciliation and Audits; and
- Administration.

In response to SIG requests for SCEC policy documents pertaining to compliance reviews, audits, or analysis, the SCEC director of voter services advised the SIG via email, referring to the *State Election Commission County Field Audit Plan*, “the Coeur Group plan was adopted by the agency in 2015 and is agency policy. The former director of voter services, [sic] adopted it as a training guide for new area reps.”

The SCEC’s *State Election Commission County Field Audit Plan* mandates “audits will be conducted annually to ensure compliance with election laws, regulations, procedures and policies.”

The SIG assessed the SCEC conducted a post-election audit of the 2014 general election, which was limited to six counties and examined absentee ballot processes and administrative procedures.

The SIG determined the SCEC did not conduct annual compliance audits in 2015 and 2016 in all counties due to the timing of the budget cycle. The appropriations and increase in funded staffing levels needed to execute the compliance reviews and audits did not materialize until the beginning of FY 2015-16 (7/1/15) and the staffing of the new positions was not completed until January 2016.

The SCEC provided the SIG with 46 digital audit files for the 2017 county compliance audits containing audit documentation of administration, policies, and procedures for the county offices and boards, as well as training and certification compliance.

A senior SCEC official advised the SIG that the SCEC partnered with the state National Guard in 2016 and the Department of Homeland Security in 2018 and 2021 to conduct physical security audits. Additionally, the official advised no compliance audits were conducted in 2019 due to the procurement of a new statewide voting system. Compliance audits were not scheduled in 2020 due to the presidential primaries, statewide primaries, and the general elections.

Finding #1: South Carolina Code of Laws §7-3-20 does not specify the frequency with which the SCEC must conduct compliance reviews, audits, or post-election analysis of county boards of election or voter registration. The SCEC policy established an annual frequency for these audits; however, the SCEC conducted a limited post-election audit in only six counties pertaining to absentee ballots and administrative procedures following the 2014 general election. This is mitigated by the lack of appropriations and staffing due to the timing of the passage of the statute (6/2/14) and the budget cycle for requesting an increase in appropriations and staffing which did not materialize until the beginning of FY 2015-16.

Recommendation #1a: The SCEC should ensure an annual schedule of compliance reviews, audits, or other post-election analysis of county board of elections and voter registration is adhered to as set forth in SCEC policy.

Recommendation #1b: The SCEC should ensure the agency is sufficiently staffed with trained audit personnel to conduct the annual audits.

Concern #2: Was the EPB capable of conducting runoff elections?

Analysis: In 2019, the MMO conducted a procurement on behalf of the SCEC to procure a new statewide voting system. In June 2019, a contract was awarded to Elections System and Software (ES&S) for the purchase of the ES&S ExpressVote system, a paper-based system. ExpressVote replaced a voting system that had been in place since 2004. The system was implemented throughout all 46 counties and was used in the November 2019 elections.

Following the implementation of the new voting system, the SCEC sought to also replace its in-house developed EPB system. The MMO issued a request for proposals (RFP) on 5/19/20 that resulted in the award of a contract to ES&S with a maximum contract period of 2020 through 2025 and a total potential value of \$6,500,344. ES&S was required to implement the system for use in November 2020 general election. In addition, ES&S was required to provide a project manager to oversee the implementation of the EPB system that included the delivery and deployment of the system to each county, training of county and SCEC staff, as well as onsite and remote technical support, hardware maintenance and

repair, and EPB operation and support. The system was installed and utilized in the November 2020 general election.

Functions of the EPB system included voter lookup, verification, identification, precinct assignment, ballot assignment, and the update of the voter's voting history to the SCEC's Voter Registration and Election Management System (VREMS). The SCEC's FY2021 budget request for funds to purchase the EPB system stated the "system would provide faster processing of voters, and the assurance voters would receive the correct ballot style, reducing the likelihood of an election being overturned." The system eliminated the need for paper poll lists of eligible voters for each precinct.

The "EPB Minimum Requirements" section of the RFP included a total 15 minimum requirements that began with the following three requirements:

1. Support of multiple elections on the same day
2. Support of multiple runoff elections
3. Support of multiple types of elections (general, primary, municipal)

The SIG determined the EPB system functioned successfully in six of seven run-off elections. In Kershaw County, the EPB and VREMS systems could not be configured during the two-week period between the general election and the school board run-off election. The configuration problem involved downloading from VREMS only the subset of Kershaw County voters eligible to vote in the school board run-off, a process that took longer than the time allowed per statute, according to an SCEC official. Consequently, the county's old electronic poll book was used for the initial run-off election. A second school board run-off election for the same seat was necessary and the new EPB system functioned successfully in the second run-off election.

In a letter to the board chair of another county board of registration and election addressing questions concerning the EPB system, the senior SCEC official noted the time constraint between an election and a succeeding runoff proved a challenge. The senior official advised several enhancements to the SCEC's VREMS system were in process to address the challenges and noted these challenges would have existed regardless of which EPB system was acquired.

A recent notice from the SCEC to the counties advised of a new VREMS (software) update that further integrated VREMS, the election system, and the EPB system. The update notice stated, "In addition, the e-poll books will now support runoffs."

Finding #2: The EPB functioned successfully in run-off elections, except for an initial school board run-off election where the county used the old electronic poll book due to the two-week time constraint between the general election and the run-off election. However, the county successfully used the new EPB in a subsequent run-off for the same seat.

Recommendation #2: None.

The foregoing information is provided to SCEC executive management for consideration and appropriate action.

In closing, I would like to thank you and the SCEC staff for the assistance and cooperation extended to my staff during the course of this investigation. I have attached your response letter to this summary report. If you have any questions or wish to discuss, do not hesitate to contact me at (803) 896-1287.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian D. Lamkin".

Brian D. Lamkin
State Inspector General

Cc: John Wells, Chairman, South Carolina Elections Commission

SENT VIA ELECTRONIC MAIL

July 19, 2021

Brian D. Lamkin
State Inspector General
Office of the Inspector General
Enoree Building
111 Executive Center Drive, Suite 204
Columbia, SC 29210

Dear Mr. Lamkin:

The S.C. State Election Commission (SEC) appreciates the Office of the State Inspector General's (SIG) review of the agency's post-election reviews, audits, and analyses, and the procurement of the statewide electronic poll book (EPB) solution. The SEC takes seriously its county oversight responsibilities and has complied with all state procurement rules during the procurement of the EPB solution.

COMMISSIONERS

JOHN WELLS
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

As referenced in the SIG report, the SEC conducts various types of reviews, audits, and other post-election analyses of county boards annually in accordance with the SC Code of Laws §7-3-20. The SEC has conducted voting system results audits in every statewide election since 2014. Compliance audits are conducted in odd-numbered years by Area Representatives whose duties also include training and support functions. In addition to voting system and compliance audits, the SEC conducts various other types of reviews and assessments.

The compliance audit program is relatively new, and the SEC continues working to strengthen the program. Recent staffing changes present an opportunity for improvement, and the SEC plans to follow the recommendations in the SIG's report and request funding to hire dedicated audit personnel in FY2023. Full-time auditors will allow the SEC to establish a more uniform schedule of engagements.

The SIG's review and recommendations will help us improve and better serve the citizens of South Carolina. We are especially appreciative of the time and effort you and your staff invested in completing your work in a professional and thorough manner.

Sincerely,



Marci Andino

/mba

1122 Lady Street
Suite 500
Columbia, SC 29201

P.O. Box 5987
Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.scvotes.gov