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May 24, 2019

VIA EMAIL & U.S. MAIL

Ms. Marci Andino  
Executive Director  
S.C. State Election Commission  
P.O. Box 5987  
Columbia, SC 29250  
[marci@elections.sc.gov](mailto:marci@elections.sc.gov)

Re: *Charleston County Board of Elections and Voter Registration  
Consolidated polling locations*

Dear Ms. Andino:

In response to your letter of January 16, 2019, we consulted with our legal counsel, Sam Howell of Howell Linkous & Nettles, LLC, regarding the legality of locating a polling place for a voting precinct outside of the boundaries of that voting precinct. As Mr. Howell has advised us, that practice in Charleston County was widespread long before this Board received legal authority to designate polling places in 1992. It was only upon enactment of Act 260 of 1992 did this Board receive statutory authority to designate the polling places in Charleston County. Prior to 1992, polling places in Charleston County were designated by the General Assembly.

Typical of how polling places were designated by the State Legislature is Act 409 of 1984. Although there were 125 voting precincts in Charleston County at that time, the State Legislature established polling places in only 82 voting precincts. There were 72 precincts that voted in polling places that had two or more precincts voting together in the same polling place. That represents over 57% of the precincts being consolidated into the same buildings for polling places. This practice was the consistent pattern of the Legislature assigning polling places for the voting precincts in Charleston County prior to 1992. See Act No. 273 of 1984 (which designated 3 polling places, all of which were consolidated with the polling place of another precinct) and Act No. 357 of 1982 (providing that 66 of 122 precincts, or 54%, share a polling place with at least one other precinct). The polling places designated in Act 409 of 1984 for at least 38 precincts are still used for that purpose today, including St. Johns High School.

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In 1992, the Legislature transferred authority to designate polling places in Charleston County to this Board in what is now codified as § 7-7-140(C): “The Board of Voter Registration and Elections of Charleston County shall designate the polling place in each precinct.” This statutory provision does no more than transfer authority from the General Assembly to this Board to designate polling places. But in your letter, you seem to assign more meaning to this simple statutory provision than was intended. You imply that this language somehow directs that each precinct must have its own separate polling place. But Mr. Howell points out that your misreading of this statutory language could not possibly be the law. If your interpretation were correct, then in 1992, by this one sentence, the Legislature directed that new polling places be designated that year for 41 of the 125 precincts in Charleston County. This action would have completely undone the work of many years (and many statutes) where the Legislature had established the polling places in the County. Such a radical change in polling places would certainly have been more clearly directed by the Legislature than the strained reading that you make of this simple sentence in the statute.

Mr. Howell has furthered advised that your reference to Code § 7-7-10 for clarification of this issue is unfounded. That statute, he advises us, is for the purpose of creating multiple polling places for the same precinct. Although that statute may be of some utility in geographically large precincts, the Board in Charleston County has not determined it is necessary in Charleston County to use this statute. We have designated only one polling place for each voting precinct.

In short, Mr. Howell advises the Board that there is no state law requirement for this Board to undo the Legislature’s prior statutory scheme which created the practice of locating polling places for more than one precinct in a single polling place. Moreover, that practice was not the primary cause for the length of polling place lines described in your letter.

Based on our experience during the 2018 General Election and the following investigation, we have determined that the cause of long lines at certain locations was due to a lack of poll workers in the face of higher than normal voter participation.<sup>1</sup> Although we had only 9,000 fewer voters at the polls in 2018 than we had during the 2016 Presidential Election, we had only 584<sup>2</sup> workers show up to work, as compared to over 800 in 2016. This greatly impacted

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<sup>1</sup> In addition, in one location (Grace on the Ashley Church), the precinct clerk inexplicably chose not to open all of the EVRL laptops and machines that had been supplied to the location on election morning. This started the day off with the workers already having long lines. Once our staff was notified that this had occurred, it was already too late to alleviate the long lines because turn-out remained steady all day. We have addressed this issue with additional training.

<sup>2</sup> In regard to our recruiting efforts for 2018, our office contacted 971 poll workers and inquired of their desire to work for the 2018 General Election. 584 of these poll workers responded in the affirmative. 172 stated that they either could not or did not wish to work. Two workers transitioned from poll workers to call center staff thus making them ineligible to work on election day. 27 poll workers did not complete the required poll manager training class. 11 poll workers failed the poll worker training class and did not retrain. Seven poll workers did not show up on election day. 168 poll workers did not respond to the inquiry asking them to work. Out of the 584 poll workers that worked on election day, 103 were new poll workers.

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operations, and although we dispatched additional workers to critical locations when we could and Board members stepped in to work at the polls, the effect of the lack of workers was long lines. As a result, we are actively working to recruit and train more poll workers for our future elections. Our efforts include working with Charleston County Council to find a way to supplement poll worker pay in an effort to make working at the polls more attractive. Increasing the number of polling locations that we would have to staff, however, would be counterproductive in most instances.

Indeed, the Board is always looking at ways to improve the voting process in Charleston County and to make access to the polls more efficient for the voters of Charleston County. The St. Johns High School polling location is at the top of list, and we are exploring many options, one of which will include moving at least some of the precincts currently voting there to other locations. We are also dealing with a request from the Charleston County School District to phase out using the schools as polling locations due to legitimate safety concerns. We are mindful that we must find locations that meet the requirements of the ADA to allow voters with disabilities to have full access to the polls. We strive to find polling locations with ample parking, close access to public transportation, and safe walking routes. These logistical hurdles with facilities that are used as polling locations only a few times a year and are not under our control are not easily overcome and often are best resolved by consolidation of precincts.

When the Board consolidates precincts or moves voting locations, we do not take the decision lightly. For example, in early 2018, before voting to consolidate the North Charleston 8, 9, 11, 12, 13, 14, 16, and 17 precincts from their former locations (mainly public school buildings) to Royal Missionary Baptist Church in North Charleston, we mapped out the access for pedestrian, bus, and car traffic to ensure that the move to the consolidated location would be accessible and within less than 1.5 miles from the prior polling locations. (In many instances the changes were less than a mile from the prior location.) We identified a location that met the ADA accessibility requirements that was not a school building. We invited input from state, county, and city elected officials and local community leaders on the consolidation. Members of the Board and staff met in person with Senator Marlon Kimpson, Representative David Mack, Representative Marvin Pendarvis, County Council Member Teddie Pryor, and other local community leaders to discuss the process and gain their support for the consolidation. Our Executive Director also met with Marion Welch of the South Carolina Coalition for Voter Participation to discuss the changes. A representative from The League of Women Voters was present at the Board meetings where the changes were discussed and voted on. We entertained public comments. Finally, even though the action is no longer requested by federal law, we submitted the changes in polling locations to the Voting Section of the Civil Rights Division at the Department of Justice just as we did when preclearance was still required. (*See attachments.*)

In addition to making adjustments to precincts to increase access, we also made in-person absentee voting more convenient than ever before for Charleston County voters during the 2018

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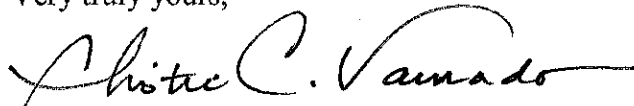
General Election.<sup>3</sup> We led the state in absentee and UOCAVA voting. In 2014, our office used one absentee location: Church of Christ at Azalea Drive in North Charleston. In 2018, our office opened three in-person absentee voting locations: Seacoast Church–West Ashley, Seacoast Church–Mt. Pleasant, and Royal Missionary Baptist Church in North Charleston. Royal Missionary Baptist Church opened October 8. Royal Missionary Baptist Church was also open on two separate Saturdays. Both Seacoast Church locations opened on October 22 and on one Saturday.

We continue to actively assess and review the polling locations and evaluate all of our precincts – whether or not they are consolidated – to ensure that the voters can have the best possible experience on election day. This Board remains committed to reducing barriers to voting for all citizens of Charleston County.

If you have further questions or concerns, I would be most happy to discuss them with you.

With kind regards, I remain

Very truly yours,



Christine Companion Varnado  
Chair, Charleston County BEVR Board

CCV/  
Enclosures

cc: Mr. Joseph Debney, Director of Charleston County BEVR  
Sam Howell, Esquire

<sup>3</sup> The table below shows a comparison of absentee turnout at off-site absentee locations in 2014 and 2018:

Year	In-person	Mail	Total
2014	6,806	7,351	14,157
2018	29,317	10,681	39,998