

Subject: RE: [External] FOIA Request (SC-EC-24-0482)
Date: Friday, June 14, 2024 at 5:01:32 PM Eastern Daylight Time
From: Chavis, Madelyn
To: AO Records
Attachments: American Oversight FOIA 05-03-2024.zip

EXTERNAL SENDER

Good afternoon-
Attached are the responsive records.
Let me know if you have any questions.

Thank you,
Madelyn Chavis
Senior Paralegal

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, S.C. 29250
Office: 803.734.0145
Fax: 803.734.9366

From: AO Records <records@americanoversight.org>
Sent: Friday, May 3, 2024 11:10 AM
To: _Elections - Foia <FOIA@elections.sc.gov>
Subject: [External] FOIA Request (SC-EC-24-0482)

Dear Freedom of Information Officer:

Please find attached a request for records under South Carolina's Freedom of Information Act.

Sincerely,
Dylan Winters
Paralegal | American Oversight
records@americanoversight.org |
www.americanoversight.org | @weareoversight

FOIA: SC-EC-24-0482

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

PUBLIC INTEREST LEGAL FOUNDATION, INC.

Plaintiff,

HOWARD M. KNAPP, in his official capacity as
Executive Director of the South Carolina
Election Commission,

Defendant.

Case No. 3:24-1276-JFA

**COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

Plaintiff Public Interest Legal Foundation (the “Foundation”), by its attorneys, brings this action for violations of Section 8 of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because the action arises under the laws of the United States. This Court also has jurisdiction under 52 U.S.C. § 20510(b), because the action seeks injunctive and declaratory relief under the NVRA.

2. Venue in this Court is proper under 28 U.S.C. § 1391(b)(1), because the Defendant resides in this district, and under 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this district.

PARTIES

3. The Public Interest Legal Foundation, Inc., (the “Foundation”) is a non-partisan, public interest organization incorporated and based in Alexandria, Virginia. The Foundation seeks to promote the integrity of the electoral process nationwide through research, education, remedial programs, and litigation. The Foundation regularly utilizes the NVRA’s Public Disclosure Provision and state and federal open records laws that require government records be made available to the public. Using records and data compiled through these open records laws, the Foundation analyzes the programs and activities of state and local election officials in order to determine whether lawful efforts are being made to keep voter rolls current and accurate. The Foundation also uses records and data to produce and disseminate reports, articles, blog and social media posts, and newsletters in order to advance the public education aspect of its organizational mission.

4. Defendant is Howard M. Knapp, the Executive Director of the State of South Carolina’s Elections Commission. Defendant “serve[s] as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993.” S.C. Code Ann. § 7-3-20(D)(14).

5. Defendant is sued in his official capacity only.

BACKGROUND

6. The NVRA provides, in relevant part, “Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1) (hereafter, the “Public Disclosure Provision”).

7. On February 5, 2024, the Foundation requested from the South Carolina State Election Commission “[a] current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186.” (the “Request”) (Attached as Exhibit A).

8. The requested record—otherwise known as the Voter Roll—is a public record under the NVRA’s Public Disclosure Provision, 52 U.S.C. § 20507(i)(1). *See Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36 (1st Cir. 2024); also *Pub. Interest Legal Found. v. Matthews*, No. 20-cv-3190, 2022 U.S. Dist. LEXIS 40640, at *27 (C.D. Ill. Mar. 8, 2022); *Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 446 (D. Md. 2019); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 723 (S.D. Miss. 2014); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1341 (N.D. Ga. 2016) (NVRA requires disclosure of “records regarding the processes a state implements to ensure the accuracy and currency of voter rolls” as well as “individual applicant records.”); *Bellitto v. Snipes*, No. 16-cv-61474, 2018 U.S. Dist. LEXIS 103617, at *13 (S.D. Fla. Mar. 30, 2018) (“[E]lection officials must provide full public access to all records related to their list maintenance activities, including their voter rolls.”)

9. On February 20, 2024, the Foundation received a letter from South Carolina Elections Commission General Counsel stating that “the type of information you seek is available for a fee to qualified electors in the State of South Carolina.... On the basis of S.C. Code § 7-3-20(D)(13) the South Carolina Elections Commission has consistently refused to allow out of state residents or organizations to purchase voter lists.” (the “Denial”) (Attached as Exhibit B).

10. On February 21, 2024, the Foundation emailed a letter to the Defendant (the “Notice Letter”) (Attached as Exhibit C). The Notice Letter notified Defendant that the “denial of our request for the statewide voter roll violates the NVRA.

11. The Notice Letter further explained,

Any state law limiting disclosure of the requested records, such as S.C. Code § 7-3-20 (D)(13), is inapplicable to our request because the NVRA, as a federal enactment, is superior to conflicting state laws under the Constitution's Elections and Supremacy Clauses. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12-15, 133 S. Ct. 2247, 2255-57 (2013). As you acknowledge, the United States District Court for the District of Maryland has held that the NVRA preempts a residency requirement similar to that found under S.C. Code § 7-3-20 (D)(13). *Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 445 (D. Md. 2019). For similar reasons, the NVRA preempts South Carolina's qualified elector requirement, S.C. Code § 7-3-20 (D)(13).

Failure to permit public inspection or otherwise provide copies of the requested records is a violation of federal law for which the NVRA provides a private right of action. 52 U.S.C. § 20510(b).

Exhibit C at 1.

12. The Notice letter continued,

Executive Director Wells and the SEC are hereby notified that they are violating the NVRA and litigation may commence against them if the violations described herein are not cured within 20 days of the receipt of this letter. The curative period is 20 days because the violation is occurring within 120 days of the February 24, 2024, Republican Presidential Primary Election, 1 an election for federal office. *See* 52 U.S.C. § 20510(b)(2).¹

Exhibit C at 2.

COUNT I

Violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i)

13. The Foundation realleges the preceding paragraphs as if fully stated herein.
14. The requested record(s) are in the possession, custody, and control of Defendant.
15. The Voter Roll is a public record under the NVRA's Public Disclosure Provision.

52 U.S.C. § 20507(i)(1).

¹ Although the Notice letter named Mr. Wells as the Executive director, the Notice letter was sent to both Director Knapp and counsel on his behalf.

16. The Public Disclosure Provision authorizes and entitles the Foundation to inspect and copy the Voter Roll.

17. South Carolina requires a person requesting the Voter Roll to be a qualified voter of South Carolina. S.C. Code § 7-3-20(D)(13).

18. The Defendant is denying the Foundation's request for the Voter Roll under the NVRA because the Foundation is not a qualified voter of South Carolina.

19. The Defendant's denial of the Foundation's request for the Voter Roll violates the NVRA.

20. By denying the Foundation the ability to obtain records it otherwise could obtain under the NVRA's Public Disclosure Provision, S.C. Code § 7-3-20(D)(13) conflicts with federal law.

21. Any South Carolina statute, regulation, practice or policy that conflicts with the NVRA or poses obstacles to its objectives is preempted and superseded under the Supremacy Clause and the Elections Clause of the Constitution of the United States.

22. It is well settled that state specific restrictions on access to list maintenance records are pre-empted by the NVRA and the Supremacy Clause. South Carolina's registered-voter requirement to obtain a copy of the Voter Roll, S.C. Code § 7-3-20(D)(13), conflicts with the NVRA and poses obstacles to its objectives. S.C. Code § 7-3-20(D)(13) is therefore preempted, invalid, and unenforceable. *Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 442-445 (D. Md. 2019).

23. The Foundation provided Defendant Executive Director Knapp—South Carolina's chief election official—with written notice of the NVRA violation alleged herein,

thereby satisfying the NVRA's pre-litigation notice requirement, 52 U.S.C. § 20510(b)(1). *See* Exhibit C.

24. Defendant has not cured his NVRA violation within the 20 days permitted by the NVRA when the violation occurs within 120 days of an election for federal office. *See* 52 U.S.C. § 20510(b)(2).

25. Defendant's violations of the NVRA are causing the Foundation to suffer a concrete informational injury because the Foundation does not have records and information to which it is entitled under federal law. *FEC v. Akins*, 524 U.S. 11, 21 (1998) (“[A] plaintiff suffers an ‘injury in fact’ when the plaintiff fails to obtain information which must be publicly disclosed pursuant to a statute.”).

26. The Foundation's “informational injury” is causing the Foundation to suffer additional adverse effects.

27. The Foundation gathers information about the state of the voter rolls across the nation for the purpose of assessing the accuracy and currency of the rolls and whether officials are complying with state and federal voter list maintenance standards, as well as other best practices. *See* “Errors in America's Voter Rolls,” Public Interest Legal Foundation, <https://publicinterestlegal.org/issues/voter-roll-error-map/>.

28. South Carolina has voter registration and performs voter list maintenance activities pursuant to federal and state law requirements.

29. The Foundation will use the requested records to further study and investigate South Carolina's voter list maintenance activities and South Carolina's compliance with state and federal law, and other best practices.

30. The Foundation is unable to engage in those activities due to Defendant's denial of the Foundation's Request. Defendant's activities are thus injuring the Foundation.

31. Defendant Knapp's denial of the requested records also affects the Foundation's programming and will dictate where additional Foundation resources will be deployed for further investigations, communications with certain election officials, and necessary remedial measures.

32. The Defendant's failure to allow inspection pursuant to federal law causes harm to the Foundation as it is required to expend additional resources and staff, while limiting the Foundation's ability to fund other pending investigations and programming.

33. The Defendant's failure to allow inspection of these records further injures the Foundation's non-profit educational programming which includes providing policy advice to state officials and legislative guidance and testimony to Congress regarding state compliance with voting rights legislation requirements.

34. The Foundation needs to continually keep its institutional knowledge current and accurate so that the organization can operate efficiently and effectively, including for the purposes that Congress intended under the NVRA. The failure of Defendant to provide records subject to disclosure impairs and directly frustrates the Foundation's accumulation of institutional knowledge about nationwide list maintenance practices by government officials. This impairment harms the Foundation's ability to accurately and comprehensively educate the public and election officials about numerous circumstances, including the state of their own voter rolls. This impairment harms the Foundation's ability to accurately and comprehensively educate members of Congress about numerous circumstances, including possible amendments to the NVRA, compliance with federal law by state officials, and the effectiveness of the NVRA's four articulated legislative purposes.

35. By denying the Foundation the ability to obtain the requested voter list maintenance records, Defendant is also impairing the Foundation's ability to, inter alia, (1) study and analyze South Carolina's voter list maintenance programs and activities; (2) assess South Carolina's enforcement of state and federal voter eligibility requirements; (3) assess South Carolina's compliance with state and federal voter list maintenance obligations, and other best practices; and, (4) aid South Carolina in carrying out voter list maintenance programs and activities, and other best practices, thus injuring the Foundation.

36. The Foundation intends to request similar records from the Defendant in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment:

1. Declaring that Defendant is in violation of Section 8(i) of the NVRA by refusing to allow the Foundation to inspect and copy the requested voter registration list;
2. Declaring that Section 8(i) of the NVRA preempts and supersedes the registered-voter requirement found in S.C. Code § 7-3-20 (D)(13), and any other South Carolina statute regulation, practice or policy that prevents the Foundation from inspecting and copying the requested statewide voter registration list;
3. Ordering Defendant to produce to the Foundation the records and data requested in the Foundation's Application, or otherwise ordering Defendant to allow the Foundation to inspect and copy the statewide voter registration list;
4. Permanently enjoining Defendant from denying requests to inspect similar voter registration lists and voting histories in the future;
5. Ordering the Defendant to pay the Foundation's reasonable attorney's fees,

including litigation expenses and costs, pursuant to 52 U.S.C. § 20510(c); and,

6. Granting the Foundation further relief that this Court deems just and proper.

Dated: March 13, 2024

For the Plaintiff Public Interest Legal Foundation
LOCAL COUNSEL

ss//Richard L Bolen

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**Application for admission forthcoming
Attorneys for Plaintiff Public Interest Legal Foundation

7/30/21 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
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	5/29/20	SC	HORRY		265896089	PROVENZANO	ANTHONY	J	A	8/17/04	10/23/20	10/23/20	0000-00-00			
	5/29/20	SC	SUMTER		436957654	LITTEER	JOYCE	B	X	10/4/02	11/8/16	11/8/16	0000-00-00			
	5/29/20	SC	GREENVILLE		232435650	HOLT	JEFFREY	J	A	10/17/95	10/20/20	10/20/20	0000-00-00			
	5/29/20	SC	DORCHESTER		185230638	MILLER	DAVID	JOHN	A	9/1/20	11/3/20	11/3/20	0000-00-00			
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	6/17/20	SC	YORK		467181427	SMITH	ADAM	J	X	7/3/07	11/6/12	11/6/12	0000-00-00			
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	7/17/20	SC	RICHLAND		406771404	DALAL	MAHALAXMI	I	X	8/5/04	11/8/16	11/8/16	0000-00-00			
	7/17/20	SC	LEXINGTON		320665728	ANDREWS	MAUDE	B	X	4/30/68	1/22/18	11/4/08	0000-00-00			
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	8/21/20	SC	SALUDA		411135195	SEIGLER	ROLAND	C	A	10/2/20	11/10/20	6/9/20	0000-00-00			
	9/23/20	SC	GREENVILLE		235588920	TOWE	STEPHANIE	L	A	6/19/20	11/3/20	11/3/20	0000-00-00			
	9/23/20	SC	ANDERSON		41957514	JOHNSON	WILLIAM	C	X	9/23/80	11/6/18	11/6/18	0000-00-00			
	9/23/20	SC	EDGEFIELD		195235511	SMITH	MICHELE	L	A	10/2/20	10/19/20	10/19/20	0000-00-00			
	11/23/20	SC	CHARLESTON		104781966	GRANT	OMAR	A	A	11/25/02	2/9/21		0000-00-00			
	11/23/20	SC	EDGEFIELD		195240753	MILES	ELLEN	G	X	9/29/08	10/28/20	10/28/20	0000-00-00			
	11/23/20	SC	GREENVILLE		225450777	GATES	WILLIAM	T	X	2/17/16	11/6/18	11/6/18	0000-00-00			
	11/23/20	SC	PICKENS		396503987	GREENE	NANCY	JEAN	X	8/28/92	10/23/20	10/23/20	0000-00-00			
	11/23/20	SC	HAMPTON		470444286	DAVIS	KELLY	ANN	X	3/23/15	4/6/15		0000-00-00			
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	12/17/20	SC	AIKEN		470603848	OHARA	MICHELE	L	X	3/18/16	7/2/19		0000-00-00			
	12/17/20	SC	HORRY		265919115	PUGH	MARY JANE		X	3/22/06	10/12/20	10/12/20	0000-00-00			
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	12/17/20	SC	ANDERSON		40084873	MULLIKIN	ROGER	H	A	10/8/94	5/20/21	5/18/21	0000-00-00			
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	2/4/21	SC	SUMTER		436930962	BRUNSON	LOU	B	X	8/7/96	3/4/18		0000-00-00			
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	2/4/21	SC	BARNWELL		470537501	BROWN	JANET	A	X	12/29/15	11/3/20	11/3/20	0000-00-00			
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	3/19/21	SC	MARION		346234969	CANTEY	COOKIE	M	X	12/8/97	10/6/16	10/23/12	0000-00-00			
	3/19/21	SC	ANDERSON		471254418	BAKER	DOMINIQUE	THOMAS	X	6/17/20	11/3/20	11/3/20	0000-00-00			
	3/19/21	SC	RICHLAND		400850853	POPE	SHERWOOD	L	X	9/6/68	11/8/16	11/8/16	0000-00-00			
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	4/19/21	SC	CHARLESTON		470799187	VALDEZ	LEONARDO	R	X	4/7/17	4/14/17		0000-00-00			
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8/24/21 Retraction File																
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	8/24/21 0:00	SC	BERKELEY		185161837	DUTTON	STEPHEN	F	X	2/28/92	11/3/20	11/3/20	0000-00-00			
	8/24/21 0:00	SC	CHESTER		121881760	SMITH	MARY	ANNE	X	10/2/80	10/18/16	10/18/16	0000-00-00			
11/16/21 Retraction File																
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	44405	SC	DORCHESTER		185222106	KLOPIC	KATHLEEN		X	38231	42682	42682	0000-00-00			
	44432	SC	BERKELEY		185161837	DUTTON	STEPHEN	F	X	33662	44138	44138	0000-00-00			
	44432	SC	CHESTER		121881760	SMITH	MARY	ANNE	X	29496	42661	42661	0000-00-00			
11/18/21 Retraction File																
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	9/15/21 0:00	SC	LEXINGTON		326304636	CURRY	LAWRENCE	M	X	8/13/10	11/3/20	11/3/20	0000-00-00			
	9/15/21 0:00	SC	CHARLESTON		104834193	HERRERA	FRANCISCO		X	9/27/05	11/3/20	11/3/20	0000-00-00			
	9/15/21 0:00	SC	LEXINGTON		320875303	WATTS	JO ANN		X	6/26/78	11/3/20	11/3/20	0000-00-00			
1/4/2022 Retraction File																
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11/23/2022 Retraction File																
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	10/19/22 0:00	SC	GREENVILLE		471301442	EDWARDS	EARL	ANSEL	X	8/23/20	5/26/22	5/26/22	0000-00-00			
	10/19/22 0:00	SC	KEESHAW		471324053	SANDERS	DENNIS	GARY LAWRENCE	X	9/8/20	10/30/20	10/30/20	0000-00-00			
1/3/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	10/19/22 0:00	SC	RICHLAND		401344110	KSHORE	MARGORIE	V	X	9/20/71	11/7/21	11/7/21	0000-00-00			
	11/23/22 0:00	SC	CHARLESTON		101138569	MOSELEY	ROGER	W	X	3/4/97	11/8/22	11/8/22	0000-00-00			
1/19/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	12/30/22 0:00	SC	HORRY		265883707	LYSIAD	HENRY	D	X	7/22/03	11/1/22	11/1/22	0000-00-00			
	12/30/22 0:00	SC	HORRY		265974627	HARE	JAMES	D	X	4/16/10	10/25/22	10/25/22	0000-00-00			
	12/30/22 0:00	SC	YORK		470473974	CORRELL	PAUL	W	X	7/10/15	11/4/22	11/4/22	0000-00-00			
2/27/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	12/30/22 0:00	SC	GREENVILLE		470409740	HAY	THELU	V	X	10/23/14	11/8/16	11/8/16	0000-00-00			
	12/30/22 0:00	SC	LEXINGTON		326188227	AUSTIN	MICHAEL	R	X	4/21/98	11/8/16	11/8/16	0000-00-00			
	1/19/23 0:00	SC	OCONEE		471548122	BELL	TIMOTHY	S	X	9/20/22	9/27/22		0000-00-00			
3/22/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	3/24/23 0:00	SC	RICHLAND		408574924	RILEY	EDDIE		X	6/16/09	10/8/20	10/8/20	0000-00-00			
	11/23/22 0:00	SC	CALHOUN		91444788	RILEY	EDDIE		X	10/8/22	11/8/22	11/4/08	0000-00-00			
	2/24/23 0:00	SC	GEORGETOWN		225427287	MCLEROY	WILLIAM	MARK	X	8/7/03	10/24/22	10/24/22	0000-00-00			
4/24/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	2/24/23 0:00	SC	GREENWOOD		245658351	MCDONALD	DENNIS	B	X	9/25/92	11/3/20	11/3/20	0000-00-00			
	3/22/23 0:00	SC	RICHLAND		470831242	MCDONALD	TASHYANA	D	X	6/27/16	10/30/20	10/30/20	0000-00-00			
	3/22/23 0:00	SC	RICHLAND		470433432	GARCIA	JOHN	E	X	2/11/15	2/23/15		0000-00-00			
5/17/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	4/20/23 0:00	SC	CHARLESTON		104720007	ETHERIDGE	DIANN	S	X	2/10/98	11/6/12	11/6/12	0000-00-00			
	4/20/23 0:00	SC	FLORENCE		215415164	BEACH	JIMMIE	V	X	3/26/10	10/15/20	10/15/20	0000-00-00			
6/23/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	5/17/23 0:00	SC	YORK		470498621	KRAUSE	ELLEN	SUSAN	X	9/4/15	11/1/22	11/1/22	0000-00-00			
7/20/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	6/23/23 0:00	SC	AIKEN		7498747	LARSEN	LONDON	J	X	8/6/19	11/3/20	11/3/20	0000-00-00			
8/21/23 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	7/19/23 0:00	SC	CHARLESTON		4140521	HAMPTON	IDA	M	X	7/7/99	11/4/22	11/4/22	0000-00-00			
9/25/2023 Retraction File																
NOTICE_ID	REPORT_DATE	STATE_CODE	COUNTY	ENT_SRC_KEY	VOTER_ID	LAST_NAME	FIRST_NAME	MIDDLE_NAME	VOTER_STATUS	REG_DATE	LAST_ACT_DATE	LAST_VOTE_DATE	DOD	SSDM_STAT	SSDM_LOAD	SSDM_KEY
	7/19/23 0:00	SC	LEXINGTON		326140858	JOYCE	STEVE	E	X	9/1/92	11/8/22	11/8/22	0000-00-00			
	8/18/23 0:00	SC	LEXINGTON		326139440	FARR	ROY	J	X	9/16/92	11/8/22	11/8/22	0000-00-00			

From: [Knapp, Howard](#)
To: [John Wells \(jwells@Baxleywells.com\)](#); [Scott Moseley](#); [Cliff Edler](#); [jvday@yahoo.com](#); [Linda McCall](#)
Subject: FW: PILF, Inc. v. Knapp
Date: Tuesday, March 19, 2024 4:40:00 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[2024-3-19 PILF v. Knapp.pdf](#)
[Complaint.pdf](#)
[Exhibit A.pdf](#)
[Exhibit B.pdf](#)
[Exhibit C.pdf](#)

Good afternoon, Commissioners,

We will discuss this tomorrow, but I just wanted to provide the documentation for the latest lawsuit challenging our state's election laws. Below is what I just sent the House and Senate and I've attached the relevant documents filed in the U.S. District Court this week.

See you tomorrow,
Howie

From: Knapp, Howard
Sent: Tuesday, March 19, 2024 4:32 PM
To: Gossett, Jeff <jeffgossett@scsenate.gov>; Reid, Charles <charlesreid@schouse.gov>
Cc: Nicholson, Thomas <tnicholson@elections.sc.gov>; Limehouse, Thomas <TLimehouse@governor.sc.gov>; Matt Gates <MGates@scag.gov>; Andy Fiffick <AndyFiffick@scsenate.gov>; Jennifer Dobson <JenniferDobson@schouse.gov>
Subject: PILF, Inc. v. Knapp

Messrs. Gossett and Reid,

Pursuant to S.C. Code of Laws §7-1-110(E), I am forwarding the attached complaint, *Public Interest Legal Foundation, Inc. v. Howard M. Knapp* and accompanying plaintiff's exhibits to you for review by President Alexander and Speaker Smith.

The complaint alleges S.C. Code of Laws §7-3-20 (D)(13) violates federal law; specifically, the plaintiffs claim the fact that state law allows only registered South Carolina voters to purchase a voter list violates the National Voter Registration Act of 1993.

We are awaiting service, but out of an abundance of caution, I wanted the Senate and House leadership to be made aware of the issues presented in the case.

Please let me know if you have any questions.

Best,
Howie

Howard M. Knapp, J.D., CERA

Executive Director

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, S.C. 29201

P.O. Box 5987, Columbia, S.C. 29250

Office: 803.734.9060

Fax: 803.734.9366

scVOTES.gov



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Nicholson, Thomas

From: Nicholson, Thomas
Sent: Wednesday, November 22, 2023 12:34 PM
To: LChurchwell@publicInterestLegal.org
Cc: Bain, Sydni; Chavis, Madelyn; Catalano, John; Lundeen, TJ; Austin, Tyler
Subject: RE: [External] Re: NVRA Request
Attachments: Deceased Retraction Log.zip

Mr. Churchwell:

Attached please find records responsive to your request. The folder contains an Excel file with the requested data.

Note that there has not been a deceased retraction report in every month since the SEC began receiving data from ERIC. Also note that data under the "Notice ID", "ENT_SRC_Key", and "SSDM Key" columns were removed due to data security and internal processing security concerns.

Let me know if you have any questions.

Thomas W. Nicholson
General Counsel

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, S.C. 29250
Office: 803.734.9063
Fax: 803.734.9366

From: Logan Churchwell <LChurchwell@publicInterestLegal.org>
Sent: Friday, November 3, 2023 10:33 AM
To: Elections, SCEC <elections@elections.sc.gov>
Subject: [External] Re: NVRA Request

Could I please get an update on this request? I have not yet received a response or simple acknowledgment.

From: Logan Churchwell
Sent: Friday, October 13, 2023 11:26 AM
To: elections@elections.sc.gov
Subject: NVRA Request

Dear Disclosure Officer: Please review the attached request letter and advise when responsive documents will be made available.

Logan Churchwell

Research Director

Public Interest Legal Foundation

lchurchwell@publicinterestlegal.org

107 S. West Street, Suite 700

Alexandria, VA 22314

Nicholson, Thomas

From: Nicholson, Thomas
Sent: Tuesday, March 12, 2024 4:43 PM
To: Logan Churchwell
Cc: Chavis, Madelyn; Crum, Liz; Burchstead, Michael; Jenkins, Ben; Green, Tracey
Subject: RE: [External] Re: NVRA Request - Notice of NVRA Violation
Attachments: Knapp v. PILF; Summons and Complaint.pdf

Mr. Churchwell –

The State Election Commission (SEC) received your notice letter sent pursuant 52 U.S.C. § 20510(b)(1). However, as stated in my correspondence dated February 20, 2024, this agency’s opinion is that under South Carolina law, the Executive Director of the SEC does not have authority to provide the information you have requested to anyone other than a qualified elector in South Carolina. Therefore, as before, the SEC must refuse your request.

In recognition of the prospect of litigation indicated by your email of February 21st and its attached notice letter, please see attached to this email a lawsuit filed yesterday, March 11, 2024, in the Richland County Court of Common Pleas.

Let me know if you have any questions.

Thomas W. Nicholson
General Counsel

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, S.C. 29250
Office: 803.734.9063
Fax: 803.734.9366

From: Logan Churchwell <LChurchwell@publicInterestLegal.org>
Sent: Wednesday, February 21, 2024 1:12 PM
To: Nicholson, Thomas <tnicholson@elections.sc.gov>; Elections, SCEC <elections@elections.sc.gov>
Cc: Chavis, Madelyn <mchavis@elections.sc.gov>; Catalano, John <jcatalano@elections.sc.gov>; Lundeen, TJ <tlundeen@elections.sc.gov>; Bain, Sydney <sbain@elections.sc.gov>
Subject: Re: [External] Re: NVRA Request - Notice of NVRA Violation

Dear Executive Director Knapp and South Carolina State Election Commissioners:

Pursuant to 52 U.S.C. § 20510(b)(1), this letter serves as statutory notice that Executive Director Wells and the South Carolina State Election Commission (“SEC”) are in violation of the National Voter Registration Act (NVRA) for failure to permit inspection and reproduction of public records as required by the NVRA, 52 U.S.C. § 20507(i)(1).

You are hereby notified that you now face federal litigation if you continue to deny access to the requested records.

From: Nicholson, Thomas <tnicholson@elections.sc.gov>
Sent: Tuesday, February 20, 2024 1:34 PM
To: Logan Churchwell
Cc: Chavis, Madelyn; Catalano, John; Lundeen, TJ; Bain, Sydni
Subject: FW: [External] Re: NVRA Request

Mr. Churchwell:

Attached please find our response.

Feel free to call me to discuss this; I will be available tomorrow after noon, and later this week.

Thomas W. Nicholson

General Counsel

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, S.C. 29250
Office: 803.734.9063
Fax: 803.734.9366

From: Logan Churchwell <LChurchwell@publicInterestLegal.org>
Sent: Tuesday, February 20, 2024 11:16 AM
To: Elections, SCEC <elections@elections.sc.gov>
Subject: [External] Re: NVRA Request

Dear Disclosure Officer: Please provide an update on this request. Thank you.

From: Logan Churchwell
Sent: Monday, February 5, 2024 3:41 PM
To: elections@elections.sc.gov
Subject: NVRA Request

Dear Disclosure Officer:

Please review the attached request and advise when responsive documents will be made available.

Logan Churchwell

Research Director

Public Interest Legal Foundation

lchurchwell@publicinterestlegal.org

107 S. West Street, Suite 700

Alexandria, VA 22314

Nicholson, Thomas

From: Nicholson, Thomas
Sent: Tuesday, February 20, 2024 1:35 PM
To: lchurchwell@publicinterestlegal.org
Cc: Chavis, Madelyn; Catalano, John; Lundeen, TJ; Bain, Sydney
Subject: FW: [External] Re: NVRA Request
Attachments: SEC Response 02-20-24; PILF NVRA Request.pdf

Mr. Churchwell:

Attached please find our response.

Feel free to call me to discuss this; I will be available tomorrow after noon, and later this week.

Thomas W. Nicholson
General Counsel

South Carolina State Election Commission

1122 Lady St., 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, S.C. 29250
Office: 803.734.9063
Fax: 803.734.9366

From: Logan Churchwell <LChurchwell@publicinterestlegal.org>
Sent: Tuesday, February 20, 2024 11:16 AM
To: Elections, SCEC <elections@elections.sc.gov>
Subject: [External] Re: NVRA Request

Dear Disclosure Officer: Please provide an update on this request. Thank you.

From: Logan Churchwell
Sent: Monday, February 5, 2024 3:41 PM
To: elections@elections.sc.gov
Subject: NVRA Request

Dear Disclosure Officer:

Please review the attached request and advise when responsive documents will be made available.

Logan Churchwell

Research Director

Public Interest Legal Foundation

lchurchwell@publicinterestlegal.org

107 S. West Street, Suite 700

Alexandria, VA 22314

From: [RNC Counsel](#)
To: [Elections, SCEC](#); [Knapp, Howard](#)
Cc: [Drew McKissick - State Chairman SC](#); [Mandy Lester - Legal](#); [Cristina Del Rosso - Legal](#)
Subject: [External] South Carolina Presidential Ballot Certification Requirements
Date: Sunday, May 19, 2024 7:41:21 PM
Attachments: [South Carolina .pdf](#)
[SC Cert \(w. State Chair Sig\).pdf](#)
Importance: High

Dear Mr. Knapp:

The RNC is looking to confirm its understanding of ballot access requirements for the Republican nominations for President, Vice President, and Presidential Electors. Can you please confirm the attached materials conform to the requirements in South Carolina or route to the appropriate person in your office who can help?

We appreciate you taking the time during this busy season to review the materials and confirm our understanding.

Thank you,
RNC Counsel's Office

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Nicholson, Thomas

From: Malcolm, John <John.Malcolm@heritage.org>
Sent: Friday, August 18, 2023 3:11 PM
To: McGill, Jenny; Fitzhenry, Jack
Subject: [External] Re: Resending from South Carolina - The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request

Thank you, Jenny. That was thoughtful of you, but I answer to just about anything.

Best regards,

John

John Malcolm

Vice President, Institute for Constitutional Government, Director of the Edwin Meese III Center for Legal and Judicial Studies, and Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow
Institute for Constitutional Government

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6273

heritage.org

From: McGill, Jenny <jmcgill@elections.sc.gov>
Sent: Friday, August 18, 2023 3:09 PM
To: Malcolm, John <John.Malcolm@heritage.org>; Fitzhenry, Jack <Jack.fitzhenry@heritage.org>
Cc: McGill, Jenny <jmcgill@elections.sc.gov>
Subject: Resending from South Carolina - The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request

Mr. Malcolm,

I apologize for misspelling your last name! I am re-sending the letter with the corrected spelling. Again, as requested, attached you will find the South Carolina Election Commission's response to your letter. Please let me know if you have any other questions.

Jenny

Jenny Wooten McGill
Director of Government Affairs & Policy

South Carolina Election Commission
1122 Lady St, 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, SC 29250
Phone: 803.734.4139 | **Fax:** 803-734-9366 | **Website:** scVOTES.gov

every vote matters.
every vote counts.



From: McGill, Jenny
Sent: Friday, August 18, 2023 3:05 PM
To: john.malcom@heritage.org; jack.fitzhenry@heritage.org
Cc: Knapp, Howard <hknapp@elections.sc.gov>; Nicholson, Thomas <tnicholson@elections.sc.gov>
Subject: RE: [External] The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request

Mr. Malcom,

As requested, attached you will find the South Carolina Election Commission's response to your letter. Please let me know if you have any other questions.

Thank you so much,

Jenny Wooten McGill
Director of Government Affairs & Policy

South Carolina Election Commission
1122 Lady St, 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, SC 29250
Phone: 803.734.4139 | **Fax:** 803-734-9366 | **Website:** scVOTES.gov

every vote matters.
every vote counts.



From: Heckman, Caroline <Caroline.Heckman@heritage.org> **On Behalf Of** Malcolm, John
Sent: Tuesday, August 1, 2023 4:54 PM
To: Elections, SCEC <elections@elections.sc.gov>
Subject: [External] The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request

Dear Executive Director Knapp:

I hope that you are well.

As you can see from the attached letter, we are seeking your assistance to verify information about your state's election procedures for inclusion in The Heritage Foundation's [Election Integrity Scorecard](#). I am sure you will agree that having accurate information on this vital subject is of the utmost importance and in everybody's best interests.

Thank you in advance for your time and attention to this matter.

Kind regards,

John

John Malcolm

Vice President, Institute for Constitutional Government, Director of the Edwin Meese III Center for Legal and Judicial Studies, and Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow

Institute for Constitutional Government

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6273

heritage.org

Nicholson, Thomas

From: McGill, Jenny
Sent: Friday, August 18, 2023 3:05 PM
To: john.malcom@heritage.org; jack.fitzhenry@heritage.org
Cc: Knapp, Howard; Nicholson, Thomas
Subject: RE: [External] The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request
Attachments: Heritage Foundation ERIC letter from South Carolina 8.18.23.pdf; South Carolina Letter.pdf

Mr. Malcom,

As requested, attached you will find the South Carolina Election Commission's response to your letter. Please let me know if you have any other questions.

Thank you so much,

Jenny Wooten McGill
Director of Government Affairs & Policy

South Carolina Election Commission
1122 Lady St, 5th Floor, Columbia, SC 29201
P.O. Box 5987, Columbia, SC 29250
Phone: 803.734.4139 | **Fax:** 803-734-9366 | **Website:** scVOTES.gov

every vote matters.
every vote counts.



From: Heckman, Caroline <Caroline.Heckman@heritage.org> **On Behalf Of** Malcolm, John
Sent: Tuesday, August 1, 2023 4:54 PM
To: Elections, SCEC <elections@elections.sc.gov>
Subject: [External] The Heritage Foundation's Election Integrity Scorecard Update Notice and Information Request

Dear Executive Director Knapp:

I hope that you are well.

As you can see from the attached letter, we are seeking your assistance to verify information about your state's election procedures for inclusion in The Heritage Foundation's [Election Integrity Scorecard](#). I am sure you will agree that having accurate information on this vital subject is of the utmost importance and in everybody's best interests.

Thank you in advance for your time and attention to this matter.

Kind regards,

John

John Malcolm

Vice President, Institute for Constitutional Government, Director of the Edwin Meese III Center for Legal and Judicial Studies, and Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow

Institute for Constitutional Government

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6273

heritage.org



VIA EMAIL

February 5, 2023

ATTN: Public Records
South Carolina State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201
Email: elections@elections.sc.gov

RE: NVRA Request

Dear Disclosure Officer:

I am writing on behalf of the Public Interest Legal Foundation to request inspection (or production) of voter registration records. The Public Interest Legal Foundation (“Foundation”) is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance procedures throughout the Nation.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. A current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186.¹

Should further clarification be required, send email to churchwell@publicinterestlegal.org. Thank you for your assistance in advance.

¹ The Foundation believes that the NVRA preempts the residency requirement found in S.C. Code 7-3-20(D)(13). *Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 445 (D. Md. 2019) (“It follows that the State law is preempted in so far as it allows only Maryland registered voters to access voter registration lists.”).

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell". The signature is fluid and cursive, with the first name being the most prominent.

Logan Churchwell,
Research Director
Public Interest Legal Foundation

**SOUTH CAROLINA
ELECTION COMMISSION**

February 20, 2024

Public Interest Legal Foundation
Mr. Logan Churchwell, Research Director
107 S. West Street
Suite 700
Alexandria, VA 22314

RE: Your Records Request of February 5, 2024

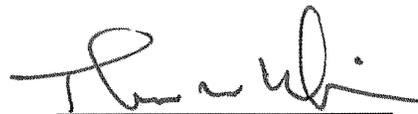
Dear Mr. Churchwell:

We have received your letter of February 5, 2024 for records available pursuant to 52 U.S.C. § 20507(i) of the National Voter Registration Act of 1993. You requested the following: “A current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186.” That provision requires that the State Election Commission must establish and maintain a statewide voter registration database. In a footnote you stated that “[t]he Foundation believes that the NVRA preempts the residency requirement found in S.C. Code 7-3-20(D)(13)¹, and cited to the federal District Court case Judicial Watch, Inc. v. Lamone, 399 F. Supp. 3d 425, 445 (D. Md. 2019). That case found that a Maryland provision similar to that found under S.C. Code § 7-3-20(D)(13) was preempted by the NVRA.

The kind of information you appear to be interested in is fact provided, for a fee, to qualified electors in South Carolina via the List Sales Program.² On the basis of S.C. Code § 7-3-20(D)(13), the SEC has consistently refused to allow out of state citizens or organizations to purchase voter lists via the List Sales Program.

This agency’s opinion is that notwithstanding the finding in Lamone, the Executive Director does not have discretion to abrogate S.C. Code § 7-3-20(D)(13) and waive its clearly stated limitation to those who are “qualified electors”. Therefore, respectfully, we must refuse your request.³

Sincerely,



Thomas W. Nicholson
General Counsel

COMMISSIONERS

JOHN WELLS
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
Executive Director

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

¹ Stating that the Executive Director of the SEC must “furnish at reasonable price any precinct lists to a qualified elector requesting them”.

² <https://scvotes.gov/resources/sale-of-voter-registration-lists/>

³ We note that though Lamone has been cited several times for the precedent that the NVRA can preempt state law, we are not aware that the United States Court of Appeals for the 4th Circuit has ruled on a similar District Court case where a similar residency requirement was found to be preempted by the NVRA.

EVERY VOTE MATTERS.
EVERY VOTE COUNTS.



VIA EMAIL

February 21, 2024

Howard M. Knapp, Executive Director
John Wells, Chair
C/O Thomas W. Nicholson, General Counsel
South Carolina State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201
Email: elections@elections.sc.gov | tnicholson@elections.sc.gov

RE: Notice of NVRA Violation

Dear Executive Director Knapp and South Carolina State Election Commissioners:

Pursuant to 52 U.S.C. § 20510(b)(1), this letter serves as statutory notice that Executive Director Wells and the South Carolina State Election Commission (“SEC”) are in violation of the National Voter Registration Act (NVRA) for failure to permit inspection and reproduction of public records as required by the NVRA, 52 U.S.C. § 20507(i)(1).

You are hereby notified that you now face federal litigation if you continue to deny access to the requested records.

Background

The NVRA requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1). The records the NVRA describes are commonly referred to as “voter list maintenance” records.

On February 5, 2024, pursuant to the NVRA, the Foundation requested from your office the opportunity to inspect or receive certain voter list maintenance records, namely: “(1) A current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186. A copy of the Foundation’s February 5, 2024, request is enclosed with this notice.

107 S. West Street, Suite 700, Alexandria, Virginia 22314
Telephone: 703.745.5870 Fax: 888.815.5641 PublicInterestLegal.org

Violation of the National Voter Registration Act

On February 20, 2024, the SEC responded to the Foundation's request, stating the agency must "respectfully, refuse your request" because the Foundation is not a qualified elector in South Carolina. The SEC explains that it does not have the discretion to abrogate S.C. Code § 7-3-20 (D)(13) and waive the limitation that only qualified electors in South Carolina may purchase the requested records under the List Sales Program.

As explained in the Foundation's February 5, 2024, request, the NVRA requires election officials to make available for public inspection "**all records** concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1) (emphasis added). Every court to address the question has held that a state's voter roll, or a portion thereof, is subject to disclosure under the NVRA, including, just recently, the First Circuit Court of Appeals. *Pub. Int. Legal Found., Inc. v. Bellows*, No. 23-1361, 2024 U.S. App. LEXIS 2416 (1st Cir. Feb. 2, 2024) (explaining that the "[v]oter File plainly relates to the carrying out of Maine's voter list registration and maintenance activities and is thereby subject to disclosure under Section 8(i)(1)."). The South Carolina voter file is likewise within the NVRA's scope and subject to disclosure.

Any state law limiting disclosure of the requested records, such as S.C. Code § 7-3-20 (D)(13), is inapplicable to our request because the NVRA, as a federal enactment, is superior to conflicting state laws under the Constitution's Elections and Supremacy Clauses. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12-15, 133 S. Ct. 2247, 2255-57 (2013). As you acknowledge, the United States District Court for the District of Maryland has held that the NVRA preempts a residency requirement similar to that found under S.C. Code § 7-3-20 (D)(13). *Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 445 (D. Md. 2019). For similar reasons, the NVRA preempts South Carolina's qualified elector requirement, S.C. Code § 7-3-20 (D)(13).

Failure to permit public inspection or otherwise provide copies of the requested records is a violation of federal law for which the NVRA provides a private right of action. 52 U.S.C. § 20510(b).

Executive Director Wells and the SEC are hereby notified that they are violating the NVRA and litigation may commence against them if the violations described herein are not cured within 20 days of the receipt of this letter. The curative period is 20 days because the violation is occurring within 120 days of the February 24, 2024, Republican Presidential Primary Election,¹ an election for federal office. *See* 52 U.S.C. § 20510(b)(2).

For lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred is available under 52 U.S.C. § 20510(c). The Foundation was recently awarded attorney's fees and litigation expenses as the prevailing party in actions to enforce the NVRA's public inspection rights.²

¹ <https://scvotes.gov/elections-statistics/upcoming-elections/>

² Doc. 97, *Public Interest Legal Foundation v. Bennett*, No. 4:18-cv-0981 (entered June 30, 2021).

If the violation described herein is not cured in the time afforded by law, we will have no choice but to pursue remedies in federal court.

Please contact me to arrange for secure transmission of the requested records, if necessary.

Thank you for your continued attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell".

Logan Churchwell
Research Director
Public Interest Legal Foundation

August 18, 2023

Mr. John G. Malcom
Vice President, Institute for Constitutional Government,
Director Meese Center for Legal and Judicial Studies
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
SENT VIA EMAIL to john.malcolm@heritage.org, jack.fitzhenry@heritage.org

RE: South Carolina Election Integrity Scorecard Information

Dear Mr. Malcom:

The South Carolina State Election Commission received your letter asking for information regarding the Heritage Foundation's Election Integrity Scorecard. Below you will find South Carolina's answers to your questions:

COMMISSIONERS

JOHN WELLS
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

1. Question: Is South Carolina a member of the Electronic Registration Information Center (ERIC), and if not, whether your state has any agreement with other states to share voter registration information that you use to compare with your own voter registration data to remove or suspend individuals who are registered in other states?

Answer: Yes, South Carolina is a member of ERIC. South Carolina also has an agreement with Georgia for the purpose of comparing voter registration data.

2. Question: Does South Carolina conduct post-election audits, and if so, the nature and extent of those audits?

Answer: Yes, South Carolina conducts post-election audits. The most recent post-election and compliance audits can be found on our website:
<https://scvotes.gov/elections-statistics/election-audits/>.

The State Election Commission conducts the following audits:

a. Hand Count Audits – Voters verify their votes on their paper ballot before casting it. Hand count audits are designed to ensure the votes recorded by the scanners match what was verified by the voters. During the hand count audit, precincts and offices are selected by the SEC for each county in federal and state level elections. Local election officials select the precincts and offices for local elections. Election officials publicly open the ballot box for the selected precinct(s) and hand count the votes for the selected office on the voter-verified paper ballots.

b. Results Verification Audits - A results verification audit is an independent, automated audit that relies solely on the use of independent software to

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Columbia, SC 29201

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Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.scvotes.gov

tabulate ballot images. The results from the independent tabulation are then compared to the tabulation results from the voting system.

The results verification audit is conducted using ballot images. The use of ballot images allows elections officials to maximize the technological functions of the voting system while minimizing human error and eliminating chain of custody issues by using securely stored ballot images, rather than voted paper ballots.

A discrepancy variance level of 0.5% is established for results verification audits. If there is a variance between the voting system results and the audit results greater than 0.5% in any given contest and the variance cannot be explained, additional auditing will be performed.

c. Compliance Audits - The State Election Commission (SEC) conducts compliance audits to evaluate whether the voter registration and elections activities of a county board of voter registration and elections are consistent federal law, state law, and SEC policies and procedures.

3. Question: Is there any jurisdiction in South Carolina that utilizes ranked choice voting or if South Carolina has a specific prohibition against ranked choice voting?

Answer: Under SC Code §7-15-650, South Carolina allows for instant runoff voting or ranked choice voting for military and overseas voters.

We would also like to provide the following information to be reviewed for consideration when updating South Carolina's Election Integrity Scorecard:

- Under Absentee Ballot Management: The state does not use unattended, unsecure drop boxes? Yes. South Carolina does not use unattended, unsecure drop boxes. The South Carolina Election Commission has adopted policies and is currently promulgating regulations banning the use of unattended, unsecure drop boxes.

Thank you for reaching out to us. If you have any further questions, please do not hesitate to reach out.

Sincerely,

Jenny Wooten McGill
Director of Government Affairs and Policy
jmcgill@elections.sc.gov

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
Civil Action No. _____

HOWARD M. KNAPP, in his official capacity as
Executive Director of the South Carolina State
Election Commission,

SUMMONS

Plaintiff,

v.

PUBLIC INTEREST LEGAL FOUNDATION,

Defendant.

TO: THE DEFENDANT NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said Complaint upon the subscriber at his office, 1221 Main Street, Suite 1800, Columbia, South Carolina 29201 (or by mail to PO Box 11390, Columbia, SC 29211), within thirty (30) days after service hereof, exclusive of the day of service. If you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted,

s/ Michael R. Burchstead

M. Elizabeth Crum (SC. Bar #1486)

Michael R. Burchstead (SC. Bar # 73770)

BURR & FORMAN LLP

1221 Main Street, Suite 1800 (29201)

PO Box 11390 (29211)

Telephone; (803) 799.9800

Facsimile: (803) 933.1438

Columbia, South Carolina

Attorneys for Knapp in his official capacity as

Executive Director of the SEC

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Civil Action No. _____

HOWARD M. KNAPP, in his official capacity as
Executive Director of the South Carolina State
Election Commission,

**COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT**

Plaintiff,

v.

PUBLIC INTEREST LEGAL FOUNDATION,

Defendant.

Plaintiff, Howard M. Knapp (“Knapp”), in his official capacity as Executive Director of the South Carolina State Election Commission (“SEC”), pursuant to Rule 57 of the South Carolina Rules of Civil Procedure (“SCRCP”) and the South Carolina Uniform Declaratory Judgments Act, S.C. Code Ann. § 15-53-10, *et. seq.*, seeks a declaratory judgment, and in support thereof would show the Court as follows:

PARTIES

1. The SEC is an agency of the executive branch of government of the State of South Carolina, based in Richland County, South Carolina. The SEC’s powers and duties are limited to those set forth in Title 7, S.C. Code Ann.

2. Knapp is the duly appointed Executive Director of the SEC, whose powers and duties are set forth in S.C. Code Ann. § 7-3-20 (2022) and elsewhere in Title 7. Among Knapp’s statutory duties are to “furnish at reasonable price any precinct lists to a qualified elector requesting them,” § 7-3-20(D)(13), and to “serve as the chief state election official responsible for

implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993 [NVRA],” § 7-3-20(D)(14).

3. Upon information and belief, the Public Interest Legal Foundation (“PILF”) is a 501(c)(3) tax exempt organization originally organized in Indianapolis, Indiana and currently headquartered in Alexandria, Virginia, whose activities include requesting voter registration files from state election administrators nationwide.

RELEVANT FACTS AND STATUTORY LAW

4. S.C. Code Ann. § 7-3-20(D)(13) requires the SEC Executive Director to “furnish at reasonable price¹ any precinct lists,” also known as voter registration lists, “to a *qualified elector* requesting them.” (emphasis added). This has been the law in South Carolina since 1967. Chief Justice Ness wrote, “[the statute is explicit, admitting of no construction or application other than that which it clearly demands.” *Martin v. Ellisor*, 266 S.C. 377, 382, 223 S.E.2d 418 (1976)(interpreting prior version of statute). The S.C. Attorney General’s Office has observed that “the purpose and intent of [§ 7-3-20(D)(13)] is clearly to provide information, and specifically precinct lists, *to certain members of the public, i.e., qualified electors.*” 2015 WL 7573849, at *1 (S.C.A.G. Nov. 13, 2015)(emphasis added).

5. Based on the plain language of S.C. Code Ann. § 7-3-20(D)(13), and the established practice in this State for fifty-seven (57) years, the SEC regularly denies requests out-of-state persons and organizations access to the voter registration list because they are not South Carolina qualified electors.²

¹ Per a new SEC fee schedule for electronic voter lists, effective March 1, 2022, the maximum price for the statewide voter list is \$2,500.00. See <https://scvotes.gov/resources/sale-of-voter-registration-lists/> (last accessed March 5, 2024).

² Through the SEC’s List Sales Program, qualified electors can purchase voter registration lists at the SEC’s website, *see* <https://scvotes.gov/resources/sale-of-voter-registration-lists/> (last accessed March 7, 2024), and can choose to obtain the voter data statewide, or filtered by county,

6. A “qualified elector” is a qualified South Carolina voter who is also registered to vote in this state. See S.C. Code Ann. § 7-1-20(14)(defining “qualified elector” and “qualified registered elector” as “a person whose name is contained on the active roster of voters maintained by the [SEC] and whose name has not been removed from the roster for any of the reasons named in Section 7-3-20(D)(5) and who possesses a valid registration certificate.”); *Burgess v. Easley Mun. Election Comm'n*, 325 S.C. 6, 478 S.E.2d 680, 681 (1996)(“[A] qualified elector is one who properly registered [to vote].”).³

7. On February 5, 2023, PILF sent a purported “NVRA Request” to the SEC’s general public email address (elections@elections.sc.gov), seeking a copy of South Carolina’s statewide voter registration list. PILF offered no explanation for why it was seeking the statewide voter registration list. Nor did PILF offer to pay the “reasonable price” for the statewide voter registration list contemplated by S.C. Code Ann. § 7-3-20(D)(13) if the voter list were provided.

8. PILF is not a qualified elector in South Carolina. Even if PILF was based in South Carolina, which it is not, it would not be a qualified elector entitled to the voter list because a corporation cannot vote.

9. At the time of this request, PILF clearly understood that it was not a qualified South Carolina elector, but asserted in a footnote that S.C. Code Ann. § 7-3-20(D)(13)’s limitation on disclosing the voter registration list to only qualified electors was pre-empted by the federal NVRA.

Congressional, Senate, House District, and can filter this data further based on other criteria such as age and registration date.

³ S.C. Code Ann. § 7-5-120 sets forth specific statutory and constitutional qualifications to be able to register to vote, including age and mental competency qualifications.

10. On February 20, 2024, the SEC denied in writing PILF's request for the statewide voter registration list based on S.C. Code § 7-3-20(D)(13). The SEC denial letter explained, *inter alia*, that Knapp had no discretion to ignore the clearly stated limitations in section 7-3-20(D)(13) by providing the South Carolina statewide voter registration list to anyone other than a qualified South Carolina elector.

11. On February 21, 2024, PILF responded to the SEC with what it described as a "Notice of NVRA Violation" and threatened "federal litigation" within twenty (20) days of the date of the letter if the SEC did not disclose the South Carolina statewide voter registration list to PILF.

JURISDICTION AND VENUE

12. A justiciable controversy exists between the parties.

13. The allegations in this Complaint arise under Title 7, S.C. Code Ann., and this action is being brought under the South Carolina Declaratory Judgments Act, S.C. Code Ann. § 15-53-10, *et. seq.* "State courts are the appropriate tribunals ... for the decision of questions arising under their local law, whether statutory or otherwise." *Moore v. Harper*, 600 U.S. 1, 34, 143 S. Ct. 2065, 2088, 216 L. Ed. 2d 729 (2023)(quoting *Murdock v. Memphis*, 20 Wall. 590, 626, 22 L.Ed. 429 (1875).

14. Venue is proper in the Richland County Court of Common Pleas because the SEC and Knapp are located in Richland County, and Richland County is also where a substantial part of the events or omissions giving rise to these claims occurred.

15. While Knapp anticipates that PILF will defensively raise federal pre-emption as a defense, the law is well-settled that "[a] plaintiff's complaint 'may *not* be removed to federal court on the basis of a federal defense, including the defense of pre-emption, even if the defense is anticipated in the plaintiff's complaint, and even if both parties concede that the federal defense is

the only question truly at issue.” *Mayor & City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178, 198 (4th Cir. 2022), *cert. denied*, 143 S. Ct. 1795, 215 L. Ed. 2d 678 (2023)(quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 393, 107 S.Ct. 2425, 96 L.Ed.2d 318 (1987))(emphasis in case).

16. If required to do so, this Court is able to analyze PILF’s anticipated federal pre-emption defense of Knapp’s state law claims, as “[o]ur system of ‘cooperative judicial federalism’ presumes federal and state courts alike are competent to apply federal and state law.” *McKesson v. Doe*, 592 U.S. 1, 5, 141 S. Ct. 48, 51, 208 L. Ed. 2d 158 (2020).

17. Jurisdiction in this Court is proper.

FOR A FIRST CAUSE OF ACTION
(Declaratory Judgment)
(Disclosure of the Voter List)

18. Each allegation contained above is realleged and incorporated by reference.

19. S.C. Code Ann. § 7-3-20(D)(13) requires Knapp to “furnish at reasonable price any precinct lists” upon request, but only if “a qualified elector [is] requesting them.”

20. “As [] creature[s] of statute,” the SEC and Knapp as its Executive Director are “possessed of only those powers expressly conferred or necessarily implied for [them] to effectively fulfill [their] duties with which [they are] charged.” *Captain's Quarters Motor Inn, Inc. v. S.C. Coastal Council*, 306 S.C. 488, 490, 413 S.E.2d 13, 14 (1991)(citing *City of Rock Hill v. South Carolina Department of Health and Environmental Control*, 302 S.C. 161, 394 S.E.2d 327 (1990)).

21. “An administrative agency must follow the law as written until its constitutionality is judicially determined; an agency has no authority to pass on the constitutionality of a statute.” *Beaufort Cnty. Bd. of Educ. v. Lighthouse Charter Sch. Comm.*, 335 S.C. 230, 241, 516 S.E.2d 655, 660–61 (1999)(citing *South Carolina Tax Comm'n v. South Carolina Tax Bd. of Review*, 278 S.C. 556, 299 S.E.2d 489 (1983)).

22. S.C. Code Ann. 15-53-20 of the Declaratory Judgments Act provides:

Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect. Such declarations shall have the force and effect of a final judgment or decree.

23. The Declaratory Judgments Act “is declared to be remedial. Its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. It is to be liberally construed and administered.” S.C. Code Ann. § 15-53-130.

24. The Act “shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact substantially identical legislation and to harmonize, as far as possible, with Federal laws and regulations on the subject of declaratory judgments and decrees.” § 15-53-140.

25. Therefore, pursuant to S.C. Code Ann. § 15-53-10, *et. seq.*, Knapp seeks a declaration from the Court as follows:

a. Whether S.C. Code Ann. § 7-3-20(D)(13) prohibits Knapp from providing the statewide voter registration list to any requestor who is not a South Carolina qualified elector, including PILF;

b. That Knapp acted in good faith in denying PILF’s request for the statewide voter registration list. *See S.C. Nat. Bank v. Florence Sporting Goods, Inc.*, 241 S.C. 110, 115-16, 127 S.E.2d 199, 202 (1962)(a public official is entitled to the presumption that he has properly discharged the duties of his office, as well as faithfully performed the duties charged to his position).

PRAYER FOR RELIEF

WHEREFORE, pursuant to Rule 57, SCRPC, and S.C. Code Ann. § 15-53-10, *et. seq.*, Knapp prays for a declaratory judgment on the issues set forth above and for such other and further relief as this Court may deem appropriate and just under the circumstances.

Respectfully Submitted,

s/ Michael R. Burchstead

M. Elizabeth Crum (SC. Bar #1486)

Michael R. Burchstead (SC. Bar # 73770)

BURR & FORMAN LLP

1221 Main Street, Suite 1800 (29201)

PO Box 11390 (29211)

Telephone; (803) 799.9800

Facsimile: (803) 933.1438

Columbia, South Carolina

Attorneys for Knapp in his official capacity as

Executive Director of the SEC

March 11th, 2024
Columbia, SC

CERTIFICATE OF NOMINATIONS

State of South Carolina:

We do hereby certify that at a National Convention of Delegates representing the Republican Party of the United States, duly held and convened in the City of Charlotte, State of North Carolina, on August 24, 2020, the following person, meeting the constitutional requirements for the Office of President of the United States, and the following person, meeting the constitutional requirements for the Office of Vice President of the United States, were nominated for such offices to be filled at the ensuing general election, November 3, 2020, viz.:

TITLE OF OFFICE TO BE FILLED	NAME OF CANDIDATE	NAME OF PARTY	MAINTAINING RESIDENCY AT
President of the United States	Donald J. Trump	Republican	1100 S. Ocean Blvd. Palm Beach, FL 33480
Vice President of the United States	Michael R. Pence	Republican	4750 N. Meridian Street Indianapolis, IN 46208

IN TESTIMONY WHEREOF, we have hereunto set our hand this 24th day of August, 2020

Permanent Address
of Chairman of
Convention

KEVIN MCCARTHY
8208 PORTSMOUTH STREET
BAKERSFIELD, CA 93311

Kevin McCarthy
Chairman
2020 Republican National Convention

Permanent Address
of Secretary of
Convention

VICKI DRUMMOND
502 GLEN OAKS DRIVE
JASPER, AL 35504

Vicki Drummond
Secretary
2020 Republican National Convention

Permanent Address
of Chairman of
State Party

DREW MCKISSICK
1833 GLENWOOD ROAD
COLUMBIA, SC 29204

Drew McKissick
Chairman
South Carolina Republican Party

Kevin McCarthy, being duly sworn, says that he was the presiding officer of the Convention of Delegates mentioned and described in the foregoing certificate, and that the said Vicki Drummond was the secretary of such convention, and that the said Drew McKissick is the chairman of the South Carolina Republican Party, which constitutes the Republican party of the State of South Carolina, and that said certificate and the statements therein contained are true to the best of his information and belief.

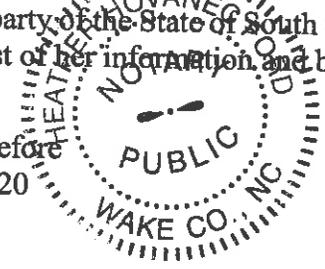
Subscribed and sworn to before
this 24th day of August, 2020



Heather Novanic Ted
Notary Public
Commission expires on the 20 day of Sep 2022

Vicki Drummond, being duly sworn, says that she was the secretary of the Convention of Delegates mentioned and described in the foregoing certificate, and that the said Kevin McCarthy was the presiding officer of such convention, and that the said Drew McKissick is the chairman of the South Carolina Republican Party, which constitutes the Republican party of the State of South Carolina, and that said certificate and the statements therein contained are true to the best of her information and belief.

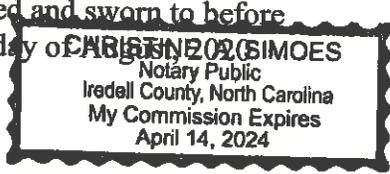
Subscribed and sworn to before
this 24th day of August, 2020



Heather Novanic Ted
Notary Public
Commission expires on the 20 day of Sep 2022

Drew McKissick, being duly sworn, says that she is the chairman of the South Carolina Republican Party, which constitutes the Republican party of the State of South Carolina, and that the said Kevin McCarthy was the presiding officer of the Convention of Delegates mentioned and described in the foregoing certificate, and that the said Vicki Drummond was the secretary of such convention, and that said certificate and the statements therein contained are true to the best of her information and belief.

Subscribed and sworn to before
this 24th day of



Christine A. Simoes
Notary Public
Commission expires on the 14th day of April 2024

County of Mecklenburg, State of North Carolina

SC-LEC-24-0482-A-000044

AMERICAN OVERSIGHT

February 20, 2024

Public Interest Legal Foundation
Mr. Logan Churchwell, Research Director
107 S. West Street
Suite 700
Alexandria, VA 22314

RE: Your Records Request of February 5, 2024

Dear Mr. Churchwell:

We have received your letter of February 5, 2024 for records available pursuant to 52 U.S.C. § 20507(i) of the National Voter Registration Act of 1993. You requested the following: “A current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186.” That provision requires that the State Election Commission must establish and maintain a statewide voter registration database. In a footnote you stated that “[t]he Foundation believes that the NVRA preempts the residency requirement found in S.C. Code 7-3-20(D)(13)¹, and cited to the federal District Court case Judicial Watch, Inc. v. Lamone, 399 F. Supp. 3d 425, 445 (D. Md. 2019). That case found that a Maryland provision similar to that found under S.C. Code § 7-3-20(D)(13) was preempted by the NVRA.

The kind of information you appear to be interested in is in fact provided, for a fee, to qualified electors in South Carolina via the List Sales Program.² On the basis of S.C. Code § 7-3-20(D)(13), the SEC has consistently refused to allow out of state citizens or organizations to purchase voter lists via the List Sales Program.

This agency’s opinion is that notwithstanding the finding in Lamone, the Executive Director does not have discretion to abrogate S.C. Code § 7-3-20(D)(13) and waive its clearly stated limitation to those who are “qualified electors”. Therefore, respectfully, we must refuse your request.³

Sincerely,



Thomas W. Nicholson
General Counsel

COMMISSIONERS

JOHN WELLS
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
Executive Director

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Fax: 803.734.9366
www.scvotes.gov

¹ Stating that the Executive Director of the SEC must “furnish at reasonable price any precinct lists to a qualified elector requesting them”.

² <https://scvotes.gov/resources/sale-of-voter-registration-lists/>

³ We note that though Lamone has been cited several times for the precedent that the NVRA can preempt state law, we are not aware that the United States Court of Appeals for the 4th Circuit has ruled on a similar District Court case where a similar residency requirement was found to be preempted by the NVRA.



**Republican
National
Committee**

Counsel's Office

May 19, 2024

Mr. Howard M. Knapp
Executive Director
South Carolina Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201

Dear Mister Knapp:

I am writing to you to ensure that the Republican National Committee (RNC) and the South Carolina Republican Party properly comply with South Carolina's requirements regarding the certification of candidates for Presidential Elector and nominees for President and Vice President in 2024.

As you may know, the RNC has selected the week of July 15, 2024, for its national convention. Assuming we proceed as we have at past conventions, our nominee for President will officially accept the Party's nomination by Thursday, July 18, 2024.

It is our understanding that South Carolina law requires that the South Carolina Republican Party nominate candidates for Presidential Elector and certify those candidates to the Secretary of State.¹ Furthermore, candidates for Presidential Elector must file a declaration of candidate support with the Secretary of State no later than sixty days prior to Election Day.² Based on this understanding and past practice, the South Carolina Republican Party will certify the Party's candidates for Presidential Elector, and these candidates will submit the above-referenced declarations, to your office on or before September 6, 2024.

¹ "The state committee shall meet at the call of the state chairman or any five members and at a time and place as he may appoint. . . . The state committee shall nominate presidential electors and a vacancy in the state ticket of electors or in the national committee of a party must be filled by the state committee by a majority of the whole committee." S.C. Code §7-9-90. "The names of candidates for electors of President and Vice President nominated by any political party...shall be filed with the Secretary of State but shall not be printed on the ballot." S.C. Code §7-19-70.

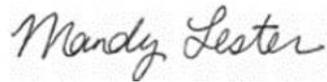
² "Each candidate for presidential and vice-presidential elector shall declare which candidate for president and vice-president he will vote for if elected... The declaration shall be made to the Secretary of State on such form as he may require not later than sixty days prior to the general election for electors." S.C. Code §7-19-80.

It is our further understanding that in order for the names of the Republican Party's nominees for President and Vice President to appear on the general election ballot, the RNC must certify the names of the Party's nominees to the State Election Commission by noon on September 3, 2024.³

We would like to request written confirmation that our understanding of South Carolina's legal requirements is correct and that the RNC's and the Republican Party of South Carolina's plans to notify the State of South Carolina of the Party's candidates for Presidential Elector by September 6, 2024, and nominees for President and Vice President by September 3, 2024, meet with your approval. We would also like confirmation that the forms used in 2020, which are enclosed for your convenience, will again suffice for certification in 2024 and that the address to which this letter is directed may be used to submit the certification materials.

Thank you for your assistance in this matter. Please feel free to contact Mandy Lester of the RNC's Counsel's Office at (202) 863-8719 or MLester@gop.com or Cristina Del Rosso of the RNC's Counsel's Office at (202) 863-8809 or CDelRosso@gop.com if you have any questions.

Sincerely,



Mandy Lester
Deputy Chief Counsel

Enclosure

cc: The Honorable Mark Hammond, Secretary of State
Mr. Drew McKissick, Chairman, South Carolina Republican Party

³ "Candidates for President and Vice President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission." S.C. Code § 7-13-350(B).

Honorable Howard Knapp
Executive Director
South Carolina State Election Commission
P.O. Box 5987
Columbia, SC 29250-5987

Dear Executive Director Knapp:

As you may be aware, the Heritage Foundation maintains an Election Integrity Scorecard that compares the election laws and regulations of each state and the District of Columbia to best-practices recommendations for the administration of elections. The Scorecard is publicly available on the website of the Heritage Foundation at heritage.org/electionscorecard/.

The Foundation is making some recommended changes to the criteria used in the Scorecard and would like to confirm that the information we have for your state is correct relative to these changes. We would appreciate your either confirming or providing the correct information for the Scorecard. The accuracy of the information in the Heritage Election Integrity Scorecard is of paramount importance to us, as we know it is for you, regardless of whether you agree with our scoring methodology.

First, we would like to know whether your state is a member of the Electronic Registration Information Center, and if not, whether your state has any agreement with other states to share voter registration information that you use to compare with your own voter registration data to remove or suspend individuals who are registered in other states.

Our research indicates that South Carolina currently is a member of ERIC. Please confirm whether this is correct and if not, please provide us with the names of the states with which you have such agreements.

Second, we would like to know whether your state conducts post-election audits, and if so, the nature and extent of those audits.

States will be graded on whether they require 1) a post-election manual check of ballots, or an effective portion of them, to verify that votes were tabulated correctly, and 2) whether a state requires a post-election audit of the state's election procedures and processes, or an effective portion of them, to verify that state and federal election laws and regulations were followed, including those requiring maintenance of an accurate voter registration list.

Our research indicates that South Carolina conducts post-election tabulation audits under South Carolina Code §7-3-20 and § 7-3-25, and conducts audits of its election procedures and processes under the same statutes. Please confirm whether this is correct and if not, please

provide us with the correct information, including citations to applicable laws, regulations, or procedures.

Third, we would like to know whether there is any jurisdiction in your state that utilizes ranked choice voting or if your state has a specific prohibition against ranked choice voting.

Our research indicates that South Carolina uses ranked choice voting for overseas voters under South Carolina Code § 7-15-650. Please confirm whether this is correct.

We would appreciate your confirming the accuracy of the data we have compiled for your state as well as providing us with any missing information or corrections that you believe are warranted. We would also appreciate it if you would please provide us with this information **no later than Friday, August 18** by emailing me at john.malcolm@heritage.org and cc'ing my colleague, Jack Fitzhenry, at jack.fitzhenry@heritage.org.

Thank you for your time and attention to this matter.

Sincerely Yours,



John G. Malcolm
Vice President, Institute for Constitutional Government, Director Meese Center for Legal and
Judicial Studies
The Heritage Foundation