

**FINAL SUMMARY REPORT**  
**ON THE NOVEMBER 6, 2012,**  
**RICHLAND COUNTY GENERAL ELECTION**

Steven W. Hamm  
June 27, 2013

The Board of Elections and Voter Registration of Richland County (“Board”) requested, in January of 2013, that I provide the Board with a Final Summary Report addressing my views on the November 6, 2012, General Election and to present that Report after the Board selected a new Executive Director. This report is respectfully submitted in response to the Board’s request. I have previously issued two detailed Election Reports dated December 6, 2012, and January 9, 2013. This Report references some information and data included in those earlier reports. I invite the Board and any other interested citizens to examine those reports again with fresh perspective that comes with the passing of time since the 2012 General Election.

The South Carolina General Assembly established certain statutory standards that apply to county elections. As is now completely clear, the Board, the Executive Director and staff failed to remotely comply with the requirements of S.C. Code of Law Section 7-13-1680. Just as alarming, virtually no one from the Board, the Executive Director or staff even noticed or recognized this serious and major deficiency that existed for many months before the General Election. S.C. Code of Law Section 7-13-1680 states:

The governing body of any county or municipality providing voting machines at polling places for use at elections **shall provide for each polling place at least one voting machine for each two hundred fifty registered voters** or portion thereof or as near thereto as may be practicable. The machines shall be of the type approved as provided for in this title and shall be kept in complete and accurate working order and in proper repair. The machines may be used in such election districts or precincts in the county or municipality as the officials holding the election or conducting the primary may determine. The governing body of the county or municipality owning the machines shall have custody of such machines and other furniture or equipment of the polling places when not in use at an election. S.C. Code Ann. §7-13-1680.

The total failure by the Board, Executive Director and election staff to take specific steps to confirm compliance with § 7-13-1680 is one of the most significant factors that led to the voting disaster that descended on Richland County on November 6, 2012. That failure to distribute and utilize the proper number of voting machines reflects a significant voting compliance problem and reflects an ongoing lack of focus, attention, organization, and leadership required to conduct the most important public participation event available to registered voters. Citizens who choose to take the time to exercise their constitutional right to vote and have these votes counted deserve better treatment and respect for the time they expended to cast their votes.

There is no dispute that the Richland County General Election conducted on November 6, 2012, experienced a series of substantial failures and problems that led directly to long lines of voters at many precincts and lengthy delays in voters actually casting their votes. Unfortunately, the final Richland County vote was cast at Keels precinct on Wednesday morning, November 7, 2012, around 12:10 a.m. That last vote was cast 5 hours and 10 minutes after polls officially closed at 7:00 p.m. That final vote was cast by a very dedicated and equally determined voter who was required to wait over five (5) hours after the polls closed in order to exercise the right to vote. Such extraordinary delays in casting votes must be deemed absolutely unacceptable by the Board and the Executive Director. The November 6, 2012, General Election and the related series of election preparation failures requires a new and much stronger commitment by each Board member and the new Executive Director to adhere with statutory voting standards and requirements. The Board will never regain public trust unless citizens are provided with clear

evidence that specific changes and improvements are actually being implemented and enforced by the Board and the Executive Director.

One of the issues the Board and Executive Director must examine and address involves establishing a specific maximum time limit goal that voters might reasonably expect to wait when heading to a voting precinct to vote. I conducted a very informal and non-scientific survey of the Columbia Rotary Club (the largest Rotary Club in South Carolina). I have been a member since 1983 and the Columbia Rotary Club has many very active civic leaders as members. The maximum time identified in my informal survey as a reasonable waiting time to vote was no more than one hour. USC Professor Duncan O'Neil did an analysis on the time needed for each registered voter to stand before a voting machine and cast all votes in Richland County during the twelve voting hours established by the General Assembly. Professor O'Neil concluded that each voter needed to complete the voting process in three and one-half (3.5) minutes if there would be any hope of all voters casting votes in Richland County between 7:00 a.m. and 7:00 p.m. It is apparent that the actual average time used by the Richland County voters exceeded 3.5 minutes and serves as yet another reason voters confronted long waiting times to vote.

In order to begin to restore much needed public confidence in the voting process in Richland County, the Board must now demand the creation of detailed election plan calendar of preparation steps starting six (6) months before every election. That plan needs to identify the specific steps that will be taken by the Executive Director and his staff to prepare for the next election.

Any election plan calendar adopted by the Board should at a minimum:

1. Require detailed monthly reports to the Board from the Executive Director on the specific actions taken each month to prepare for the next election;
2. Require monthly meetings in the months leading up to an election.
3. Require written monthly updates from the Executive Director on the current number of registered voters in Richland County in order to properly establish and adjust the statutorily required number of voting machines for each precinct;
4. Establish standards of individual staff accountability for actions taken or not taken and require ongoing communication among staff members on key election preparation issues;
5. Require and establish specific procedures to record concerns presented to staff by members of the public and precinct workers. Any procedure adopted should require a written statement of the specific steps that were taken to determine if the concerns raised by citizens require further action by the Executive Director. Prior to the November 6<sup>th</sup> General Election, Richland County poll workers and others repeatedly expressed their concerns to election staff orally and in writing regarding the number of voting machines assigned to various precincts. Despite these repeated expressions of concern, **NOT ONE ADDITIONAL VOTING MACHINE WAS ASSIGNED TO ANY PRECINCT** prior to the General Election. Just as important, there was no established procedure to

log or record those contacts in order to follow up and confirm that anyone actually did anything to assess the actual merits of the issues raised.

6. Further develop an ongoing and detailed plan to recruit, train and retain experienced poll workers for each election. There is no question that recruiting new poll workers is both difficult and time consuming. However, poll workers, properly trained, can have a major impact on the election and the flow of voters into and out of a precinct during the course of an election day. Any plan should require that the Board be provided with a updated list of available precinct workers starting at least four (4) months before an election.
7. Require that every voting machine owned by Richland County be tested and available for use during any election. The November 6<sup>th</sup> General Election was not preceded by testing and preparing all available voting machines in Richland County. As a result, approximately 40-50 voting machines were distributed to various precincts **after** the polls opened at 7 a.m. that had **not** been tested or prepared prior to the General Election. Not surprisingly, those machines caused additional problems and voting delays in some precincts.
8. Require that senior election staff meet on a regular basis to discuss and reach specific agreement on the number of voting machines that should be assigned to each precinct after applying the statutory standard of one (1) voting machine in each precinct for every two hundred fifty (250) registered voters. In addition, the Executive Director should be required

to advise the Board as to the final cutoff date before each election that will be used to calculate the number of voting machines and the number of poll workers that will be assigned to each voting precinct. For example, the initial discussions by the Executive Director and the Elections System Coordinator regarding the proper number of voting machines needed in Richland County started in late June 2012. Despite the fact that Richland County registered the largest number of new voters in South Carolina, during the course of 2012, there is no evidence anyone considered the need to assign additional voting machines to accommodate the growing number of registered voters in Richland County. From July 3, 2012, to November 5, 2012, Richland County added 14,098 new registered voters to the voting rolls. The addition of those 14,098 voters established a statutory requirement to assign and distribute an additional fifty-six (56) voting machines to Richland County precincts. However, virtually no steps were taken during the months leading up to the General Election to address this important statutory requirement.

9. Establish a voting machine inventory program by specific serial number to be used to establish:
  - a. Who tested and when and concluded that the voting machine was in proper operating condition for an election;
  - b. When a specific voting machine is taken from the election warehouse and by whom and where that voting machine was delivered and placed;

- c. That precinct workers can confirm in writing which specific machines were placed in a precinct and if each operated properly prior to 7:00 a.m. on Election day;
  - d. The specific time that a voting machine was unable to continue to record votes and provide a procedure to have a poll worker confirm in writing that any replacement voting machine operated properly after delivery;
  - e. Require a strict written procedure identifying by serial number all PEBs and other voting equipment used with a specific voting machine in a precinct;
  - f. Standards to require a poll worker in each precinct to continually monitor every voting machine during the course of election day to confirm that the voting machine is plugged into a working electrical socket, unless it is taken outside to be used for curbside voting, and then confirm that the voting machine is immediately plugged into a working electrical socket after returning from use in curbside voting.
- 10. Create a new plan to acquire additional voting machines and work with County Council to implement that plan.
  - 11. The Executive Director must confirm to the Board that all machine readable ballots printed at the election office contain all required margins and placements to avoid any future “misaligned ballot” problems that occurred during the 2012 General Election.

12. The Board should set up ongoing Board training sessions to conduct a detailed review of all of the provision of Title 7 that apply to actions that may be required to be taken by the Board.

### CONCLUSION

Given all that transpired before, during and after the November 6, 2012 General Election, I recommend that the Board also consider the following:

1. Board should consider supporting legislation at the General Assembly to extend the hours available for voters to cast their ballots from 6:00 a.m. to 9:00 p.m. Working patterns and hours worked by various citizens require greater voting flexibility. Most poll workers reported to me that citizens were arriving at their precincts well before 7:00 a.m. to vote in order to be able to arrive at work on time. I also heard many direct complaints from workers who waited in line for many hours and had to ultimately leave without voting to get to work on time or lose their jobs. If the Board is truly serious about increasing voter turn-out in South Carolina and in Richland County, extending voting hours on election day may be the most efficient and cost-effective approach.
2. Reliance on the addition of new voting precincts will not, by itself, solve voting delay problems. While the General Assembly has the statutory responsibility to create and approve precincts, the Board needs to examine all Richland County precincts and determine the most cost-effective way to implement changes. For example, the recent creation of new precincts to go from 124 precincts to 149 precincts in Richland County has cost and staffing issues that must be addressed. I note that the Ardincaple



precinct, with approximately 399 registered voters, was not moved into any other precinct.

3. Examine actual precinct voting data when making important Board decision. I have attached Exhibit G prepared by Professor Duncan Buell at my request. That Exhibit allows the Board to easily identify the specific precincts in which a large percentage of votes were cast after the 7:00 p.m., the poll closing time established by the General Assembly. As I noted in my second Report dated January 9, 2013, precincts with a large number of registered voters did **not** all have a large percentage of votes cast after 7:00 p.m.
4. Board should establish a meeting with all current Richland County poll workers to hear their concerns and experience firsthand. Poll workers are a key part of having a successful election.

There are no easy or simple answers that will address the multiple problems encountered in Richland County on November 6, 2013. However, the Board needs to begin an ongoing and comprehensive review of available resources, work load of each staff member and begin the process of making sure your new Executive Director has created an organizational structure that can assist in effectively and efficiently making all required changes.

Respectfully,

Steven W. Hamm