

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Kylon Middleton, *et al.*,

Plaintiffs,

v.

Marci Andino, *et al.*,

Defendants.

No.: 3:20-cv-01730-JMC

**Defendants' Opposition to
Motion for Preliminary Injunction**

Defendants Marci Andino, John Wells, Clifford J. Elder, and Scott Moseley (“Election Defendants”), all of whom have been sued in their official capacities with the State Election Commission, submit this Opposition to the Plaintiffs’ Motion for a Preliminary Injunction.

Introduction

This is the third lawsuit filed against the State Election Commission or its Commissioners (and the second by some of these Plaintiffs) in the past few weeks. Each suit challenges aspects of South Carolina’s absentee-voting laws. And this is the second motion for a preliminary injunction on these laws filed in this Court.¹

Like the first motion for a preliminary injunction, this one has multiple flaws. It is wrong on the merits, as nothing in the South Carolina Election Law, S.C. Code § 7-1-10 *et seq.*, violates the Constitution or any federal statute. It is wrong on

¹ Given the overlap of this case and *Thomas v. Andino*, No. 3:20-cv-1552-JMC, the Election Defendants incorporate their arguments in response to the motion for a preliminary injunction in *Thomas* and do not rehash them here. The Court has no need (particularly in this condensed timeframe) to read the same thing twice. Therefore, to the extent applicable, this response incorporates the Election Defendants’ arguments in *Thomas* and addresses only issues that were not raised in *Thomas*.

any supposed harm, as the Plaintiffs cannot meet the elements for the extraordinary relief they seek. And it is wrong in asking a court, rather than the legislature, to change election laws (a point proven just days ago when the General Assembly exercised its constitutional power to amend those laws). Therefore, just as it should in *Thomas*, the Court should deny the motion for a preliminary injunction.

Background

Most of the necessary background for this motion is covered in the Election Defendants' response to the preliminary injunction motion in *Thomas*. The only additional issue raised here involves when absentee ballots must be returned to County Boards. To be counted, an absentee ballot must be received by a County Board by "time for closing of the polls" ("Timely Return Requirement"). S.C. Code §§ 7-15-220, 7-15-420.

Argument

I. The Plaintiffs are not likely to succeed on the merits.

A. Their challenge to the Qualification Requirement fails.

1. The General Assembly has expanded absentee voting for this primary season, thereby mooting the Plaintiffs' COVID-19-based arguments on the Qualification Requirement.

As an initial matter, the General Assembly has the constitutional power to establish election procedures. *See* S.C. Const. art. II, § 10. On May 12, the General Assembly exercised that power when it passed a bill to expand absentee voting during the June 2020 primary. *See* R.138 (attached as Exhibit 1). Governor

McMaster signed R.138 into law on May 13, 2020. As relevant here, this legislation provides:

Any qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector's place of residence or polling place is located in an area subject to a state of emergency declared by Governor and there are fewer than forty-six days remaining until the date of the election

Id. § 2(A). Section 2(A) took effect May 13, 2020 and expires on July 1, 2020. *Id.* § 2(B).

The Governor declared a new state of emergency in South Carolina on May 12. *See* Office of the Governor, Exec. Order 2020-35 (attached as Exhibit 2). That means that any South Carolina voter may request an absentee ballot under this “emergency-declaration qualification” for both the June 9 primary and any runoff on June 23.

Given this significant change in who is qualified to vote by absentee ballot in the primary election, there is nothing right now for the Plaintiffs to challenge when it comes to COVID-19 and the Qualification Requirement. Therefore, any COVID-19 arguments are now moot (or not ripe, as they involve hypotheticals).

2. The Twenty-Sixth Amendment argument has no merit.

In addition to the COVID-19-related arguments that mirror the *Thomas* plaintiffs, the Plaintiffs here rely on the Twenty-Sixth Amendment to challenge S.C. Code § 7-15-320(B)(8). By invoking the Twenty-Sixth Amendment, the Plaintiffs invite this Court to break legal ground. At least seven other states currently have statutes allowing people over a certain age to vote by absentee ballot. *See* Ind. Code

§ 3-11-10-24(5); Ky. Rev. Stat. § 117.085(1)(a)(8); La. Stat. § 18:1303(J); Miss. Code § 23-15-715(b); Tenn. Code § 2-6-201(5)(A); Tex. Elec. Code § 82.003; W. Va. Code. § 3-3-1(b)(1)(B). Despite these other states with similar laws, the Plaintiffs do not cite a single case holding that a statute allowing people over a certain age to vote by absentee ballot violates the Twenty-Sixth Amendment. *See* Mot., ECF No. 13 at 22–23.

Beyond this lack of case law, the Plaintiffs’ argument suffers from a lack of logic. The Twenty-Sixth Amendment provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” U.S. Const. amend. XXVI. Section 7-15-320(B)(8) does not deny or diminish (as the leading legal dictionary defines “abridge,” *see Black’s Law Dictionary* 7 (9th ed. 2009)) anyone’s right to vote. Rather, this statute qualifies older voters to vote by absentee ballot. That qualification does not take away the fundamental right to vote of anyone below that age. They may still vote in person or by absentee ballot, if they qualify under another provision.

In other words, for the Plaintiffs’ argument to prevail, the right to vote by absentee ballot must be one protected by the Twenty-Sixth Amendment. The text contains no such language, and the Election Defendants are aware of no case holding so. On its face, the amendment protects only the right to vote. That plain language controls. *See, e.g., Forbes Pioneer Boat Line v. Bd. of Comm’rs of Everglades Drainage Dist.*, 258 U.S. 338, 340 (1922) (Holmes, J.) (“Courts cannot go

very far against the literal meaning and plain intent of a constitutional text.”). Nothing in section 7-15-320(B)(8) impacts the right to vote for a person under sixty-five.

Even if the Plaintiffs’ claim here had some merit, the relief sought is not warranted. The Plaintiffs cite no authority explaining why the remedy should be to open absentee voting to all voters rather than to hold section 7-15-320(B)(8) unconstitutional and prohibit anyone from being qualified to vote by absentee ballot based on age. That would be the typical remedy (striking down an unconstitutional statute), and it would better respect the General Assembly’s authority to regulate elections under South Carolina law, *see* S.C. Const. art. II, § 10, particularly when it comes to absentee voting, which is not the same as the fundamental constitutional right to vote, *see McDonald v. Board of Election Commissioners of Chicago*, 394 U.S. 802, 807 (1969).²

B. The Plaintiffs have not shown that the Witness Requirement is more than a minimal burden.

In support of their Motion for Preliminary Injunction, the Plaintiffs have submitted declarations from Kylon Middleton (ECF 13-2) and Deon Tedder (ECF 13-1).

Tedder challenges the Witness Requirement, but his declaration contains no evidence to support the alleged burdens of that statutory mandate. He does not

² Given that both Middleton and Tedder may vote by absentee ballot under R.138, the Election Defendants need not address why neither Plaintiff faces a severe burden under the Qualification Requirement.

state that he lives alone and works only from home, nor does he state that his living and working arrangements do not bring him into the presence of other people. In other words, conspicuously absent from his declaration is any suggestion that he has no person available to him, at his residence, his work, or in his campaign, to serve as a witness.

Similarly, although Middleton does not specifically mention the Witness Requirement, nowhere in his declaration does he say anything that proves his circumstances of daily living, work, and ministry do not bring him into contact with any other person who could be a witness. Thus, the Plaintiffs has not offered anything to prove the Witness Requirement is more than a minimal burden.

Given the minimal burden here and the State's interest in ensuring election integrity discussed in the *Thomas* briefing, the Witness Requirement is a valid, reasonable election regulation. *See Burdick*, 504 U.S. 428, 441 (1992) (upholding "reasonable" burdens on voting).

C. The Timely Return Requirement ensures elections are fair and orderly.

The Plaintiffs fail to explain how returning an absentee ballot by the required deadline is a burden, whether for them personally or generally. As for the Plaintiffs themselves, the declarations from Tedder and Middleton contain no facts showing how or why the statutory deadline for receipt of ballots would prevent any ballots they cast from being counted. Rather, their declarations indicate that each is well aware of the June primary and South Carolina's voting requirements.

More generally, it is unclear how complying with this requirement is a burden. Every election has some voters who fail to comply with various requirements and thus have their votes discarded. That is unfortunate but inevitable when dealing with hundreds of thousands (or millions) of fallible human beings. Thus, the numbers of absentee ballots returned after the deadline is actually irrelevant, as is Wisconsin's experience, which is a different state with different laws and different voters.

On a most basic level, the Plaintiffs' argument here is that voters may be unaware of the rules about when ballots must be returned. *See* Mot., ECF No. 13 at 25. But as the U.S. Supreme Court said only weeks ago, “[e]very citizen is presumed to know the law.” *Georgia v. Public.Resource.Org, Inc.*, No. 18-1150, slip. op. at 7, 2020 WL 1978707, at *6 (Apr. 27, 2020); *see also State v. Adams*, 763 S.E.2d 341, 348 (S.C. 2014) (“ignorance of the law is no excuse”). It is reasonable to expect a voter who chooses to vote by absentee ballot to take enough responsibility to be aware of the rules governing that procedure, just as a voter who votes in person must be aware of the rules governing that procedure.

The expectation of timely ballot return is abundantly reasonable given that a written explanation of the deadline accompanies each absentee ballot sent to a qualified voter. As explained in the Declaration of Marci Andino, ¶ 7 (attached as Exhibit 1 to Exhibit 3 (Supplemental Declaration of Marci Andino) here and also filed as ECF No. 46-2 in *Thomas*), printed instructions are sent to every qualified voter along with each absentee ballot. Those instructions clearly state—*twice*—that

the absentee ballot must be returned to the county voter registration office by the time the polls close. *See* Decl. of Marci Andino, Ex. C to Andino Decl., ¶ 3 (“Important”); ¶ 8 (“Instructions for Voting Absentee”) (at ECF No. 46-5 in *Thomas*).

The requirement that absentee ballots be received by 7:00 PM on election day is also reasonable because that is the deadline by which a person voting in person on election day must be in line at her polling place. There is no reason why a person voting by absentee ballot should have a longer time to submit her vote.

To be sure, having every voter who requested an absentee ballot return that ballot on time would be ideal. That would better allow the collective will of the electorate to be known. But elevating that ideal by changing the Timely Return Requirement means changing the rules of an election, which comes at the cost of ensuring elections are fair—an essential part of ensuring that voters can trust the outcome. Ultimately, balancing these two goals of the electoral process is one that belongs to the legislative branch, not the judicial one.

II. The equities and public interest weigh against an injunction.

A. The Plaintiffs’ delay in seeking this relief is inexcusable.

On their challenge to the Qualification Requirement, laches presents an insurmountable hurdle for the Plaintiffs. This doctrine bars a claim when a plaintiff’s unreasonable delay prejudices the defendant. *See Smith v. S.C. Election Comm’n*, 874 F. Supp. 2d 483, 498 (D.S.C. 2012).

The Plaintiffs delayed in bringing their Twenty-Sixth Amendment challenge for twenty-eight years. South Carolina gave people seventy-two years of age and

older the ability to vote by absentee ballot in 1992. *See* 1992 S.C. Acts No. 489, § 1. The General Assembly lowered that age to sixty-five in 1995, where it has remained ever since. *See* 1995 S.C. Acts No. 80, § 1. Despite having had almost three decades to assert their Twenty-Sixth Amendment argument (which is irrelevant to COVID-19), the Plaintiffs bring it only now, just a month before a primary election. They are not entitled to an injunction at this late stage.

Laches also poses a problem for the Plaintiffs' remaining claims. The complaint was filed on May 1, 2020, less than six weeks before the June 9 primary, and the Plaintiffs' motion for preliminary injunction was not filed until May 7, less than five weeks before that primary. The COVID-19 pandemic upon which the Plaintiffs base their demand for emergency and extraordinary relief was well known to them for more than a month prior to when their complaint was filed. Yet they offer no reason for their delay. Indeed, there is none.

Take, for instance, the sources the Plaintiffs cite in their complaint and motion for preliminary injunction. Many of those news articles and reports from the CDC and DHEC, ostensibly in support of the need for preliminary injunctive relief, were published in March 2020, at least six weeks before the Plaintiffs sought that relief.

Likewise, the Plaintiffs also rely on Governor McMaster's March 15 executive order delaying local elections scheduled for March and April. *See* Office of the Governor, Exec. Order No. 2020-09 at 1 (Mar. 15, 2020). The Plaintiffs knew about that order for more than a month and a half before bringing this lawsuit.

Finally, two Plaintiffs in this action (the South Carolina Democratic Party and the DCCC) are also plaintiffs in a case pending in the Supreme Court of South Carolina, *Rhodes Bailey, Robert Werhman, South Carolina Democratic Party, and DCCC v. South Carolina Election Commission and Marci Andino as Executive Director of the State Election Commission*; Appellate Case No. 2020-00642. The Complaint in that case, filed April 22, 2020, seeks similar relief based on essentially the same pandemic-related facts. Why the Plaintiffs here delayed filing this action until May 1 is not explained, much less justified.

B. The Plaintiffs' requested delays would upset South Carolina's carefully crafted procedures for voting and tabulating results.

The provisions of Title 7 of the South Carolina Code, which govern voter qualifications and registration and the conduct of elections, establish a carefully reticulated process. The various time provisions and deadlines are not arbitrary, nor are they unrelated to each other. Rather, they ensure a smooth process for people to cast ballots and officials to count those ballots.

The lateness of the Plaintiffs' injunction request ignores this statutory process. Granting it would create confusion and necessitate other modifications not mentioned by the Plaintiffs. For example, the Plaintiffs request that the counting of ballots not *begin* until June 19, and results not be released before 7:00 P.M. on June 19, without regard to June 23 being the scheduled run-off date. Obviously voters and state and county officials responsible for conducting elections would need more than one business day to prepare for runoffs after receiving the June 9 primary results.

Conclusion

The motion for a preliminary injunction should be denied.

Respectfully Submitted,

s/ Wm. Grayson Lambert

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Scott Moseley*

Dated: May 14, 2020
Columbia, SC

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No. B138

CLERK OF THE SENATE

No. _____

CODE COMMISSIONER

AN ACT

TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; TO AMEND SECTION 7-15-330, RELATING TO THE TIME OF APPLICATION FOR ABSENTEE BALLOTS AND APPLICATIONS IN PERSON, SO AS TO REQUIRE THE BOARD OF VOTER REGISTRATION AND ELECTIONS TO KEEP A RECORD OF THE DATE AND METHOD UPON WHICH THE ABSENTEE BALLOT IS RETURNED; TO AMEND SECTION 7-15-440, RELATING TO THE LIST OF PERSONS ISSUED AND WHO MAY CAST ABSENTEE BALLOTS, SO AS TO CLARIFY THAT THE LIST IS IN ADDITION TO THE INFORMATION PROVIDED PURSUANT TO SECTION 7-15-330; BY ADDING SECTION 7-13-825 SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION AND EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MUST POST THE REQUIREMENTS TO

I Certify that the Within Originated in the Senate.

Correctly Enrolled _____

Jeffrey Gorrett
Clerk of the Senate

Ashley Harwell-Beach
Ashley Harwell-Beach, Director
Legislative Council

Delivered to the Governor this MAY 12 2020

day of _____, A.D. 20 _____

Jeffrey Gorrett
Clerk of the Senate

FILED 

Delivered to the Secretary of State this

MAY 13 2020
day of _____, A.D. 20 _____

Mark Hammond
SECRETARY OF STATE

THE STATE OF SOUTH CAROLINA

At A General Assembly Begun to be Holden at
Columbia, on the Second Tuesday in January, in the
Year of Our Lord Two Thousand Twenty, and Thence
Continued by Divers Adjournments to the
_____ of _____

In the Year of Our Lord Two Thousand Twenty

AN ACT

TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE

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Engrossed by
SC Legislative Council

MAY 12 2020

MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; TO AMEND SECTION 7-15-330, RELATING TO THE TIME OF APPLICATION FOR ABSENTEE BALLOTS AND APPLICATIONS IN PERSON, SO AS TO REQUIRE THE BOARD OF VOTER REGISTRATION AND ELECTIONS TO KEEP A RECORD OF THE DATE AND METHOD UPON WHICH THE ABSENTEE BALLOT IS RETURNED; TO AMEND SECTION 7-15-440, RELATING TO THE LIST OF PERSONS ISSUED AND WHO MAY CAST ABSENTEE BALLOTS, SO AS TO CLARIFY THAT THE LIST IS IN ADDITION TO THE INFORMATION PROVIDED PURSUANT TO SECTION 7-15-330; BY ADDING SECTION 7-13-825 SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION AND EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MUST POST THE REQUIREMENTS TO CHALLENGE A BALLOT IN A CONSPICUOUS LOCATION IN THEIR RESPECTIVE OFFICES AND WEBSITES; TO REPEAL CERTAIN SUBSECTIONS OF SECTION 1 OF THE ACT ON DECEMBER 31, 2021; AND TO PROVIDE THAT A QUALIFIED ELECTOR MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN AN ELECTION IF THE QUALIFIED ELECTOR'S PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR AND THERE ARE FEWER THAN FORTY-SIX DAYS REMAINING UNTIL THE DATE OF THE ELECTION AND PROVIDE THAT THIS PROVISION EXPIRES ON JULY 1, 2020.

Be it enacted by the General Assembly of the State of South Carolina:

Elections, absentee ballots, examination of absentee ballots

SECTION 1.A. Section 7-13-35 of the 1976 Code is amended to read:

"Section 7-13-35. The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the

election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 9:00 a.m. on the calendar day immediately preceding election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.”

B. Section 7-15-420 of the 1976 Code is amended to read:

“Section 7-15-420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots.

(B) At 9:00 a.m. on the calendar day immediately preceding election day, the managers appointed pursuant to Section 7-5-10, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return-addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed and placed in a locked box or boxes.

(C) After all return-addressed envelopes have been emptied, but no earlier than 9:00 a.m. on election day, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest.

(D) Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.

Results of the tabulation must not be publicly reported until after the polls are closed.”

C. Section 7-15-470 of the 1976 Code is amended to read:

“Section 7-15-470. (A) Notwithstanding the provisions of this chapter, a county board of voter registration and elections may use other methods of voting by absentee ballot instead of by paper ballot. No voting machine or voting system, other than a paper-based system, may be used for in-person absentee voting that has not received written certification from the State Election Commission that:

(1) the voting machine or voting system meets all statutory requirements for use in the State;

(2) the voting machine or voting system can be secured against voting at times other than business hours of the county board of voter registration and elections; and

(3) the results of elections can be held secure from release until the time for counting ballots at any polling place.

(B) The State Election Commission must develop standards and guidelines for these purposes.”

D. The State Election Commission is directed to implement a software update to its electronic voting machines to allow for challenges to absentee votes cast using the machines in an equivalent manner to challenges to absentee votes cast on electronic voting machines in the 2018 General Election.

E. Section 7-15-330 of the 1976 Code is amended to read:

“Section 7-15-330. To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the board of voter registration and elections as established by the county governing body, for the county of the voter’s residence. A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a

member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county board of voter registration and elections in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7-15-320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four-day period before the election may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of voter registration and elections. The board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7-25-170."

F. Section 7-15-440 of the 1976 Code is amended to read:

"Section 7-15-440. The county board of voter registration and elections shall, after each election, prepare a list of all persons to whom absentee ballots were issued and all persons who cast absentee ballots. The list so compiled shall be made available for public inspection upon request. This list is in addition to the information provided pursuant to Section 7-15-330."

G. Article 7, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7-13-825. The State Election Commission and each county board of voter registration and elections must post the requirements to challenge a ballot pursuant to the provisions of Section 7-13-810 in a conspicuous location in their respective offices and on their respective websites.”

H. The amendments contained in subsections A., B., and C. of this SECTION are repealed on December 31, 2021, and the text of these code sections therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 23, 2020.

Elections, absentee ballots during the state of emergency, expiring on July 1, 2020

SECTION 2. A. A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector’s place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the date of the election.

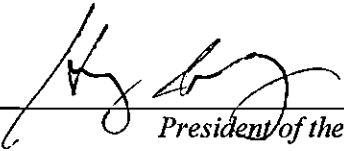
B. This SECTION takes effect upon approval by the Governor and expires on July 1, 2020.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

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In the Senate House MAY 12 2020



President of the Senate



Speaker of the House of Representatives

Approved the 13th day of May 2020.



Governor

CHALLENGE A BALLOT IN A CONSPICUOUS LOCATION IN THEIR RESPECTIVE OFFICES AND WEBSITES; TO REPEAL CERTAIN SUBSECTIONS OF SECTION 1 OF THE ACT ON DECEMBER 31, 2021; AND TO PROVIDE THAT A QUALIFIED ELECTOR MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN AN ELECTION IF THE QUALIFIED ELECTOR'S PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR AND THERE ARE FEWER THAN FORTY-SIX DAYS REMAINING UNTIL THE DATE OF THE ELECTION AND PROVIDE THAT THIS PROVISION EXPIRES ON JULY 1, 2020.

LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY OF SOUTH CAROLINA

Ashley Harwell-Beach, Director

Ashley Harwell-Beach

Attorney: Harwell-Beach

Drafting Assistant: Huth

S. 635

Legislative Council No. (154) 635AHB20

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Statewide: Local Temporary:

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MAY 12 2020

State of South Carolina
Executive Department

FILED 

MAY 12 2020

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2020-35

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus ("COVID-19"), while also simultaneously addressing and mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and further facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee ("PHEPC"); activated the South Carolina Emergency Operations Plan ("Plan"); regularly conferred with state and federal agencies, officials, and experts, to include the South Carolina Department of Health and Environmental Control ("DHEC"), and the South Carolina Emergency Management Division ("EMD"); and requested that the General Assembly take action to make \$45 million from the 2019–2020 Contingency Reserve Fund immediately available to DHEC in coordinating the State's public health response to COVID-19; and

WHEREAS, in addition to the aforementioned actions, on March 11, 2020, the undersigned issued Executive Order No. 2020-07, suspending certain transportation-related rules and regulations, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended, for commercial vehicles and operators of commercial vehicles providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 ("Stafford Act"); and

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WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in proactively preparing for and promptly responding to the aforementioned emergency, the undersigned initiated and implemented various measures to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 15, 2020, the undersigned issued Executive Order No. 2020-09, directing, *inter alia*, the closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31, 2020, and the postponement or rescheduling of any election scheduled to be held in this State on or before May 1, 2020, as well as urging that indoor and outdoor public gatherings be cancelled, postponed, or rescheduled, to the extent possible, or limited so as not to exceed one hundred (100) people; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” —to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and

WHEREAS, in addition to the foregoing directives, Executive Order No. 2020-10 also “authorize[d] and direct[ed] any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or ‘suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,’ in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law”; and

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WHEREAS, on March 19, 2020, the undersigned issued Executive Order No. 2020-11, initiating further emergency measures and suspending certain regulations to ensure the proper function and continuity of state government operations and the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical state government services, while simultaneously undertaking additional measures to safeguard the health and safety of state employees, mitigate significant economic impacts and burdens on affected individuals and employers, and provide regulatory relief to expedite emergency response initiatives and enhance the availability of critical healthcare services; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate “social distancing” practices and to mitigate the significant economic impacts of COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 23, 2020, the undersigned issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 27, 2020, the undersigned issued Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19 shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period is shorter; and

WHEREAS, on March 28, 2020, the undersigned issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on March 30, 2020, the undersigned issued Executive Order No. 2020-16, directing that any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings that provide public access to the public waters of this State shall be closed to public access for recreational purposes for the duration of the State of Emergency; and

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WHEREAS, on March 31, 2020, the undersigned issued Executive Order No. 2020-17, directing that certain “non-essential” businesses, venues, facilities, services, and activities in the following categories be closed to non-employees and the public, effective Wednesday, April 1, 2020, at 5:00 p.m.: entertainment venues and facilities, recreational and athletic facilities and activities, and close-contact service providers; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-18, superseding the provisions of Executive Order No. 2020-17 and directing that certain additional “non-essential” businesses, venues, facilities, services, and activities in the general category of retail stores also be closed to non-employees and the public, effective Monday, April 6, 2020, at 5:00 p.m.; and

WHEREAS, on April 3, 2020, the undersigned issued Executive Order No. 2020-19, directing that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut); and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 7, 2020, the undersigned issued Executive Order No. 2020-22, authorizing and directing the South Carolina Department of Employment and Workforce to take certain actions to allow employers to provide COVID-19 Support Payments to furloughed employees, while still allowing such individuals to qualify for unemployment benefits if they are otherwise eligible for the same; and

WHEREAS, on April 12, 2020, the undersigned issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of the aforementioned Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on April 16, 2020, the undersigned issued Executive Order No. 2020-25, modifying certain emergency restrictions related to the public waters of the State to facilitate authorized outdoor exercise and recreational activities in accordance with Section 1 of Executive Order No. 2020-21 (Home or Work Order), as well as modifying and extending previous emergency measures pertaining to unemployment claims and benefits; and

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WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on April 20, 2020, the undersigned issued Executive Order No. 2020-28, amending certain emergency restrictions related to public beaches and waters and initiating incremental modifications to prior “non-essential” business closures; and

WHEREAS, on April 27, 2020, the undersigned issued Executive Order No. 2020-29, declaring an additional, distinct State of Emergency—based on, *inter alia*, the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State—and implementing additional extraordinary measures to address the same, while also extending provisions of certain prior Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on May 1, 2020, the undersigned issued Executive Order No. 2020-30, rescinding Executive Order Nos. 2020-14 and 2020-19, as amended, which imposed the aforementioned mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and

WHEREAS, on May 3, 2020, the undersigned issued Executive Order No. 2020-31, modifying Section 1 of Executive Order No. 2020-21 (Home or Work Order), as well as amending the provisions of Section 4 of Executive Order No. 2020-10, as extended by Executive Order No. 2020-29, so as to authorize restaurants to provide outdoor customer dining services, effective Monday, May 4, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption; and

WHEREAS, on May 8, 2020, the undersigned issued Executive Order No. 2020-33, ordering that any election postponed pursuant to the provisions of Executive Order Nos. 2020-09 and 2020-29 shall be held on Tuesday, July 14, 2020; and

WHEREAS, on May 8, 2020, the undersigned issued Executive Order No. 2020-34, modifying and amending certain prior Orders so as to authorize restaurants to provide services for limited indoor, on-premises customer dining, effective Monday, May 11, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption and outdoor customer dining, as well as rescinding those restrictions previously imposed on boating activities; and

WHEREAS, the COVID-19 pandemic represents an ongoing and evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the current public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—to include the continued spread of COVID-19, the disproportionate impact of COVID-19 on the State’s elderly population, and the need for the rapid deployment and widespread implementation of enhanced tracing and testing to identify, isolate, and address cases of COVID-19—the undersigned

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has determined, after consulting with numerous state and federal agencies, officials, and experts, that it is necessary and prudent to declare that a separate and distinct emergency exists in the State of South Carolina; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with

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the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, in issuing Executive Order No. 2020-08 and declaring an initial State of Emergency in connection with COVID-19, the undersigned’s determination was made in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, and based on the “imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, the public health threat posed by COVID-19 subsequently evolved from one that presented the “imminent risk of a qualifying health condition” to one that involved an actual and widespread “occurrence” of a “qualifying health condition,” pursuant to section 44-4-130 of the South Carolina Code of Laws; and

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WHEREAS, due to the aforementioned evolution of COVID-19 from an “imminent risk of a qualifying health condition,” to an actual “occurrence” of a “qualifying health condition” or “pandemic,” and with confirmed cases of COVID-19 in over eighty-five percent (85%) of South Carolina’s forty-six (46) counties, the undersigned issued Executive Order No. 2020-15 on March 28, 2020, finding, concluding, and declaring that COVID-19 presented a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, the State of South Carolina subsequently transitioned from the investigation, recognition, and initiation phases of the COVID-19 pandemic to the acceleration phase, with DHEC reporting cases of COVID-19 in each of the State’s forty-six (46) counties; and

WHEREAS, based on the aforementioned transition and the accelerated, statewide spread of COVID-19, which presented different and additional risks and dangers, the undersigned issued Executive Order No. 2020-23 on April 12, 2020, declaring a new and distinct State of Emergency and initiating additional proactive action and directing the implementation and enforcement of further extraordinary measures; and

WHEREAS, the undersigned thereafter issued Executive Order No. 2020-29 on April 27, 2020, declaring a separate and distinct State of Emergency in response to, *inter alia*, the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State, as well as the State’s ongoing recovery operations and relief efforts associated with the severe storm system that moved across the southeastern region of the United States beginning on April 12, 2020; and

WHEREAS, the State of South Carolina has made meaningful progress to date in controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved to present different and additional threats, which warrant and necessitate additional proactive action; and

WHEREAS, as of May 12, 2020, DHEC has identified at least 7,927 confirmed cases of COVID-19 in the State of South Carolina, including 355 deaths due to COVID-19; and

WHEREAS, the State of South Carolina must take additional proactive action to control the spread of COVID-19 and mitigate the impacts associated with the same, particularly on the State’s elderly population, to include the rapid deployment and widespread implementation of enhanced tracing and testing to identify, isolate, and address cases of COVID-19; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19 and the need to deploy widespread testing and tracing to confront the same, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the continued spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to

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unemployment, facilitating the reopening of businesses and industries, and accessing and utilizing federal funds and resources to assist with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to facilitate a coordinated intergovernmental, interagency response to the current and anticipated circumstances; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and intensifying threats cited herein, represents and requires a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic and to facilitate the State's coordinated response to the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and implement further extraordinary measures to respond to the evolving public health threat posed by the COVID-19 pandemic, to include the rapid deployment and widespread implementation of enhanced tracing and testing to identify, isolate, and address cases of COVID-19.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as

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amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.” I further direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate.

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of the following Orders shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by prior or future Order: Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, and 2020-34.

Section 2. School Closures

To provide for and protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19, while also facilitating continued educational activities, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. Upon consultation with the Superintendent of Education, who has recommended and advised that, at this time, teachers, students, parents, and families should plan for South Carolina’s schools to remain closed to classroom instruction for the remainder of the 2019–2020 school year, I have determined that extending the closure of public schools to students and non-

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essential employees is a necessary and appropriate action to protect the health, safety, and welfare of the people of this State and to minimize and control the spread of COVID-19.

B. I hereby direct the continued closure of all public schools in the State of South Carolina for students and non-essential employees for the duration of the State of Emergency. This Section applies to all students and employees of public schools in the State of South Carolina, to include charter schools and residential programs at the Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, and the South Carolina School for the Deaf and the Blind, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate school district officials. I further authorize the requisite school district officials to make any necessary and appropriate decisions or arrangements to account for local needs and other unique circumstances. As applicable and to the maximum extent possible, and to promote and facilitate effective "social distancing" practices in accordance with CDC guidance, school districts are authorized and encouraged to provide the following services, resources, and support to students and families for the remainder of the 2019–2020 school year: (1) preparation and implementation of distance learning activities; (2) preparation, distribution, and delivery of meals to children; (3) planning and implementation of alternative and innovative high school graduation ceremonies or celebrations; (4) delivery of services to students with disabilities, including those with Individualized Education Programs ("IEP"), consistent with guidance from the South Carolina Department of Education ("Department"); (5) provision of individualized support to students who are struggling academically or who need additional mental health counseling; and (6) collection of instructional materials and textbooks during the last two weeks of the district's regular calendar year, while also allowing students, parents, and families the opportunity to retrieve personal belongings.

C. I hereby authorize and direct the Department, to the extent allowed by state and federal law, to include any or all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the one hundred eighty (180) instructional day requirement contained in section 59-1-425 of the South Carolina Code of Laws, as amended. I urge school districts to work with the Department, in collaboration with the South Carolina Education Oversight Committee and school districts participating in the eLearning pilot program, to assess their instructional technology strengths and weaknesses, including devices, connectivity, online content, and professional learning, to improve access to and the effectiveness of digital learning. School districts are encouraged to consider utilizing federal funds allocated through the Elementary and Secondary School Relief Fund to improve their digital learning capabilities as identified by aforementioned thorough assessment. As applicable and to the maximum extent possible, and to promote and facilitate effective "social distancing" practices in accordance with CDC guidance, I also urge school districts to work with the Department to provide voluntary, in-person summer learning opportunities for students who were enrolled in kindergarten through the eighth grade during the 2019–2020 school year but who are at risk of falling behind in their learning. The Department will work with districts to identify any available state and federal funds to facilitate such voluntary summer learning opportunities.

D. I further authorize all state-supported colleges, universities, and technical colleges in the State of South Carolina, as necessary and appropriate and in accordance with and to the extent allowed by state and federal law, to complete the spring 2020 academic semester by

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delivering virtual and remote learning, by housing only out-of-state or displaced students, and by restricting on-campus services and activities to emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college or university officials. I further authorize the requisite college, university, and technical college officials to continue to make any necessary and appropriate decisions or arrangements to account for specific needs and other unique circumstances or to deal with students, employees, or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college, university, or technical college officials.

E. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to suspend, restrict, or otherwise limit the existing authority of, *inter alia*, the Department and the South Carolina Commission on Higher Education ("CHE"). I further expressly authorize the Department and the CHE, as applicable, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 3. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously undertaking additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must promptly undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 4. Transportation Waivers

To expedite the State of South Carolina's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

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May 12, 2020

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s April 8, 2020 Extension and Expansion of Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- (a) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- (b) Posted bridges may not be crossed.

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- (c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
- (d) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
- (e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 5. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available

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means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 6. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 12th DAY OF
MAY, 2020.**

A handwritten signature in blue ink, reading "Henry McMaster".

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, reading "Mark Hammond".

MARK HAMMOND
Secretary of State

United States District Court
District of South Carolina
Columbia Division

Kylon Middleton, et al. v. Marci Andino, et al.
Case No. 3:20-cv-01730-JMC

DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION

EXHIBIT 3

Supplemental Declaration of Marci Andino

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Kylon Middleton, *et al.*,

Plaintiffs,

v.

Marci Andino, *et al.*,

Defendants.

No.: 3:20-cv-01730-JMC

**Supplemental Declaration
of Marci Andino**

My name is Marci Andino. I am over the age of eighteen and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I am currently employed as the Executive Director for the South Carolina State Election Commission ("SEC").

2. On May 11, 2020, I submitted a Declaration in a related case, *Thomas v. Andino*, No. 3:20-cv-01552-JMC (D.S.C.). That Declaration was filed as ECF No. 46-2 in *Thomas*, and a copy is attached as Exhibit 1.

3. This Supplemental Declaration is submitted to provide updated data on the number of absentee-ballot applications received from voters for the June 2020 primaries.

4. As of Wednesday afternoon May 13, County Boards have received over 98,000 requests for absentee-ballots applications for the June 9 primaries. Over 49,000 absentee-ballot applications have been returned. More than 42,000 absentee ballots have been issued to voters, and more than 7,000 absentee ballots have been returned to County Boards.

5. A true and accurate count of the absentee ballots by qualification category received by the County Boards as of the time run on of May 13, 2020 is attached as Exhibit 2.

6. A true and accurate count of all requests for absentee-ballot applications, all absentee ballot applications returned to voters, all absentee ballots returned to voters and all absentee ballots returned by voters to the County Boards for the June 9, 2020 primaries, as of the time run on May 13, 2020, is attached as Exhibit 3.

7. The South Carolina General Assembly enacted and Governor Henry D. McMaster signed an act bearing ratification number 138 (R. 138) which authorizes “a qualified elector . . . to vote by absentee ballot in an election if the qualified elector’s place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the date of the election.” R.138, § 2(A). Exhibit 4 is a true and accurate copy of the press release posted on the SCvotes.org web page. Additionally, the SEC will be using social media, including Facebook, Instagram, and Twitter, to educate voters to this change in the Election Law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2020.



Marci Andino

United States District Court
District of South Carolina
Columbia Division

Kylon Middleton, et al. v. Marci Andino, et al.
Case No. 3:20-cv-01730-JMC

**DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Attachment 1 to Supplemental Declaration of Marci Andino

**5/11/2020 Declaration of Marci Andino in *Thomas, et al. v. Andino, et al*,
Case No. 3:20-cv-01552-JMC (D.S.C.)**

THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Mary T. Thomas, *et al.*,

Plaintiffs,

v.

Marci Andino, *et al.*,

Defendants.

No.: 3:20-cv-01552-JMC

Declaration of Marci Andino

My name is Marci Andino. I am over the age of eighteen and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I am currently employed as the Executive Director for the South Carolina State Election Commission (SEC) and have served in such capacity since 2003.

2. Pursuant to S.C. Code § 7-3-20(C)(1), my duties include, *inter alia*: supervising county boards of voter registration and elections (county boards) in the conduct of voter registration and elections to ensure their compliance with state law, federal law, and implementing SEC policies and procedures; maintaining the statewide voter registration database; and serving as the statutorily designated “chief state election official” responsible for implementing, coordinating, and enforcing the state’s responsibilities under the National Voter Registration Act of 1993, 52 U.S.C.A. §§ 20501 *et seq.*, and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 *et seq.*

3. As part of my duties, I am responsible for development and maintenance of the State's computerized statewide voter registration and election management system ("VREMS") and which is used to validate registered voters during elections.

4. The SEC has taken and is taking precautions and preventative measures for the health and safety of voters, county election officials and poll workers during the June primaries. Special training has been developed for county election officials and poll workers specific to COVID-19. The SEC has ordered personal protective equipment and other preventative supplies for polling locations and county election offices including: masks, gloves and face shields for workers; hand sanitizer for workers and voters; sneeze guards for check-in stations; tape and six-foot long measuring string for identifying and marking appropriate distances; cotton swabs for voters to use on touch screens instead of fingers; cleaning and disinfecting wipes for frequently touched surfaces and voting screens; and signs encouraging voters to wear masks and adhere to social distancing. Safety guidelines from the CDC have been and will continue to be included in SEC press releases, social media messaging, and training for election workers. The SEC has also encouraged voters eligible for absentee voting—particularly those deemed high risk because of age or underlying medical conditions by the CDC—to vote by mail. Absentee voters have been encouraged to request by mail ballots early or, if voting in-person, to do so early to avoid crowds that are more likely closer to election day. To further these efforts, the SEC asked county boards to open absentee voting precincts approximately one week earlier than is custom in South Carolina to allow voters more time to avoid crowds.

In the event an absentee voting precinct does not permit social distancing due to size limitations, county boards were asked to relocate.

5. Absentee voting is currently well underway. County boards have already received significantly more absentee ballot applications from voters than in previous years for statewide primaries. As of Thursday, May 7th, county boards had already received over 75,900 requests for absentee ballots for the June 9 primaries. By comparison, approximately 60,000 total absentee ballots were issued to voters in the 2018 statewide primary. Over 34,400 voter absentee applications have been returned. More than 21,300 ballots have been issued to voters and more than 2950 ballots have been returned to the county boards.

6. Of the requests received thus far for the upcoming June 9 primaries, approximately fifty-five percent of voter applicants gave the reason of being sixty-five years of age or older. Nearly eleven percent selected physical disability, injury or illness as their reason, and nearly three percent indicated they were a caregiver attending the sick or physically disabled. A true and accurate count of the absentee ballots by qualification category received by the county boards as of close of business April 30 is attached hereto as Exhibit A. A true and accurate of all absentee ballot application requests of county boards and absentee ballots returned by county boards for the June 9, 2020 primary as of approximately 1:28 p.m., Monday, May 11, 2020 is attached as Exhibit B.

7. Upon receiving an application for a by-mail absentee ballot and verifying the voter's eligibility to vote absentee, county boards are required to mail

the following to the voter as soon as possible: a ballot; printed instructions as to the marking, folding and return of the ballot and as to the signing and return of the oath, along with notice the ballot will not be counted if it is not timely received, signed, and witnessed; an envelope labeled "Ballot Herein" in which the completed ballot must be placed; and a return-addressed envelope, the back of which is imprinted with the absentee voter's oath, a blank for the voter's signature, and blanks for the witness's signature and address. The exact form of the oath is provided in S.C. Code § 7-15-220. The "Ballot Herein" envelope with the completed ballot inside must be placed in the signed and witnessed return envelope and returned to the county board. A true and accurate copy of the printed instructions sent to each qualified voter with each absentee ballot is attached hereto as Exhibit C.

8. Pursuant to federal law, all records and papers relating to any absentee application, registration or other act required for absentee voting must be retained for twenty-two months following the applicable election. *See*: 42 U.S.C. § 1974. State law requires retention for twenty-four months.

9. The SEC publishes the *Voter Registration & Elections Handbook* (April 2019) that contains the reference materials and instruction for county boards and staff in supporting elections conducted by the counties. Section 5.5.7 instructs the counties how to handle all absentee ballots, which by law cannot be counted, but which have to be accounted for and retained, even if there is no witness and/or address to the Absentee Voter's Oath. A true and accurate copy of pages 58-59 of the *Handbook* is attached hereto as Exhibit D. For absentee ballots that are not signed

or witnessed, the county board must enter the date the ballot is returned on the VREMS screen and enter "Ballot Not Counted." Each absentee ballot that is returned without a signature, without a witness signature and address or returned late is place in its own "Attention" envelope, which is sealed, the voter's name and registration number is written on the "Attention" envelope. *Id.* This process allows for ballot reconciliation and for compliance with the federal and state retention requirements.

10. The purpose of the March 30, 2020 letter addressed to the Governor and members of the General Assembly was to provide useful, relevant information for policymakers to consider when determining what actions to take, if any, with regards to the safe conduct of elections in light of concerns regarding COVID-19. Such decisions are beyond the scope of authority granted the SEC as an administrative agency tasked with carrying out State law as written. The position of Executive Director of the SEC often involves serving in the role of liaison between the SEC and public officials or their staff, other government entities, and the voting public. In this capacity, a number of questions were raised to me on the topic of COVID-19, including, its potential impact on the electoral process, ways the process could be modified or changed in response to any such impact, and where the authority lies to bring about any such potential changes to the Election Law. Accordingly, the letter sought to address these questions received from all outside parties and present a variety of alternative processes used in other states that policymakers, in their sole discretion, could consider. My March 30 letter was not intended as and is not an endorsement or recommendation of any particular voting method or requirements not

permitted in this state, nor of any legal position regarding the current state law requirements.

11. As the Executive Director of the SEC, I am the liaison to and work with the South Carolina Association of Registrars & Election Officials ("SCARE") Attached hereto as Exhibit E is a true and accurate copy of the April 6 2020, letter I received from Katy D. Smith, President of SCARE.

12. On April 13, 2020, I sent a letter to the Hon. Alan M. Wilson, Attorney General of South Carolina, requesting an opinion from his office how the SEC should interpret the definition of "physically disabled person," contained in S.C. Code Ann. § 7-15-310(4) for purposes of voter qualification to vote absentee.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2020.

A handwritten signature in cursive script, appearing to read "Marci Andino", written over a horizontal line.

Marci Andino

The United States District Court
District of South Carolina
Columbia Division

No. 3:20-cv-01552-JMC

Mary T. Thomas, et al. v. Marci Andino, et al.

DECLARATION OF MARCI ANDINO

EXHIBIT A

Number of absentee ballots for June primary by reason (as of 4/30):

1 Active Duty Uniformed Service	686
2 Merchant Marine	14
3 Military Spouse/Dependent	266
4 Citizen Overseas Temporary	1180
5 Citizen Overseas Permanently	292
6 Physical Disability (includes	5814
7 Student & Spouse/Dependent	2667
8 Employment	7113
9 Government employee	352
10 Vacation	4582
11 Serving on Jury	3
12 Hospital	79
13 Death or Funeral	50
14 Confined to Jail	24
15 Caregiver	1980
16 Election Worker/Watcher	16
17 Sixty-Five or Older	26292
18 Religious	133

The United States District Court
District of South Carolina
Columbia Division

No. 3:20-cv-01552-JMC

Mary T. Thomas, et al. v. Marci Andino, et al.

DECLARATION OF MARCI ANDINO

EXHIBIT B

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race ALL

County	Applications Requested					Ballots Issued										
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax	Unknown
01-ABBEVILLE	123	3	55	10	6	0	0	49	0	9	0	1	0	8	0	0
02-AIKEN	1,861	336	358	75	56	2	33	1,001	0	495	0	8	482	5	0	0
03-ALLENDALE	34	0	26	1	0	0	0	7	0	0	0	0	0	0	0	0
04-ANDERSON	1,449	2	443	30	81	10	36	847	0	391	0	0	358	33	0	0
05-BAMBERG	379	154	88	73	9	0	0	55	0	229	0	60	169	0	0	0
06-BARNWELL	338	8	210	59	9	0	2	49	1	172	0	29	135	8	0	0
07-BEAUFORT	4,755	23	1,020	233	218	15	88	3,158	0	70	0	28	29	13	0	0
08-BERKELEY	4,582	110	1,616	191	113	1	78	2,473	0	1,642	0	57	1,562	3	0	0
09-CALHOUN	108	1	43	14	5	1	1	43	0	48	0	1	45	2	0	0
10-CHARLESTON	15,196	1,535	3,262	44	708	1	325	9,321	0	7,342	0	43	7,017	282	0	0
11-CHEROKEE	157	2	55	17	19	0	1	63	0	79	0	12	64	3	0	0
12-CHESTER	222	1	141	30	3	0	4	43	0	30	0	15	11	4	0	0
13-CHESTERFIELD	114	1	44	14	6	0	4	45	0	60	0	11	47	2	0	0
14-CLARENDON	816	193	303	182	8	0	2	128	0	102	0	99	0	3	0	0
15-COLLETON	861	10	497	156	33	0	3	162	0	435	0	119	314	2	0	0
16-DARLINGTON	1,125	7	704	147	28	2	1	236	0	681	0	110	559	12	0	0
17-DILLON	906	5	481	395	0	0	1	24	0	655	0	110	545	0	0	1
18-DORCHESTER	2,959	50	751	72	159	0	43	1,884	0	895	0	53	839	3	0	0
19-EDGEFIELD	396	19	223	33	18	0	2	101	0	248	0	7	234	7	0	0
20-FAIRFIELD	445	1	235	103	8	0	1	97	0	206	0	64	141	1	0	0
21-FLORENCE	1,744	36	558	430	79	1	0	640	0	798	0	316	448	34	0	0
22-GEORGETOWN	1,974	352	626	145	12	0	16	820	3	691	0	91	598	0	0	2
23-GREENVILLE	5,003	119	833	123	191	0	110	3,627	0	942	0	58	789	95	0	0
24-GREENWOOD	797	5	400	111	50	0	16	213	2	457	0	7	436	14	0	0
25-HAMPTON	476	6	180	233	12	0	1	44	0	370	0	20	349	1	0	0
26-HORRY	5,370	207	2,017	155	26	0	52	2,913	0	1,150	0	101	1,028	21	0	0
27-JASPER	811	70	249	53	21	0	8	410	0	447	0	20	426	1	0	0
28-KERSHAW	567	2	197	33	42	0	22	271	0	236	0	6	205	24	0	1
29-LANCASTER	1,567	89	986	138	52	0	22	280	0	779	0	122	634	23	0	0
30-LAURENS	463	11	214	78	10	0	0	150	0	230	0	59	162	8	0	1
31-LEE	70	2	29	4	3	0	7	25	0	29	0	2	21	6	0	0
32-LEXINGTON	3,432	94	978	208	99	0	102	1,951	0	604	0	97	477	30	0	0
33-MCCORMICK	176	0	37	24	15	0	0	100	0	21	0	17	0	4	0	0
34-MARION	1,582	9	1,332	185	3	0	2	51	0	153	0	145	1	7	0	0
35-MARLBORO	1,189	355	415	243	11	144	0	21	0	242	0	234	7	0	0	1
36-NEWBERRY	303	7	102	26	11	2	7	148	0	25	0	17	4	4	0	0
37-OCONEE	1,701	25	768	78	166	0	29	635	0	758	0	50	673	35	0	0
38-ORANGEBURG	2,506	1,310	735	175	22	4	23	237	0	1,451	0	83	1,350	18	0	0
39-PICKENS	948	9	260	15	12	0	23	629	0	32	0	0	8	24	0	0
40-RICHLAND	8,129	425	2,535	378	196	4	230	4,361	0	3,249	0	79	2,986	183	0	1

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Absentee Statistics By Request / Ballot Issued Method By Race

06/09/2020 21113 Statewide Primary

41-SALUDA	94	1	14	6	13	0	3	57	0	49	0	6	40	3	0	0
42-SPARTANBURG	2,224	93	781	24	141	0	26	1,024	135	485	0	24	435	26	0	0
43-SUMTER	2,277	707	639	379	67	13	40	419	13	1,233	0	46	1,142	45	0	0
44-UNION	71	1	21	10	7	0	9	23	0	29	0	6	16	7	0	0
45-WILLIAMSBURG	570	3	282	118	8	1	0	158	0	275	0	113	151	11	0	0
46-YORK	3,763	47	1,115	152	291	3	78	2,077	0	1,822	0	32	1,790	0	0	0
Total	84,633	6,446	26,858	5,403	3,047	204	1,451	41,070	154	30,347	0	2,578	26,747	1,015	0	7

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race Black/AA

County	Applications Requested						Ballots Issued									
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax	Unknown
01-ABBEVILLE	18	0	11	3	3	0	0	1	0	1	0	0	0	1	0	0
02-AIKEN	192	3	60	22	0	0	4	103	0	80	0	0	80	0	0	0
03-ALLENDALE	29	0	25	1	0	0	0	3	0	0	0	0	0	0	0	0
04-ANDERSON	112	0	48	3	2	2	1	56	0	54	0	0	53	1	0	0
05-BAMBERG	266	137	49	50	2	0	0	28	0	185	0	43	142	0	0	0
06-BARNWELL	221	5	164	35	3	0	1	13	0	119	0	7	107	5	0	0
07-BEAUFORT	576	3	247	139	4	5	12	166	0	4	0	1	2	1	0	0
08-BERKELEY	834	5	412	74	4	0	17	322	0	256	0	7	249	0	0	0
09-CALHOUN	52	1	26	9	2	0	1	13	0	22	0	1	19	2	0	0
10-CHARLESTON	2,535	657	959	25	53	0	31	810	0	1,471	0	24	1,421	26	0	0
11-CHEROKEE	23	0	10	3	1	0	0	9	0	16	0	2	13	1	0	0
12-CHESTER	126	1	86	22	2	0	3	12	0	16	0	10	4	2	0	0
13-CHESTERFIELD	29	1	11	5	0	0	1	11	0	11	0	3	8	0	0	0
14-CLARENDON	619	187	204	164	0	0	2	62	0	88	0	86	0	2	0	0
15-COLLETON	377	5	257	91	2	0	1	21	0	220	0	66	153	1	0	0
16-DARLINGTON	736	2	533	70	2	1	0	128	0	489	0	40	447	2	0	0
17-DILLON	694	5	349	333	0	0	0	7	0	546	0	82	463	0	0	1
18-DORCHESTER	535	34	164	28	6	0	6	297	0	154	0	16	138	0	0	0
19-EDGEFIELD	181	9	132	18	1	0	1	20	0	128	0	3	121	4	0	0
20-FAIRFIELD	225	1	114	66	0	0	0	44	0	101	0	36	65	0	0	0
21-FLORENCE	602	26	187	185	14	0	0	190	0	283	0	119	154	10	0	0
22-GEORGETOWN	451	134	184	60	0	0	2	68	3	206	0	42	164	0	0	0
23-GREENVILLE	639	0	290	42	3	0	8	296	0	194	0	17	171	6	0	0
24-GREENWOOD	160	2	78	46	0	0	5	29	0	114	0	0	109	5	0	0
25-HAMPTON	349	5	127	198	4	0	1	14	0	295	0	12	282	1	0	0
26-HORRY	347	5	213	21	0	0	3	105	0	146	0	11	132	3	0	0
27-JASPER	268	67	125	36	2	0	5	33	0	120	0	13	107	0	0	0
28-KERSHAW	149	2	70	14	0	0	4	59	0	73	0	3	62	7	0	1
29-LANCASTER	226	81	109	18	4	0	3	11	0	144	0	12	130	2	0	0
30-LAURENS	169	5	105	27	4	0	0	28	0	94	0	22	69	2	0	1
31-LEE	38	2	17	3	3	0	3	10	0	16	0	1	11	4	0	0
32-LEXINGTON	284	3	86	20	0	0	14	161	0	5	0	3	2	0	0	0
33-MCCORMICK	32	0	16	9	1	0	0	6	0	6	0	6	0	0	0	0
34-MARION	1,265	8	1,093	145	1	0	1	17	0	111	0	108	0	3	0	0
35-MARLBORO	789	277	306	184	3	8	0	11	0	180	0	175	5	0	0	0
36-NEWBERRY	26	0	8	2	0	2	0	14	0	1	0	1	0	0	0	0
37-OCONEE	52	2	25	4	8	0	2	11	0	18	0	2	12	4	0	0
38-ORANGEBURG	2,184	1,284	590	164	9	4	14	119	0	1,382	0	78	1,294	10	0	0
39-PICKENS	30	0	5	0	0	0	1	24	0	1	0	0	0	1	0	0
40-RICHLAND	3,550	173	1,506	276	44	2	62	1,487	0	1,474	0	52	1,366	55	0	0

Absentee Statistics By Request / Ballot Issued Method By Race

06/09/2020 21113 Statewide Primary

41-SALUDA	16	0	3	1	1	0	0	0	11	0	11	0	1	10	0	0
42-SPARTANBURG	489	55	280	11	2	0	1	88	52	131	0	11	119	1	0	
43-SUMTER	1,721	620	482	318	15	8	13	252	13	1,018	0	29	973	16	0	
44-UNION	17	0	6	3	0	0	2	6	0	9	0	3	3	3	0	
45-WILLIAMSBURG	506	3	253	108	4	1	0	137	0	244	0	102	135	7	0	
46-YORK	460	3	184	26	16	0	5	226	0	222	0	1	221	0	0	
Total	23,199	3,813	10,209	3,082	225	33	230	5,539	68	10,459	0	1,251	9,016	188	0	4

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race White

County	Applications Requested						Ballots Issued						Unknown		
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person		By Mail	By eMail
01-ABBEVILLE	104	3	44	7	3	0	0	47	0	8	0	1	0	7	0
02-AIKEN	1,636	330	293	53	55	2	24	879	0	406	0	8	394	4	0
03-ALLENDALE	5	0	1	0	0	0	0	4	0	0	0	0	0	0	0
04-ANDERSON	1,304	1	392	23	79	8	32	769	0	327	0	0	297	30	0
05-BAMBERG	113	17	39	23	7	0	0	27	0	44	0	17	27	0	0
06-BARNWELL	115	3	45	24	6	0	1	35	1	52	0	22	27	3	0
07-BEAUFORT	4,098	20	758	93	212	10	68	2,937	0	65	0	27	26	12	0
08-BERKELEY	3,620	97	1,190	113	106	1	51	2,062	0	1,349	0	49	1,297	3	0
09-CALHOUN	54	0	16	5	3	1	0	29	0	25	0	0	25	0	0
10-CHARLESTON	12,394	867	2,279	19	644	1	272	8,312	0	5,770	0	19	5,511	240	0
11-CHEROKEE	131	2	44	14	18	0	1	52	0	62	0	10	50	2	0
12-CHESTER	95	0	54	8	1	0	1	31	0	14	0	5	7	2	0
13-CHESTERFIELD	83	0	33	9	6	0	3	32	0	48	0	8	38	2	0
14-CLARENDON	195	6	97	18	8	0	0	66	0	14	0	13	0	1	0
15-COLLETON	478	5	239	65	31	0	1	137	0	213	0	53	160	0	0
16-DARLINGTON	382	5	167	77	26	1	1	105	0	191	0	70	111	10	0
17-DILLON	201	0	125	58	0	0	1	17	0	102	0	26	76	0	0
18-DORCHESTER	2,352	16	579	43	147	0	34	1,533	0	728	0	36	689	3	0
19-EDGEFIELD	212	10	90	15	17	0	1	79	0	120	0	4	113	3	0
20-FAIRFIELD	219	0	121	36	8	0	1	53	0	105	0	28	76	1	0
21-FLORENCE	1,105	8	364	241	61	1	0	430	0	504	0	195	290	19	0
22-GEORGETOWN	1,510	217	442	85	12	0	12	742	0	485	0	49	434	0	0
23-GREENVILLE	4,196	119	537	79	186	0	95	3,180	0	730	0	41	604	85	0
24-GREENWOOD	630	3	321	64	50	0	11	179	2	341	0	7	325	9	0
25-HAMPTON	124	1	53	33	8	0	0	29	0	72	0	8	64	0	0
26-HORRY	4,930	196	1,781	133	26	0	43	2,751	0	979	0	89	874	16	0
27-JASPER	536	3	124	16	18	0	3	372	0	323	0	6	316	1	0
28-KERSHAW	409	0	122	19	42	0	17	209	0	155	0	3	136	16	0
29-LANCASTER	1,321	8	883	119	47	0	17	267	0	628	0	109	500	19	0
30-LAURENS	287	6	106	50	6	0	0	119	0	134	0	36	92	6	0
31-LEE	31	0	12	1	0	0	3	15	0	12	0	1	9	2	0
32-LEXINGTON	3,049	90	886	184	96	0	75	1,718	0	587	0	92	466	29	0
33-MCCORMICK	142	0	21	15	14	0	0	92	0	15	0	11	0	4	0
34-MARION	305	1	233	38	1	0	1	31	0	38	0	34	1	3	0
35-MARLBORO	354	62	100	53	8	121	0	10	0	55	0	52	2	0	0
36-NEWBERRY	270	7	94	22	11	0	4	132	0	20	0	15	3	2	0
37-OCONEE	1,639	23	743	74	155	0	25	619	0	734	0	48	658	28	0
38-ORANGEBURG	309	24	142	11	13	0	4	115	0	61	0	5	52	4	0
39-PICKENS	895	9	253	15	11	0	19	588	0	27	0	0	7	20	0
40-RICHLAND	4,339	249	995	95	145	2	124	2,729	0	1,674	0	27	1,547	100	0

Absentee Statistics By Request / Ballot Issued Method By Race

06/09/2020 21113 Statewide Primary

41-SALUDA	77	1	11	5	12	0	2	46	0	37	0	5	30	2	0	0
42-SPARTANBURG	1,677	37	496	13	137	0	22	892	80	345	0	13	310	22	0	0
43-SUMTER	533	81	152	61	52	5	23	159	0	203	0	17	161	25	0	0
44-UNION	54	1	15	7	7	0	7	17	0	20	0	3	13	4	0	0
45-WILLIAMSBURG	64	0	29	10	4	0	0	21	0	31	0	11	16	4	0	0
46-YORK	3,171	42	918	123	272	3	66	1,747	0	1,549	0	30	1,519	0	0	0
Total	59,748	2,570	16,419	2,269	2,771	156	1,065	34,415	83	19,402	0	1,303	17,353	743	0	3

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race Asian

County	Applications Requested						Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	9	1	0	0	0	0	1	7	0	2	0	0	2	0	0
03-ALLEDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	14	0	1	2	0	0	1	10	0	3	0	0	2	1	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	15	0	4	0	0	0	1	10	0	0	0	0	0	0	0
08-BERKELEY	38	2	3	1	2	0	1	29	0	11	0	1	10	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	90	7	11	0	1	0	3	68	0	38	0	0	36	2	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
16-DARLINGTON	2	0	1	0	0	0	0	1	0	0	0	0	0	0	0
17-DILLON	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
18-DORCHESTER	24	0	8	1	0	0	1	14	0	6	0	1	5	0	0
19-EDGEFIELD	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	9	0	2	0	3	0	0	4	0	6	0	0	3	3	0
22-GEORGETOWN	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
23-GREENVILLE	61	0	0	0	1	0	1	59	0	3	0	0	2	1	0
24-GREENWOOD	3	0	1	0	0	0	0	2	0	1	0	0	1	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	27	1	8	0	0	0	1	17	0	6	0	0	6	0	0
27-JASPER	3	0	0	0	1	0	0	2	0	2	0	0	2	0	0
28-KERSHAW	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
29-LANCASTER	8	0	7	0	0	0	0	1	0	2	0	0	2	0	0
30-LAURENS	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	31	0	3	0	1	0	2	25	0	4	0	0	4	0	0
33-MCCORMICK	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
34-MARION	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
35-MARLBORO	3	1	1	1	0	0	0	0	0	1	0	1	0	0	0
36-NEWBERRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
37-OCONEE	2	0	0	0	0	0	1	1	0	1	0	0	0	1	0
38-ORANGEBURG	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
39-PICKENS	12	0	2	0	0	0	0	10	0	1	0	0	0	1	0
40-RICHLAND	70	1	10	3	3	0	5	48	0	25	0	0	21	4	0

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

Race Hispanic

County	Applications Requested						Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
02-AIKEN	10	2	2	0	0	0	1	5	0	3	0	0	3	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	6	0	1	0	0	0	0	5	0	1	0	0	1	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
07-BEAUFORT	27	0	3	0	1	0	2	21	0	0	0	0	0	0	0
08-BERKELEY	36	1	3	1	0	0	2	29	0	4	0	0	4	0	0
09-CALHOUN	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
10-CHARLESTON	71	1	2	0	5	0	6	57	0	17	0	0	11	6	0
11-CHEROKEE	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
16-DARLINGTON	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
17-DILLON	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
18-DORCHESTER	25	0	0	0	5	0	0	20	0	3	0	0	3	0	0
19-EDGEFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	16	0	3	1	0	0	0	12	0	2	0	1	1	0	0
22-GEORGETOWN	5	0	0	0	0	0	0	5	0	0	0	0	0	0	0
23-GREENVILLE	54	0	4	0	1	0	1	48	0	8	0	0	7	1	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	28	1	4	1	0	0	1	21	0	8	0	1	7	0	0
27-JASPER	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
28-KERSHAW	3	0	1	0	0	0	0	2	0	3	0	0	3	0	0
29-LANCASTER	5	0	2	0	1	0	1	1	0	1	0	0	0	1	0
30-LAURENS	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	33	0	2	2	1	0	2	26	0	5	0	2	3	0	0
33-MCCORMICK	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
34-MARION	6	0	4	2	0	0	0	0	0	3	0	3	0	0	0
35-MARLBORO	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	2	0	0	1	0	0	0	1	0	1	0	1	0	0	0
37-OCONEE	2	0	0	0	1	0	0	1	0	1	0	0	1	0	0
38-ORANGEBURG	2	0	1	0	0	0	0	1	0	2	0	0	2	0	0
39-PICKENS	4	0	0	0	1	0	1	2	0	1	0	0	0	1	0
40-RICHLAND	66	1	8	0	3	0	10	44	0	22	0	0	16	6	0

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

Race Native American

County	Applications Requested						Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	4	1	0	0	0	0	0	3	0	1	0	0	1	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
07-BEAUFORT	3	0	0	0	0	0	1	2	0	1	0	0	1	0	0
08-BERKELEY	12	1	2	1	0	0	0	8	0	3	0	0	3	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	8	0	3	0	2	0	0	3	0	1	0	0	1	0	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16-DARLINGTON	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
17-DILLON	8	0	5	3	0	0	0	0	0	5	0	2	3	0	0
18-DORCHESTER	3	0	0	0	1	0	0	2	0	1	0	0	1	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	3	0	1	1	0	0	0	1	0	0	0	0	0	0	0
22-GEORGETOWN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
23-GREENVILLE	4	0	1	0	0	0	1	2	0	1	0	0	1	0	0
24-GREENWOOD	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
25-HAMPTON	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
26-HORRY	10	2	4	0	0	0	0	4	0	3	0	0	3	0	0
27-JASPER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28-KERSHAW	2	0	2	0	0	0	0	0	0	2	0	0	2	0	0
29-LANCASTER	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
30-LAURENS	2	0	1	1	0	0	0	0	0	1	0	1	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	6	1	1	1	0	0	0	3	0	0	0	0	0	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35-MARLBORO	34	9	5	5	0	15	0	0	0	4	0	4	0	0	0
36-NEWBERRY	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
37-OCONEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
38-ORANGEBURG	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0
39-PICKENS	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
40-RICHLAND	8	0	2	1	0	0	0	5	0	4	0	0	4	0	0

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race Multiple

County	Applications Requested					Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	5	0	0	0	0	0	0	5	0	1	0	0	1	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	3	0	0	1	0	0	0	2	0	1	0	0	1	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	6	0	1	0	0	0	0	5	0	0	0	0	0	0
08-BERKELEY	9	0	2	1	0	0	1	5	0	3	0	0	3	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	24	0	1	0	1	0	0	22	0	12	0	0	12	0
11-CHEROKEE	1	0	0	0	0	0	0	1	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16-DARLINGTON	2	0	1	0	0	0	0	1	0	0	0	0	0	0
17-DILLON	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18-DORCHESTER	4	0	0	0	0	0	0	4	0	0	0	0	0	0
19-EDGEFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	5	0	1	2	1	0	0	1	0	3	0	1	0	2
22-GEORGETOWN	2	0	0	0	0	0	0	2	0	0	0	0	0	0
23-GREENVILLE	22	0	1	1	0	0	0	20	0	2	0	0	2	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	12	1	3	0	0	0	0	8	0	3	0	0	2	1
27-JASPER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28-KERSHAW	0	0	0	0	0	0	0	0	0	0	0	0	0	0
29-LANCASTER	3	0	2	1	0	0	0	0	0	2	0	1	1	0
30-LAURENS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	11	0	0	1	0	0	2	8	0	0	0	0	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	2	0	1	0	0	0	0	1	0	0	0	0	0	0
35-MARLBORO	5	5	0	0	0	0	0	0	0	2	0	2	0	0
36-NEWBERRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
37-OCONEE	1	0	0	0	1	0	0	0	0	0	0	0	0	0
38-ORANGEBURG	1	0	0	0	0	0	1	0	0	1	0	0	0	1
39-PICKENS	4	0	0	0	0	0	0	4	0	0	0	0	0	0
40-RICHLAND	19	0	1	0	0	0	3	15	0	5	0	0	2	3

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race Other

County	Applications Requested						Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	4	0	2	0	0	0	1	1	0	2	0	0	1	1	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	4	0	1	0	0	0	1	2	0	2	0	0	2	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	24	0	6	1	1	0	1	15	0	0	0	0	0	0	0
08-BERKELEY	24	3	4	0	0	0	2	15	0	10	0	0	10	0	0
09-CALHOUN	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
10-CHARLESTON	50	2	6	0	0	0	3	39	0	20	0	0	17	3	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
16-DARLINGTON	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
17-DILLON	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
18-DORCHESTER	11	0	0	0	0	0	1	10	0	2	0	0	2	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
22-GEORGETOWN	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
23-GREENVILLE	18	0	0	1	0	0	1	16	0	1	0	0	1	0	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
25-HAMPTON	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
26-HORRY	10	1	3	0	0	0	0	6	0	1	0	0	1	0	0
27-JASPER	1	0	0	1	0	0	0	0	0	1	0	1	0	0	0
28-KERSHAW	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
29-LANGCASTER	2	0	2	0	0	0	0	0	0	1	0	0	1	0	0
30-LAURENS	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	12	0	0	0	1	0	2	9	0	2	0	0	1	1	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
35-MARLBORO	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
37-OCONEE	3	0	0	0	1	0	0	2	0	2	0	0	2	0	0
38-ORANGEBURG	4	1	0	0	0	0	1	2	0	2	0	0	1	1	0
39-PICKENS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
40-RICHLAND	48	1	14	3	1	0	5	24	0	24	0	0	19	5	0

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

RP0012

Race Unknown

County	Applications Requested						Ballots Issued								
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	4	0	1	0	1	0	2	0	0	1	0	0	1	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	2	0	0	1	0	0	1	0	0	2	0	0	1	1	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	6	0	1	0	0	0	3	2	0	0	0	0	0	0	0
08-BERKELEY	9	1	0	0	1	0	4	3	0	6	0	0	6	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	24	1	1	0	2	0	10	10	0	13	0	0	8	5	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
16-DARLINGTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17-DILLON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18-DORCHESTER	5	0	0	0	0	0	1	4	0	1	0	0	1	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0
22-GEORGETOWN	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0
23-GREENVILLE	9	0	0	0	0	0	3	6	0	3	0	0	1	2	0
24-GREENWOOD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25-HAMPTON	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
26-HORRY	6	0	1	0	0	0	4	1	0	4	0	0	3	1	0
27-JASPER	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
28-KERSHAW	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
29-LANCASTER	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
30-LAURENS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	1	0	0	0	0	0	1	0	0	1	0	0	1	0	0
32-LEXINGTON	6	0	0	0	0	0	5	1	0	1	0	0	1	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35-MARLBORO	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	3	0	0	0	0	0	3	0	0	3	0	0	1	2	0
37-OCONEE	2	0	0	0	0	0	1	1	0	2	0	0	0	2	0
38-ORANGEBURG	3	1	0	0	0	0	2	0	0	2	0	0	0	1	0
39-PICKENS	2	0	0	0	0	0	2	0	0	2	0	0	1	1	0
40-RICHLAND	31	0	1	0	0	0	21	9	0	21	0	0	11	10	0

The United States District Court
District of South Carolina
Columbia Division

No. 3:20-cv-01552-JMC

Mary T. Thomas, et al. v. Marci Andino, et al.

DECLARATION OF MARCI ANDINO

EXHIBIT C

Instructions for Voting Absentee

1. Mark your ballot(s). Leave the stub attached.
2. Fold your ballot(s) so that the contents cannot be seen without unfolding.
3. Place your folded ballot in the enclosed envelope labeled "Ballots Herein" and seal that envelope.
4. Place your "Ballots Herein" envelope(s) in the return-addressed envelope.
5. Read the "Voters Oath" on the back of this return-addressed envelope.
6. Sign your name, or make your mark, and write the date on the back of this envelope in the presence of a witness.
7. Your witness **must** then sign the back of this envelope and list his or her complete address, including street, city, state and zip code.
8. Return your absentee ballot to your county voter registration office by the closing of the polls on election day.

You may return your absentee ballot in person, by mail or by authorizing another person to return your ballot for you. If you wish someone to return your ballot for you, you must complete the enclosed authorization form. This form is to be returned to your county voter registration office along with your absentee ballot. Please do not place this authorization form in the absentee ballot return envelope.

IMPORTANT

To have your ballot counted:

1. Sign the oath on the return-addressed envelope. If you cannot write, someone may assist you in marking your ballot and witnessing your mark.
2. Have your witness sign and list his or her complete address. Your witness does not have to be a registered voter.
3. Return your absentee ballot to your voter registration office by the time the polls close on election day.

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DECLARATION OF MARCI ANDINO

EXHIBIT D

SOUTH CAROLINA ELECTION COMMISSION

Voter Registration and Elections Handbook

SEC MNL 1200-2019-04

Postage free (pre-paid) envelopes for mailing and return of absentee ballots are to be used for the following qualified voters covered by the Federal Voting Assistance Act and the Uniformed and Overseas Absentee Voting Act:

- The Military, Merchant Marine and their spouses and dependents stationed in the United States or abroad.
- Federally employed civilians, their spouses and dependents assigned overseas.
- Students attending an institution of learning outside the United States, their spouses and dependents.
- Qualified voters residing outside the United States (includes vacation).
- A qualified voter overseas by virtue of employment.

Postage required envelopes for the mailing and return of absentee ballots are to be used for all other qualified applicants whose absentee mailing address is within the continental United States.

5.5.7 RETURN OF ABSENTEE BALLOTS

The voter must place the voted ballot in the "Ballots Herein" envelope, and place the "Ballots Herein" envelope in the return addressed envelope.

Instant run-off ballots (IRB) are returned in a specially marked "Ballot Herein" envelope marked "Instant Run-Off". These IRB are returned along with the first primary ballot. Both of these "Ballot Herein" envelopes are placed in the one return address envelope.

How to Process Absentee by Mail when Ballot is Not Signed, No Witnessed, or is Returned Late

In order for an absentee by mail ballot to be counted, the Absentee Voter's Oath must be signed and witnessed, and the absentee ballot must be returned before the polls close (7 PM) on the day of the election (S.C. Code of Laws § 7-15-230). The only exception to this is UOCAVA ballots: a UOCAVA ballot that is mailed by 7 PM on election day must be counted if it is received by 5 PM the day before the county canvass. All absentee ballots must be accounted for in VREMS; whether or not the absentee ballot will be counted and added to the official results is irrelevant in accounting for the ballots.

To account for an absentee ballot's return in VREMS, use the procedures below:

For absentee ballots that are not signed or witnessed (as with all absentee ballots), the date of their return must be entered on the absentee screen in VREMS. Then on the absentee screen, the "Ballot Not Counted" box must be checked and the appropriate Attention Reason must be selected.. These are NOT provisional ballots,

SOUTH CAROLINA ELECTION COMMISSION

Voter Registration and Elections Handbook

SEC MNL 1200-2019-04

so they will NOT be considered at the provisional ballot hearing and will ultimately NOT be counted. For absentee ballots that are returned late, the date and time of their return must be entered on the absentee screen in VREMS. Do NOT record these ballots on the provisional ballot screen in VREMS as it is not necessary because the ballot is accounted for as late by the date and time of its return. Because these ballots were returned late, they are not eligible to be counted.

"Attention" Envelope

ALL absentee ballots that are returned with no signature, returned with no witness signature, or are returned late must each be placed in their own "Attention" envelope. "Attention" envelopes are sealed, kept with election records, and never opened. Write the voter's name and voter registration number on the "Attention" envelope. This procedure is necessary so that ballots can be reconciled. In the case of a ballot that is not signed or witnessed, place the "Attention" envelope containing the ballot in the absentee ballot box. In the case of a ballot that is returned late, place the "Attention" envelope with any other "Attention" envelopes that exist for the election for record retention.

Authorized Returnee

Voters may return their absentee ballot to the absentee precinct by mail, by personal delivery or by authorizing another person to return their ballots (an "authorized returnee"). Persons returning the voted ballot for the voter must complete and submit the "Authorization to Return Absentee Ballot" form to the Board at the time the ballot is returned. Absentee ballots cannot be turned in at the polling place on election day.

The authorization form must be preserved as part of the election record. The Board must record the authorization and the name of the authorized returnee in VREMS. (7-15-385)

Candidates or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, may not serve as an authorized returnee for any voter unless they are a member of the voter's immediate family.

Absentee ballots returned by any other method than described above should be challenged. All absentee ballots must be returned in the return-addressed envelope provided. Ballots issued for emergency hospital patients must be returned by the family member to whom they were issued.

The election official who receives the returned absentee ballot is charged with ensuring the authorization form is complete and accurate. The election official is **NOT** permitted to require an ID to verify the authorized returnee's identity. However, ensuring accuracy may include inquiring, "Is this you?" of the returnee. If the returnee replies "Yes," the election official may ask no further questions. For further information, refer to S.C. Code of Laws § 7-15-385.

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Mary T. Thomas, et al. v. Marci Andino, et al.

DECLARATION OF MARCI ANDINO

EXHIBIT E



The South Carolina Association of Registration and Election Officials, Inc. (SCARE) Executive Committee has reviewed and discussed the recent letter sent by Marci Andino, Executive Director of the State Election Commission asking Governor McMaster, Senator Peeler, Speaker Lucas and others to give consideration “to making emergency changes to our election process” outlining methods used in other states to conduct elections. The committee believes that we should hold to our purpose “to review and promote legislation which will endorse the efficiency of the registration and election process in South Carolina” This can be accomplished by taking a position of support of the “voting by mail method” understanding that some components of the other proposed options are viable solutions that may be incorporated to help compose a complete workable plan and solution when conducting elections in this manner.

We have elections that have been postponed and other elections upon us that need our collective ideas, experiences, analysis, and consideration on how to conduct them efficiently under current and proposed legislation. It is important that we are able to collectively come together to affect change in a timely manner in order to conduct future elections in South Carolina that are not only open, transparent and fair, but also conducted in a way that minimizes risk of exposure to such threats as with the current COVID-19 virus.

We the executive committee have a moral obligation to make known our concerns regarding our upcoming elections. We need a plan in place that protects our voters, staff, facility owners, communities, and poll managers in the midst and following a pandemic. Delaying or postponing elections must be done to allow time for current conditions to improve, to provide time for proper planning, preparation, and ensure funding, but that is not answering or addressing the concerns of public protection of health and safety while casting a ballot.

As a proactive approach the executive committee discussed the various options being proposed for conducting elections in the safest way possible.

The determination is that vote by mail is the best option considering this pandemic, but with the understanding that some components of the other proposed options are viable solutions that may be incorporated to help compose a complete workable plan and solution when conducting elections by mail.

Below are the reasons vote by mail is considered the best option:

1. Health and safety of voter and poll managers.
2. Unavailability of locations and poll managers.
3. Vote by mail limits person to person contact while still allowing elections to continue uninterrupted.

According to the 2020 Care Act on page 668, it allows funding for states who have procedures and plans in place for vote by mail. It is important we move quickly to ensure that our counties have the time, resources, and funding to conduct the elections.

While we are still under a cloud of uncertainty with regards to this COVID-19 pandemic what is known is that as Election Officials we are tasked with conducting elections, but have an even higher responsibility of ensuring the safety and health of everyone participating in the election process in South Carolina.

The Executive Committee would like to move forward with taking the position of support for voting by mail in South Carolina. The committee is open to hear your thoughts and comments. You may email those to the President of SCARE, Katy Smith at ksmith@andersoncountysc.org. All emails will then be forwarded to the Executive Committee members for consideration.

It is the Executive Committees belief that as an organization we need to have a position on any proposed election law changes.

The United States District Court
District of South Carolina
Columbia Division

No. 3:20-cv-01552-JMC

Mary T. Thomas, et al. v. Marci Andino, et al.

DECLARATION OF MARCI ANDINO

EXHIBIT F

SOUTH CAROLINA ELECTION COMMISSION

April 13, 2020

The Honorable Alan M. Wilson
South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211

Dear General Wilson:

The State Election Commission is exploring all possible ways to reduce the number of voters congregated at polling places on election day, including the upcoming June primary, with the obvious purpose of reducing the spread of COVID-19. One way is to encourage absentee by mail voting.

With this in mind, we are looking to current absentee voting laws to see how voters who are staying at home to reduce the spread of the virus may be able to take advantage of by mail absentee voting. S.C. Code § 7-15-320(B)(1) allows qualified electors who are physically disabled and (B)(4) allows qualified electors who are "attending sick or physically disabled persons" to vote by absentee ballot. Section 7-15-310(4) defines "physically disabled person" as meaning "a person who, because of injury or illness, cannot be present in person at his voting place on Election Day." These sections do not expressly address voters who may not be sick or confirmed as having COVID-19, but must still risk exposure by physically attending a polling place on election day. Consistent with the mandate of § 7-15-20 that these laws "shall be liberally construed in order to effectuate their purposes," we are wondering whether voters staying home due to the pandemic qualify for absentee voting under this reason.

Sincerely,



Marci Andino
Executive Director

COMMISSIONERS

JOHN WELLS
Chairperson

CLIFFORD J. EDLER

SCOTT MOSELEY

VACANT

VACANT

MARCI ANDINO
Executive Director

1122 Lady Street
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Columbia, SC 29201

P.O. Box 5987
Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.scvotes.org

United States District Court
District of South Carolina
Columbia Division

Kylon Middleton, et al. v. Marci Andino, et al.
Case No. 3:20-cv-01730-JMC

**DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Attachment 2 to Supplemental Declaration of Marci Andino

**Absentee Ballots by Qualification Category Received by the County Boards
(as of the time run on May 13, 2020)**

Absentee Ballots by Qualification Category

01 Active Duty Uniformed Services	754	1%
02 Merchant Marine	23	0.02%
03 Military Spouse/Dependent	304	0.31%
04 Citizen Overseas Temporary	960	0.99%
05 Citizen Overseas Permanently	309	0.32%
06 Physical Disability, Illness, Injury	9,900	10.23%
07 Student & Spouse/Dependent	2,889	2.99%
08 Employment	11,306	11.68%
09 Government employee	576	0.60%
10 Vacation	7,704	7.96%
11 Serving on Jury	6	0.01%
12 Hospital	143	0.15%
13 Death or Funeral	46	0.05%
14 Confined to Jail	32	0.03%
15 Caregiver	2,811	2.90%
16 Election Worker/Watcher	1,346	1.39%
17 Sixty-Five or Older	55,773	57.63%
18 State of Emergency	1,891	1.95%
	96,773	

United States District Court
District of South Carolina
Columbia Division

Kylon Middleton, et al. v. Marci Andino, et al.
Case No. 3:20-cv-01730-JMC

**DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Attachment 3 to Supplemental Declaration of Marci Andino

**Absentee-Ballot Application Requests of County Boards and Absentee
Ballots Returned to County Boards for the 6/09/2020 Primaries as of
Wednesday, 5/13/2020**

RP0012

Race ALL

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21:13 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Total	Online	Ballots Issued			By Fax	Unknown
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier			In Person	By Mail	By eMail		
01-ABBEVILLE	158	3	67	15	10	0	0	63	0	14	0	6	0	8	0	
02-AIKEN	2,273	381	474	91	73	2	33	1,219	0	569	0	19	545	5	0	
03-ALLENDALE	45	0	36	2	0	0	0	7	0	28	0	0	28	0	0	
04-ANDERSON	2,079	7	592	188	128	10	36	1,118	0	626	0	154	441	33	0	
05-BAMBERG	435	156	112	94	10	0	0	63	0	287	0	79	208	0	0	
06-BARNWELL	415	25	250	74	11	0	2	52	1	254	0	43	203	8	0	
07-BEAUFORT	5,241	25	1,105	286	260	15	89	3,461	0	1,196	0	83	1,098	15	0	
08-BERKELEY	5,246	174	1,752	233	165	1	80	2,841	0	2,352	0	102	2,243	7	0	
09-CALHOUN	134	2	53	16	10	1	1	51	0	51	0	3	46	2	0	
10-CHARLESTON	16,981	1,694	3,615	108	887	1	335	10,341	0	8,857	0	105	8,452	290	0	
11-CHESTER	210	2	69	43	21	0	1	74	0	107	0	35	69	3	0	
12-CHESTER	260	1	166	39	5	0	4	45	0	166	0	24	138	4	0	
13-CHESTERFIELD	131	2	49	15	9	1	4	51	0	64	0	12	50	2	0	
14-CLARENDON	1,068	246	395	245	33	0	2	147	0	167	0	164	0	3	0	
15-COLLETON	1,028	12	590	253	40	0	3	170	0	652	0	200	450	2	0	
16-DARLINGTON	1,361	7	810	218	36	2	1	287	0	927	0	178	736	13	0	
17-DILLON	1,037	6	551	447	0	0	1	32	0	792	0	158	634	0	0	
18-DORCHESTER	3,297	55	858	102	184	0	44	2,054	0	1,326	0	80	1,241	5	0	
19-EDGEFIELD	429	19	234	45	21	0	3	107	0	285	0	17	261	7	0	
20-FAIRFIELD	500	2	254	125	8	0	1	110	0	322	0	86	235	1	0	
21-FLORENCE	2,178	48	694	613	87	1	0	735	0	1,083	0	478	570	35	0	
22-GEOGETOWN	2,267	402	724	206	13	0	16	901	3	1,070	0	152	897	19	0	2
23-GREENVILLE	5,923	160	966	194	286	0	110	4,187	0	1,336	0	125	1,116	95	0	
24-GREENWOOD	908	5	458	116	62	0	16	249	2	515	0	12	489	14	0	
25-HAMPTON	537	11	209	257	14	0	1	45	0	410	0	34	375	1	0	
26-HORRY	6,472	243	2,457	243	75	0	52	3,402	0	2,581	0	201	2,357	21	0	2
27-JASPER	945	81	284	98	24	0	8	450	0	564	0	65	498	1	0	
28-KERSHAW	655	2	227	62	44	0	22	298	0	321	0	32	264	24	0	1
29-LANCASTER	1,850	90	1,064	201	154	0	22	319	0	1,104	0	163	898	23	0	
30-LAURENS	585	11	256	113	13	0	0	179	13	332	0	94	229	8	0	1
31-LEE	93	2	38	9	4	0	7	33	0	40	0	5	29	6	0	
32-LEXINGTON	4,237	135	1,161	321	286	0	104	2,230	0	1,273	0	202	1,041	30	0	
33-MCCORMICK	221	0	54	33	20	0	0	114	0	122	0	26	92	4	0	
34-MARION	1,764	12	1,447	239	3	0	2	61	0	220	0	211	2	7	0	
35-MARLBORO	1,288	360	459	286	13	149	0	21	0	353	0	278	73	0	0	2
36-NEWBERRY	358	7	119	40	17	2	7	166	0	177	0	32	141	4	0	
37-OCONEE	1,986	26	909	121	193	0	29	708	0	972	0	94	843	35	0	
38-ORANGEBURG	2,845	1,462	854	200	31	4	23	271	0	1,716	0	108	1,590	18	0	
39-PICKENS	1,192	9	325	39	14	0	26	779	0	57	0	22	8	27	0	
40-RICHLAND	9,836	438	3,272	483	427	4	234	4,978	0	4,085	0	171	3,726	187	0	

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Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

41-SALUDA	116	1	18	10	16	0	3	68	0	57	0	10	44	3	0	
42-SPARTANBURG	2,570	100	854	91	163	0	27	1,200	135	791	0	91	674	26	0	
43-SUMTER	2,527	760	722	409	90	13	41	479	13	1,452	0	76	1,330	46	0	
44-UNION	95	1	27	19	10	0	9	29	0	47	0	16	24	7	0	
45-WILLIAMSBURG	767	3	351	212	12	1	0	186	0	472	0	205	256	11	0	
46-YORK	4,112	53	1,188	162	332	3	78	2,296	0	2,316	0	40	2,276	0	0	
Total	98,655	7,241	31,149	7,418	4,314	210	1,477	46,679	167	42,510	0	4,511	36,930	1,060	0	9

05/13/2020

RP0012

Race Black/AA

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Applications Requested										Ballots Issued					
	Total	Mail	Phone	In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax	Unknown
01-ABBEVILLE	23	0	13	6	3	0	0	1	0	4	0	3	0	1	0	0
02-AIKEN	203	3	66	23	0	0	4	107	0	64	0	1	63	0	0	0
03-ALLENDALE	40	0	35	2	0	0	0	3	0	26	0	0	26	0	0	0
04-ANDERSON	128	0	49	4	3	2	1	69	0	58	0	1	56	1	0	0
05-BAMBERG	303	137	64	63	3	0	0	36	0	214	0	56	158	0	0	0
06-BARNWELL	252	6	188	39	3	0	0	15	0	163	0	11	147	5	0	0
07-BEAUFORT	601	3	257	141	6	5	12	177	0	16	0	3	12	1	0	0
08-BERKELEY	937	6	445	80	7	0	18	381	0	308	0	13	294	1	0	0
09-CALHOUN	60	2	30	11	2	0	1	14	0	24	0	3	19	2	0	0
10-CHARLESTON	2,871	685	1,126	55	85	0	32	888	0	1,653	0	54	1,572	27	0	0
11-CHEROKEE	28	0	10	6	1	0	0	11	0	19	0	5	13	1	0	0
12-CHESTER	146	1	102	26	2	0	3	12	0	113	0	14	97	2	0	0
13-CHESTERFIELD	34	1	13	6	0	0	1	13	0	13	0	4	9	0	0	0
14-CLARENDON	799	239	271	218	0	0	2	69	0	143	0	141	0	2	0	0
15-COLLETON	440	5	280	129	4	0	1	21	0	286	0	100	187	1	0	0
16-DARLINGTON	858	2	599	88	3	1	0	165	0	632	0	56	574	2	0	0
17-DILLON	777	6	392	369	0	0	0	10	0	622	0	121	501	0	0	0
18-DORCHESTER	612	37	194	38	8	0	6	329	0	199	0	24	175	0	0	0
19-EDGEFIELD	195	9	137	25	2	0	2	20	0	146	0	8	134	4	0	0
20-FAIRFIELD	250	1	124	79	0	0	0	46	0	168	0	49	119	0	0	0
21-FLORENCE	733	28	217	246	15	0	0	227	0	356	0	169	176	11	0	0
22-GEORGETOWN	526	135	213	95	0	0	2	78	0	308	0	79	227	2	0	0
23-GREENVILLE	738	0	332	61	9	0	8	328	0	246	0	36	204	6	0	0
24-GREENWOOD	170	2	83	47	0	0	5	33	0	119	0	1	113	5	0	0
25-HAMPTON	390	9	148	213	5	0	1	14	0	314	0	19	294	1	0	0
26-HORRY	397	8	233	28	0	0	3	125	0	207	0	22	182	3	0	0
27-JASPER	339	78	144	73	2	0	5	37	0	191	0	50	141	0	0	0
28-KERSHAW	171	2	76	27	0	0	4	62	0	96	0	13	75	7	0	0
29-LANCASTER	267	81	126	24	19	0	3	32	0	163	0	18	143	2	0	0
30-LAURENS	208	5	127	37	4	0	0	34	0	130	0	31	96	2	0	0
31-LEE	54	2	23	7	4	0	3	15	0	26	0	3	19	4	0	0
32-LEXINGTON	306	3	86	22	0	0	14	181	0	10	0	5	5	0	0	0
33-MCCORMICK	44	0	24	13	1	0	0	6	0	25	0	9	16	0	0	0
34-MARION	1,383	11	1,165	184	4	1	0	21	0	160	0	157	61	0	0	0
35-MARLBORO	856	282	332	218	4	9	0	11	0	272	0	1	17	0	0	0
36-NEWBERRY	29	0	8	2	1	2	0	16	0	18	0	1	0	0	0	0
37-OCONEE	69	2	39	4	8	0	2	14	0	25	0	2	19	4	0	0
38-ORANGEBURG	2,469	1,431	685	188	11	4	14	136	0	1,562	0	101	1,471	10	0	0
39-PICKENS	34	0	6	2	0	0	1	25	0	3	0	2	0	1	0	0
40-RICHLAND	4,299	182	1,923	345	107	2	64	1,676	0	1,821	0	121	1,644	56	0	0

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RP0012

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

41-SALUDA	16	0	3	1	1	0	1	12	0	1	11	0	0	
42-SPARTANBURG	549	60	297	36	2	0	101	52	183	0	36	146	1	0
43-SUMTER	1,878	654	539	336	27	8	286	13	1,153	0	51	1,086	16	0
44-UNION	21	0	6	6	0	0	7	0	14	0	7	4	3	0
45-WILLIAMSBURG	678	3	308	195	5	1	166	0	421	0	187	227	7	0
46-YORK	497	3	199	29	19	0	243	0	273	0	4	269	0	0
Total	26,678	4,124	11,736	3,849	377	34	235	6,252	71	13,001	0	2,002	10,802	194
														0
														3

05/13/2020

RP0012

Race White

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested					UOCAVA	Internet	Other Carrier	Total	Ballots Issued				
				In Person	Email	Fax							Online	In Person	By Mail	By Email	By Fax
01-ABBEVILLE	134	3	54	9	7	0	0	0	61	0	10	0	3	0	7	0	0
02-AIKEN	2,035	375	403	68	72	2	24	1,091	4	498	0	498	0	18	476	4	0
03-ALLENDALE	5	0	1	0	0	0	0	0	0	2	0	2	0	0	0	0	0
04-ANDERSON	1,909	6	540	177	123	8	32	1,023	0	556	0	556	0	150	376	30	0
05-BAMBERG	132	19	48	31	7	0	0	27	0	73	0	73	0	23	50	0	0
06-BARNWELL	161	19	61	35	8	0	0	36	1	90	0	90	0	32	55	3	0
07-BEAUFORT	4,555	22	833	144	252	10	69	3,225	0	1,169	0	1,169	0	79	1,076	14	0
08-BERKELEY	4,172	159	1,292	149	153	1	52	2,366	0	2,001	0	2,001	0	88	1,909	4	0
09-CALHOUN	72	0	22	5	8	1	0	36	0	26	0	26	0	0	26	0	0
10-CHARLESTON	13,814	997	2,463	53	788	1	279	9,233	0	7,085	0	7,085	0	51	6,789	245	0
11-CHEROKEE	179	2	58	37	20	0	1	61	0	87	0	87	0	30	55	2	0
12-CHESTER	112	0	63	12	3	0	1	33	0	51	0	51	0	9	40	2	0
13-CHESTERFIELD	96	1	36	9	9	1	3	36	0	50	0	50	0	8	40	2	0
14-CLARENDON	266	6	122	27	33	0	0	78	0	24	0	24	0	23	0	1	0
15-COLLETON	581	7	289	123	36	0	1	145	0	359	0	359	0	99	260	0	0
16-DARLINGTON	495	5	207	129	33	1	1	119	0	290	0	290	0	121	158	11	0
17-DILLON	248	0	151	74	0	0	1	22	0	160	0	160	0	35	125	0	0
18-DORCHESTER	2,607	18	656	63	170	0	35	1,665	0	1,109	0	1,109	0	55	1,049	5	0
19-EDGEFIELD	231	10	96	20	19	0	1	85	0	138	0	138	0	9	126	3	0
20-FAIRFIELD	249	1	130	45	8	0	1	64	0	154	0	154	0	37	116	1	0
21-FLORENCE	1,406	18	469	361	68	1	0	489	0	712	0	712	0	305	388	19	0
22-GEORGETOWN	1,726	266	511	111	13	0	12	813	0	758	0	758	0	71	670	15	0
23-GREENVILLE	4,999	159	646	129	274	0	95	3,696	0	1,068	0	1,068	0	87	896	85	0
24-GREENWOOD	731	3	374	68	62	0	11	211	0	394	0	394	0	11	374	9	0
25-HAMPTON	144	2	61	42	9	0	0	30	0	93	0	93	0	15	78	0	0
26-HORRY	5,975	229	2,199	214	75	0	43	3,215	0	2,341	0	2,341	0	178	2,145	16	0
27-JASPER	598	3	140	24	21	0	3	407	0	369	0	369	0	14	354	1	0
28-KERSHAW	475	0	146	35	44	0	17	233	0	217	0	217	0	19	182	16	0
29-LANCASTER	1,563	9	924	176	134	0	17	303	0	932	0	932	0	164	749	19	0
30-LAURENS	370	6	126	75	9	0	0	144	10	200	0	200	0	62	132	6	0
31-LEE	38	0	15	2	0	0	0	18	0	13	0	13	0	2	9	2	0
32-LEXINGTON	3,825	131	1,069	294	283	0	77	1,971	0	1,247	0	1,247	0	194	1,024	29	0
33-MCCORMICK	175	0	30	20	19	0	0	106	0	96	0	96	0	17	75	4	0
34-MARION	369	1	276	53	1	0	1	37	0	56	0	56	0	51	2	3	0
35-MARLBORO	380	62	113	62	9	124	0	10	0	72	0	72	0	60	11	0	0
36-NEWBERRY	322	7	111	36	16	0	4	148	0	154	0	154	0	30	122	2	0
37-OCONEE	1,966	24	870	117	182	0	25	688	0	940	0	940	0	92	820	28	0
38-ORANGEBURG	380	26	166	12	20	0	4	132	0	126	0	126	0	7	115	4	0
39-PICKENS	1,133	9	317	37	13	0	22	735	0	50	0	50	0	20	7	23	0
40-RICHLAND	5,267	253	1,300	131	308	2	124	3,149	0	2,152	0	2,152	0	50	2,000	101	0

05/13/2020

RP00012

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

41-SALUDA	98	1	15	9	15	0	2	57	0	44	0	9	33	2	0	
42-SPARTANBURG	1,961	39	552	55	159	0	23	1,053	80	598	0	55	521	22	0	
43-SUMTER	625	100	177	71	63	5	24	185	0	286	0	25	235	26	0	
44-UNION	74	1	21	13	10	0	7	22	0	33	0	9	20	4	0	
45-WILLIAMSBURG	89	0	43	17	7	0	0	22	0	51	0	18	29	4	0	
46-YORK	3,474	48	977	130	309	3	66	1,941	0	1,986	0	35	1,951	0	0	
Total	70,136	3,047	19,153	3,504	3,872	160	1,082	39,225	93	28,920	0	2,470	25,670	774	0	6

05/13/2020

RP0012

Race Asian

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	10	1	0	0	0	0	1	8	0	2	0	0	2	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	17	0	1	3	0	0	1	12	0	4	0	1	2	1	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	16	0	4	0	0	0	1	11	0	3	0	0	3	0	0
08-BERKELEY	41	3	4	1	2	0	1	30	0	14	0	1	13	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	97	7	12	0	1	0	3	74	0	46	0	0	44	2	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
13-CHESTERFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COULETON	3	0	0	1	0	0	0	2	0	3	0	1	2	0	0
16-DARLINGTON	2	0	1	0	0	0	0	1	0	0	0	0	0	0	0
17-DILLON	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
18-DORCHESTER	24	0	8	1	0	0	1	14	0	6	0	1	5	0	0
19-EDGEFIELD	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	9	0	2	0	3	0	0	4	0	6	0	0	3	3	0
22-GEORGETOWN	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
23-GREENVILLE	65	1	1	1	1	0	1	60	0	4	0	1	2	1	0
24-GREENWOOD	3	0	1	0	0	0	0	2	0	1	0	0	1	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	31	1	9	0	0	0	1	20	0	7	0	0	7	0	0
27-JASPER	3	0	0	0	1	0	0	2	0	2	0	0	2	0	0
28-Kershaw	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
29-LANCASTER	8	0	7	0	0	0	0	1	0	4	0	0	4	0	0
30-LAURENS	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	35	0	3	0	0	1	2	29	0	4	0	0	4	0	0
33-MCCORMICK	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
34-MARION	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
35-MARLBORO	3	1	1	1	0	0	0	0	0	1	0	1	0	0	0
36-NEWBERRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
37-OCONEE	2	0	0	0	0	0	1	1	0	1	0	0	0	1	0
38-ORANGEBURG	2	1	0	0	0	0	1	0	0	1	0	0	0	1	0
39-PICKENS	12	0	2	0	0	0	0	10	0	1	0	0	0	1	0
40-RICHLAND	82	1	14	3	5	0	7	52	0	32	0	0	26	6	0

05/13/2020

R2P0012

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

41-SALUDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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RP0012

Race Hispanic

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
02-AIKEN	11	2	2	0	0	0	1	6	0	1	0	0	1	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	9	0	1	1	1	0	0	6	0	2	0	1	1	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
07-BEAUFORT	30	0	3	0	1	0	2	24	0	2	0	0	2	0	0
08-BERKELEY	39	1	3	1	2	0	2	30	0	5	0	0	5	0	0
09-CALHOUN	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	82	2	2	0	6	0	7	65	0	21	0	0	14	7	0
11-CHEROKEE	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
16-DARLINGTON	2	0	1	1	0	0	0	0	0	2	0	1	1	0	0
17-DILLON	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
18-DORCHESTER	27	0	0	0	5	0	0	22	0	4	0	0	4	0	0
19-EDGERFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	16	0	3	2	0	0	0	11	0	3	0	2	1	0	0
22-GEORGETOWN	7	0	0	2	0	0	0	5	0	2	0	2	0	0	0
23-GREENVILLE	60	0	4	1	1	0	1	53	0	10	0	1	8	1	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	31	1	5	1	0	0	1	23	0	11	0	1	10	0	0
27-JASPER	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
28-KERSHAW	3	0	1	0	0	0	0	2	0	3	0	0	3	0	0
29-LANCASTER	5	0	2	0	1	0	1	1	0	1	0	0	0	1	0
30-LAURENS	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	35	0	2	3	1	0	2	27	0	9	0	3	6	0	0
33-MCCORMICK	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
34-MARION	6	0	4	2	0	0	0	0	0	3	0	3	0	0	0
35-MARLBORO	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	2	0	0	1	0	0	0	1	0	1	0	1	0	0	0
37-OCONEE	2	0	0	0	1	0	0	1	0	2	0	0	2	0	0
38-ORANGEBURG	2	0	1	0	0	0	0	1	0	0	0	0	0	0	0
39-RICKENS	5	0	0	0	1	0	1	3	0	1	0	0	2	0	0
40-RICHLAND	72	1	10	0	4	0	10	47	0	25	0	0	19	6	0

05/13/2020

RP0012

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

[illegible]

RP0012

Race Native American

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	5	1	0	0	1	0	0	3	0	1	0	0	1	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
07-BEAUFORT	3	0	0	0	0	0	1	2	0	1	0	0	1	0	0
08-BERKELEY	12	1	2	1	0	0	0	8	0	3	0	0	3	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	9	0	3	0	2	0	0	4	0	3	0	0	3	0	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16-DARLINGTON	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
17-DILLON	8	0	5	3	0	0	0	0	0	7	0	2	5	0	0
18-DORCHESTER	3	0	0	0	1	0	0	2	0	2	0	0	2	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	3	0	1	1	0	0	0	1	0	2	0	0	2	0	0
22-GEORGETOWN	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
23-GREENVILLE	4	0	1	0	0	0	1	2	0	1	0	0	1	0	0
24-GREENWOOD	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
25-HAMPTON	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
26-HORRY	11	2	4	0	0	0	0	5	0	3	0	0	3	0	0
27-JASPER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28-Kershaw	2	0	2	0	0	0	0	0	0	2	0	0	2	0	0
29-LANCASTER	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
30-LAURENS	2	0	1	1	0	0	0	0	0	1	0	1	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	6	1	1	1	0	0	0	3	0	0	0	0	0	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	1	0	0	0	1	0	0	0	0	1	0	0	0	1	0
35-MARLBORO	40	9	10	5	0	16	0	0	0	6	0	5	1	0	0
36-NEWBERRY	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
37-OCONEE	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
38-ORANGEBURG	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0
39-PICKENS	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
40-RICHLAND	10	0	4	1	0	0	0	5	0	4	0	0	4	0	0

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RP0012

Absentee Statistics By Request / Ballot Issued Method By Race

	0	1	2	3	4	5	6	7	8	9	Total
41-SALUDA	0	0	0	0	0	0	0	0	0	0	0
42-SPARTANBURG	0	0	0	0	0	0	0	0	0	0	0
43-SUMTER	3	1	0	0	1	0	1	0	0	1	6
44-UNION	0	0	0	0	0	0	0	0	0	0	0
45-WILLIAMSBURG	0	0	0	0	0	0	0	0	0	0	0
46-YORK	0	2	1	0	0	7	0	4	0	4	18
Total	146	16	44	17	5	16	2	46	0	46	337

RP0012

Race Multiple

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	5	0	0	0	0	0	0	5	0	1	0	0	1	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	4	0	0	1	0	0	0	3	0	1	0	0	1	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	6	0	1	0	0	0	0	5	0	0	0	0	0	0	0
08-BERKELEY	10	0	2	1	0	0	1	6	0	4	0	0	4	0	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	27	0	1	0	2	0	0	24	0	13	0	0	13	0	0
11-CHEROKEE	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16-DARLINGTON	2	0	1	0	0	0	0	1	0	2	0	0	2	0	0
17-DILLON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18-DORCHESTER	6	0	0	0	0	0	0	6	0	0	0	0	0	0	0
19-EDGEFIELD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
20-FAIRFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	5	0	1	2	1	0	0	1	0	3	0	1	0	2	0
22-GEORGETOWN	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
23-GREENVILLE	26	0	2	1	0	0	0	23	0	2	0	0	2	0	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
25-HAMPTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26-HORRY	12	1	3	0	0	0	0	8	0	4	0	0	3	1	0
27-JASPER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28-Kershaw	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
29-LANCASTER	3	0	2	1	0	0	0	0	0	2	0	1	1	0	0
30-LAURENS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	11	0	0	1	0	0	2	8	0	0	0	0	0	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	2	0	1	0	0	0	0	1	0	0	0	0	0	0	0
35-MARLBORO	5	5	0	0	0	0	0	0	0	2	0	2	0	0	0
36-NEWBERRY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
37-OCONEE	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
38-ORANGEBURG	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
39-PICKENS	4	0	0	0	0	0	0	4	0	0	0	0	0	0	0
40-RICHLAND	21	0	1	0	1	0	3	16	0	5	0	0	2	3	0

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RP0012

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

Race Other

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ABBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	4	0	2	0	0	0	1	1	0	2	0	0	1	1	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	5	0	1	1	0	0	1	2	0	4	0	1	3	0	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	24	0	6	1	1	0	1	15	0	4	0	0	4	0	0
08-BERKELEY	26	3	4	0	0	0	2	17	0	11	0	0	10	1	0
09-CALHOUN	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
10-CHARLESTON	53	2	7	0	0	0	3	41	0	21	0	0	18	3	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	1	0	0	1	0	0	0	0	0	1	0	1	0	0	0
13-CHESTERFIELD	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
16-DARLINGTON	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
17-DILLON	2	0	1	1	0	0	0	12	0	2	0	0	1	0	0
18-DORCHESTER	13	0	0	0	0	0	1	0	0	2	0	0	2	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	4	0	1	1	0	0	0	2	0	1	0	1	0	0	0
22-GEORGETOWN	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
23-GREENVILLE	22	0	0	1	1	0	1	19	0	2	0	0	2	0	0
24-GREENWOOD	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
25-HAMPTON	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
26-HORRY	10	1	3	0	0	0	0	6	0	3	0	0	3	0	0
27-JASPER	2	0	0	1	0	0	0	1	0	1	0	1	0	0	0
28-Kershaw	1	0	1	0	0	0	0	0	0	1	0	0	1	0	0
29-LANCASTER	2	0	2	0	0	0	0	0	0	1	0	0	1	0	0
30-LAURENS	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
31-LEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32-LEXINGTON	13	0	0	0	0	0	2	10	0	2	0	0	1	1	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
35-MARLBORO	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
37-OCONEE	3	0	0	0	1	0	0	2	0	2	0	0	2	0	0
38-ORANGEBURG	6	3	0	0	0	0	1	2	0	2	0	0	1	1	0
39-PICKENS	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
40-RICHLAND	55	1	20	3	2	0	5	24	0	25	0	0	20	5	0

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Absentee Statistics By Request / Ballot Issued Method By Race

[illegible]

RP0012

Race Unknown

Absentee Statistics By Request / Ballot Issued Method By Race
06/09/2020 21113 Statewide Primary

County	Total	Mail	Phone	Applications Requested						Ballots Issued					
				In Person	Email	Fax	UOCAVA	Internet	Other Carrier	Total	Online	In Person	By Mail	By eMail	By Fax
01-ASBEVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02-AIKEN	4	0	1	0	1	0	2	0	0	1	0	0	1	0	0
03-ALLENDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04-ANDERSON	2	0	0	1	0	0	1	0	0	2	0	0	1	1	0
05-BAMBERG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06-BARNWELL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07-BEAUFORT	6	0	1	0	0	0	3	2	0	1	0	1	0	0	0
08-BERKELEY	9	1	0	0	1	0	4	3	0	6	0	0	5	1	0
09-CALHOUN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10-CHARLESTON	28	1	1	0	3	0	11	12	0	15	0	0	9	6	0
11-CHEROKEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12-CHESTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13-CHESTERFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14-CLARENDON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15-COLLETON	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
16-DARLINGTON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17-DILLON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18-DORCHESTER	5	0	0	0	0	0	1	4	0	4	0	0	4	0	0
19-EDGEFIELD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20-FAIRFIELD	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21-FLORENCE	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0
22-GEORGETOWN	9	0	0	0	0	0	3	6	0	3	0	0	1	2	0
23-GREENVILLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24-GREENWOOD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25-HAMPTON	1	0	0	1	0	0	0	0	0	1	0	0	1	0	0
26-HORRY	6	0	1	0	0	0	4	1	0	5	0	0	4	1	0
27-JASPER	1	0	0	0	0	0	0	1	0	1	0	0	1	0	0
28-KERSHAW	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
29-LANCASTER	1	0	0	0	0	0	1	0	0	1	0	0	0	1	0
30-LAURENS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31-LEE	1	0	0	0	0	0	1	0	0	1	0	0	1	0	0
32-LEXINGTON	6	0	0	0	0	0	5	1	0	1	0	0	1	0	0
33-MCCORMICK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
34-MARION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35-MARLBORO	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
36-NEWBERRY	3	0	0	0	0	0	3	0	0	3	0	0	1	2	0
37-OCONEE	2	0	0	0	0	0	1	1	0	2	0	0	0	2	0
38-ORANGEBURG	3	1	0	0	0	0	2	0	0	2	0	0	1	1	0
39-PICKENS	2	0	0	0	0	0	2	0	0	2	0	0	1	1	0
40-RICHLAND	32	0	2	0	0	0	21	9	0	21	0	0	11	10	0

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Absentee Statistics By Request / Ballot Issued Method By Race

41-SALUDA	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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United States District Court
District of South Carolina
Columbia Division

Kylon Middleton, et al. v. Marci Andino, et al.
Case No. 3:20-cv-01730-JMC

**DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Attachment 4 to Supplemental Declaration of Marci Andino

Press Release Issued by the SEC on 5/13/2020

SOUTH CAROLINA

ELECTION COMMISSION

FOR IMMEDIATE RELEASE

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All Voters Can Now Vote Absentee in June Primaries, Runoffs

COLUMBIA, SC (May 13, 2020) – Every voter in South Carolina is now qualified to vote absentee in the June Primaries and Runoffs. Governor McMaster today signed into law legislation passed yesterday by the General Assembly that authorizes any voter to vote absentee in any election in June 2020. The provision expires on July 1, 2020 and does not apply to any elections after that date.

“This action by the General Assembly and Governor McMaster, which we greatly appreciate, will go a long way in protecting the health and safety of every South Carolinian,” said Marci Andino, Executive Director of the S.C. State Election Commission. “All voters now have a safe alternative to voting at their polling place in June.”

All voters now have two options to exercise their right to vote in the 2020 Statewide Primaries and Runoffs.

Vote Absentee

- Any voter can now select Reason 18 – State of Emergency on the absentee application.
- If voting absentee by mail:
 - Get your application now and return it as soon as possible.
 - Once you receive your ballot, vote the ballot, and return it as soon as possible.
- If voting absentee in person:
 - Visit your county voter registration office or a satellite absentee location.
 - Click here for a full list of locations.
 - Bring your Photo ID if you have one.

Vote on Election Day

- Election officials are taking steps to protect the health of voters and poll managers:
 - Poll managers will receive special Covid-19 training on applying social distancing and maintaining sanitary conditions in the polling place.
 - Election officials are working to source:
 - Masks, face shields and gloves for poll managers.
 - Sneeze guards for check-in stations.
 - Sanitizing wipes for cleaning common surfaces.
 - Hand sanitizer for voters and poll managers.
 - Cotton swabs for making selections on the touchscreen.
 - Check-in stations and voting equipment will be spaced at least six feet apart.

-more-

SOUTH CAROLINA

ELECTION COMMISSION

- Some polling places will be relocated or consolidated due to the pandemic. Some facilities have declined to be used, and some poll managers have declined to serve. Election officials are working to find new locations and recruit new managers; however, some voters will vote at a different polling place.
- Voters should prepare by:
 - Making sure your address is up to date.
 - Check your registration.
 - Update your address.
 - Bringing your Photo ID (or voter registration card if you do not have a Photo ID).
 - Checking your polling place at [scVOTES.org](https://scvotes.org) before going to the polls.
 - Wearing a protective mask if you have one.
 - Bringing your own pen for signing the poll list.
 - Practicing social distancing by spacing yourself at least six feet apart from others.
 - Being patient. We are all in this together.

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