

February 22, 2012

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

Dear Mr. Attorney General:

The State Election Commission (SEC) has completed a partial review of information provided by the S.C. Department of Motor Vehicles (DMV) suggesting 953 votes had been cast in the name of deceased voters. The information related to 74 separate elections dating back to April 5, 2005. Due to the size and scope of the task of examining every claim, the review was limited to the 207 cases related to the 2010 General Election. Investigation of every claim would require more than 1,000 hours of work by SEC employees examining thousands of paper records housed in locations throughout the state:

- More than 900 voter registration lists used to record a voter's participation at the polls. These lists are stored in hundreds of boxes housed off-site at the State Records Center (SRC). Once the box is located and retrieved from the SRC, the list must be located within the box, which may contain lists from more than 100 precincts.
- More than 900 poll lists, which are signed by voters at the polling place before being issued a ballot. These lists are stored in the boxes with the voter registration lists housed at SRC, but the poll lists are not attached to the corresponding voter registration lists and many times are not even in the same box.
- Hundreds of original, paper voter registration applications stored in each of the 46 county voter registration offices. These applications are used to corroborate signatures.
- Numerous original, paper absentee ballot applications stored in each of the 46 county voter registration offices.

The SEC has 15 full-time employees, all of which are dedicated to working on numerous existing responsibilities including redistricting, implementation of a new voter registration system, and preparation for March filing and the June Primaries. The SEC recognized the importance of providing the public with timely information regarding these claims considering the lingering perception that hundreds of illegal votes had been cast in recent election. With limited time and resources, the SEC chose to examine the 207 cases related to the largest, most recent election – the 2010 General Election – along with the municipal and other local elections held on that date.

Nearly half of the SEC staff has spent more than 200 hours working over the past four weeks to gather the necessary information and examine each record to make determinations, if possible. The investigation found that 197 of these instances are not cases of votes being cast fraudulently in the name of deceased voters.

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The records show:

- 106 cases were the result of clerical errors by poll managers.
 - 91 cases were name recognition errors such as marking the deceased John Doe, Sr. as voting when John Doe, Jr. actually voted
 - In 6 cases, the poll manager apparently began marking incorrect voter, realized mistake, but did not erase the original marks
 - In 5 cases, election officials marked the wrong voter as voting absentee
 - In 3 cases, election officials issued the absentee application in the wrong name
- 56 cases were the result of bad data matching. In these cases, it appears DMV used only the voter's social security number to match against the death file. The voters' names and dates of birth in these cases do not match the names and dates of birth in the death file. In these cases, there is no indication that the voter is deceased.
- 32 cases were voter participation errors. Voter registration lists marked by poll managers are scanned electronically to record voter participation in each election. Stray marks on the lists and the sensitivity of the automatic scanner can lead to voters erroneously being given credit for voting in an election. In all of these cases, there is no corroborative information on voter registration lists, poll lists, or absentee applications indicating the voter actually voted.
- 3 cases were the result of absentee ballots being issued to a voter, who then died before Election Day.
- 10 cases had insufficient information in the record to make a determination:
 - In 7 cases, the signature on the poll list could not be matched to another voter
 - In 2 cases, the poll list is missing making it impossible to match the signature to another person
 - In 1 case, the signature on the poll list seems to match a voter in another precinct but could not be verified.

The investigation of these claims has been very costly to the Agency in both time and resources. Continuation of the investigation beyond the 2010 General Election would have a negative impact on existing Agency responsibilities. Therefore, it is not feasible for the SEC to extend the investigation at this point. All records and analysis associated with this investigation have been provided to the State Law Enforcement Division. If your office or the State Law Enforcement Division determines there is cause to extend the investigation, the SEC stands ready to assist in any way that we can. Also know that extending the investigation to elections that occurred earlier than the 2010 General Election will present an additional hurdle, as absentee ballot applications are not required to be retained later than 24 months after the associated election.

If you have any questions regarding the SEC's investigation and analysis, please let me know.

Sincerely,



Marci Andino