



November 6, 2018

Via Email and Facsimile Only
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Marci Andino, Executive Director
South Carolina Election Commission
P.O. Box 5987
Columbia, SC 29250-5987

Re: Voting issues observed during election on November 6, 2018

Dear Ms. Andino:

The ACLU of South Carolina and South Carolina Progressive Network are writing to express our concern about issues that have been observed during voting on November 6, 2018. The polls are still open, but we wanted to report this information to you in time for some remedial action to be possible.

The Election Protection call center and volunteers have received complaints from voters and poll monitors in many South Carolina counties (including Bamberg, Charleston, Colleton, Horry, Newberry, Pickens, Richland, Spartanburg, and Williamsburg) identifying polling locations in which machines are not working. These

reports started coming in early this morning and have continued all day, all across the state. We conclude that the voting machines currently in use are no longer reliable and must be replaced. Today, however, we must take action to ameliorate the effects on the election at hand. Voters are leaving polling places without voting as the lines are too long. Many tried to vote before work and had to leave. Hopefully those voters will have the chance to return after work.

We have also documented inconsistencies as to how different counties, and even different polling places within the same county, are addressing malfunctioning machines, resulting in disproportionate impact to individuals based on the voter's polling place. For example, in Charleston County, machines were reported down at no less than three separate polling places. At two of the locations where some machines were still functioning, paper ballots were not being used as an option for voters despite wait times exceeding an hour. At another Charleston polling location, where no machines were functioning, voters were told that paper ballots were not available. Citizens continued to wait in line, but no one was able to vote. By contrast, all machines were down in a polling location in Newberry County, and paper ballots were distributed. When paper ballots were distributed to voters in Bamberg County at a polling place when all machines at the polling location failed, voters were told that their paper ballots would be counted only as provisional ballot. Across the state, poll managers and clerks were handling machine malfunctions differently.

While clear guidance will not solve all the issues with long lines, a directive that addresses machine malfunction could keep many votes from being lost to frustration. When machine failure results in voters waiting more than an hour to cast their votes, then

poll managers should use paper ballots as an option for voters to move the lines more efficiently. We ask that such a directive be issued immediately to improve the wait time across the state.

And given the long lines, we also ask that you do everything you can to encourage the election commissions to spread the word that everyone who is in line by 7 PM will be given the chance to vote. Now would be the time to use social media to assure that the people who need to know get the word.

Thank you for your attention and consideration in this matter.

Very truly yours,



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