



September 24, 2018

Via Email and Facsimile Only

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Billy Way, Jr., Chair
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Subject: South Carolina's Contingency Plans Re: Extension of Voter
Registration Deadlines Due to Hurricane Florence

Dear Chairman Way, Members of the Commission and Marci Andino:

The ACLU of South Carolina, South Carolina Progressive Network, and the Lawyers' Committee for Civil Rights Under Law are writing to express our concern about the upcoming voter registration deadlines because of the difficulties many voting-eligible South Carolinians will face meeting this deadline due to the continuing, devastating impacts of Hurricane Florence on the state.¹

As you know, on September 17, 2018, President Trump issued a disaster declaration for the state and eight counties (Berkeley, Charleston, Dorchester, Georgetown, Marion, Orangeburg and Williamsburg) at the request of Governor McMaster. See, <https://scemd.org/news/president-donald-j-trump-declares-disaster-for-state-of-south-carolina-and-eight-counties/> In the

¹ The current South Carolina voter registration deadlines are: 1) in person: October 5, 2018; 2) by fax, email or online: October 7, 2018; and 3) by mail: postmarked by October 9, 2018.

immediate aftermath of Hurricane Florence making landfall, many homes and businesses were severely damaged or destroyed by wind and/or flooding; there were widespread power outages; city, county, state and federal government offices were closed (including many county election offices, post offices, libraries, social service and DMV offices where South Carolinians register to vote); and travel was made difficult by downed power lines and trees as well as washed out and blocked roads, and flood water.

Last week, Governor McMaster requested that FEMA provide additional relief to affected residents in Dillon, Horry, Marion and Marlboro counties so that they are eligible to apply for individual assistance because of the widespread flooding and damage caused by the storm. https://www.postandcourier.com/news/here-s-what-you-need-to-know-about-how-florence/article_10490bca-bf40-11e8-9dd8-b3f370d8f775.html

Residents in the PeeDee region have continued to be impacted by flooding from the Waccamaw, Lynches, Little Pee Dee and Big Pee Dee rivers. On September 21, 2018, homes in the PeeDee region were evacuated as a result of flooding east of I-95.

<https://scemd.org/news/homes-evacuated-river-flooding-continues/>

By 10:00 a.m. on Friday, September 22nd, Florence County also issued a mandatory evacuation order of Zone 1, which impacted approximately 400 homes and 1400 people in the area. See, <https://scemd.org/news/homes-evacuated-river-flooding-continues/> According to the SCEMD, rivers in the region were expected to continue to rise this week. As of Friday, there were 175 reported road closures round the state, 31 of which were primary roads, including parts of I-95 and SC 22.

On September 22, 2018, SCEMD reported that flooding was continuing and that the Waccamaw River, near Conway, had surpassed its previously record level and may crest today or tomorrow. <https://scemd.org/news/flooding-continues-some-residents-can-begin-recovery/>

SCEMD tweeted on September 23, 2018, that people should limit travel in Horry and Georgetown Counties because of ongoing flooding.

<https://twitter.com/SCEMD/status/1043984525116739584> SCEMD also tweeted that because of the anticipation of severe flooding in Georgetown County this week, two emergency shelters would open today. <https://twitter.com/SCEMD/status/1043974337164922880>

ABC News is reporting today that an entire neighborhood in Longs, where the Waccamaw River has crested, is inundated with flood water and approximately 21,000 Horry County residents may be displaced by continuing flooding:

<https://twitter.com/ABC/status/1044248153279606785> NBC News is also reporting today that up to 8,000 people in Georgetown County will likely need to evacuate as officials expect up to 10 feet of flood waters there this week. SCEMD tweeted early today that “catastrophic” flooding was continuing in the state: <https://twitter.com/SCEMD/status/1044142503350415360>.

Georgetown County Schools have been ordered closed indefinitely <http://www.wmbfnews.com/story/39152710/georgetown-county-schools-closed-monday-in-anticipation-of-floods/> and Horry County Schools are closed for the rest of this week due to flooding concerns. <http://www.wmbfnews.com/story/39152653/hcs-extends-closures-following-hurricane-florence/>

Marion County has also been severely impacted by flooding in the aftermath of the hurricane and officials are expecting that the Great and Little Pee Dee rivers, which flow through the Gresham and Brittons Neck communities, will continue to rise and crest sometime today or

tomorrow. See, <https://wpde.com/news/local/more-flooding-in-gresham-brittons-neck-areas-of-marion-county> and <https://www.newsobserver.com/latest-news/article218855445.html>

Dillon and Williamsburg have also been severely impacted by Hurricane Florence and the flooding that has occurred in the storm's aftermath. Residents in both counties are continuing to struggle to recover some semblance of their normal lives prior to the storm.

The Internal Revenue Service has extended the October 15, 2018 tax filing deadline for taxpayers in Charleston, Berkeley, Dorchester, Georgetown, Horry, Marion, Orangeburg and Williamsburg counties because of the aftermath of Hurricane Florence, See, <http://metrocolumniaceo.com/features/2018/09/hurricane-florence-delays-south-carolina-tax-deadlines/>

Although South Carolinians have the ability to register to vote online, many South Carolinians will not have ready access to operational computers or will be able to secure the documents needed to register to vote because they were forced to evacuate their homes, do not have electricity or internet service, and because of flood damaged computer or internet equipment. Even if some voting-eligible South Carolinians have computer access, they may be unable to secure a South Carolina driver's license or state ID card in order to register to vote by the existing deadlines.

The right to vote is fundamental and voting-eligible South Carolinians should not be disenfranchised by a natural disaster, such as Hurricane Florence and the flooding in its aftermath. In these extraordinary circumstances, we strongly recommend that measures be taken to ensure that all voting-eligible South Carolinians who need additional time to register to vote as a result of the impact of Hurricane Florence be given that time so that they are not disenfranchised by this natural disaster.

Recognizing the difficult circumstances under which you are operating, we would ask that you let us know what, if any, plans have been made to extend the voter registration deadlines by Thursday, September 27, 2018. Mr. Bursey advises us that your office is maintaining close contact with the Boards of Elections and as of September 21, 2018, all the offices were open and fully functional.

Thank you for your attention and consideration in this matter.

Very truly yours,

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² Admitted to practice law in the District of Columbia, California, Massachusetts, New Hampshire and Illinois (currently registered as voluntarily inactive in Illinois).