

*Special Meeting
of the
Beaufort County
Board of Elections and Registration*

August 31, 2011

9:00 a.m.

Purpose of the Special Meeting

- Review background pertinent to the pending SC Presidential Preference Primary(ies)
- Discuss Beaufort County concerns
- Establish a board position and/or county position with regard to the conduct of Presidential Preference Primary(ies)

Background

- Budget Proviso 79.6
 - Authorizes use of carryover funds from previous primaries to conduct 2012 election cycle PPPs
 - Vetoed by Gov Haley on June 28, 2011
 - Generally Assembly override June 29, 2011

Background

● Budget Proviso 79.12

- Authorizes carry forward of ballot security funds for purpose of financing 2012 election cycle PPPs
- Vetoed by Governor Haley June 28, 2011
- General Assembly override June 29, 2011

Background

- Budget Proviso 79.14
 - Authorizes SEC to contract with parties for the purposes of conducting PPPs in the 2012 election cycle
 - Proviso never became law

Background - AG Opinion June 23, 2011

- Requested by Marci Andino, seeking guidance concerning authority of SEC to enter into contract with parties for the purposes of conducting PPPs
- AG opinion
 - Noted that Proviso 79.14 had already been stricken
 - With regard to SC Code of Laws 7-11-20(B)(2), authorizing the state to conduct PPPs “for the 2008 election cycle” only, rendered the opinion that the legislative intent was that the provision would be permanent in spite of the specific reference to 2008
 - In a footnote, further stated that, if 7-11-20(B)(2) is applicable, a contract between the parties and the SEC “may be the best approach”

Background

Statement by Chris Whitmire (SEC) in *The State* on June 27, 2011 regarding AG Opinion . . .

- "We not only have the authority but a mandate to run the primary."

Post by SEC on Election Net, June 29, 2011

- "Essentially, the A.G. says that S.C. Code of Laws Section 7-11-20(B)(2) not only applied to the 2008 election cycle but applies to every election cycle thereafter. The opinion also states the SEC has authority to contract with political parties so that the parties may fund the PPPs...The SEC is working with the political parties to work out the details of any contractual agreement. "

What we do not know

- Exact dates of PPPs
 - Have been given dates of Feb 18 or Feb 25 for Republican PPP (both are Saturdays)
 - If Democratic Party has a PPP, theirs will be on Feb 28 (Tuesday)
- Rate/level of reimbursement
 - Counties have not been a party to SEC discussions with parties...SEC not forthcoming with the details
 - Level of reimbursements to counties are unknown, but are not expected to cover all costs

Reimbursement?

- Details unknown
- Assuming that reimbursement to counties is on par with primaries and general elections, the expense to Beaufort County taxpayers will still be significant . . .

Reimbursements from Nov 2010

Major Expense Categories	Dollars Spent
Poll Workers	\$80,785
Temporary Labor	\$24,222
Staff Overtime	\$10,267
Printed Ballots	\$4,502
Mileage	\$712
Legal Notice	\$3,290
Truck Rental	\$1,497
Fuel	\$455
<i>Total Cost (minus reg labor)</i>	\$125,730
<i>Reimbursement from SEC</i>	\$79,683
<i>Expense to Beaufort County Taxpayers</i>	\$46,047

If we have two PPPs, double the cost

What we do know

- PPPs are countywide events on par with primaries and general elections
- Best-case scenario, if there are two PPPs, is a 10-day turnaround of polling places
 - Worst case is three days
 - Both scenarios are unacceptable to most county elections directors...we do not have the resources to do it in a manner the voter deserves

Discussion Points

- Legislative Intent re: 7-11-20(B)(2)
 - Topic of PPP finance was addressed in 2011 General Assembly...with full awareness of time-specific aspect of 7-11-20(B)(2)
 - Discussion from neither the majority of legislators nor the Governor favored using public dollars to finance PPPs
 - Proviso 79.14 was the vehicle to allow SEC to contract with parties to conduct PPP
 - Proviso 79.14 did not reach the Governor's desk
 - Arguably its omission from final budget is the strongest evidence of legislative intent

Discussion Points (cont'd)

- AG opinion does not carry force of law and is arguably flawed
- Requirement for counties to conduct PPPs remains uncodified
- AG opinion said SEC was “authorized”
 - “Authorized” and “Mandated” carry entirely different meanings
- SEC has no statutory authority to commit county resources for purposes of conducting PPPs
- This is not an election...it’s a straw poll
 - Party event; not a proper use of public funds

“I believe private dollars are the appropriate way to fund a partisan Presidential Primary . . . It should not fall on the taxpayers to cover the expense.”

- Governor Nikki Haley in her veto message of June 28, 2011

Discussion Points (cont'd)

- SCAC Steering Committee convenes Sept 13
 - Anticipate this will be on the agenda to determine a policy position by SCAC
- Numerous other directors in the state are approaching their boards and county administrations with the same concerns

Recommendations

- Beaufort County Election Commission formally state its opposition to using county funds to conduct PPPs in a letter to the SEC with cc: to SCAC
- Beaufort County Council, and/or Administration on its behalf, join with other counties to take formal action in response to SEC's unlawful commitment of county taxpayer dollars