



BEAUFORT COUNTY COUNCIL

Board of Elections & Registration

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Ron Clifford
Chairman

Dean Hewitt
Vice Chairman

Scott M. Marshall
Executive Director

Minutes from the August 31, 2011 special meeting of the Beaufort County Board of Elections and Registration 102 Industrial Village Rd. Bldg #2, Beaufort, SC

Board Members:

Rebecca Bass

Ellen Bray

Beverly Dore

Hugh O'Kane

James Rowe

Norma Stewart

Rupert Williams

Mr. Ron Clifford called meeting to order at 9:00 a.m.

Mr. Scott Marshall led the pledge of allegiance.

BOARD MEMBERS PRESENT

Ron Clifford, Chairman

Rebecca Bass

Beverly Dore

Hugh O'Kane

Jim Rowe

Rupert Williams

STAFF MEMBERS PRESENT

Morris Campbell, Executive Director, Community Services Division

Josh Gruber, County Attorney

Gary Kubic, County Administrator

Scott Marshall, Executive Director

Eric Montgomery, Programmer

Kristina Weitz, Board Secretary

PUBLIC PRESENT

Jerry Hallman, Chairman, Beaufort County Republican Party

CALL TO ORDER

Mr. Clifford called the special board meeting to order at 9:01 a.m. The purpose of the special meeting was to review the background pertaining to the pending SC Presidential Preference Primaries (PPP), discuss Beaufort County's concerns, and establish the board's position with regard to the conducting of the PPPs.

PUBLIC COMMENTS

None

EXECUTIVE DIRECTOR'S PRESENTATION

Budget Provisos:

- 79.6 (authorizing carryover funds from previous primaries to conduct 2012 election cycle PPPs)
- 79.12 (authorizes carry forward of ballot security funds for purpose of financing 2012 election cycle PPPs)
- 79.14 (authorizes State Election Commission (SEC) to contract with the parties for the purpose of conducting the PPPs in the 2012 election cycle)

Governor Haley vetoed budget Provisos 79.6 and 79.12 on June 28, 2011 and the General Assembly overrode the vetoes on June 29, 2011 while 79.14 never became law.

Ms. Marci Andino, executive director of the SC State Election Commission, requested guidance from the Attorney General (AG) concerning the authority of the SEC to enter into contract with the parties for the purpose of conducting the PPPs.

The AG opinion noted Proviso 79.14 had already been stricken. In regard to SC Code of Laws §7-11-20(B)(2), authorizing the SEC to conduct the 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 reference to 2008.

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."

What are unknown are the exact dates of the PPPs and the rate/level of reimbursement by the SEC. Assuming the reimbursement to the counties is on par (or less) with the primaries and general elections, the expense to Beaufort County taxpayers will still be significant. (The remaining expense for November 2010 was \$46,047; if there are two PPPs then the cost would double.)

What is known is the PPPs are countywide events on par with the primaries and general elections. Best-case scenario, if there are two PPPs, would be a 10-day turnaround of polling places; worse case would be three days. Each scenario is

unacceptable; most county election directors do not have the resources to do it in a timely manner.

Mr. Marshall suggested some discussion points for the board to consider.

Mr. Marshall concluded his presentation with the recommendation to draft a letter to the SEC with a cc to the South Carolina Association of Counties (SCAC), then if necessary, with Beaufort County Council and/or the Administration along with other counties to take formal action in response to SEC's unlawful commitment of county taxpayer dollars.

Mr. Williams asked if the president runs for the Democratic PPP do other candidates for the Democratic Party have to. Mr. Marshall responded that he believed that to be a decision made by the executive committee of the state party.

Mr. O'Kane inquired if there was any data from the 2008 PPPs. Mr. Marshall said he would gather the data.

Mr. Clifford asked where the \$46,000 and \$90,000 was coming from.

Mr. Gruber informed the board the AG's opinion authorized, not mandated.

Mr. Marshall said there were two ways to view the issue: cost and if mandated or authorized.

Mrs. Bass asked what could be done and Mr. Clifford said a letter to the SEC could be drafted.

Mrs. Dore asked what County Council's position was.

The board continued discussing the topic and various ideas as to the best way to address the issue.

Mr. Williams asked Mr. Jerry Hallman, Chairman of the Beaufort County Republican Party, if a definitive date for the PPP had been set. Mr. Hallman said it was a little more complicated on setting a date. South Carolina has to be first in the South. Candidates would bring money into the state. Florida is considering being first however; the national parties would penalize Florida. There are five other states having their PPPs on March 5, 2012. Mr. Hallman expressed concern not having the 2008 expenses data.

Mr. Clifford suggested having the board's position, then present it to the SEC and Beaufort County Council. He recommended creating a policy statement stating the board did not agree with the SEC on the PPP and the board does not accept responsibility of funding any for the PPPs.

Mr. Kubic suggested the board state they do not like the issue but if it has to be done then the SEC should fund it.

Mrs. Bass asked if the letter should be mailed to the other counties and the governor.

After discussion, Mr. Marshall confirmed that position of the board is two-fold:

1. The board objects having the PPPs imposed on them by the SC Election Commission, and
2. If the board has to conduct the PPPs, then the counties should not have to fund them.

Mr. Clifford asked if there was a motion for the board to adopt the position as confirmed by Mr. Marshall. Mr. Clifford made the motion, Mr. O'Kane seconded the motion, and a vote was taken. The motion passed unanimously.

Mr. Rowe suggested the motion changed to say the board rejects the Attorney General's opinion and the State Election Commission's opinion. Mr. Gruber suggested using, "rejecting the interpretation of the mandate." Mrs. Bass seconded the motion and a vote was taken. The vote was four in favor, two opposed. Mr. Clifford, Mrs. Bass, Mr. Williams, and Mr. Rowe were in favor of the motion. Mr. O'Kane and Mrs. Dore were opposed to the motion. The motion passed.

EXECUTIVE SESSION

Mr. Clifford asked for a motion to go into executive session to discuss personnel issues. Mr. Clifford informed the public no motions or votes would be made while in executive session. Mr. O'Kane made the motion to go into executive session and Mr. Williams seconded. The vote was unanimous and the board entered executive session at 10:21 a.m.

The board meeting reconvened publicly at 11:00 a.m., with no votes being cast during the executive session, and adjourned at 11:00 a.m.