

The South Carolina Election Process – Oconee County

Elections are the method and the means through which citizens grant permission to be governed. The South Carolina Constitution Article II Section I requires that votes be cast *in private* but counted *in public*. What should therefore be simple to implement in SC in fact is not. The current SC Election Process is complex, driven by computer systems & equipment.

In its simplest form, an election process should enable a Valid Voter to cast a Valid Vote that is subsequently reliably counted and accurately reported. The results - and the process that created those results - should be fully documented and auditable.

Election Officials Manage Elections

In South Carolina, the body running elections is the **SEC (SC Election Commission)**. They manage each county's **Board of Elections & Voter Registration** whose members are appointed by the Governor and given a stipend for their service. The Oconee County Board can be found at <https://oconeesc.com/voter-registration-and-elections-home/board-of-elections-and-voter-registration>. The SEC also manages each county's **Voter Registration and Elections** department. The Oconee County department can be found at <https://oconeesc.com/voter-registration-and-elections-home>. The budget for this department is prepared by the County Administrator and funded by the county budget. The SEC itself makes all decisions related to voting equipment, systems used, and how all processes, including responsibility for voter roll maintenance, are to be managed in each county. All three groups will be referred to as '**election officials**' for the purpose of this text.

Valid Voter

Voters register to vote by filling out a form (SEC FRM 1301-202305) requiring various pieces of information that will enable SC election officials to enter them into the election system, verify eligibility to vote, contact them for various reasons, and just generally create their voting record. People can register to vote online, at their county election office, or at *"all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities"*. The **VREMS (Voter Registration & Election Management System)** software in SC is written and managed by Kopis, LLC., whose system is completely integrated with all functionalities of *SCVotes.org*. **ERIC (Electronic Registration Information Center)** is a 3rd-party voter registration & management service that manages the voter rolls in SC. South Carolina gives their voter rolls to ERIC which, in turn, provides them to another 3rd-party that looks for EBU's (Eligible but Unregistered voters)-people who conform to certain demographics who are not (yet) registered. SC is required to send a mailing to those individuals so identified to encourage them to register to vote.

Valid Vote

There are several ways to cast a vote in South Carolina. Early voting, absentee voting, military/overseas citizen voting (UOCAVA), and in-person voting on Election Day are all processes available to SC citizens to cast their vote. Here, we shall deal with in-person on Election Day.

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On Election Day, voters show up at their precinct and check in. SC voters are required to show an approved photo ID, the most common of which is a state Driver's License. The check-in is done by an electronic pollbook that contains the voter rolls. **ES&S (Election Systems & Software)** Electronic Pollbooks are in contact with the election offices through a MiFi¹ connection device near the check-in tables. Once checked in, voters are handed a printed sheet of paper or card (the actual ballot) printed on the ExpressVote Printer®. It is blank, except for the date, location, precinct, and ballot style information for the voter and barcodes at the very top.

The voter inserts their ballot card into the ES&S BMD (Ballot Marking Device). The BMD reads the information at the top and opens a session for the voter to make their selections. Upon the voter's review and acceptance of their choices, the Express Vote Machine prints out the voter's selections on the same card (ballot) inserted previously. At this point in the process, what is printed on the ballot summary card is 1. the precinct and ballot information printed on it at check in, 2. barcodes that supposedly correspond to the fields created by the BMD from the voter's selections, and 3. the printed selections made by the voter. Voters often take a picture of their ballot with their phone and are told by election officials that it is illegal to do so. This is an election official rule, not state law. State law does not prohibit taking a picture of your own ballot.

Counted & Reported Accurately

Counting

The voter then takes this piece of paper or card and inserts it into the ES&S DS300 Scanner & Tabulator. The card is scanned, creates an image file of the ballot, and a data file of the fields extracted from the ballot that created the barcode. When polls close, flash drives containing this information are taken to the county election office for uploading to Electionware, i.e. the ES&S Election Management software. Electionware is supposedly air gapped, but the computer used for the upload does not have updated Windows or antivirus. Multiple flash drives are being inserted and removed during this process so the risk increases.

The information on the flash drives - image file of the ballot fields (*i* file) & cast vote records database (*c* file) - is uploaded to the SEC for aggregation with all other counties and reporting on *SCVotes.org* in conjunction with Election Night Reporting and **Scyt.us**.

ES&S 483i "i" is for image	483c "c" Cast vote Record	Cast Vote Records Database / Spreadsheet
		

¹ <https://en.wikipedia.org/wiki/MiFi>

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The ballot card remains or resides in the 'belly' of the Scanner & Tabulator machine itself and can therefore subsequently be accessed for random hand-counts required by SC regulations. If this machine is selected for a random hand-count, election officials count the number of pieces of paper within the Scanner & Tabulator then compare it to the quantity reported by the machine. Even if a particular Scanner & Tabulator is selected for a Hand-Count, it would only be a verification of the number of sheets of paper it contains. No auditing or verification of actual voter selections is done on election day.

How votes are counted: the barcode information created from the BMD and related selections are counted, NOT the images that the voter sees on the paper. No auditing of the barcode's accuracy to the ballot selections can be done by citizens despite the constitutional requirement that votes are to be counted in public. Votes are counted within the machines and systems listed above. That is neither public information, nor can citizens review those records. This information is available in 28 other states and DC, but the SC Election Commission and Attorney General's Office have denied access to it here.

Reporting

Election results are reported by *Election Night Reporting* owned by SOE Software. According to the *SC Election Night Reporting Guide* on *SCVotes.org*: "*South Carolina State Election Commission (SEC) uses an online tool called **ENR (Election Night Reporting)** to display results from elections on a Web Site. The Web interface provides visitors with a graphical view of in-depth state and county results.*" A notation at the bottom of an ENR inquiry shows it is hosted by *www.scytl.us*.

Even though the SEC states that SCYTL is the Election Night Reporting vendor, they are not the vendor really being paid by South Carolina. **SOE Software Corp** has a contract for \$425k from 6.30.21>8.30.26.

According to the Gateway Pundit: "*SCYTL is a foreign owned, Spain-based company. Scytl collects all state ENR data and provides it to Edison Research. Edison works in tandem with all the legacy news agencies that televise election results. The vote tracking features you see on the bottom of the screen during an election on Fox and CNN all come from Scytl-Edison. Two corporate entities with no Congressional oversight, one with foreign ownership—have a monopoly on what the public sees on election night.*"²

SCYTL is now owned by the Paragon Group, an Irish parent company, but it's operational base is in Spain. SCYTL is the parent company of Clarity Elections. In 2012, SCYTL acquired SOE Software, the original developer of the Clarity Election Management Suite, and rebranded its U.S. operations under the Clarity name. Clarity Elections (*clarityelections.com*) became SCYTL's American-facing platform, used for election night reporting and vote tabulation in over 12 U.S. states and 900+ jurisdictions.

² <https://www.thegatewaypundit.com/2023/07/shocking-analysis-election-night-reporting-companies-that-manufacture/>

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Verification of the numbers published by SCYTL-Edison compared to the numbers reported by South Carolina is not possible.

Audits

A *full* forensic election process audit has never been conducted anywhere in the USA and the source code for election equipment and systems that count our ballots are proprietary, so cannot be analyzed at all.

Results-Verification Audits

The SEC contracts with Clear Ballot Group, Inc., a Boston-based elections technology company, to perform Results-Verification Audits. Per <https://scvotes.gov/elections-statistics/election-audits/>, a results-verification audit uses independent software to retabulate the results from an entire election using scanned ballot images. The results from this audit (published on *SCVotes.org* as *Election Results Audits*) are then compared to those from the state's voting system. A tolerance level of 0.5% for discrepancies has been established. Anything exceeding this percentage in any given contest will need to undergo additional auditing.

Clear Ballot receives the CVR formatted files from the SEC and performs a comparison between the image fields and the reported results for each precinct. The United States **EAC (Election Assistance Commission)** requires in "*VVSG 1.0 (Volunteer Voting System Guidelines)*" that there be no more errors than 1 in 500,000. Version 1.0 - Operational accuracy in the recording and processing of voting data, as measured by target error rate, for which the maximum acceptable error rate is no more than one in ten million ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions that there not be more than 0.0057% error rate", but Clear Ballot is only required to meet a lower tolerance level of 0.5%.

Hand-Count Audits

A hand-count audit is intended to ensure the number of ballots cast was accurately recorded by the tabulation device. Additionally, the audit routine ensures the number of votes cast in individual contests were accurately recorded by the tabulation device. Hand count locations are selected by the SEC, are almost always limited to small counties and precincts, and are not randomly or publicly selected. Actual audits require that a percentage of all items is required to be tested. That is not the case with hand-count audits directed by the SEC.

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Summary

There are myriad points of potential error/manipulation throughout the entire process. Until the election process in SC, or in other states, is subjected to a full forensic audit, we cannot be confident our election results are truly complete and accurate.

How many computer systems vendors did you count in this text? Would you be interested to know that none of the 3rd-party vendors referenced are subject to **FOIA** (Freedom of Information Act) requests? That means nothing related to the functionality or handling of our elections process &/or data can be reviewed by citizens. According to the **RFP** (Request for Proposal) documents for SC Election Vendors, each election equipment & system solution is required to interface with each of the others. How about that for the compounding effect of threats & vulnerabilities?!

Of course, we could simply bypass/eliminate most of that complexity by returning to the Gold Standard of Paper Ballots, Hand-Marked and Hand-Counted on Election Day. Think how many companies would have to find other customers if we did that! It will never happen because there are too many special interests involved in the decision process, and too much money 'up for grabs'. South Carolina spent \$61m on election equipment in 2019 and another \$32m in 2024 to upgrade to the DS300. Only a few understand the entire process, so those in power will never vote for changes to make election integrity a reality.

Hence, the rules of thumb to ensure **Election Integrity** are:

Paper ballots, hand-counted on Election Day cannot be falsified on a large scale.

Machines and systems enable all other election fraud at scale.

To restate that simple yet fundamental principle: **Elections are the method and the means through which citizens grant permission to be governed.**

Perhaps we ought to get around to fixing our election process here in South Carolina.