

Exhibit A

<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA 2 COLUMBIA DIVISION 3 Civil Action No. 3:21-cv-03302-MBS-TJH-RMG 4 THE SOUTH CAROLINA STATE CONFERENCE OF THE NAACP, and TAIWAN SCOTT, ON 5 BEHALF OF HIMSELF AND ALL OTHER SIMILARLY SITUATED PERSONS, 6 Plaintiffs, 7 vs. 8 HENRY D. McMASTER, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF SOUTH CAROLINA; 9 THOMAS C. ALEXANDER, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE SENATE; 10 LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE; JAMES H. LUCAS, 11 IN HIS OFFICIAL CAPACITY AS SPEAKER OF THE HOUSE OF REPRESENTATIVES; CHRIS MURPHY, IN HIS OFFICIAL CAPACITY AS 12 CHAIRMAN OF THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE; WALLACE H. JORDAN, 13 IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE OF REPRESENTATIVES ELECTIONS LAW SUBCOMMITTEE; HOWARD KNAPP, IN HIS OFFICIAL CAPACITY AS INTERIM EXECUTIVE 14 DIRECTOR OF THE SOUTH CAROLINA STATE ELECTION COMMISSION; JOHN WELLS, CHAIR, 15 JOANNE DAY, CLIFFORD J. EDLER, LINDA MCCALL, AND SCOTT MOSELEY, IN THEIR 16 OFFICIAL CAPACITIES AS MEMBERS OF THE SOUTH CAROLINA ELECTION COMMISSION, 17 18 Defendants. 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 NEXSEN PRUET, LLC BY: JENNIFER J. HOLLINGSWORTH 2 (Appearing via Zoom) 1230 Main Street, Suite 700 3 Columbia, SC 29201-6220 (803) 771-8900 4 jhollingsworth@nexsenpruet.com 5 6 ATTORNEYS FOR THE SOUTH CAROLINA STATE ELECTION COMMISSION and ELECTION DEFENDANTS: 7 BURR & FORMAN, LLP 8 BY: M. ELIZABETH CRUM 9 1221 Main Street, Suite 1800 Columbia, SC 29201 10 (803) 799-9800 lcrum@burr.com 11 12 ALSO PRESENT: 13 Thomas Nicholson, General Counsel 14 South Carolina State Election Commission 1122 Lady Street, Suite 500 15 Columbia, SC 29201 (803) 734-9063 16 tnicholson@elections.sc.gov 17 18 Cynthia Nygord, Paralegal (Appearing via Zoom) 19 20 Alan Metts, Videographer 21 22 23 24 (INDEX AT REAR OF TRANSCRIPT) 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES OF COUNSEL: 2 ATTORNEYS FOR THE PLAINTIFFS THE SOUTH CAROLINA STATE CONFERENCE 3 OF THE NAACP, and TAIWAN SCOTT, ON BEHALF OF HIMSELF AND ALL OTHER 4 SIMILARLY SITUATED PERSONS: NAACP LEGAL DEFENSE & EDUCATIONAL 5 FUND, INC. BY: ANTONIO L. INGRAM II 6 (Appearing via Zoom) 7 700 14th Street, Suite 600 Washington, DC 20005 8 (202) 682-1300 aingram@naacpldf.org 9 10 ATTORNEYS FOR THE SENATE DEFENDANTS: 11 ROBINSON GRAY STEPP & LAFFITTE, LLC BY: VORDMAN CARLISLE TRAYWICK II 12 (Appearing via Zoom) 13 1310 Gadsden Street Columbia, SC 29201 14 (803) 929-1400 ltraywick@robinsongray.com 15 16 ATTORNEYS FOR THE HOUSE DEFENDANTS: 17 NEXSEN PRUET, LLC BY: RHETT RICARD 18 (Appearing via Zoom) 19 205 King Street, Suite 400 Charleston, SC 29401 20 (843) 577-9440 rricard@nexsenpruet.com 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 THE REPORTER: The attorneys 2 participating in this deposition acknowledge that I 3 am not physically present in the deposition room 4 and that I will be reporting this deposition 5 remotely. 6 They further acknowledge that in lieu 7 of an oath administered in person, I will 8 administer the oath remotely. 9 If any party has an objection to this 10 manner of reporting, please state it now. 11 THE VIDEOGRAPHER: I, Alan Metts, 12 hereby affirm that I am familiar with Rule 30 of 13 the Federal Rules of Civil Procedure and the 14 provisions of Rule 30(h) of the South Carolina 15 Rules of Civil Procedure pertaining to videotaped 16 depositions and will assure that the videotaping of 17 this deposition is done in compliance with the 18 provisions of Rule 30(h) and in an impartial 19 manner. 20 Good morning. We're going on the 21 record at 10:10 on April 19th, 2022. Audio and 22 video recording will continue to take place unless 23 all parties agree to go off the record. This is 24 media unit 1 of the video recorded deposition of 25 Howard Knapp, 30(b)(6) corporate representative of</p>

<p style="text-align: right;">Page 6</p> <p>1 the South Carolina State Election Commission taken 2 by counsel for the plaintiffs in the matter of the 3 South Carolina State Conference of the NAACP and 4 Taiwan Scott, on behalf of himself and all other 5 similarly situated persons, plaintiffs, versus 6 Thomas C. Alexander, in his official capacity as 7 President of the Senate, et al., defendants, Civil 8 Action No. 321-cv-03302-MBS-TJH-RMG, pending in the 9 United States District Court for the District of 10 South Carolina, Columbia Division. 11 This deposition is being held at Burr 12 Forman and also remotely, located at 1221 Main 13 Street, Suite 1800, Columbia, South Carolina. 14 My name is Alan Metts from the firm 15 Veritext Legal Solutions. I'm the videographer. 16 The court reporter is Sandy Bjerke from the firm 17 Veritext Legal Solutions. 18 I'm not related to any party in this 19 action, nor am I financially interested in the 20 outcome. 21 Will counsel now please state your 22 appearances and affiliations for the record after 23 which the court reporter may swear in the witness. 24 MR. INGRAM: My name is Antonio Ingram. 25 I'm here on behalf of Plaintiffs South Carolina</p>	<p style="text-align: right;">Page 8</p> <p>1 the NAACP and Taiwan Scott. 2 Before going further, can you please 3 state and spell your name for the record. 4 A. My name is Howard Knapp. That's 5 H-O-W-A-R-D, K-N-A-P-P. 6 Q. Thank you. As I believe you know, 7 plaintiffs are challenging the state House 8 redistricting maps under the US Constitution in 9 this current litigation. 10 Mr. Knapp, have you been deposed 11 before? 12 A. No. 13 Q. Okay. So I'll go through a brief 14 explanation of what to anticipate today. So you 15 now understand that you are under oath? 16 A. Yes. 17 Q. And that essentially means that any 18 statement you make here can be used in court as a 19 sworn statement. 20 Is there anything that would prevent 21 you from providing honest answers to my questions 22 here today? 23 A. No. 24 Q. Are you taking any medications that 25 will prevent your ability to answer my questions?</p>
<p style="text-align: right;">Page 7</p> <p>1 State Conference of NAACP and Taiwan Scott. 2 MS. CRUM: I am M. Elizabeth Crum. I 3 am here on behalf of the South Carolina State 4 Election Commission, Mr. Knapp and the other 5 individual defendants, and Mr. Knapp is here as the 6 30(b)(6) deponent. 7 MR. NICHOLSON: I'm Thomas Nicholson, 8 and I am general counsel for the South Carolina 9 State Election Commission. 10 MR. RICARD: Good morning. My name is 11 Rhett Ricard with the Nexsen Pruet law firm here on 12 behalf of the House defendants. 13 MR. TRAYWICK: Good morning. My name 14 is Lisle Traywick, and I represent the Senate 15 defendants. 16 HOWARD M. KNAPP 17 being first duly sworn, testified as follows: 18 EXAMINATION 19 BY MR. INGRAM: 20 Q. Good morning, Mr. Knapp. How are you? 21 A. I'm doing fine, thanks. 22 Q. As you've already heard, my name is 23 Antonio Ingram, and I'm an attorney with the NAACP 24 Legal Defense Fund. And I represent the 25 plaintiffs, the South Carolina State Conferences of</p>	<p style="text-align: right;">Page 9</p> <p>1 A. No. 2 Q. I have to ask that. It's sort of 3 standard procedure. 4 A. That's okay. 5 Q. So if you need to take a break at any 6 point please let me know. I only ask that if you 7 request a break while a question is pending that 8 you answer the question, and then we can take a 9 break. 10 A. Okay. 11 Q. The court reporter is transcribing the 12 deposition today, so it's important that we don't 13 talk over one another and that we use verbal 14 responses. So that means head shakes or nods can't 15 really take place in this context because that 16 won't appear on the written record. And similarly, 17 responses, say uh-huh or huh-uh, sound a lot alike, 18 so let's try to use yes or no if we can. 19 And if I ask a question and it's 20 unclear please ask me to clarify. And if you don't 21 ask me to clarify I'll sort of assume that you've 22 understood my question. Is that fine? 23 A. Yes. 24 Q. And finally, once in a while your 25 lawyer may object to a question that I ask or she</p>

<p style="text-align: right;">Page 10</p> <p>1 and I may have a discussion. When we do that you 2 can wait until we're finished and then go ahead and 3 answer the question unless your lawyer specifically 4 asks you not to answer the question. 5 And before we begin I just have a few 6 preliminary questions. How did you find out about 7 today's deposition? 8 A. My general counsel and outside 9 attorneys notified me. 10 Q. And were you able to review the notice 11 of deposition that we provided to them? 12 A. Yes. 13 Q. And were you able to review the topics 14 that were attached to it? 15 A. Yes. 16 Q. And so as you know, the commission has 17 designated you as a Rule 30(b)(6) deponent. And so 18 is your understanding that you're testifying on 19 behalf of the commission? 20 A. Yes. 21 Q. And are you prepared to provide 22 testimony regarding each of the topics on the list? 23 A. Yes. 24 Q. And, Mr. Knapp, aside from your 25 attorneys, did you meet with anyone else to prepare</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Now I have some questions on sort of 2 the lawsuit background. Are you aware of your 3 codefendants in this lawsuit? 4 A. Yes. 5 Q. What do you know about the current 6 lawsuit in which you're a named defendant? 7 A. The plaintiffs allege that the 8 redistricting plans as passed by the General 9 Assembly and signed into law by the Governor 10 unfairly discriminate against various people, 11 voters within the state. 12 Q. And when did you first learn about this 13 lawsuit? 14 A. The day my outside counsel and general 15 counsel were notified about it. 16 Q. And do you have an opinion about the 17 lawsuit? 18 A. I have no opinion on the lawsuit. 19 Q. And have you specifically discussed 20 this lawsuit with anyone else besides your 21 attorneys in this case? 22 A. I have discussed the existence of the 23 lawsuit with many people. It's common knowledge. 24 But in terms of the details of the case, no. 25 Q. So have you talked to any current SEC</p>
<p style="text-align: right;">Page 11</p> <p>1 for this deposition? 2 A. No. 3 Q. And without talking about sort of the 4 content of your preparation, when did you meet to 5 prepare for this deposition? 6 A. Earlier last week. 7 Q. And how long was that preparation 8 session? 9 A. Approximately one hour. 10 Q. And what did you review to sort of 11 prepare for this deposition? 12 A. The topics you submitted. 13 Q. Anything else? 14 A. Internal election calendars as well as 15 the Code of Laws. Title 7, to be exact. 16 Q. Thank you. So just for some 17 background, outside of your role in the South 18 Carolina State Election Commission, I know you said 19 you've never been deposed before. Have you been 20 deposed in sort of non-state business? 21 A. No. 22 Q. Have you ever testified in court, 23 whether it be in your personal or professional 24 capacity? 25 A. No.</p>	<p style="text-align: right;">Page 13</p> <p>1 members? 2 A. I notified them at commission, our 3 monthly commission meetings of its existence. When 4 we were served with the lawsuit as defendants I 5 notified them that they were defendants in their 6 official capacities, but beyond that, no. 7 Q. Have you discussed the lawsuit with any 8 current legislators? 9 A. No, I haven't. 10 Q. What about former legislators? 11 A. No. 12 Q. And do you know the plaintiff, Taiwan 13 Scott? 14 A. I'm sorry. Could you repeat that? 15 Q. Do you know the plaintiff, Taiwan 16 Scott? 17 A. Oh. No. No, I don't. 18 Q. Do you know President Murphy of the 19 South Carolina State Conference of the NAACP? 20 A. I do not. 21 Q. Have you read the second amended 22 complaint filed in this case? 23 A. Yes. 24 Q. When did you read the complaint? 25 A. When it was filed.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. I now have some background 2 information that I would like to get from you. 3 When were you born, sir? 4 A. August 12th, 1985. 5 Q. And in what city? 6 A. Nashville, Tennessee. 7 Q. And where do you live currently? 8 A. Columbia, South Carolina. 9 Q. Have you ever lived outside of 10 Columbia? 11 A. Yes. 12 Q. Where else have you lived? 13 A. Iowa City, Iowa; Billings, Montana; 14 Washington, DC; Alicante, Spain; Naples, Florida; 15 and Charleston, South Carolina. 16 Q. And where did you go to high school? 17 A. Billings Central Catholic High School 18 in Billings, Montana. 19 Q. And what year did you graduate from 20 high school? 21 A. 2003. 22 Q. And where did you go to college? 23 A. The Citadel. 24 Q. And what year did you graduate from The 25 Citadel?</p>	<p style="text-align: right;">Page 16</p> <p>1 voter registration list and system as well as 2 supervisory authority over county boards of voter 3 registration and elections. 4 Q. And how old is the commission? 5 A. 54 years old, I believe. 6 Q. So before the commission was 7 established, how were elections run in the state? 8 A. They were -- the State Election 9 Commission was a -- it wasn't a commission. It was 10 a division within the South Carolina Secretary of 11 State's Office. 12 Q. And the commission's founding, is that 13 based on a statute, or what is its sort of founding 14 origin? 15 A. Its origin -- it was created in 16 statute, in state statute. 17 Q. And how many members are on the 18 commission? 19 A. Five. 20 Q. And how are commission members 21 selected? 22 A. They are appointed by the Governor. 23 Q. And how long are their terms? 24 A. Four years. 25 Q. And are those terms staggered, or do</p>
<p style="text-align: right;">Page 15</p> <p>1 A. 2008. 2 Q. And what was your undergraduate major 3 at The Citadel? 4 A. History. 5 Q. Did you have any particular focus? 6 A. No. 7 Q. Did you go to graduate school? 8 A. I went to law school. 9 Q. What law school did you attend? 10 A. Ave Maria School of Law in Naples, 11 Florida. 12 Q. And what year did you graduate? 13 A. 2012. 14 Q. Thank you. So in terms of your 15 professional background, what is the title of your 16 current position? 17 A. Executive director of the South 18 Carolina State Election Commission. 19 Q. Could you please describe, sort of in 20 your own words, what is the South Carolina Election 21 Commission? 22 A. It is a independent commission 23 established in Title 7 of the South Carolina Code 24 of Laws that holds responsibilities of varying 25 nature related to the maintaining of the statewide</p>	<p style="text-align: right;">Page 17</p> <p>1 you get a whole new commission every four years? 2 A. They, I believe, were initially 3 staggered. Each member was staggered. However, at 4 this time there are four members who share the same 5 term period, and one member is staggered from the 6 rest. 7 Q. And what is your relationship to the 8 commission as executive director? 9 A. They are the governing board of the 10 agency, and they approve -- well, their biggest 11 duty, I should say, is to serve as the State Board 12 of Canvassers for all statewide elections. So they 13 certify the results of those elections. And as I 14 said, they are the governing board of the agency 15 itself and appoint the executive director. 16 Q. So they're essentially your boss, the 17 commission? 18 A. Yes. 19 Q. And how many executive directors 20 preceded you? 21 A. Four. 22 Q. And so how long -- is the executive 23 director position a term position? 24 A. No. 25 Q. So your predecessors, in what</p>

<p style="text-align: right;">Page 18</p> <p>1 circumstances did they leave their positions?</p> <p>2 A. I do not know. The previous four -- I</p> <p>3 don't know. I mean, I could tell you the first</p> <p>4 four -- one of the first four passed away, I</p> <p>5 believe, and the others, I think, simply retired.</p> <p>6 Marci Andino resigned her position in 2021.</p> <p>7 Q. How long have you been the executive</p> <p>8 director?</p> <p>9 A. I was appointed in January 2022.</p> <p>10 Q. And before that did you have another</p> <p>11 position inside of the commission?</p> <p>12 A. Yes. I was the director of voter</p> <p>13 services, which is a division director position</p> <p>14 within the agency.</p> <p>15 Q. And is it correct that you also served</p> <p>16 as interim executive director before you were</p> <p>17 appointed?</p> <p>18 A. Yes.</p> <p>19 Q. And how did you become interim</p> <p>20 executive director?</p> <p>21 A. Former Director Andino submitted her</p> <p>22 resignation to the commission and the commission</p> <p>23 appointed me the interim director in a -- in a</p> <p>24 commission meeting upon her departure and that was</p> <p>25 October 2021.</p>	<p style="text-align: right;">Page 20</p> <p>1 meetings I speak to them on an as-needed basis.</p> <p>2 Q. And how does your current role differ</p> <p>3 from your previous role as director of voter</p> <p>4 services?</p> <p>5 A. My previous role as director of voter</p> <p>6 services I supervised essentially two departments:</p> <p>7 the information technology -- information</p> <p>8 technology and cybersecurity department, and the</p> <p>9 other department was the database building</p> <p>10 department, and those personnel essentially build</p> <p>11 the ballots that we vote on in every election.</p> <p>12 So my responsibilities centered on the</p> <p>13 statewide voting system, database production,</p> <p>14 cybersecurity, information technology, and all the</p> <p>15 ancillary technologies around voting, things like</p> <p>16 that. My current position, I retain responsibility</p> <p>17 for those duties as well as the rest of the entire</p> <p>18 agency.</p> <p>19 Q. Can you say more about your current</p> <p>20 responsibilities? Like what does your job entail?</p> <p>21 A. Sure. So in Title 7, I can't remember</p> <p>22 the citation exactly, but there is a section at the</p> <p>23 beginning of Title 7 which enumerates the duties of</p> <p>24 this position, but essentially I am the agency</p> <p>25 head. I serve as the administrative head of the</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Is there usually an interim director</p> <p>2 before a new director is appointed?</p> <p>3 A. It is common practice throughout state</p> <p>4 government for an interim director to hold that</p> <p>5 position, that interim position until a full-time</p> <p>6 director is appointed, and the election commission</p> <p>7 is no exception to that.</p> <p>8 Q. And aside from -- so it's my</p> <p>9 understanding that sort of the election commission</p> <p>10 are your supervisors. Aside from the commission do</p> <p>11 you report to anyone?</p> <p>12 A. No.</p> <p>13 Q. And so as executive director how do you</p> <p>14 interface with the commission? Do you have weekly</p> <p>15 meetings? How does that relationship work?</p> <p>16 A. I have -- or the commission holds</p> <p>17 monthly commission meetings which are held the</p> <p>18 third Wednesday of every month, and that's when</p> <p>19 they've been held since before I arrived at the</p> <p>20 agency. So those are monthly.</p> <p>21 And I speak to commission members on an</p> <p>22 ad hoc basis. Whenever they need a question</p> <p>23 answered or if they're getting questions from the</p> <p>24 general public they will forward those questions to</p> <p>25 me for answering. So outside of the commission</p>	<p style="text-align: right;">Page 21</p> <p>1 agency. I serve as the state's chief election</p> <p>2 official, which is a requirement of federal law,</p> <p>3 that every state have a chief election official. I</p> <p>4 also serve as a sort of secretary -- I don't know</p> <p>5 if that's official or not -- to the commission. So</p> <p>6 I make sure that minutes are taken during</p> <p>7 commission meetings. I kind of manage the</p> <p>8 commission meetings along with the chairman of the</p> <p>9 commission. And I manage the day-to-day operations</p> <p>10 of the agency.</p> <p>11 Q. And what is your relationship like with</p> <p>12 state and federal sort of compliance? How do you</p> <p>13 ensure that the state of South Carolina complies</p> <p>14 with state and federal law?</p> <p>15 A. Well, we identify what those standards</p> <p>16 are that are set forth in state or federal law and</p> <p>17 align our operations accordingly.</p> <p>18 Q. And could you say more about that</p> <p>19 process? What do you do to align those operations</p> <p>20 accordingly?</p> <p>21 A. I can give you an example. For</p> <p>22 instance, federal law dictates that the UOCAVA</p> <p>23 deadline, uniform and overseas citizens, they</p> <p>24 receive their ballots 45 days ahead of any</p> <p>25 election. Therefore, my agency has to make sure</p>

<p style="text-align: right;">Page 22</p> <p>1 ballots are completely developed and ready to go 2 for all counties to send to those UOCAVA voters. 3 So if there is a standard set forth by 4 either state or federal law we establish procedures 5 to make sure tasks are done in accordance to meet 6 those mandated deadlines or processes. 7 Q. Thank you. And so I have a couple 8 questions about in your role as executive director 9 how you work with the local county boards to 10 implement maps. 11 Would you say that as the executive 12 director of the commission, are you responsible for 13 supervising implementation of maps through the 14 county boards? 15 A. Ultimately, yes. 16 Q. And how many county boards are there? 17 A. 46. 18 Q. And so how does that process work of 19 your supervision? Could you sort of walk me 20 through that? 21 A. Sure. So how it happens is 22 congressional, state House and state Senate plans 23 or maps are signed into law by the Governor. Then 24 we instruct counties to begin reviewing 25 congressional plans.</p>	<p style="text-align: right;">Page 24</p> <p>1 Affairs will work with us to create what's called 2 kickout lists. And those are essentially lists of 3 voters that have either been moved or not moved but 4 are in the wrong district. 5 And so, of course, once those kickout 6 lists are sent out the county and/or us will move 7 the voters to their correct district, and that's 8 how redistricting is done. 9 Q. And so it seems like -- and correct me 10 if I'm wrong -- the county boards sort of create 11 their own maps, and you approve of their decisions? 12 A. So historically the Revenue and Fiscal 13 Affairs office has given significant support to the 14 SEC and counties by taking the data and creating 15 maps for all counties in the SEC to use. 16 However, during this cycle RFA has 17 played a much less significant role in the process 18 and has not provided the same level of support. So 19 instead RFA provided PDF files and the shape files, 20 which are essentially -- shape files are the 21 building blocks of maps, what are used to create 22 maps. So they provided those to counties and to 23 us, but they did not -- they did not provide any 24 paper maps. 25 So counties had to rely on their local</p>
<p style="text-align: right;">Page 23</p> <p>1 We start looking at congressional 2 reapportionment and essentially look at what 3 counties are wholly within congressional districts 4 and what counties are what we call split districts 5 where a county shares more than one congressional 6 district. An example of a split county would be 7 Richland County. 8 So we notify counties that they need to 9 proceed looking at redistricting. So what happens 10 is the counties identify district changes within 11 their counties. So they look at various files and 12 data points both within the law and that have been 13 provided by Revenue and Fiscal Affairs to determine 14 which voters need to be moved into which districts. 15 That -- so that process is what's 16 called a D code change. They identify precincts 17 which contain voters, obviously, that need to be 18 moved into a new district, Senate district, House 19 district, congressional district. They submit 20 those D code changes to my office. We essentially 21 move the voters or we approve the moving of the 22 voters by the county. 23 At the end of this process -- and we do 24 that D code change for every map that is passed. 25 At the end of that process Revenue and Fiscal</p>	<p style="text-align: right;">Page 25</p> <p>1 GIS office for those maps, and in some cases the 2 GIS office didn't know what they were doing or did 3 not know the process. It's been a long time since 4 this was done last. So -- and they used to -- they 5 used to provide kickout lists and -- to counties. 6 Now they're providing those lists to us as well. 7 So the process this year has deviated from what my 8 understanding of previous redistricting processes 9 were. 10 Q. Each county has its own GIS officer? 11 A. Yes, each county has its own GIS 12 office. 13 Q. And how -- what does this GIS office do 14 outside of sort of redistricting mapping work? 15 A. Well, they're essentially the map 16 holders of county council, school board. I mean, 17 just any kind of maps or street planning. They 18 work with planning commissions. Anything to do 19 with the geographics of a county, they run that 20 show, ostensibly. I would assume that every GIS 21 office has a slightly varying role depending on 22 what county they're in. 23 For instance, just in regards with the 24 redistricting process an example of a very 25 competent and supportive GIS office in a county</p>

<p style="text-align: right;">Page 26</p> <p>1 would be Charleston. Another which provided no 2 support and no competence about this process would 3 be Bamberg.</p> <p>4 The GIS offices usually print the maps. 5 They -- let me back up. The RFA in years past has 6 provided these maps. This year counties are having 7 to rely on their local GIS office to produce the 8 maps which has created some issues. Some GIS 9 offices cannot physically print the maps because 10 they don't have the infrastructure to do that. So 11 not every GIS office is equal.</p> <p>12 Q. And as executive director how do you 13 ensure that the county boards and their GIS offices 14 comply with state and federal law?</p> <p>15 A. We double-check all the work done by 16 the locals, by the counties. We ensure that -- 17 because at the end of the day the most important 18 thing for us is that every voter is in the correct 19 district, whether it's county council -- I mean, 20 from the smallest office to congressional, that 21 every voter is in the correct office [sic].</p> <p>22 So we work with the counties, all 46 23 counties to ensure that those kickout lists I 24 mentioned are rectified. And we're still doing 25 that to this day as we speak, that that's -- that</p>	<p style="text-align: right;">Page 28</p> <p>1 county board is gubernatorially appointed upon 2 recommendation by the county delegation.</p> <p>3 And I should add that the Governor can 4 only appoint people recommended by the county 5 delegation, and he does not have the authority to 6 appoint anyone outside those recommendations.</p> <p>7 Q. Are these boards compensated?</p> <p>8 A. They are given quarterly stipends.</p> <p>9 Q. Do you know how much the stipend is?</p> <p>10 A. A little over a thousand dollars a 11 year.</p> <p>12 Q. And are these boards partisan?</p> <p>13 A. No.</p> <p>14 Q. But they're selected by how -- by 15 elected officials who are partisan.</p> <p>16 A. Correct.</p> <p>17 Q. So how does the delegation ensure that 18 these individuals not act with partisan interests?</p> <p>19 MS. CRUM: Object to the form of the 20 question. You may answer.</p> <p>21 THE WITNESS: I don't know that they 22 do.</p> <p>23 BY MR. INGRAM:</p> <p>24 Q. And as executive director, do you 25 communicate directly with the county boards across</p>
<p style="text-align: right;">Page 27</p> <p>1 that process is occurring. So until every county's 2 kickout list is clean, we will continue that work, 3 but it's a lengthy process, a very lengthy process.</p> <p>4 Q. And so you had mentioned before that 5 there are 46 county boards. Does each board have a 6 uniform number of board members?</p> <p>7 A. No. So there is no rhyme or reason or 8 formula behind how many board members are on each 9 county board. That is left to the sole discretion 10 of each county delegation.</p> <p>11 For instance, I believe Chesterfield 12 has three board members. And others of varying -- 13 other counties, large, medium and small counties 14 have as much as nine. Richland County, which is 15 the third largest county in the state, has five.</p> <p>16 So it's really at the discretion of the 17 county delegation which is comprised of each 18 county's House -- South Carolina House and South 19 Carolina Senate representatives.</p> <p>20 Q. And the delegation of these state 21 legislators, they appoint the board, or how does 22 that work?</p> <p>23 A. They recommend approval -- I'm sorry. 24 They recommend certain members of the public be 25 appointed by the Governor to the board. So each</p>	<p style="text-align: right;">Page 29</p> <p>1 the state?</p> <p>2 A. My agency holds numerous training 3 sessions throughout the year for county boards, 4 county board members. I rarely speak to county 5 board members one on one. I usually, if there is 6 an issue within a county or even with a county 7 board, my first conversation is with that county 8 director. I have only spoken directly to a handful 9 of board members.</p> <p>10 The most I converse with these board 11 members is at training sessions where I'm present 12 and they just come up to me to chitchat. But there 13 are more and more conversations between myself and 14 board members currently due to a range of issues 15 that counties are facing right now.</p> <p>16 Q. What are some of the issues that are 17 being dealt with?</p> <p>18 A. The lack of county support, both 19 financially and otherwise, of the county government 20 of the election and voter registration's office.</p> <p>21 The fact is that -- well, I shouldn't 22 say the fact. What I have found in the short -- in 23 my short tenure is probably over half of the 24 counties in this state, their county councils or a 25 portion of their county councils do not even</p>

<p style="text-align: right;">Page 30</p> <p>1 recognize the county board offices as county 2 offices. 3 They are county offices by law, the 4 county councils have to appropriate money to run 5 those offices, but the stance of these county 6 councils is because the boards are gubernatorially 7 appointed, they are state offices, and they are 8 not. So this lack of support has illustrated 9 itself in ways that have hindered county 10 operations. 11 For instance, recently in Newberry 12 County the director actually left to come work for 13 my agency. She gave a five-and-a-half-week notice 14 that she was leaving, and in that time the county 15 did nothing to replace her. And when she left -- 16 and her deputy left as well -- there was nobody to 17 run that county office for weeks. And the county 18 administrator was new and had no interest in 19 helping out. 20 And it's those kinds of 21 misunderstandings about how government is 22 structured, that's really what I'm dealing with 23 when it comes to the county boards. They're not 24 getting the needed support from their county 25 councils.</p>	<p style="text-align: right;">Page 32</p> <p>1 upon expiration of each person's term what that 2 delegation wants to do with them, either renew 3 their appointment or not. 4 BY MR. INGRAM: 5 Q. So they're essentially political 6 appointees of the congressional -- of the 7 delegation of state and/or state officials? 8 MS. CRUM: Object to the form of the 9 question. You may answer. 10 THE WITNESS: They are appointees of 11 the delegations. 12 BY MR. INGRAM: 13 Q. And whether indirectly or directly, do 14 these county boards reach out to your office for 15 guidance, or is it more formally, just having 16 trainings? 17 A. So county offices, board members, 18 staff, they reach out to my agency often for 19 support. And that's part -- you know, that's part 20 of our job, is to help support these counties, both 21 with... 22 So my predecessor created the area 23 representative department within my agency, and we 24 have four area representatives whose job it is to 25 go out into these counties and support them,</p>
<p style="text-align: right;">Page 31</p> <p>1 And as I tell them, there is very 2 little I can do about that. I advise them to go 3 speak to their county delegation members or the 4 county council chairman, but there's very little I 5 can do about that other than agree that their 6 concerns are real. 7 Q. And for a county board that you just 8 talked about, it probably is based on each county, 9 but is there a typical tenure to serve on the 10 board, or how does that work -- 11 MS. CRUM: Object to the form of the -- 12 MR. INGRAM: 13 Q. -- for each county? 14 MS. CRUM: Object to the form of the 15 question. You may answer. 16 THE WITNESS: The county boards are -- 17 they serve essentially at the will of the 18 delegation for their -- so upon their term expiring 19 I've seen a range of people not really being 20 reappointed, but they're just holdovers. They're 21 in their position until they're told to leave. 22 I've seen board members who were told to leave, you 23 know, upon expiration of their term and the county 24 delegation wanted somebody else. 25 So it's up to the county delegation</p>	<p style="text-align: right;">Page 33</p> <p>1 whether it's with equipment or IT, limited IT 2 support. 3 So the reality is a lot of these 4 counties have very limited resources. And it's not 5 to the willingness of the county to help. That's 6 irrelevant. Just some counties don't have the 7 resources that others do. 8 An example of a county that gets 9 anything they want whenever they want it is 10 Charleston. Another example of a county that 11 doesn't get a lot of support is Saluda. 12 So because of the differentiation in 13 the level of support and the differentiation in the 14 level of resources of these counties, my agency 15 tries to help out as much as it can according to 16 the law. 17 Q. Just to confirm, your agency doesn't 18 have any sort of control over the county boards or 19 independent actors. 20 A. So -- 21 MS. CRUM: Object to the form of the 22 question. Have you finished your question? 23 MR. INGRAM: Yes. 24 MS. CRUM: That's more like a 25 statement.</p>

<p style="text-align: right;">Page 34</p> <p>1 MR. INGRAM: I can rephrase if it's</p> <p>2 helpful.</p> <p>3 BY MR. INGRAM:</p> <p>4 Q. Are the county boards independent</p> <p>5 actors?</p> <p>6 A. Yes, they are independent.</p> <p>7 Q. So how does your relationship with</p> <p>8 these independent boards impact map implementation?</p> <p>9 A. I wouldn't say it does. In terms of</p> <p>10 redistricting it is a cohesive effort of multiple</p> <p>11 parties at the state and local level.</p> <p>12 And in my experience, we are truly --</p> <p>13 every party involved, from RFA to us to the</p> <p>14 counties, is agnostic about the maps themselves.</p> <p>15 We just want to make sure the voters are moved into</p> <p>16 their districts according to the law as it's</p> <p>17 written.</p> <p>18 And so there's very little -- there's</p> <p>19 no discussion about the maps themselves. It's</p> <p>20 just -- the discussion centers on the logistics and</p> <p>21 processes of moving voters, which, as I said</p> <p>22 before, is very lengthy.</p> <p>23 Q. Have there been situations in the past,</p> <p>24 to your knowledge, where your agency has issued</p> <p>25 guidance or a directive and there has been</p>	<p style="text-align: right;">Page 36</p> <p>1 logistically, what will work, what won't work in</p> <p>2 the current -- under the current law. If we change</p> <p>3 this law, how will that impact elections, things</p> <p>4 like that.</p> <p>5 Q. How often do you have these</p> <p>6 communications?</p> <p>7 A. During legislative session, I would</p> <p>8 say -- well, depending on the -- depending on the</p> <p>9 calendar of the Senate or the House and depending</p> <p>10 what legislation is pending, sometimes not at all</p> <p>11 because there's no election law pending.</p> <p>12 But in my tenure there has been a</p> <p>13 number of election bills that have been introduced.</p> <p>14 So I have spoken to a number of legislators and</p> <p>15 their staffs about pending legislation and I'd say</p> <p>16 weekly or at least every two weeks.</p> <p>17 Q. And how does this communication happen?</p> <p>18 Is it via phone, email, written correspondence?</p> <p>19 A. In person or over the phone. And the</p> <p>20 only email I can recall -- the only email</p> <p>21 communications would be to discuss when we could</p> <p>22 talk on the phone or meet in person.</p> <p>23 Q. And do you ever have to liaise with</p> <p>24 public officials on behalf of the commission?</p> <p>25 A. I don't -- I don't understand the</p>
<p style="text-align: right;">Page 35</p> <p>1 resistance by the county boards?</p> <p>2 A. No.</p> <p>3 Q. So we'll just shift gears for a moment.</p> <p>4 As executive director are you also in charge with</p> <p>5 communicating with elected officials?</p> <p>6 MS. CRUM: Object to the form of the</p> <p>7 question.</p> <p>8 THE WITNESS: I speak with other</p> <p>9 elected officials.</p> <p>10 BY MR. INGRAM:</p> <p>11 Q. In what context?</p> <p>12 A. So as agency head of a state agency I</p> <p>13 am funded entirely by state general funds. So I,</p> <p>14 like all my counterparts in state government, have</p> <p>15 to submit budget requests which are submitted to</p> <p>16 the Governor's office and the General Assembly.</p> <p>17 So I regularly, throughout the</p> <p>18 legislative session, work with legislative staff</p> <p>19 and members on -- and I advocate for my agency's</p> <p>20 budget, which, like I said, is -- every agency --</p> <p>21 every state agency in the state does that.</p> <p>22 In regards to other communications I</p> <p>23 have with them, it regards various legislation</p> <p>24 pertaining to elections. And the staff and/or</p> <p>25 members will ask me my opinion or how things work</p>	<p style="text-align: right;">Page 37</p> <p>1 question.</p> <p>2 Q. Do you ever have to serve as sort of a</p> <p>3 intermediary between the commission and public</p> <p>4 officials regarding legislation or other issues</p> <p>5 that impact elections?</p> <p>6 A. Well, that is kind of a function of my</p> <p>7 position. I speak for the commission itself and as</p> <p>8 well as the agency. So when I speak to these</p> <p>9 members I often speak on behalf of the commission</p> <p>10 and the agency.</p> <p>11 If there is an issue that I know the</p> <p>12 commission will want to know about I notify the</p> <p>13 commission. Such as if a bill's been filed, a big</p> <p>14 election bill has been filed I will notify the</p> <p>15 commission and say for your information this bill</p> <p>16 was filed today in the House or Senate. This is</p> <p>17 what it does. And I'll discuss that as well in our</p> <p>18 commission meetings in open session, so...</p> <p>19 Q. Can the commission remove an executive</p> <p>20 director?</p> <p>21 A. Yes. I serve at the pleasure of the</p> <p>22 commission.</p> <p>23 Q. And would the commission vote on that</p> <p>24 decision, or how would that decision be made?</p> <p>25 A. Ostensibly, I believe the commission</p>

<p style="text-align: right;">Page 38</p> <p>1 would have to vote to remove an executive director.</p> <p>2 Q. And has that happened in the past?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. And from your recollection what is the</p> <p>5 average tenure of an executive director? I know</p> <p>6 there's only been four in 54 years, so probably</p> <p>7 long, but I'd love to get your thoughts on that.</p> <p>8 A. Well, I know one director was only</p> <p>9 director for approximately nine months or something</p> <p>10 like that. So myself and her apart, the average</p> <p>11 tenure is probably 15 years. 15 to 20 years. They</p> <p>12 are long tenures for state agency heads.</p> <p>13 Q. And given those long tenures, how does</p> <p>14 that work if the commission changes? Does the</p> <p>15 commission have to re -- sort of nominate or</p> <p>16 approve of the executive director, or is this sort</p> <p>17 of -- how does that process work?</p> <p>18 A. So when an executive director is</p> <p>19 appointed currently, that executive director serves</p> <p>20 until they're either asked to leave or they resign</p> <p>21 or retire. It doesn't matter who gets appointed,</p> <p>22 reappointed onto the commission. That executive</p> <p>23 director has just held their position until such</p> <p>24 time as they leave.</p> <p>25 But when new commissioners are</p>	<p style="text-align: right;">Page 40</p> <p>1 the commission, so they understand it, and I convey</p> <p>2 that information to the county boards as well. And</p> <p>3 when I say county boards I'm talking about the</p> <p>4 county directors, their staff. So when I say</p> <p>5 county board I mean everybody at the county level.</p> <p>6 But the board -- the commission does</p> <p>7 not set forth policy or implement policy or make</p> <p>8 decisions on the day-to-day operations of</p> <p>9 elections. That is the role of the executive</p> <p>10 director. Or has been the role of the executive</p> <p>11 director.</p> <p>12 Q. And is your position a partisan</p> <p>13 position?</p> <p>14 A. No.</p> <p>15 Q. And the election commission is also</p> <p>16 nonpartisan?</p> <p>17 A. Correct.</p> <p>18 Q. Are there any safeguards to keep it</p> <p>19 that way in place?</p> <p>20 A. There is a section of Title 7 that</p> <p>21 mandates that at least one member of the commission</p> <p>22 be a representative of the majority party as</p> <p>23 represented in the General Assembly and also</p> <p>24 another commission member must be a member of</p> <p>25 the -- a representative of the minority party as</p>
<p style="text-align: right;">Page 39</p> <p>1 appointed they'll -- you know, the executive</p> <p>2 director has worked with the new commissioners to</p> <p>3 help them understand their role, understand their</p> <p>4 different duties as commissioners, and that's how</p> <p>5 that relationship has worked.</p> <p>6 Q. And if you need to implement policy on</p> <p>7 behalf of the commission, how would you go about</p> <p>8 doing that? Who would you talk to?</p> <p>9 A. It would depend on the policy. Thus</p> <p>10 far, the commission, during my tenure, has not</p> <p>11 issued a policy on anything.</p> <p>12 Q. In the past can you give an example of</p> <p>13 what this looked like when a policy was issued?</p> <p>14 A. I can't recall hearing of or personally</p> <p>15 seeing the State Election Commission issuing a</p> <p>16 policy on anything. I'm not saying that that has</p> <p>17 never happened, but not to my knowledge and I have</p> <p>18 never personally seen it.</p> <p>19 Q. Let me ask you more specific. If there</p> <p>20 are, for example, federal or state legislation that</p> <p>21 needs to be communicated to county boards, what</p> <p>22 would be your role in that conveying of</p> <p>23 information?</p> <p>24 A. So I convey that -- the way it works</p> <p>25 practically is I convey that information both to</p>	<p style="text-align: right;">Page 41</p> <p>1 represented in the General Assembly.</p> <p>2 Q. And what constitutes a quorum for the</p> <p>3 commission?</p> <p>4 A. Three members.</p> <p>5 Q. And currently what is the composition</p> <p>6 of the commission in terms of partisan background?</p> <p>7 A. I do not know. This is an issue that</p> <p>8 has faced the commission since it was -- I think</p> <p>9 since the code was written.</p> <p>10 Although the provision I just described</p> <p>11 to you exists, there is not a mechanism by which</p> <p>12 you can easily identify who's a Democrat or who's a</p> <p>13 Republican because we do not have partisan</p> <p>14 registration in the state of South Carolina.</p> <p>15 So the Governor appoints whom they --</p> <p>16 whomever they wish to the commission, and that's</p> <p>17 just how it's been.</p> <p>18 Q. And what are the backgrounds typically</p> <p>19 of commissioners? Professionally, for example.</p> <p>20 A. In my experience they range from</p> <p>21 attorneys to commercial real estate agents to</p> <p>22 bankers, insurance agents. In my experience and to</p> <p>23 my knowledge it has been wide ranging. The</p> <p>24 backgrounds are wide ranging.</p> <p>25 Q. So this system that you described of</p>

<p style="text-align: right;">Page 42</p> <p>1 having sort of a person from the majority party and 2 a person from the minority party, do you think it's 3 worked well in practice? 4 A. Yes. 5 Q. So would you -- do you think that the 6 commission has sort of been able to stay above 7 politics in South Carolina in a nonpartisan way? 8 A. I believe it has. And that's, frankly, 9 why the commission was taken away -- or the 10 office -- the election office was taken out of a 11 partisan position under the elected secretary of 12 state's office and established as an independent 13 commission. And to my knowledge and in my 14 experience it has worked well under that scheme. 15 Q. And where does the commission's funding 16 come from? 17 A. The General Assembly. I'd say the vast 18 majority of funding comes from the General 19 Assembly. The State Election Commission as well as 20 every other state office, election office receives 21 grants from the -- from Congress through the United 22 States Election Assistance Commission approximately 23 every two to three years to assist with election 24 security or other similar information technology 25 needs.</p>	<p style="text-align: right;">Page 44</p> <p>1 then that goes, of course, to the full House like 2 any other piece of legislation. 3 It's a similar process in the Senate. 4 Approximately March of every year, late February 5 and March state agencies present their budget 6 requests to their respective Senate finance 7 subcommittee. And then those -- that subcommittee 8 will determine how they want to fund the agency, 9 present that to the full finance committee and the 10 full finance committee will issue a report to the 11 Senate and the Senate will debate the budget bill. 12 Once the House and Senate have passed 13 their own budget bills they are then sent to 14 conference and the conference committee, which is 15 appointed by the leaders of both bodies, appoints 16 three representatives -- I believe it's three -- 17 from each body to represent those bodies in 18 conference. 19 And the conference committee negotiates 20 sections of every piece of legislation, including 21 the budget. Conference committee reports are then 22 adopted by the House and Senate and sent to the 23 Governor for his signature or veto. 24 Q. And would you say that the budgets 25 allocated to the commission varies depending on</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. So there's funding from both the 2 federal government and South Carolina state 3 government? 4 A. Correct. Overwhelmingly state 5 government funded, minimal federal funding. 6 Q. And does the commission's funding sort 7 of stem from a line item in the budget, or is there 8 a -- you know, how does that process work? 9 A. Yes. Every agency has a section of the 10 state budget. The state budget is a bill that's 11 written like any other piece of legislation, and 12 the -- every agency, including the State Election 13 Commission, has a section of that budget. 14 So the way it works is in late fall of 15 every year every agency will submit their budget 16 requests to the Governor's office for consideration 17 in his executive budget. In January, very, very 18 early February every agency goes before the House 19 Ways and Means, their respective House Ways and 20 Means subcommittee, they present their budget 21 requests to the House that way. 22 And then, of course, the subcommittee 23 meets, determines what they want to do for every 24 agency, the full House Ways and Means committee 25 determines how they want to fund the state, and</p>	<p style="text-align: right;">Page 45</p> <p>1 whether it's an election year, or is it a more 2 consistent allocation of funds? 3 A. In my experience the State Election 4 Commission's budget requests have been funded 5 almost -- almost always at the complete request of 6 the agency. 7 So in other words, my predecessor, I 8 can't recall a time where her budget request was 9 not granted. My first budget request, which is 10 before the Senate right now, the House 11 representatives fully funded my complete request, 12 and to my knowledge, I believe the Senate intends 13 to do the same. So I believe the General Assembly 14 has funded the agency adequately as requested by 15 the agency every year. 16 Q. Let me rephrase my question. 17 There are some years where there are 18 more elections than others; correct? 19 A. Correct. 20 Q. Does the funding oscillate depending on 21 election activity in terms of -- 22 A. No. 23 Q. -- what you request? 24 A. No. No. Well, so the request itself 25 might be in preparation for an election, a</p>

<p style="text-align: right;">Page 46</p> <p>1 statewide election year, but the funding does 2 not -- is not determined by, oh, it's going to be 3 an election this year so we better give them more 4 money. It's truly just whatever the executive 5 director requests of the General Assembly. 6 That's -- it's granted based solely on that. 7 Now the federal government will 8 issue -- like I said, those federal funds, those 9 are in preparation for federal elections, 10 congressional or presidential, et cetera. So 11 they're very open about that, that this is, you 12 know, to be used in preparation for federal 13 elections. 14 Q. How does one deal with unexpected 15 election costs? For example, if there is a budget 16 that was submitted and you anticipated a certain 17 level of election activity but then, for example, 18 there's a special election, how does one 19 accommodate for that? 20 A. So the way our budget is built or 21 created is we -- the State Election Commission 22 establishes a sort of cushion for -- based on the 23 average number of special elections in off-election 24 years. It's not a lot, but, you know, we know how 25 much approximately -- and I don't have that</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. So when the census data is released, 2 who in your office reviews it? Like who are those 3 people? 4 A. So my information technology staff will 5 work with Revenue and Fiscal Affairs, GIS people, 6 and they'll work together on that. 7 Q. Do you outsource any of this work to 8 third parties, individual consultants? 9 A. No. No, the State Election Commission 10 does not, no. 11 Q. And so we've sort of established 12 there's a commission, you're executive director. 13 What type of staff do you hire that you're sort of 14 supervising? 15 A. Well, my staff includes currently 27 16 people split into various divisions. There's the 17 voter services division, which, like I said, is 18 primarily information technology and cybersecurity 19 focused. There is the public information and 20 training division which is comprised of individuals 21 that specialize in training or have education 22 backgrounds and individuals that have backgrounds 23 in public information, public relations, things of 24 that nature. Outreach as well. So -- and 25 administration and finance. The administration and</p>
<p style="text-align: right;">Page 47</p> <p>1 information with me. 2 But, you know, we can determine how 3 much we will have to reimburse the county for a 4 state Senate primary -- or election, special 5 election or state House special election. 6 And those are minimal, to be honest. 7 So we don't have a lot of state-level races that 8 need reimbursement or that happen in special 9 elections or off-election years. So we're able to 10 plan for those and -- accordingly. That's just the 11 way budgeting works. 12 Q. And what is the annual budget for the 13 commission? 14 A. It has gone -- well, currently it sits 15 at approximately \$12 million a year. 16 Q. And does that include so both the 17 federal contributions and the state-funded portion? 18 A. Yes. 19 Q. And you had mentioned before that each 20 county office has a GSI sort of for mapping. Does 21 the commission have any in-house cartographers? 22 A. The commission does not have any 23 in-house GIS staff. We rely on the expertise of 24 Revenue and Fiscal Affairs and -- yes, that's -- we 25 don't have anybody inside.</p>	<p style="text-align: right;">Page 49</p> <p>1 finance division is comprised of individuals that 2 have finance and accounting and human resource and 3 procurement backgrounds. 4 Q. And do you know the average sort of 5 tenure of your staff? 6 A. So prior to the 2020 election the 7 agency was one of few in state government that had 8 very low turnover and very high tenure. I would 9 say after the 2020 election we've seen over 50 10 percent turnover for a variety of reasons, as have 11 the counties. 12 We have, I believe at this point since 13 2020, 20 new county directors, most of which have 14 never been through any statewide election. So a 15 lot of new people and a lot of new roles at the 16 state and local level. 17 Q. Why would you say there's -- there was 18 so much turnover after the 2020 election? 19 MS. CRUM: Object to the form of the 20 question; calls for speculation. You may answer. 21 THE WITNESS: The environment 22 surrounding elections nationwide following the 2020 23 election has been contentious, and repeated 24 misinformation about how elections work in various 25 states has taken a toll on election officials. It</p>

<p style="text-align: right;">Page 50</p> <p>1 has made election officials the bad guys. 2 Election officials are like many, I 3 guess, government functions where you don't really 4 care about the successes, you only care about the 5 failures. 6 And then to add to that mantra, you 7 know, there's the concern that it's just not worth 8 it for these election officials, what they go 9 through both at the local level and within my own 10 agency. 11 The amount of stress they're under and 12 the amount of scrutiny they're under is not worth 13 it to them. And people's health has been a concern 14 because of that stress, and people are retiring if 15 they can, they are leaving if they can find better 16 work, but the entire -- and this is not -- not just 17 South Carolina. This is nationwide. 18 BY MR. INGRAM: 19 Q. And so the average tenure in the past 20 was a lot higher, but now I think you said you have 21 about maybe half new employees? 22 A. Correct. 23 Q. And how do those employees get trained? 24 What sort of human resources structure do you have? 25 A. So when new employees are hired they're</p>	<p style="text-align: right;">Page 52</p> <p>1 when -- in this current cycle, for example, when 2 the state House orders the commission to implement 3 maps, is there discretion there, or is there sort 4 of a hierarchy that requires compliance? 5 MS. CRUM: Object to the form of the 6 question. 7 THE WITNESS: Do you want me to answer? 8 BY MR. INGRAM: 9 Q. You may answer. 10 A. No, there's no discretion. The 11 redistrict map -- the districting maps are passed. 12 Once they're signed into law by the Governor it's 13 as effective as any other law that's passed, and we 14 have to implement the maps accordingly. There is 15 no discretion by either the commission, the county 16 boards, myself or the county directors. 17 Q. I also just want to go back to a 18 comment you made a few minutes ago. We were 19 talking about the composition of the commission. 20 You said that South Carolina does not have partisan 21 registration; is that correct? 22 A. Correct. 23 Q. Can you say more about that? Or what 24 does that mean? 25 A. When a new voter goes to register to</p>
<p style="text-align: right;">Page 51</p> <p>1 given a brief orientation from our human resource 2 staff, and the kind of work my staff does and 3 myself is not something you learn in any school. 4 It is very much on-the-job training, and you just 5 learn by doing. 6 When I joined the agency I had 7 absolutely no election experience, but I had a lot 8 of government administration experience. So I had 9 to learn a lot on the job about what my people did 10 and become an expert quickly in a variety of 11 election processes. 12 So that same -- that applies to every 13 staff member of mine from the database builders 14 that build the elections to information technology 15 people. 16 Even people in public relations or 17 training, even though that's not technically 18 oriented, they have to understand how elections 19 work. You know, how do you prepare for an 20 election, what to -- what are the responsibilities 21 of the counties and state, et cetera. 22 And so a lot of -- I'd say all of the 23 training done in my agency and at the county level 24 is on-the-job training. 25 Q. Thank you. So is it fair to say that</p>	<p style="text-align: right;">Page 53</p> <p>1 vote, unlike in other states like Florida -- in 2 Florida you go to register to vote you can say I am 3 registering as a Republican or as a Democrat or as 4 a Green Party, Liberal Party, Working Families 5 Party. You're registered as a voter in those 6 parties or you're assigned to one of those parties. 7 In South Carolina you register to vote 8 and you're a voter. What this practically means 9 as -- going back to my example in Florida, if you 10 registered as a Republican and you want to vote in 11 a primary you will vote in a Republican primary or 12 if you're registered as a Democrat you vote in a 13 Democratic primary. 14 In South Carolina anybody, any 15 qualified voter can vote in any primary. We have 16 open -- it's called open primaries. So we have 17 open primaries in South Carolina. 18 Q. Does it stay -- does that concept mean 19 that -- well, do you have to pick a primary to vote 20 in? 21 A. You do. Well, if you want to vote, 22 yes, you have to pick. You have to pick one 23 primary to vote in, yes. 24 Q. So it's open, but you effectively still 25 have to choose to vote in the Republican or the</p>

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1 Democratic primary?

2 A. Correct. You cannot vote in both.

3 Q. And does the commission collect voting

4 demographic information such as partisan

5 preferences?

6 A. So we collect voter history which is

7 available to the public for purchase. And that

8 voter history includes demographic information

9 about the voter, in which elections those voters

10 voted as well, in what years.

11 Q. And do you collect information about

12 racial demographics?

13 A. That data includes -- the data I

14 mentioned previously does include racial

15 information.

16 Q. What about socioeconomic?

17 A. No. The data includes the person's

18 name, their address, their race, date of birth, so

19 their age, so -- and what elections they voted in.

20 Q. Perfect.

21 MR. INGRAM: Let's take a five-minute

22 break.

23 THE VIDEOGRAPHER: We are going off the

24 record. This is the end of media unit No. 1. The

25 time is 11:19.

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1 (A recess transpired from 11:19 until

2 11:28.)

3 THE VIDEOGRAPHER: We are back on the

4 record. This is the beginning of media unit No. 2.

5 The time is 11:28.

6 BY MR. INGRAM:

7 Q. Mr. Knapp, I want to talk about what

8 happens after each redistricting cycle. I know

9 this is probably your first one. So once the

10 Governor signs a new map into law, what happens at

11 the commission level?

12 A. So at the commission level I direct the

13 county directors and their staff -- I'll just use

14 the term county boards. The board members

15 themselves don't really have any role in this

16 process.

17 But I direct the directors and the

18 staff to look at the data points set forth in the

19 congressional redistricting law and start looking

20 basically at their counties. Again, as I said

21 before, is your county wholly in a congressional

22 district or is it a split county with two or more

23 congressional districts in it. So that's the first

24 step.

25 Q. Sorry. I don't want to interrupt, but

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1 this deposition is about the House maps. So would

2 you be so kind to talk about the process for the

3 House maps?

4 A. Sure. Yeah, and my apologies. We kind

5 of do all of them together. So yeah, the House

6 maps, it's similar. So what we have done in the

7 past, again, this is not this cycle, but my

8 understanding of past practice is we would accept

9 maps and data from the Revenue and Fiscal Affairs

10 office and use those resources to do what I said

11 before, the whole D code process of moving voters,

12 moving precincts into new districts, et cetera.

13 That has not occurred this year. The

14 staffer at RFA who -- well, the two staffers

15 that -- there were two primary staffers at RFA who

16 did this. One has since passed away since the last

17 redistricting cycle, and one now works for the

18 Senate in a similar capacity.

19 So RFA does not have the expertise or

20 competence that they once had to do this process.

21 So how it's worked this year is they're just

22 providing PDF files and shape files, again, which

23 are not maps. They haven't provided any maps to

24 the counties or the SEC to help with this process,

25 but they have been checking for errors, doing those

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1 knockout errors. So we send RFA data to check

2 behind us to make sure both we and the county are

3 correct, and they've been helping with that

4 process.

5 Q. And so that's sort of what happens at

6 the commission level statewide, and then when it

7 trickles down to the county, can you walk me

8 through that?

9 A. So that whole dynamic also applies to

10 the counties, and with the added caveat of they're

11 also dealing with their GIS office which has

12 varying levels of competency and resources

13 themselves.

14 As I said, a lot of counties this

15 turnaround or this cycle, redistricting cycle have

16 had to rely on their GIS office to make the maps

17 for them since they were not provided by RFA. And

18 some GIS offices have been unable to do that

19 because they don't have the equipment to do that.

20 So counties, what they do, again, with

21 the House or, you know, House, congressional,

22 Senate, whatever -- we're talking about the House.

23 So the county identifies the district changes, the

24 House district changes within their county.

25 Districts may be added, removed or adjusted based

<p style="text-align: right;">Page 58</p> <p>1 on the redistricting plan.</p> <p>2 The county request -- they submit</p> <p>3 requests for the D codes, the D code changes. So</p> <p>4 they submit a D code change form to the State</p> <p>5 Election Commission, and that D code form changes</p> <p>6 the districts within a precinct.</p> <p>7 So the county updates -- and to go</p> <p>8 further deep into that, each D code contains street</p> <p>9 files. So on one side of the street you may have</p> <p>10 District 1. On the other you may have District 2.</p> <p>11 So you have a lot of those street files within a</p> <p>12 precinct D code.</p> <p>13 And so those are then processed by the</p> <p>14 State Election Commission, and the county then</p> <p>15 redistricts the voters or requests a mass county</p> <p>16 decoding.</p> <p>17 If there's been a complete change in</p> <p>18 the county we can do a mass change for them, but</p> <p>19 then, you know, the county will run various reports</p> <p>20 to identify any redistricting or street address</p> <p>21 errors on their own, and they'll also work with us</p> <p>22 and RFA to do those kickoff lists.</p> <p>23 So really the redistricting effort when</p> <p>24 it comes to House redistricting is very much a</p> <p>25 hand-in-glove approach by the SEC and the county</p>	<p style="text-align: right;">Page 60</p> <p>1 all of that reflected in the maps that are signed</p> <p>2 by the Governor, or are those sort of tweaks that</p> <p>3 happen at the commission and county level?</p> <p>4 A. The process itself is not enumerated in</p> <p>5 any law. What I recall, the redistricting law, all</p> <p>6 of them, all the laws that have been passed, the</p> <p>7 plans that have been passed simply dictate the data</p> <p>8 points of the districts. Like this district has</p> <p>9 these voters, et cetera. It's not -- they are not</p> <p>10 maps. They are data points in the law. So the</p> <p>11 process of actually moving voters and the process</p> <p>12 of redistricting is not something that's enumerated</p> <p>13 in the law. The process itself is not.</p> <p>14 Q. So in terms of my question, after the</p> <p>15 maps are drawn does implementation require any sort</p> <p>16 of modification?</p> <p>17 A. No, not to my knowledge. I mean, in</p> <p>18 the laws themselves the redistricting plans are not</p> <p>19 maps. I know that's a misconception, that the</p> <p>20 House has passed their map, the Senate has passed</p> <p>21 their map, et cetera. They aren't maps at all.</p> <p>22 They are just data points. As the legislation</p> <p>23 shows, that they are just data points. So it's</p> <p>24 left up to RFA and us and the counties to interpret</p> <p>25 those data points to the best of our abilities.</p>
<p style="text-align: right;">Page 59</p> <p>1 offices.</p> <p>2 The counties are on the streets. They</p> <p>3 are the ones looking at the physical boundaries of</p> <p>4 these district lines. It's a laborious process.</p> <p>5 Sometimes they have to physically get in their cars</p> <p>6 to figure out where is the line. This house on</p> <p>7 this corner might be District 1, but its neighbor</p> <p>8 might be District 5, for instance.</p> <p>9 So we help with the high-level stuff,</p> <p>10 and they do the minutiae street stuff. That would</p> <p>11 be an easier way to look at it.</p> <p>12 Q. So is it possible that the maps that</p> <p>13 are enacted have to undergo slight modifications to</p> <p>14 comply with these county, sort of -- how does that</p> <p>15 work?</p> <p>16 MS. CRUM: Object to the form of the</p> <p>17 question.</p> <p>18 THE WITNESS: I don't really -- could</p> <p>19 you rephrase? I don't really understand the</p> <p>20 question.</p> <p>21 BY MR. INGRAM:</p> <p>22 Q. So the process of implementation that</p> <p>23 you're describing in terms of minutiae, for</p> <p>24 example, one side of the street having District 1</p> <p>25 and one side of the street having District 2, is</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. But those -- do those data points not</p> <p>2 entail physical demarcations of lines and counties?</p> <p>3 A. They do.</p> <p>4 Q. So they may not be physical maps, but</p> <p>5 they still are conveying boundaries; correct?</p> <p>6 A. That's correct. That's a fair -- yes.</p> <p>7 So they're not drawings of maps, of geographical</p> <p>8 boundaries. They enumerate them with words and not</p> <p>9 illustrations, I guess, for lack of a better term.</p> <p>10 So yeah. But we take that exact data and implement</p> <p>11 that data accordingly. There is no deviating from</p> <p>12 that, from whatever's enumerated in the law.</p> <p>13 Q. And is the commission the only entity</p> <p>14 in charge of preparing the state for elections</p> <p>15 under the new maps?</p> <p>16 A. It depends on the election. For</p> <p>17 statewide elections, yes. For municipal elections,</p> <p>18 it depends. And for less than countywide, that</p> <p>19 would be the counties. So the State Election</p> <p>20 Commission kind of leads the efforts for statewide</p> <p>21 elections.</p> <p>22 So like this year with the</p> <p>23 gubernatorial year we have several statewide</p> <p>24 offices up for election. In 2024 it will be</p> <p>25 similar. We'll have the President, the President</p>

<p style="text-align: right;">Page 62</p> <p>1 and Vice President, Congress, et cetera.</p> <p>2 So for statewide elections, the State</p> <p>3 Election Commission is kind of the lead on that.</p> <p>4 When it comes to countywide or less than countywide</p> <p>5 the county boards are the ones that lead those</p> <p>6 efforts.</p> <p>7 And there are a number of municipal</p> <p>8 election commissions that are not held accountable</p> <p>9 by us or the county offices that have their own</p> <p>10 elections, and they run those elections as they see</p> <p>11 fit.</p> <p>12 Q. You've talked about implementing maps</p> <p>13 in terms of moving voters to comply with the data</p> <p>14 provided by the Governor and the legislative</p> <p>15 chambers in South Carolina. What else goes into</p> <p>16 implementing maps that your office has to --</p> <p>17 A. There's nothing -- I'm sorry. Go</p> <p>18 ahead.</p> <p>19 Q. -- perform? Yeah.</p> <p>20 A. Okay. Well, nothing is added to the</p> <p>21 data. There's no extemporaneous information that's</p> <p>22 added. We just simply -- we, and I use that term</p> <p>23 in terms of the counties and us. We take the data</p> <p>24 that's in the law. And as I said, the most minute</p> <p>25 process is done by the counties, and that is to --</p>	<p style="text-align: right;">Page 64</p> <p>1 A. We accept the filing of the candidates,</p> <p>2 of each candidate. So the State Election</p> <p>3 Commission accepts certain candidates. So for</p> <p>4 congressional, President. I mean, the big offices,</p> <p>5 the statewide offices, the greater than countywide</p> <p>6 offices. Essentially everything from South</p> <p>7 Carolina House of Representatives up we accept.</p> <p>8 The county boards accept South Carolina Senate,</p> <p>9 South Carolina House and below. So those</p> <p>10 candidates file with the county office.</p> <p>11 So we, the county boards and us, we</p> <p>12 accept the filings, we gather the information.</p> <p>13 Those are -- that's all publicly available on our</p> <p>14 website under the candidate tracking system. And</p> <p>15 that data is sent to -- or those lists are sent to</p> <p>16 each respective party, and it's up to the party to</p> <p>17 certify their candidates by a certain deadline.</p> <p>18 So once the parties have certified</p> <p>19 their candidates, they send us a list of their</p> <p>20 certified candidates for each respective office,</p> <p>21 and then we build the ballots based on those</p> <p>22 candidates that the parties have certified.</p> <p>23 Q. And does that sort of division of</p> <p>24 responsibilities apply to all aspects of the</p> <p>25 election process?</p>
<p style="text-align: right;">Page 63</p> <p>1 sometimes they need to figure out if the law says</p> <p>2 that this street and that street establish a</p> <p>3 boundary but there's a question as to certain</p> <p>4 houses on that street, they may have to physically</p> <p>5 go to those streets to figure out this house is</p> <p>6 here, that house is there. So they are...</p> <p>7 And RFA used to do this. RFA used</p> <p>8 to -- when they created the maps following -- like</p> <p>9 the physical drawing of the maps, RFA would. They</p> <p>10 would get in the car and if there were issues they</p> <p>11 would have a GIS system in that car to kind of</p> <p>12 physically map out the boundaries. For whatever</p> <p>13 reason they don't do that anymore. So it's left to</p> <p>14 the counties to do that.</p> <p>15 Q. For example, in terms of candidate</p> <p>16 qualifying deadlines, is that something the</p> <p>17 commission and your office has jurisdiction over?</p> <p>18 A. Candidate filing deadlines?</p> <p>19 Q. And qualifying deadlines.</p> <p>20 A. Oh, qualifying deadlines? Oh, no.</p> <p>21 Those are established by state law. Candidate</p> <p>22 filing and certification deadlines are established</p> <p>23 in state law in Title 7.</p> <p>24 Q. Right, but does the commission and your</p> <p>25 office have any interface with that process?</p>	<p style="text-align: right;">Page 65</p> <p>1 For example, for ballots, does your</p> <p>2 office prepare the ballots for both statewide</p> <p>3 offices or only -- how does that work?</p> <p>4 A. We -- the State Election Commission</p> <p>5 builds all ballots for all elections in the state</p> <p>6 with the exception of the municipal election</p> <p>7 commissions in the state that hold their own</p> <p>8 elections under any -- any way they seem fit or</p> <p>9 they deem fit.</p> <p>10 Q. And what about recruiting or training</p> <p>11 poll workers?</p> <p>12 A. So that is a joint effort by the state</p> <p>13 and the county offices. The state has a media</p> <p>14 campaign, if you will, called No Excuse SC. We run</p> <p>15 various advertisements and other public relation</p> <p>16 campaigns to get more poll workers for the</p> <p>17 counties. But the poll workers themselves, they</p> <p>18 are signed up by the county offices, they are</p> <p>19 trained by the county offices.</p> <p>20 We provide the training materials to</p> <p>21 the counties and we train the counties on how to</p> <p>22 train poll workers, but the counties are the ones</p> <p>23 that train the poll workers. And that's really</p> <p>24 done at the county level. They are paid by the</p> <p>25 county. We reimburse the counties a percentage,</p>

<p style="text-align: right;">Page 66</p> <p>1 but counties are free to use as many or as -- poll 2 workers as they would like. 3 Q. So we've talked about qualifying 4 deadlines, we've talked about preparing ballots, 5 and poll workers. 6 Is there any other aspect to election 7 administration that your office is involved with 8 that we haven't talked about today? 9 A. I'm sure there is. I can't really 10 think of it right now. I mean, there is very 11 little that we don't have anything to do with. 12 You know, even when it comes to 13 cybersecurity we try and prepare county offices as 14 best we can for cybersecurity threats. When it 15 comes to IT support, again, counties should rely on 16 their IT department if they have one, but they 17 heavily rely on us. 18 One aspect that has been challenging 19 for a growing number of counties are their county 20 attorneys. Many county attorneys throughout the 21 state, again, like their county councils, do not 22 recognize their county board offices as county 23 offices and, thus, will not give them the legal 24 support and advice they need and that they're due. 25 There is an attorney general report on</p>	<p style="text-align: right;">Page 68</p> <p>1 does it take to prepare the ballots for those 2 elections? 3 A. The same amount of time it takes for 4 any other election. As we speak, so really what 5 happens is after candidate filing is done -- let me 6 back up. 7 Redistricting ideally should be 8 completely done by the time candidate filing occurs 9 so candidates know what offices they're running for 10 in what districts and voters will know who their 11 candidates are. 12 So we build ballots based on that and 13 we are building them right now and that's a 14 couple-of-week process that involves both creating 15 the ballot databases. 16 We do a process called Q&A, which is we 17 have separate people in my office who are 18 segregated from that process that review the 19 ballots for accuracy to ensure that the ballots are 20 correct. 21 Before the QA process we have county 22 offices looking at their databases to make sure the 23 offices are listed correctly, the ballots look good 24 to them. 25 So it's a multistep, several-party,</p>
<p style="text-align: right;">Page 67</p> <p>1 this exact issue in 2017 which was requested by the 2 former Richland County director when he was dealing 3 with this issue, and that issue remains in Richland 4 County, but we cannot provide legal support. So I 5 guess that would be one area we cannot do. 6 We can provide guidance on various 7 legal issues, but we do not -- we cannot advise 8 counties legally on anything, if that makes sense. 9 So like my attorney, my general counsel is not the 10 attorney for the county offices. 11 Training. Again, we provide all the 12 training materials, we train the counties, we train 13 the counties to train poll workers, we train the 14 counties to train their own staff. Oftentimes my 15 staff will go train county staff. We train county 16 board members. 17 So to kind of answer but not answer 18 your question, there is very little, if anything, 19 besides -- outside of the legal advice thing that I 20 mentioned that we don't have anything to do with at 21 the county level. 22 Q. Thank you. I have a few logistical 23 questions for you as well. 24 A. Sure. 25 Q. So when new maps are drawn how long</p>	<p style="text-align: right;">Page 69</p> <p>1 stakeholder process to develop ballots, and it 2 takes several weeks to do. 3 Q. And for example, does the printing 4 occur in-house of the ballots, or do you have a 5 third-party vendor for that? 6 A. So are you talking about absentee? 7 Q. No. Just regular ballots. 8 A. Okay. Well, regular ballots are -- on 9 election day counties have blank ballot cards which 10 are used by the ballot-marking devices that you -- 11 THE REPORTER: I'm sorry. I'm sorry. 12 Because of the paper moving it kind of obliterated 13 some of what you said. Could you say that again, 14 please? 15 THE WITNESS: That's okay. Sure. So 16 on election day every county, every polling place 17 has blank ballot cards. These are thermal paper 18 cards that are used, are inserted by the voter into 19 a ballot-marking device. So there's no printing 20 there other than by the voter with the BMD. 21 The counties will print backup paper 22 ballots for use in polling places. They will print 23 provisional ballots and fail-safe ballots in-house. 24 So -- but a lot of -- you know, the counties 25 basically source their own paper and their own</p>

<p style="text-align: right;">Page 70</p> <p>1 ballots for election day at the polling place. 2 Absentee ballots, it differs. Some 3 counties will mail off or issue paper ballots 4 in-house. So they'll print the ballot, they have 5 the envelope, they mail it to the voter. Or in our 6 current in-person absentee process the voter will 7 come into the office, they'll go through the BMD 8 process or they'll be issued a paper ballot that 9 was printed in-house. 10 Many counties use approved printing and 11 mailing vendors. There are three of them that were 12 selected in a joint county board and SEC committee 13 in two thousand -- leading up to the 2020 election. 14 So these vendors have been scrutinized and approved 15 to print absentee ballots for any county in the 16 state. 17 So the county will send a data file. 18 So if Howard Knapp requests a absentee ballot from 19 Richland County, Richland County will send Howard 20 Knapp's ballot to their printer who will print the 21 ballot, send it to me in an envelope and then I 22 send the return envelope back to the county. 23 So many counties utilize these 24 third-party vendors, and we encourage them to do so 25 because of the increasing number of absentee ballot</p>	<p style="text-align: right;">Page 72</p> <p>1 workers as independent contractors and have their 2 own onboarding process with that. Some counties 3 treat poll workers as temporary employees, so they 4 have their own process for hiring them. 5 So it's really, again, dependent on the 6 county support and how that county treats poll 7 workers. So it could take as quickly as a few days 8 or as long as a few months depending on the county. 9 Q. And do you know if counties typically 10 have either a database or a Listserv of previous 11 poll workers that they can draw from? 12 A. Yes. Every county, to my knowledge, 13 has an ongoing, ever-evolving list of poll workers 14 to choose from. 15 Q. And in terms of filing deadlines, how 16 does that work with the commission in terms of 17 administering elections? How much sort of lead 18 time do they need to effectively administer 19 elections after filing deadlines? 20 A. Well, following candidate filing 21 deadlines we would need approximately two months to 22 build and compile all the databases and have them 23 ready to go. 24 Basically the clock -- the period we 25 have to work with is once the party sends us the</p>
<p style="text-align: right;">Page 71</p> <p>1 requests. 2 BY MR. INGRAM: 3 Q. And sort of in the same vein of 4 logistical questions, how long would you say it 5 takes to typically recruit poll workers? 6 A. It depends on the environment. And 7 I'll clarify that statement for you. 8 Leading up to the 2020 primary it was 9 very difficult because the reality is a good 10 segment of the poll worker population is of a 11 certain age and did not want to be around anybody 12 during Covid. 13 So following the primaries there was a 14 huge campaign by us, led by us, and the counties 15 also did their own campaigning for poll workers. 16 And in the 2020 general election we actually had a 17 surplus across the state of poll workers. 18 So in terms of actually the process of 19 recruiting somebody, it could take a matter of 20 days, as quick as a -- as quickly as a number of 21 days. It really depends on the county and how the 22 county HR office onboards those poll workers. 23 Because as I've learned, certain 24 counties -- this goes to the lack of uniformity 25 throughout the state. Certain counties treat poll</p>	<p style="text-align: right;">Page 73</p> <p>1 certified candidates for their party, we have until 2 shortly before the UOCAVA deadline of 45 days 3 before an election to get all the ballots done. 4 And that is approximately a two-and-a-half month 5 period to get all of that done. So it's a time 6 crunch. And that's a federally mandated deadline, 7 that all UOCAVA ballots must be issued by each 8 respective county to each UOCAVA voter 45 days 9 before any election. 10 Q. And if, for example -- well, I guess 11 the time crunch, could that be alleviated by hiring 12 additional staff, or what creates the time crunch? 13 A. Well, it's not just the number of 14 staff, but it's also -- we're relying on a lot of 15 other people like the party to make sure they have 16 all their ducks in a row, make sure their 17 certification is correct. We're relying on the 18 county offices to get their information correct to 19 know what actually needs to go on their ballot. 20 So it's not just a situation where 21 throwing more money at the situation will fix it. 22 You know, this is an ebb-and-flow process. My 23 database-building department is extremely busy 24 right now, but in December of this year they're not 25 going to have a lot to do.</p>

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1 So I'm not going to hire 20 database
2 builders to get, you know, two counties done in one
3 day just for that, you know. And again, there's
4 the QA process, that we have to be methodical and
5 pragmatic about making sure the ballots are correct
6 and accurate on election day and --
7 Q. But -- um-hum.
8 A. Oh. I was going to say to that end I
9 established for the first time this year a
10 candidate withdrawal deadline.
11 So what this agency has done in the
12 past is allowed candidates to withdraw on -- you
13 know, there's no deadline for them to withdraw
14 before their name is taken off the ballot.
15 With all the technologies we have with
16 elections right now and with everything going on I
17 established a candidate withdrawal deadline of
18 April 27th, which is 48 days before an election.
19 So essentially we've created a process
20 where we have to consider the federal deadlines and
21 the technology used in elections. So the time
22 between candidate -- party certification and that
23 candidate withdrawal of 48 days before an election,
24 that's really the time crunch, and adding more
25 people to that is not going to help the situation.

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1 Q. And so it sounds like -- correct me if
2 I'm wrong -- it's not just about sort of the
3 people; right? It's about information sharing and
4 the logistics of having to communicate with
5 different moving parts?
6 A. Yes.
7 Q. And going back to the budget that we
8 discussed earlier, how much does it cost to
9 implement maps post redistricting?
10 A. That's -- I truly don't know. I mean,
11 this is just a part of our jobs, and I don't think
12 we incur any more costs because of redistricting.
13 It's just part of what we do. So there is no
14 additional cost to the state for us to redistrict.
15 That's also because we don't use
16 outside consultants to do the work for us. So if
17 the question is does it cost the state anything
18 additional to implement redistricting from the
19 State Election Commission standpoint, no, it does
20 not.
21 Q. So if the commission and your office
22 had to redraw a portion of the maps, would it cost
23 additional money?
24 A. We would not redraw a portion of the
25 map. That would be the -- that is the sole

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1 jurisdiction of the General Assembly or the court.
2 Q. Sorry. Let me be more specific. If
3 you had to implement portions of the map that were
4 redrawn, would that cost additional funds?
5 A. No, no. We would just do it.
6 Q. We'll be done shortly, but I just have
7 a few last questions about the current cycle. Are
8 you familiar with House Bill 4493?
9 A. I am not. I mean, I might be, but I
10 don't remember the number.
11 Q. So that's the bill that was passed for
12 the state House maps that I believe went into --
13 was enacted in -- I think December 9th, if I
14 remember correctly.
15 A. You -- yeah, the state House and the
16 state Senate plans were both signed on December
17 10th. So yeah, I'm familiar with all three
18 redistricting maps. I just didn't know the
19 numbers, so --
20 Q. No worries.
21 A. Yes, I am familiar with it.
22 Q. So that was, you know, as you said,
23 December 10th. It is now April 19th. So what has
24 happened since the Governor signed the state House
25 maps by your office in terms of implementation?

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1 A. So at the beginning of that process we
2 were trying to -- I reached out to my predecessor
3 to ask her what do I do, because I've never been
4 through this process. The last time I was -- this
5 process took place I was in my first year of law
6 school or the second year of law school in a
7 different state and I had no idea what to do. So I
8 reached out to her, what did we do last time, and I
9 know many county directors did the same. And she
10 walked me through the process as it occurred in her
11 tenure.
12 So we engaged with Revenue and Fiscal
13 Affairs, Frank Rainwater and his staff who were not
14 sure of their own role in the process and needed
15 clarification from a former staffer of theirs who
16 currently works for the Senate on what their
17 responsibilities were.
18 So we have been working with RFA as
19 best we can to take the data they send to us and
20 the counties into the local GIS offices and we have
21 been systematically moving precincts into their
22 proper districts ever since then.
23 So an issue that has occurred and
24 somewhat delayed the process this year is the staff
25 at RFA who have never done this before were using

<p style="text-align: right;">Page 78</p> <p>1 the current data as outlined in all of the</p> <p>2 redistricting acts, plans, but were using old</p> <p>3 precinct names from 10 or even 20 years ago, and we</p> <p>4 were getting a lot of errors, a lot of bad</p> <p>5 information from RFA because of that.</p> <p>6 And once that was discovered I reached</p> <p>7 out to the Senate majority and minority leaders and</p> <p>8 the deputy clerk and asked them if we could work</p> <p>9 with their staffer who had previously worked at RFA</p> <p>10 to assist us in this process because he knew the</p> <p>11 process, he knew the technology that needed to be</p> <p>12 used. And we had been working with him to</p> <p>13 establish these kickout lists, these error messages</p> <p>14 and to kind of get our ducks in a row.</p> <p>15 And ever since then, which was about a</p> <p>16 week or so ago, things have been running smoothly,</p> <p>17 and we're on track to being complete soon.</p> <p>18 Q. And so aside from sort of the moving of</p> <p>19 voters into various precincts based on the newly</p> <p>20 drawn maps from the legislature and Governor, have</p> <p>21 you done any activities involving ballots or</p> <p>22 candidate-qualifying activities?</p> <p>23 A. So in regards to candidate</p> <p>24 qualifications, we don't do anything with that.</p> <p>25 There's nothing in Title 7 of the state code that</p>	<p style="text-align: right;">Page 80</p> <p>1 information, it's entered into VREMS, which is our</p> <p>2 Voter Registration and Election Management System.</p> <p>3 We take that data from VREMS about the candidates</p> <p>4 and the offices, we take that information and start</p> <p>5 building the ballots. We code the ballots. This</p> <p>6 is what your ballot's supposed to look like.</p> <p>7 So where the ballot styles come in is</p> <p>8 the ballot style is a number that differentiates</p> <p>9 what ballots go to what voters. So you and I could</p> <p>10 be neighbors but with two different ballot styles.</p> <p>11 Or we might have the same one. But if we had a</p> <p>12 different one -- so, for instance, we had the same</p> <p>13 US Senator, same congressman, same House and --</p> <p>14 House rep and senator at the state level but</p> <p>15 different school districts. So I might be ballot</p> <p>16 style, you know, ABC001 and you might be ABC0002.</p> <p>17 So every voter has a ballot style in</p> <p>18 the state. So we build -- we code those ballots</p> <p>19 with that in mind, that voters that live here get</p> <p>20 this ballot style.</p> <p>21 And so effectively what this means is</p> <p>22 on poll -- on election day every polling place has</p> <p>23 one or more ballot styles. Usually we'll have a</p> <p>24 few ballot styles available. So when you go to</p> <p>25 present your ID and you get your blank ballot card,</p>
<p style="text-align: right;">Page 79</p> <p>1 allows us to do anything with that, but we did</p> <p>2 conduct candidate filing in March. We accepted</p> <p>3 candidate filing documents from all the candidates</p> <p>4 in the state. And by we again I mean the county</p> <p>5 boards and us, and we have been building ballots</p> <p>6 based on those candidates and offices.</p> <p>7 So right now we are in the process of</p> <p>8 building those ballots in coordination with -- as</p> <p>9 they're being reviewed by the counties and my QA</p> <p>10 staff, quality assurance, QA staff. So yeah, it's</p> <p>11 a very long and, like I said, laborious process.</p> <p>12 Q. So in terms of building ballots, based</p> <p>13 on what you said previously sort of more in the</p> <p>14 abstract, most of that work is about data</p> <p>15 compilation?</p> <p>16 Because it seems like -- and correct me</p> <p>17 if I'm wrong -- that the way voting takes place,</p> <p>18 there are blank ballots that individuals put into a</p> <p>19 machine. And so those are sort of preprinted. You</p> <p>20 don't have to sort of print those on a case-by-case</p> <p>21 basis.</p> <p>22 A. Correct. So -- and this is something</p> <p>23 that's not commonly known by most people, but every</p> <p>24 voter has a ballot style. And so the way this</p> <p>25 works kind of at a high level is we take candidate</p>	<p style="text-align: right;">Page 81</p> <p>1 the BMD knows Antonio Ingram gets ballot style X</p> <p>2 and Howard Knapp gets ballot style Y. So you'll</p> <p>3 get your ballot, your accurate ballot, I'll get my</p> <p>4 ballot, so...</p> <p>5 Q. That's helpful. Thank you for</p> <p>6 explaining that.</p> <p>7 And so at this point, in the sort of</p> <p>8 election year -- I know the election's coming up</p> <p>9 this fall -- what more do you need to do as an</p> <p>10 office to prepare for the upcoming elections?</p> <p>11 A. So the primaries, once the ballots are</p> <p>12 built, ballots are approved, the candidate</p> <p>13 withdrawal date of April 27th has passed, we then</p> <p>14 have to ensure that every county sends out their</p> <p>15 UOCAVA ballots by the deadline, and those that</p> <p>16 don't -- and there have been those that haven't we</p> <p>17 then have report to the Department of Justice. So</p> <p>18 every two years --</p> <p>19 THE REPORTER: I'm sorry.</p> <p>20 THE WITNESS: I'm sorry. Go ahead. I</p> <p>21 think Sandy's frozen.</p> <p>22 MR. INGRAM: You guys are both frozen</p> <p>23 for me.</p> <p>24 THE WITNESS: Oh, no. We can see you.</p> <p>25 MR. INGRAM: Okay. We will begin.</p>

<p style="text-align: right;">Page 82</p> <p>1 Sandy's still frozen.</p> <p>2 MS. CRUM: Yeah.</p> <p>3 THE VIDEOGRAPHER: Can I go off the</p> <p>4 record?</p> <p>5 THE WITNESS: Yeah.</p> <p>6 THE VIDEOGRAPHER: We are off the</p> <p>7 record at 12:04.</p> <p>8 (Off the record to resolve technical</p> <p>9 issues from 12:04 until 12:09.)</p> <p>10 THE VIDEOGRAPHER: We are back on the</p> <p>11 record at 12:09.</p> <p>12 BY MR. INGRAM:</p> <p>13 Q. Mr. Knapp, what other steps does the</p> <p>14 commission still need to take to implement the maps</p> <p>15 before the election this fall?</p> <p>16 A. So the steps that are taken to move</p> <p>17 maps, you said?</p> <p>18 Q. To implement the maps.</p> <p>19 A. Implement the maps?</p> <p>20 Q. You already talked about moving people</p> <p>21 into different precincts --</p> <p>22 A. Well, that's --</p> <p>23 Q. -- based on changes, et cetera.</p> <p>24 A. And that's really -- that's what</p> <p>25 redistricting is. Once the voters are moved and</p>	<p style="text-align: right;">Page 84</p> <p>1 helpful to have this very intensive QA process.</p> <p>2 So once the ballots are done and</p> <p>3 they're approved and the candidates -- the</p> <p>4 candidates are who they're going to be, then UOCAVA</p> <p>5 ballots are sent out to all UOCAVA voters.</p> <p>6 Every two years we have to certify to</p> <p>7 the Department of Justice that our counties sent</p> <p>8 out their UOCAVA ballots by the UOCAVA deadline,</p> <p>9 and that has not always happened.</p> <p>10 We -- I know one or two years ago we</p> <p>11 had a county not send out UOCAVA ballots. They</p> <p>12 were one or two days late. So we had to, in our</p> <p>13 report to the DOJ, mention that county was late by</p> <p>14 this number of days.</p> <p>15 So, of course, after UOCAVA there is a</p> <p>16 number of internal processes of, you know,</p> <p>17 establishing the absentee process. You know, so</p> <p>18 technically the absentee period starts every year</p> <p>19 on January 1st. You could go -- in South Carolina</p> <p>20 it's that you qualified. South Carolina -- South</p> <p>21 Carolina voters can go into their county office and</p> <p>22 request -- or submit their requests for absentee</p> <p>23 ballots on January 1st, but for all practical</p> <p>24 matters the absentee period is 30 days before an</p> <p>25 election.</p>
<p style="text-align: right;">Page 83</p> <p>1 all voters -- or all moves have been approved,</p> <p>2 that's the show. That's redistricting. So...</p> <p>3 Q. Right. But the elections can't happen</p> <p>4 unless there are ballots, unless there are, you</p> <p>5 know, other parts of the piece; right?</p> <p>6 A. Okay. That's correct. So once we --</p> <p>7 once that process is done we -- it's a multi,</p> <p>8 two-and-a-half month process from candidate</p> <p>9 certification by the party to candidate withdrawal</p> <p>10 date, of building the ballots. And as I said, it's</p> <p>11 a multistep, multi-stakeholder process, pulling</p> <p>12 information out of the VREMS system, Voter</p> <p>13 Registration and Election Management System, that</p> <p>14 contains, you know, candidate names and offices</p> <p>15 they're running for, what district, county,</p> <p>16 et cetera.</p> <p>17 So that data is used to build the</p> <p>18 ballots. We build the ballots, they are QA'ed</p> <p>19 in-house as well as looked at by the counties</p> <p>20 themselves to make sure the title of the offices</p> <p>21 are correct and, you know, the council members are</p> <p>22 correct and everything like that. Because</p> <p>23 sometimes counties will enter information into</p> <p>24 VREMS about their candidates or their offices</p> <p>25 that's not always correct. So that's why it's</p>	<p style="text-align: right;">Page 85</p> <p>1 So we start gearing up for the absentee</p> <p>2 period. Currently that's both in person and by</p> <p>3 mail. So while UOCAVA ballots are being sent out</p> <p>4 and everything there's like a 15-day period leading</p> <p>5 up to sending out absentee ballots to regular</p> <p>6 voters, domestic qualified voters.</p> <p>7 So that's that next step, mailing out</p> <p>8 absentee-by-mail ballots, opening</p> <p>9 absentee-in-person satellite locations for 30 days</p> <p>10 which currently is at the discretion of each</p> <p>11 county. And that's a -- in-person absentee process</p> <p>12 is kind of a laborious process at the polling place</p> <p>13 level, but at the satellite level that's fine. So</p> <p>14 that's done. Then we have election day. So that's</p> <p>15 kind of everything that leads up to election day.</p> <p>16 It's a very long process between us and the</p> <p>17 counties.</p> <p>18 And none of this -- and it's kind of a</p> <p>19 misconception among a lot of people in the state,</p> <p>20 is redistricting is not flipping a switch.</p> <p>21 Redistricting is a very long process that has</p> <p>22 historically taken approximately six months or</p> <p>23 longer to fully accomplish.</p> <p>24 And that's been -- that's been on our</p> <p>25 minds this whole time, is it takes about half a</p>

<p style="text-align: right;">Page 86</p> <p>1 year to really do redistricting. We've been able 2 to kind of shorten that a little bit this year with 3 some of the improved technologies both within VREMS 4 and in other ways, but it's a long process.</p> <p>5 Q. And how does that work if there, for 6 example, would be a special election? Would the 7 UOCAVA deadlines still be tethered to the date of 8 that election and be 45 days prior to?</p> <p>9 A. Yeah. So correct. The special 10 election is treated like a normal election. The 11 same period of -- the candidate filing period, 12 party certification, those same periods are applied 13 accordingly to whatever the situation is.</p> <p>14 We have two or three state-level races 15 this year where that's occurred, and, you know, we 16 establish -- once a vacancy occurs, we have to 17 determine, No. 1, when was that vacancy -- when did 18 that vacancy actually occur, and then we -- if it's 19 a state-level race or the county establishes what 20 the calendar is going to be for that election. 21 So -- but it's the same period. Like I said, 22 UOCAVA, absentee, it's all the same timeline. It's 23 just within a random calendar period.</p> <p>24 Q. And in terms of -- as you know in this 25 litigation the plaintiffs are challenging the</p>	<p style="text-align: right;">Page 88</p> <p>1 districts that change versus two?</p> <p>2 A. It just makes the problem smaller. It 3 doesn't really change the timeline. I mean, the 4 problems that we would face in those eight or two 5 districts, it would be -- it would not be good for 6 those eight or two districts. They would not be -- 7 the issues that would -- that would pop up both 8 with certifying those candidates, who was actually 9 certified to run in these new districts, to -- 10 because you've got incumbents who have already 11 filed according to the law, they've paid their 12 certification fee and now you're opening it back up 13 to other people. That would create issues both 14 with us and probably those candidates.</p> <p>15 You know, you're pushing back. It -- 16 you would have to push back the entire election. 17 You can't have a general election for -- you can't 18 have people in these two districts voting for 19 governor on a different day than everybody else in 20 the 43 other districts in the state.</p> <p>21 So if you were to change even one 22 district you would have to move the entire election 23 calendar to marry those dates so that all voters 24 are treated equal, and candidates.</p> <p>25 Q. So if a settlement or a court order</p>
<p style="text-align: right;">Page 87</p> <p>1 approved maps.</p> <p>2 In the event of a victory by the 3 plaintiffs, how long would it take if one had to 4 change or implement based on newly drawn maps by 5 the legislature eliminating a number of state House 6 districts? Would that take six months, or would 7 the process be shorter because it's only a portion 8 of your map?</p> <p>9 A. I would say it would take anywhere from 10 three to five months to accomplish. If that were 11 to happen this year we -- it's an -- it would not 12 be possible for us to implement that at this point 13 this year.</p> <p>14 But, you know, if that were to 15 happen -- let's say a negotiated settlement or 16 court-ordered new maps be drawn for any number of 17 districts, we could implement those districts next 18 year. That would be fine in about a three- to 19 five-month period.</p> <p>20 But we're too far into the calendar 21 now, that we would have to move the general 22 election at this point to establish -- you know, 23 for that to be a possibility this year.</p> <p>24 Q. And does the number of changes to the 25 maps change the timeline if you have eight</p>	<p style="text-align: right;">Page 89</p> <p>1 necessitated a change to the maps, your position 2 would be in order to implement them in a effective 3 way you would need at least three to five months 4 after the date of those decisions to have been 5 made?</p> <p>6 A. At least. I would -- I would strongly 7 recommend not making any changes to anything this 8 calendar year at all.</p> <p>9 Q. And so if changes were made via 10 settlement or court order, those changes would have 11 to be implemented in 2023?</p> <p>12 A. Yes, and they -- they would be, yes.</p> <p>13 Q. And, for example, if those changes 14 necessitated a special election, how would that 15 sort of work in terms of deadlines?</p> <p>16 A. So it would depend. If there were a 17 special election held today it would be held on the 18 new lines. If there were special elections -- it 19 would depend when the special election occurred.</p> <p>20 If the new lines were ordered or passed 21 by the General Assembly, or negotiated or whatever, 22 if new lines were established by the powers that be 23 we would need to see what the effective date of 24 those lines are and when the vacancy of that office 25 occurs to give you an answer to that.</p>

<p style="text-align: right;">Page 90</p> <p>1 So it would be hard to say at this</p> <p>2 moment what lines would be used for what special</p> <p>3 elections without knowing when those vacancies</p> <p>4 would occur and when those lines would take effect.</p> <p>5 Right now if a House member died or</p> <p>6 resigned they would be -- the new special election</p> <p>7 would be held on the new lines, and that's just how</p> <p>8 that would work, so -- and I should say the caveat</p> <p>9 that the Senate is not being touched until 2024.</p> <p>10 So if there was a special election for the</p> <p>11 Senate -- I know this is not about the Senate.</p> <p>12 Q. Um-hum.</p> <p>13 A. But I need to make that caveat. That</p> <p>14 if there was a South Carolina Senate vacancy, they</p> <p>15 would be -- a special election would be held today</p> <p>16 on the old lines because those aren't being touched</p> <p>17 until 2024, so...</p> <p>18 Q. And when -- sort of the hypothetical</p> <p>19 that we were talking about. If that took place,</p> <p>20 how would the commission educate voters about the</p> <p>21 changes? What would that process look like?</p> <p>22 A. So we would have a vigorous social</p> <p>23 media, traditional media, newspaper campaign,</p> <p>24 radio. We would use every media outlet at our</p> <p>25 disposal to get the word out to voters about the</p>	<p style="text-align: right;">Page 92</p> <p>1 to vote.</p> <p>2 Some counties take it upon</p> <p>3 themselves -- because that voter registration card</p> <p>4 also lists, by the way, the districts that you're</p> <p>5 in, House district, Senate district, et cetera, but</p> <p>6 primarily it tells you where to go vote.</p> <p>7 But some counties have taken it upon</p> <p>8 themselves and have budgeted funds for new voter</p> <p>9 registration cards to their voters to let everybody</p> <p>10 know, hey, this is your new polling place, if it's</p> <p>11 new, or here are your new offices.</p> <p>12 So it's a vigorous effort on behalf of</p> <p>13 the SEC and the counties to educate as many voters</p> <p>14 as possible, because we are very much in favor of</p> <p>15 promoting participation.</p> <p>16 Q. And that prior three to five months</p> <p>17 estimated time frame we discussed, do you think</p> <p>18 that's sufficient to educate voters?</p> <p>19 A. I do, I do. With the way media is</p> <p>20 today and the fact that so many people have more</p> <p>21 access to information than ever before in probably</p> <p>22 human history, I believe that that is sufficient,</p> <p>23 yes.</p> <p>24 Q. And do you also believe that three- to</p> <p>25 five-month time frame would be sufficient to</p>
<p style="text-align: right;">Page 91</p> <p>1 changes.</p> <p>2 And, you know, we kind of did that in</p> <p>3 2020 when the General Assembly made some emergency</p> <p>4 and temporary changes to the absentee laws to allow</p> <p>5 people to vote absentee during Covid, and we did a</p> <p>6 vigorous PR campaign at that point, which is about</p> <p>7 all we can do. We -- that's what we would do in</p> <p>8 this situation.</p> <p>9 And that's what we have been doing,</p> <p>10 frankly, since the -- all three plans were passed</p> <p>11 into law we have been educating voters, hey,</p> <p>12 you're -- you may be -- you need to check your</p> <p>13 voter registration to make sure that you understand</p> <p>14 what offices you're voting for, what district you</p> <p>15 live in, it's possible you've been moved.</p> <p>16 So another way that that's handled is</p> <p>17 by the counties, because the general rule is people</p> <p>18 do not get new voter registration cards after this</p> <p>19 process unless their polling place has changed.</p> <p>20 Because you'll still go to your same polling place</p> <p>21 and you'll still be given a ballot. It may be for</p> <p>22 the different offices than you thought it would be,</p> <p>23 but you're still going to the same polling place.</p> <p>24 And that's really the purpose of the voter</p> <p>25 registration card, is to tell people where they go</p>	<p style="text-align: right;">Page 93</p> <p>1 recruit and train poll workers if need be?</p> <p>2 A. I do.</p> <p>3 Q. And would it also be sufficient to</p> <p>4 prepare ballots?</p> <p>5 A. I do. I do think so, yes.</p> <p>6 MR. INGRAM: Thank you for your time.</p> <p>7 Those are all of my questions.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 MR. INGRAM: I don't know if there's</p> <p>10 any redirect.</p> <p>11 MS. CRUM: None by the commission</p> <p>12 defendants, the election defendants.</p> <p>13 MR. TRAYWICK: A brief question real</p> <p>14 quick.</p> <p>15 EXAMINATION</p> <p>16 BY MR. TRAYWICK:</p> <p>17 Q. Hey, Mr. Knapp. As I introduced myself</p> <p>18 earlier, my name is Lisle Traywick, and I represent</p> <p>19 the Senate defendants in this action.</p> <p>20 I don't recall if you went into great</p> <p>21 detail about the cost of the special election. I</p> <p>22 know you gave a time frame. It costs money, does</p> <p>23 it not, to order special elections for multiple</p> <p>24 districts outside the context of a normal general</p> <p>25 election, doesn't it?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. It does. It does cost more. I don't 2 know the exact figure, but conducting a special 3 election costs as much as that election would cost 4 in a regular election because it's the same office. 5 So you're having poll workers. It would just be a 6 pro rata share of whatever that office would cost 7 in a regular election year. I don't have those 8 figures in front of me, but it is an additional 9 cost to the counties, it is an additional cost to 10 the state. 11 There is a threshold, I should say, if 12 you ordered, you know, an X number of special 13 elections for the House or Senate that we could not 14 reimburse the total amount or any amount. There is 15 a threshold. I don't know what that threshold is. 16 But we reimburse the counties a percentage of those 17 election costs because they're state-level races. 18 It could get to the point -- again, I 19 don't know the number, but it could get to the 20 point where we couldn't afford to reimburse the 21 counties. 22 I cannot speak to the cost burden of 23 the counties, but knowing the counties, it would -- 24 you know, there is a number of special elections 25 that, if ordered, would be unbearable for the</p>	<p style="text-align: right;">Page 96</p> <p>1 the questions I have. I appreciate your time this 2 morning. 3 THE WITNESS: No problem. 4 MR. INGRAM: I just have one follow-up 5 based on Mr. Traywick's question. 6 EXAMINATION 7 BY MR. INGRAM: 8 Q. Mr. Knapp, when we talked about the 9 cost of elections, correct me if I'm wrong, you 10 communicated to me that it would -- because special 11 elections were built into the budget, that it would 12 not cost additional funds; is that correct? 13 A. Yes. Because there is a normal amount 14 of special elections that we more or less budget 15 for in regular, non-redistricting years. 16 Q. Okay. So it would not incur additional 17 fees to have a special election that would require 18 additional budgetary support, would it? 19 A. I can't say. During a normal election 20 year we can absorb those costs and we can pass 21 those reimbursement dollars to the counties, but if 22 through redistricting we were ordered to hold a 23 certain number of special elections the costs could 24 become unbearable because that's not the typical 25 course of business.</p>
<p style="text-align: right;">Page 95</p> <p>1 counties without additional funds from the General 2 Assembly. 3 Q. And, Mr. Knapp, in your experience is 4 turnout typically lower in special elections -- 5 A. Yes. 6 Q. -- of voters? And does the commission 7 receive more phone calls or any expressions of 8 confusion from voters when there are special 9 elections outside the context of a general 10 election? 11 A. We get a number of phone calls from 12 confused voters wondering why they have a special 13 election, what does this mean, and that's not -- 14 that's for any special election. They'll see a 15 notice for a special election being held. 16 Of course, depending on the office -- 17 for an example, everyone knew that Hugh Leatherman 18 died. So when his seat became vacant nobody was 19 surprised. But sometimes people don't hear about 20 House reps resigning or their sheriff. Well, they 21 hear about their sheriff resigning. But, you know, 22 it depends on the office. If there's a special 23 election ordered, the bigger the office, the more 24 turnout, the more confused voters, yes. 25 MR. TRAYWICK: Thank you. That's all</p>	<p style="text-align: right;">Page 97</p> <p>1 And again, I don't have the number of 2 what that is. I just know that we have so many 3 dollars and counties have so many dollars and it 4 costs so many dollars to have a special election. 5 There is a threshold. I don't know what it is, but 6 there is a threshold by which we could not 7 reimburse anything more. We could not reimburse 8 our normal amount, and they could not afford it. 9 Now that being said, it's more of a 10 bigger deal for us than it is the counties. 11 Because let's say we were ordered to have 15 12 special elections. Well, those are 15 counties, 13 ostensibly, or a portion thereof. You're not 14 having one county do 15 races. 15 So it would be a bigger impact on the 16 state than it would the locals, I think, because 17 the locals could do one or two House races. It 18 would probably be okay. It would have a bigger 19 impact on the state. Because when it comes to 20 state-level races we have to reimburse all counties 21 at a certain level, so... 22 Q. And would there be a way for you to 23 request additional funds from the General Assembly 24 if that were to occur? 25 A. Yes, if that were to occur there's a</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 way that agencies can request additional funds from 2 the General Assembly in the case of unanticipated 3 issues like this. 4 If this were to happen I would go 5 before the Other Funds Committee and explain to the 6 Other Funds Committee I've been ordered to 7 reimburse for X number of special elections. My 8 current budget will not allow me to do that and 9 continue to function as the agency. I need X 10 number of dollars to pass along to the counties for 11 reimbursements. 12 MR. INGRAM: Thank you. 13 EXAMINATION 14 BY MR. RICARD: 15 Q. Good afternoon, Mr. Knapp. This is 16 Rhett Ricard. As I've introduced myself earlier, I 17 represent the House defendants in this case and 18 I've just got a few questions for you. 19 A. Sure. 20 Q. Can you hear me okay? 21 A. Yes. 22 Q. Okay. Perfect. So, you know, the 23 first question: Is it fair to say that the 24 implementation of new plans takes time and 25 expertise?</p>	<p style="text-align: right;">Page 100</p> <p>1 And we start with the general election 2 and we work back from there. So unless the general 3 election was moved back a certain amount of months, 4 we would not be able to meet those statutorily 5 required deadlines. 6 Q. Okay. Is one of those deadlines the 7 date by which you have to mail absentee ballots to 8 military and overseas citizens? 9 A. Correct, the UOCAVA deadline is one of 10 those deadlines. 11 Q. Are you aware of what that deadline is 12 for the 2022 election cycle? 13 A. The primary deadline is April 30th, I 14 believe and -- yes, April 30th. And then the -- 15 the general election is September 24th. 16 Q. Okay. So just so I understand you 17 correctly, those primary absentee ballots to the 18 UOCAVA voters, that's here in a matter of days. 19 A. That's correct. 20 Q. And so would you agree that that's an 21 indication of how far we are along in this 22 timeline? 23 A. I'd say that's a very fair illustration 24 of how deep we are into the process, yes. 25 Q. Would the accuracy of the election be</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Yes, very much so. 2 Q. Okay. If there were to be a negotiated 3 settlement or court order, I believe you testified 4 that your office would not be able to implement 5 districts this year. Is that a fair -- is that a 6 fair summation of your prior testimony earlier 7 today? 8 A. Yes. 9 THE REPORTER: I'm sorry. There was 10 one word. That your office would not be able to 11 implement what districts? 12 MR. RICARD: Implement districts this 13 year. 14 THE REPORTER: Okay. 15 THE WITNESS: And yes. The answer is 16 yes. 17 BY MR. RICARD: 18 Q. What are the reasons for that, 19 Mr. Knapp? 20 A. Because the timeline that we have 21 built -- and it's available on our website. 22 There's an election calendar. The way the election 23 calendar is built, there are certain timelines that 24 are either mandated by the state code of laws or by 25 federal statute that we have to meet.</p>	<p style="text-align: right;">Page 101</p> <p>1 put at risk if deadlines were to move at this 2 point? 3 A. That would be a concern of mine, that 4 not only the results of the election may not be 5 accurate, but the ballots themselves would not be 6 accurate. So it is a possibility that we would 7 have the wrong voters voting on the wrong ballots, 8 electing the wrong people. 9 Q. Okay. And, you know, a similar vein. 10 Would there be a likelihood of confusion for both 11 candidates and voters in affected areas that might 12 be altered by a negotiated settlement or court 13 order? 14 MS. CRUM: I'm going to object to the 15 form of that question. You can answer. I'm sorry. 16 THE WITNESS: Okay. The -- it's my 17 opinion that there would be extreme confusion. If 18 there were -- a negotiated settlement were 19 established for this year it would cause extreme 20 confusion amongst candidates and voters. 21 BY MR. RICARD: 22 Q. Okay. And, you know, I'm certainly not 23 asking you to speculate on, you know, individual 24 voters or anything like that, but, you know, based 25 on your experience in this office, you know, would</p>

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1 you anticipate there to be calls and anticipate
 2 there to be confusion amongst candidates and voters
 3 in affected areas?
 4 A. Absolutely.
 5 Q. And would that undermine the confidence
 6 that you might have in the election results?
 7 A. Yes.
 8 MR. RICARD: Mr. Knapp, I appreciate
 9 your testimony and your time today. I don't have
 10 any further questions for you.
 11 THE WITNESS: Okay.
 12 MS. CRUM: The election defendants have
 13 no questions.
 14 MR. INGRAM: Perfect. I think we can
 15 end this then.
 16 THE VIDEOGRAPHER: All right. One
 17 second, please. We are off the record at 12:33,
 18 and this concludes today's testimony given by
 19 Howard Knapp, 30(b)(6) corporate representative of
 20 the South Carolina State Election Commission.
 21 The total number of media units used
 22 was two and will be retained by Veritext Legal
 23 Solutions.
 24 Okay. We're off the record. If
 25 counsel could stay on Zoom so we could ask about


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1 your orders, if you don't mind.
 2 MR. INGRAM: Sounds good. I'll have a
 3 copy of the transcript.
 4 THE REPORTER: Okay. And did you want
 5 a rough draft?
 6 MR. INGRAM: Yes, please.
 7 THE REPORTER: Okay. Thank you.
 8 Mr. Traywick?
 9 MR. TRAYWICK: Just a final PDF in the
 10 ordinary course will be good.
 11 MS. CRUM: And on behalf of the
 12 election defendants we would like a rough draft and
 13 to read -- well, we'd like to read and sign.
 14 THE REPORTER: Okay.
 15 MR. RICARD: And this is Rhett Ricard
 16 on behalf of the House defendants. We'd like a
 17 rough draft.
 18 (The right to read and sign this
 19 transcript was not waived.)
 20 (The deposition was concluded at
 21 12:33 PM.)
 22
 23
 24
 25

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CERTIFICATE OF REPORTER

I, Sandra K. Bjerke, Registered
 Professional Reporter and Notary Public for the
 State of South Carolina at Large, do hereby certify
 that the foregoing transcript was transcribed to
 the best of my ability using the Zoom technology
 platform, including, but not limited to, its
 inherent shortcomings of garbled speech,
 overmodulation, and voice-overlap cancellation;
 I further certify that I am neither
 related to nor counsel for any party to the cause
 pending or interested in the events thereof.
 Witness my hand, I have hereunto
 affixed my official seal this 22nd day of April,
 2022 at Charleston, Charleston County, South
 Carolina.



Sandra K. Bjerke

Sandra K. Bjerke, RDR, CRR, CBC
 My Commission Expires
 May 6, 2030

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<p style="text-align: right;">Page 106</p> <p>1 M. ELIZABETH CRUM</p> <p>2 lcrum@burr.com</p> <p>3 April 22, 2022</p> <p>4 The South Carolina State Conference Of The NAACP v Alexander</p> <p>5 4/19/2022, Howard M. Knapp (#5189994)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 108</p> <p>1 The South Carolina State Conference Of The NAACP v Alexander</p> <p>2 Howard M. Knapp (#5189994)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 Howard M. Knapp, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Howard M. Knapp Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 107</p> <p>1 The South Carolina State Conference Of The NAACP v Alexander</p> <p>2 Howard M. Knapp (#5189994)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Howard M. Knapp Date</p> <p>25</p>	<p>28 (Pages 106 - 108)</p>