

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

| | |
|---------------------------|------------------------|
| TO <i>Roberts/FOIA</i> | DATE <i>9-23-13</i> |
|---------------------------|------------------------|

| DIRECTOR'S USE ONLY | ACTION REQUESTED |
|---|--|
| 1. LOG NUMBER <i>000115</i> | <input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____ |
| 2. DATE SIGNED BY DIRECTOR <i>CC: Cox, Supra</i> <i>cleared 10/10/13, letter attached</i> | <input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>10-7-13</i> <input type="checkbox"/> Necessary Action |

| APPROVALS (Only when prepared for director's signature) | APPROVE | * DISAPPROVE (Note reason for disapproval and return to preparer.) | COMMENT |
|--|---------|---|---------|
| 1. | | | |
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| 3. | | | |
| 4. | | | |

Brenda James

From: Byron Roberts
Sent: Monday, September 23, 2013 8:55 AM
To: Brenda James
Subject: FW: Records Request
Attachments: Document Request To DHHS.pdf; ATT00001.htm

RECEIVED

SEP 23 2013

Department of Health & Human Services
OFFICE OF THE DIRECTOR

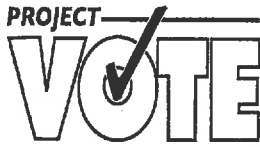
Brenda,
Please log this in as a FOIA. It is from an attorney, so the Blue sheet should come to OGC and a copy to John Supra's area.

Thanks.
Byron

From: Anthony Keck
Sent: Friday, September 20, 2013 8:23 PM
To: Byron Roberts
Cc: John Supra
Subject: Fw: Records Request

From: Katy Flanagan <cflanagan@projectvote.org>
Sent: Friday, September 20, 2013 6:48:13 PM
To: Anthony Keck
Cc: Marci Andino
Subject: Records Request

Enclosed please find a request for documents pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-30, and the NVRA, 42, U.S.C. § 1973gg-6(i). Thank you.



September 20, 2013

Anthony Keck
Director, Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202
Email: keck@scdhhs.gov

Re: Public Records Request

Dear Mr. Keck:

We write to request copies of documents and materials relating to voter registration activities that the South Carolina Department of Health and Human Services ("DHHS") conducts pursuant to the Section 7 of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-5 ("NVRA"). We make this request pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-30, and the NVRA, 42, U.S.C. § 1973gg-6(i). It appears that DHHS has not been designated as a voter registration agency by South Carolina. *See* S.C. Code Ann. 7-5-310. DHHS administers Medicaid, and therefore is a state agency providing public assistance that must provide voter registration services. 42 U.S.C. § 1973gg-5(a).

Photocopies in response to this request can be sent in electronic format, which is the format we would prefer. However, if any materials are not available in electronic format, we request hard copies. Please advise us in advance of the charges for copying the requested documents. Specifically, we would like to receive the following documents:

1. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other materials reflecting or referencing policies, practices, or procedures relating to the administration of voter registration services at DHHS or its offices.
2. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents sent by the South Carolina Elections Commission to DHHS or its offices relating to implementation of DHHS' voter registration program, and records relating to any response by DHHS to such materials, directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents from January 2008 to present.
3. Reviews, reports, evaluations, audits, or other documents relating to the Voter Preference Form as defined by 42 U.S.C. § 1973gg-5(a)(6)(B), ("Voter Preference Form") or its use by DHHS, generated from January 2008 to the present, including documents relating to the procedures, processes or steps DHHS employees follow if a

client or applicant fails to answer the following question on the Voter Preference Form:
“If you are not registered to vote where you live now, would you like to apply to register to vote here today?”

4. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots used by DHHS or its offices relating to training employees to perform the duties required for DHHS’ voter registration program conducted under the NVRA. We also request materials relating to such training events, including documents indicating the dates and attendance of any DHHS employees.

5. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots sent by the South Carolina Elections Commission to DHHS relating to training employees to perform duties required for the voter registration program conducted under the NVRA, and all records of DHHS’ responses relating to such documents, pamphlets, workbooks, manuals, and other materials.

6. Reviews, reports, evaluations, audits, or other documents relating to voter registration performance and activities at DHHS or its agency offices since January 1, 2008 to the present.

7. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices and provided to employees regarding agency voter registration or the requirements of the NVRA from January 2008 to the present.

8. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices since January 1, relating to compliance with its voter registration duties under the NVRA.

9. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents including screen shots concerning the incorporation of voter registration services into remote transactions conducted by telephone, mail or the computer relating to new applications, recertifications, redeterminations, and changes of address concerning the Medicaid program.

10. Documents, records, or materials that identify any persons employed by DHHS with responsibility for administering, monitoring, overseeing, reporting or coordinating compliance with the state or relevant agency’s obligations under the NVRA.

11. Documents, records, or materials reflecting the number of completed Voter Preference Forms collected by DHHS or its offices for each year from 1995 to the present.

12. In its report to the United States Election Assistance Commission for the 2011 – 2012 period, South Carolina provided an explanatory note concerning the information it submitted for the category “Total Forms Received.” The note states that the category is

“more accurately described as changes to voter records,” and that “redistricting would also result in a change to a voter record.” Please provide memoranda, policies, reports, documents or other materials relating to the manner in which registrations affected by the South Carolina 2011 redistricting plan would be included in the tabulation of new registrations or registration changes that DHHS collected during the period 2011-2012.

13. Documents, records, or materials, identifying or reflecting the number of completed applications, recertifications, redeterminations, reauthorizations, or changes of address relating to the Medicaid program received by DHHS or its offices for each year from 1995 to the present.

14. Documents, records or materials identifying or reflecting the number of changes in registrations collected by DHHS or its local offices for each year from 1995 to the present.

15. Documents, records or materials identifying or concerning events that constitute changes in registrations that originate from or are attributed to DHHS, generated from 2008 to the present.

16. Documents, memoranda, records or materials identifying or concerning what constitutes a transaction that is covered by 42 U.S.C. § 1973gg-5(a)(6)(A) in the context of the Medicaid program.

17. All completed Motor Voter Declination Tally Sheets, or any record, report or other document that recorded the number of declination forms, or Voter Preference Forms that DHHS collected from 1995 to the present.

Please do not hesitate to contact me at (202) 546-4173, ext. 311 if you have any questions about this request. Thank you for your assistance.

Sincerely,

/s/ Catherine M. Flanagan

Catherine M. Flanagan
Senior Election Counsel
Public Agency Voter Registration Program
Project Vote
805 15th Street, Suite 250 N.W.
Washington, D.C. 20005
cflanagan@projectvote.org
(202) 546-4173 (ext.) 311

cc: Marci Andino
Executive Director
South Carolina State Election Commission

P.O. Box 5987

Columbia, SC 29250-5987

E-mail: elections@elections.sc.gov



TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

| | | |
|---|-------------|-----------------|
| Staff processing time at \$10.00 per hour | _____ Hours | \$ _____ |
| Pages copied at \$.10 per page | _____ Pages | \$ _____ |
| Pages faxed at \$.20 per page | _____ Pages | \$ _____ |
| Shipping and Handling Costs | | \$ _____ |
| Other costs associated with the FOIA request: | _____ | \$ _____ |
| Total Amount Due SCDHHS: | | \$ _____ |

Please remit the above amount to the following address:

Bureau of Fiscal Affairs
South Carolina Department of Health and Human Services
Post Office Box 8297
Columbia, South Carolina 29202-8297

Please contact _____ should you have any questions.

Signature

Date:

Lick/Linda 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

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SEP 24 2013

SCDHHS
Office of General Counsel

ACTION REFERRAL

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| TO | DATE |
| Roberts/FOIA | 9-23-13 |

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| 2. DATE SIGNED BY DIRECTOR | <input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ |
| CC: Cox, supra | <input checked="" type="checkbox"/> FOIA DATE DUE 10-7-13 |
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Office of General Counsel

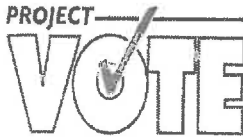
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Office of General Counsel



September 20, 2013

Anthony Keck
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P.O. Box 8206
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Email: keck@scdhhs.gov

Re: Public Records Request

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3. Reviews, reports, evaluations, audits, or other documents relating to the Voter Preference Form as defined by 42 U.S.C. § 1973gg-5(a)(6)(B), ("Voter Preference Form") or its use by DHHS, generated from January 2008 to the present, including documents relating to the procedures, processes or steps DHHS employees follow if a

Each of above 3 types

7 9562

client or applicant fails to answer the following question on the Voter Preference Form:
"If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

4. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots used by DHHS or its offices relating to training employees to perform the duties required for DHHS' voter registration program conducted under the NVRA. We also request materials relating to such training events, including documents indicating the dates and attendance of any DHHS employees. *Training Mpts*

5. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots sent by the South Carolina Elections Commission to DHHS relating to training employees to perform duties required for the voter registration program conducted under the NVRA, and all records of DHHS' responses relating to such documents, pamphlets, workbooks, manuals, and other materials. *Elections Comm sent to DHHS*

6. Reviews, reports, evaluations, audits, or other documents relating to voter registration performance and activities at DHHS or its agency offices since January 1, 2008 to the present. *2008-2012*

7. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices and provided to employees regarding agency voter registration or the requirements of the NVRA from January 2008 to the present. *2008-2012*

8. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices since January 1, relating to compliance with its voter registration duties under the NVRA. *2008-2012*

9. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents including screen shots concerning the incorporation of voter registration services into remote transactions conducted by telephone, mail or the computer relating to new applications, recertifications, redeterminations, and changes of address concerning the Medicaid program. *2008-2012*

10. Documents, records, or materials that identify any persons employed by DHHS with responsibility for administering, monitoring, overseeing, reporting or coordinating compliance with the state or relevant agency's obligations under the NVRA. *Responsible person*

11. Documents, records, or materials reflecting the number of completed Voter Preference Forms collected by DHHS or its offices for each year from 1995 to the present. *# of completed forms*

12. In its report to the United States Election Assistance Commission for the 2011 - 2012 period, South Carolina provided an explanatory note concerning the information it submitted for the category "Total Forms Received." The note states that the category is

"more accurately described as changes to voter records," and that "redistricting would also result in a change to a voter record." Please provide memoranda, policies, reports, documents or other materials relating to the manner in which registrations affected by the South Carolina 2011 redistricting plan would be included in the tabulation of new registrations or registration changes that DHHS collected during the period 2011-2012.

SC 2011-12 Report

13. Documents, records, or materials, identifying or reflecting the number of completed applications, recertifications, redeterminations, reauthorizations, or changes of address relating to the Medicaid program received by DHHS or its offices for each year from 1995 to the present.

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17. All completed Motor Voter Declaration Tally Sheets, or any record, report or other document that recorded the number of declaration forms, or Voter Preference Forms that DHHS collected from 1995 to the present.

Please do not hesitate to contact me at (202) 546-4173, ext. 311 if you have any questions about this request. Thank you for your assistance.

Sincerely,

/s/ Catherine M. Flanagan

Catherine M. Flanagan
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Project Vote
805 15th Street, Suite 250 N.W.
Washington, D.C. 20005
cflanagan@projectvote.org
(202) 546-4173 (ext.) 311

cc: Marci Andino
Executive Director
South Carolina State Election Commission

P.O. Box 5987
Columbia, SC 29250-5987
E-mail: elections@elections.sc.gov



October 10, 2013

Ms. Catherine M. Flanagan
Senior Election Counsel
Public Agency Voter Registration Program
Project Vote
805 15th Street, Suite 250 N. W.
Washington, DC 20005

Re: Public Records Request

Dear Ms. Flanagan:

Your request of September 20, 2013, was forwarded to this Office for a response. Enclosed are the documents that were immediately available. These consist of the current manual provision and a power point presentation.


Our expense for assembling and forwarding this information is ten and zero hundredths dollars (\$10.00). Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services
Department of Receivables
Post Office Box 8297
Columbia, SC 29202-8297

Unfortunately, the individual who, in the past, handled this aspect of our program recently retired. We estimate that the cost for retrieving his files and preparing the information to send will be about \$100.00.

If there are any questions, please feel free to contact me at the address below or at my direct line: (803) 898-2791.

Sincerely,



Richard G. Hepfer
Deputy General Counsel

Enclosures

Kick/Linda 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

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SEP 24 2013

ACTION REFERRAL

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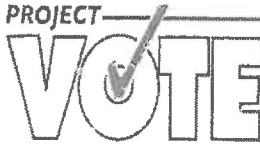
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September 20, 2013

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Errors of other staff to be

8 4362

client or applicant fails to answer the following question on the Voter Preference Form:
"If you are not registered to vote where you live now, would you like to apply to register
to vote here today?"

4. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots used by DHHS or its offices relating to training employees to perform the duties required for DHHS' voter registration program conducted under the NVRA. We also request materials relating to such training events, including documents indicating the dates and attendance of any DHHS employees. *Training sheet*

5. Documents, pamphlets, workbooks, manuals, and other materials, including tapes, videos and screen shots sent by the South Carolina Elections Commission to DHHS relating to training employees to perform duties required for the voter registration program conducted under the NVRA, and all records of DHHS' responses relating to such documents, pamphlets, workbooks, manuals, and other materials. *See SC Election Commission sent to DHHS*

6. Reviews, reports, evaluations, audits, or other documents relating to voter registration performance and activities at DHHS or its agency offices since January 1, 2008 to the present. *Performance reviews*

7. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices and provided to employees regarding agency voter registration or the requirements of the NVRA from January 2008 to the present. *Guidelines since 2008*

8. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents generated by DHHS or its offices since January 1, relating to compliance with its voter registration duties under the NVRA. *since 1/1/2013*

9. Directives, plans, guidelines, manuals, instructions, mandates, memoranda, policies or other documents including screen shots concerning the incorporation of voter registration services into remote transactions conducted by telephone, mail or the computer relating to new applications, recertifications, redeterminations, and changes of address concerning the Medicaid program. *of Medicaid*

10. Documents, records, or materials that identify any persons employed by DHHS with responsibility for administering, monitoring, overseeing, reporting or coordinating compliance with the state or relevant agency's obligations under the NVRA. *Responsible individuals*

11. Documents, records, or materials reflecting the number of completed Voter Preference Forms collected by DHHS or its offices for each year from 1995 to the present. *# of completed forms*

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Qld 2011-12-14-15

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2-7-12-14-15 records...

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2-7-12-14-15 records...

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Changes attributed to DHHS

16. Documents, memoranda, records or materials identifying or concerning what constitutes a transaction that is covered by 42 U.S.C. § 1973gg-5(a)(6)(A) in the context of the Medicaid program.

What is a transaction?

17. All completed Motor Voter Declaration Tally Sheets, or any record, report or other document that recorded the number of declaration forms, or Voter Preference Forms that DHHS collected from 1995 to the present.

Tally sheets

Please do not hesitate to contact me at (202) 546-4173, ext. 311 if you have any questions about this request. Thank you for your assistance.

Sincerely,

/s/ Catherine M. Flanagan

Catherine M. Flanagan

Senior Election Counsel

Public Agency Voter Registration Program

Project Vote

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