

July 20, 2016

The Honorable Nikki R. Haley  
Office of the Governor  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Governor Haley,

I would like to bring to your attention an encounter that I had as an Election Poll Watcher last September. This matter was brought up to Concerned Citizens of Jasper County and recently, June 6, to S.C. Elections Board in an e-mail. One of my concerns is that I have yet to receive an acknowledgement from the Election Board that they received and are investigating my complaint. The enclosed two documents supporting my complaint are: 1) the e-mail to the Election Board, and 2) a letter stating the exact details of the encounter with this Election Official.

This is an important matter because fair, open, and transparent elections are vital to a Constitutional Democracy.

I am sure that you understand and appreciate my concerns regarding this matter. Your response to my inquiry will be appreciated.

Sincerely,



Foxhall A. Parker  
254 Eagle Crest Drive  
Bluffton, SC 29909

703-405-9653  
[foxparker@hargray.com](mailto:foxparker@hargray.com)

Enclosures 1 and 2

Status: ☐ Read Message

[Reply](#) [Reply to All](#) [Forward](#) [Delete](#)

[Bottom](#)

 This Message is not flagged  Flag as important  Close as Unread 

[<Back to Folder](#) [Next Unread >](#)

[Copy address to address book](#)

[Close](#)

From: foxparker <foxparker@hargray.com>

Subject: Complaint about an Election Official

Date: Mon, 06 Jun 2016 16:20:15 -0400

To: <elections@elections.sc.gov>

This email is to complain about Hardeeville Election Official, John Kemp. The full details of this very unpleasant encounter in September 2015 with Mr. Kemp is detailed in the attached letter which was filed with Concerned Citizens of Jasper County.

I was hopeful that the Concerned Citizens Organization would have brought this incident forward to the Election Commission but obviously they have not done so.

As a former Vietnam Combat Marine, I realize how sacred the right to vote, that the process requires diligent oversight, and protection of these voting rights.

As stated in the attached letter, I find Mr. Kemp's actions toward me to be reprehensible and were intended to intimidate me.

I never thought that I would experience this kind of humiliation and treatment as an unpaid volunteer. Because of this unpleasant experience, I do not plan on volunteering in the future.

In my opinion, by his actions, Mr. Kemp has tarnished the integrity of voting process.

Sincerely,

Foxhall A. Parker  
254 Eagle Crest Drive  
Bluffton, SC 29909



Attachment: Kemp Complaint and Observations 09222015.pdf (1300K)

Confirmation

Confirm receipt: [Confirm](#)

[Top](#)

ENCLOSURES 1

September 24, 2015

To Whom It May Concern:

On Tuesday, September 22, 2015, I was a volunteer poll watcher for Jasper County, District 6, School Board Candidate Kevin Karg. My assigned hours were from 1PM – 3PM. I arrived a few minutes early to vote and then to check in and provide the poll manager/clerk my certification as required by State Law. I assumed my duties a couple of minutes before 1 PM and received my identification badge from the person I relieved. The following timeline and events are provided as an understanding which preceded an intimidating, humiliating, and unprovoked encounter with the Hardeeville Election Official, John Kemp.

1:02 PM – I noticed that a voter left the voting area immediately after voting for the School Board candidates. I approach him outside the voting area and asked if whether he only wanted to vote for the School Board Candidates and not for City Council. He said that he did want to vote for City Council and re-entered the voting area and voted.

1:05 PM – I noticed a young man, who was not wearing identification, go to each voting machine and appeared to be extracting data onto what appeared to be mobile thumb drive. He handed these multiple mobile devices to a Poll Manager who placed them in a bag and put them into a cabinet.

1:06 PM – At this time there was no voters in the polling area so I approached the Poll Manager who took custody of the mobile devices and asked her what was taking place. She explained that it a verification/validation process. After this we had a brief conversation about where we were from. During this time, I was in the general area that the watchers were assigned to observe.

1:07 PM – Mr. John Kemp approached me without introducing himself or explaining his role in the election process and in a loud voice told me that I was not to talk to the poll managers. I attempted to explain that I was asking a question specific to my observation. He had no desire to listen to my explanation but raised his voice in a condescending manner and lecture me as if I was a child. He explained that I was only to ask questions of the two poll clerks and not the poll managers. He went on to say that I was disrupting the voting process. At this point all I did was shake my head and stare at him with disdain until he left. It was obvious to me that Mr. Kemp has poor social skills in dealing with citizens who are volunteers. Also, Mr. Kemp either does not understand the South Carolina State Election Laws or does not care to follow them. In my opinion this brief encounter with Mr. Kemp demonstrated that he is not qualified to be an Election Official. As I said earlier this encounter was unprovoked and unnecessary. It was apparent to me that his method was to intimidate and humiliate me so that I would not question the process.

The following is a quote from the State Law which does not make any distinction between a poll manager and a poll clerk. Additionally, there was no action that I took during my 2 hours as a Watcher that would indicate that my conduct was disrupted to the voting process. To the contrary, I went out my way and went outside the voting area to talk to voters who may have been confused about the voting process which ensured that everyone who desired to vote did so.

ENCLOSURE 2 pg 1072

The following is a cite from SC Law, Title 7 – Elections, Chapter 13, Conduct of Elections:

**SECTION 7-13-860. Watchers; appointment, qualifications, identification, and conduct.** Which states in part, "...After qualification, watchers must be placed in an area designated by the poll managers where the watchers can observe the entire election process at that polling place. No watcher may conduct himself in a manner that will interfere in the orderly conduct of the election or influence any voter in the casting of his ballot."

Other observations that may need to be addressed:

- If a voter is not registered according to the registration rolls.
  - o Provide him or her with a mail in registration form so that they could vote in the next election.
  - o Find a way to validate that a citizen is registered without revealing their Personally Identifiable Information (PII). The citizen was asked for his SSN and anyone in ear shot heard his name and his birthdate announced during the phone call. Three pieces of data that could result in identity theft. This call needs to be a secure area or other means should be used to identify a voter other than PII.
  - o There is a provision that the voter could insist on a provisional ballot but in any event no person should be disenfranchised.
- Make the process simpler which would improve the voter's selection private. On many occasions, the poll manager was next to the voter when they were casting their vote because of confusion:
  - o Provide the voter a summary of steps before they enter the booth.
  - o Use the word "Vote" instead of "Confirm".
  - o Have a poll manager direct the person from the School Board election table to the City Council election table. On most cases this was done but there were a few who walked out without voting for City Council.
  - o Maybe separate voting machines for District 7 and District 6.
- Ask why the technician was not wearing an identification badge and why the machines were accessible during the election? Physical Ballot boxes must be locked for the duration of the election. One person should not have unfettered access to the electronic voting data. If the technician has access to the voting results during the election then two person authentication should be used.

I did find that the poll clerks and the poll managers were professional, knowledgeable, and generally helpful but as with any process improvements and simplification can be made for a better voting experience.

Foxhall A. Parker  
254 Eagle Crest Drive  
Bluffton, SC 29909

[foxparker@verizon.net](mailto:foxparker@verizon.net) or [foxparker@hargray.com](mailto:foxparker@hargray.com)  
703-405-9653

ENCLOSURE 2 pg. 2 of 2