

From: Taylor, Richele
To: Richele Taylor (richeletaylor@gov.sc.gov) <richeletaylor@gov.sc.gov>
Date: 9/15/2016 3:07:59 PM
Subject: FW: Richland County election commissioners

From: Schimsa, Rebecca
Sent: Wednesday, August 31, 2016 1:23 PM
To: Patel, Swati
Cc: Patel, Swati; Taylor, Richele; Peters, Hal; Philpott, Katie
Subject: RE: Richland County election commissioners

The law:

See 7-5-10(D) below. In sum: A member of the board is certified when he has successfully completed the training and certification program. However, because the Governor can grant a member an extension to complete the program based upon exceptional circumstances, then clearly the member continues to serve on the board. Accordingly, being certified is not synonymous with holding the office—one can hold the office and not be certified, so long as it is within the statutory time frame (less than 18 months) or upon the Governor's granting of an extension.

Facts in this case:

To date, the Governor has appointed five members to the board. The State Elections Commission informed our office that as of 6/30/2016 two members had not completed the training and certification program: Sylvia Holley had completed five classes, and Marjorie Johnson had completed six classes, but neither had successfully completed the program to be certified. Both Holley and Johnson were appointed to terms beginning on 9/15/2014 and, therefore, had statutory program completion deadlines of 3/15/2016. On 7/28/2016, our office sent a letter to both Holley and Johnson requesting an explanation for not having completed the program by 8/11/2016. With regard to Johnson: On or after 8/3/2016, Johnson sent a letter to Senator John Scott with her intent to resign effective 8/31/2016. With regard to Holley: We have not received a response.

Section 7-5-10(D)

(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member's initial appointment or his reappointment following a break in service, or within eighteen months after a staff person's initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

From: Philpott, Katie
Sent: Wednesday, August 31, 2016 12:06 PM
To: Godfrey, Rob
Cc: Adams, Chaney; Patel, Swati; Taylor, Richele; Schimsa, Rebecca; Peters, Hal
Subject: RE: Richland County election commissioners

Rob,

According to the records supplied to our office by the State Election Commission on July 11, 2016, (attachment 1) two members of the Board of Voter Registration and Elections for Richland County were not in compliance with the required training and certification program. Therefore, our office sent out letters (attachment 2) asking for an explanation as to why they are out of compliance. After sending these letters, one of the two members out of

compliance, Marjorie Johnson, resigned. The other member did not respond to our letter, but has not yet been removed by our office.

Please let me know if you need any additional information.

Thanks,

Katie R. Philpott
Director of Boards and Commissions
Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, South Carolina 29201
803.201.3423 (cell)
803.734.8051 (fax)

From: Godfrey, Rob
Sent: Wednesday, August 31, 2016 11:50 AM
To: Adams, Chaney; Philpott, Katie; Patel, Swati; Taylor, Richele; Schimsa, Rebecca
Subject: FW: Richland County election commissioners

Katie/legal shop –

Take a look at the email below.

Chaney is going to need to be able to get back to Clif relatively soon.

Thanks y'all.

Rob Godfrey
Office of Governor Nikki Haley
Desk: (803) 734-2028 | Mobile: (803) 429-6068

From: LeBlanc, Clif [<mailto:cleblanc@thestate.com>]
Sent: Wednesday, August 31, 2016 11:40 AM
To: Godfrey, Rob; Clif LeBlanc
Subject: Richland County election commissioners

Mr. Godfrey,

I request access to any letters, emails or other communications from the governor's office in regard to certification of any member of the Richland County Voter Registration & Elections Commission. If the governor's office has produced any such communication related to other matters dealing with that commission, please include those as well.

Further, I ask if any member of that commission is not properly/currently certified to hold the position, was yesterday's (Aug. 30, 2016) meeting lawful either by meeting the standard for a quorum of certified members or in the actions the commission took in regard to Kim Murphy?

Thanks for your prompt attention to this matter.

Clif LeBlanc, The State newspaper
(803) 771-8664