

January 23, 2024

House Constitutional Laws Subcommittee
P.O. Box 11867
Columbia, S.C. 29211
Via email

Verified Voting Opposition to H. 4259 – Hand Count Audit Act

Dear Members of the Subcommittee:

On behalf of Verified Voting, I write in opposition to H. 4259, known as the Hand Count Audit Act. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since its founding by computer scientists in 2004, Verified Voting has promoted voter-verified paper ballots and routine, rigorous post-election audits—especially risk-limiting audits—to check the accuracy of computerized voting systems.

We write to express several concerns about this bill. Notably, Section 3 of the bill would empower political actors to undertake open-ended investigations into elections without requiring any clear justification, allowing requests that include but are not limited to a full hand recount, a “postelection audit of paper ballots,” and an undefined “forensic audit.” Elections that occurred as long as 22 months ago would be subject to inspection, leaving the door open for limitless and possibly baseless investigation.

We are concerned that these provisions would place an undue burden on local election offices who are unlikely to have adequate funding or staff to handle such prolonged, open-ended requests in addition to their existing administrative duties.

Whereas South Carolina law already mandates that the executive director of the State Election Commission “establish methods of auditing election results,” Section 2 of this bill establishes a more specific manual hand count audit requirement. While we support the intention of this provision, overly specific legal requirements can backfire, and that seems likely here.

The bill requires ballots from “at least three precincts” in each county to be hand-counted. But in 2022, almost one-third of South Carolina voters voted in early voting centers, and their ballots were not sorted by hand. A strictly precinct-based audit is unlikely to be most efficient and effective in these circumstances, nor can it adapt if the circumstances change. Moreover, South Carolina counties vary vastly in size; thirteen counties had 30 or fewer precincts in 2022 (Allendale County had just 9), while Greenville, Richland, and Charleston County had 150 or more precincts each. Requiring each county to hand-count at least three precincts tends to burden small counties that can least afford it.

South Carolina has taken an important step towards greater confidence in its election results in recent years by introducing routine post-election audits, which can provide an efficient check on election returns. We are concerned that H. 4259 would have the opposite effect: needlessly complicating routine audits, bogging down election officials in endless investigations, and ultimately undermining confidence in South Carolina's election process and results.

Thank you for considering our comments.

Respectfully submitted,



Mark Lindeman
Policy & Strategy Director