

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

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**PUBLIC INTEREST LEGAL FOUNDATION, INC.**

*Plaintiff,*

v.

**HOWARD M. KNAPP**, in his official capacity as  
Executive Director of the South Carolina  
Election Commission,

*Defendant.*

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Civil Case No. 3:24-cv-01276-JFA

**STIPULATION OF FACTS**

Pursuant to Fed. R. Civ. P. 56 Plaintiff, Public Interest Legal Foundation (“Foundation”) and Defendant, Howard M. Knapp, Executive Director of the State Election Commission (“Executive Director”), jointly stipulate the following material facts for purposes of motions for summary judgement.

1. On or around February 5, 2024, the Foundation sent to the Executive Director of the State Election Commission (the “SEC”) and the Executive Director received the letter filed in this case as ECF No. 1-1. Pursuant to the National Voter Registration Act of 1993 (NVRA), 52 U.S.C § 20507(i), the letter requested that the SEC reproduce or provide PILF the opportunity to inspect “a current or most updated copy of the South Carolina statewide voter registration list as described in S.C. Code § 7-5-186.” (“Statewide Voter Registration List”).

2. On February 20, 2024, the Executive Director sent a letter, and the Foundation received the letter filed in this case as ECF No. 1-2, denying the Foundation the requested records and explaining that the Statewide Voter Registration List was available for a fee but only to

qualified electors in South Carolina, and that the Executive Director “does not have the discretion to abrogate S.C. Code § 7-3-20(D)(13) ....”

3. On February 21, 2024, the Foundation emailed a letter to the Executive Director, and the Executive Director received the letter filed as ECF No. 1-3, stating it was serving statutory notice pursuant to 52 U.S.C. § 20510(b)(1) that the Executive Director and the SEC were in violation of the NVRA for failure to permit inspection and reproduction of the Statewide Voter Registration List as required by the NVRA.

4. On March 12, 2024, the SEC emailed the Foundation explaining that the SEC does not have the authority under South Carolina law to send the Foundation the requested Statewide Voter Registration List and attached a Declaratory Judgment Action, *Knapp v. Public Interest Legal Foundation*, C/A No. 2024-CP-40-001563, filed as ECF No. 18-1. That case was removed to this Court. Knapp has filed, in that removed action, as ECF No. 9, a Motion to Dismiss the Complaint without prejudice, consented to by the Foundation.

5. Pursuant to the Help America Vote Act (“HAVA”), 52 U.S.C. §§ 20901, et seq., on August 24, 2006, the SEC adopted the final South Carolina State Plan (“HAVA Plan”). See [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 4, 2024). The SEC developed and maintains a computerized list of all registered voters (“Computerized Registration List”) pursuant to the requirements of HAVA, section 303.

6. Pursuant to the requirements of HAVA, South Carolina currently maintains a single, uniform, official, centralized interactive computerized statewide voter registration system (“Computerized Registration System”), housed at the State Data Center in Columbia, South Carolina, and maintained by the SEC. State and local election officials refer to the Computerized Registration System as VREMS (the Voter Registration and Election Maintenance System). All 46

County Boards of Voter Registration and Elections (“CBVRE”) are connected to the Computerized Registration System. Additions and changes required to maintain the accuracy of the Computerized Registration List are made by the CBVREs and SEC to the voter registration file and the system is interactive. *See* South Carolina HAVA PLAN, Sec. 303 (a)(1)(A) found at [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

7. The Computerized Registration System described in paragraph 6 serves as the single system for storing and managing the official list of registered voters throughout the state. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

8. The Computerized Registration List is the official voter registration list for the conduct of all elections in the State of South Carolina. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024). The list represents the accurate list of registered voters in South Carolina as authorized under the South Carolina HAVA Plan.

9. South Carolina registered voters may purchase a copy of the Statewide Voter Registration List maintained in the Computerized Registration System. The information contained in the Statewide Voter Registration List can be created based on any combination of information from the Computerized Voter Registration List:

- a. County
- b. Voting District (house, senate, congressional, county council, city council, school district, etc.)
- c. Age

- d. Sex
- e. Race
- f. Household
- g. Participation in a particular election
- h. Date of registration

<https://scvotes.gov/resources/sale-of-voter-registration-lists/> (last visited May 1, 2024).

10. The SEC charges a fee for the purchase of the Statewide Voter Registration List. The fee that is charged varies depending on the combination of information categories requested. <https://scvotes.gov/resources/sale-of-voter-registration-lists/>. The SEC website also contains a “NOTICE TO ALL REQUESTORS OF RECORDS” informing them of the South Carolina laws that prohibit the use of public records, including the Statewide Voter Registration List, for commercial solicitation. <https://scvotes.gov/resources/sale-of-voter-registration-lists/> (last visited May 1, 2024).

11. All local and state election officials have access to the Computerized Registration List, which is maintained in the Computerized Registration System. Each election official is given a USERID and password that must be used to access the official file of registered voters in the database. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

12. CBVREs have access to the Computerized Registration System to enter new voter registrations or update a voter’s record on a real-time basis. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

13. The SEC is the only agency authorized to remove a voter from the official statewide list of registered voters. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

14. The Computerized Registration List maintenance conducted by the SEC includes the monthly removal of registrants convicted of a felony upon a notification from the courts of felony convictions. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

15. The Computerized Registration List maintenance conducted by the SEC includes the removal of dead registrants monthly upon notification by the South Carolina Department of Health and Environmental Control (“DHEC”). [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

16. The name of each active registered voter appears on the Statewide Voter Registration List in an electronic format. In addition to the name of each registered voter it includes Address, Race, Gender, Date of Birth, Voter Registration Number, and Date Registered, County, Precinct, Voting District and Voter Participation History (past two statewide primaries and general elections). <http://scvotes.gov/resources/sale-of-voter-registration-lists/> (last visited May 9, 2024).

17. The SEC performs maintenance of the Computerized Registration List through a quarterly comparison of dates of birth and social security numbers and a report is generated from the Computerized Registration List of all duplicate registrations and the report is given to county election boards for confirmation and then the confirmed matches are removed from the official Computerized Registration List by the Commission. [https://scvotes.gov/wp-content/uploads/2022/08/Final\\_State\\_Plan\\_2006.pdf](https://scvotes.gov/wp-content/uploads/2022/08/Final_State_Plan_2006.pdf) (last visited May 1, 2024).

18. A registered voter's social security number does not appear on the Statewide Voter Registration List, although it is maintained in the Computerized Registration List.

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