

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

UNITED STATES OF AMERICA, and ERIC H.
HOLDER, JR., in his official capacity as Attorney
General of the United States,

Defendants.

Case No. 12-203

Three-Judge Panel

Affidavit of Marci Andino

1. I am an official in the State Election Commission (hereinafter "SEC") of the State of South Carolina. My official title is Executive Director. I became Executive Director on January 13, 2003.

2. In this position, I am the chief administrative officer for the SEC, and my duties and responsibilities are set forth in S.C. Code Section 7-3-20.

3. This Court has ordered the State of South Carolina to file an affidavit "identifying the latest date on which the photo identification law must become effective if it is to apply to elections in November 2012."

4. In my capacity as Executive Director, I have an intimate knowledge of the new South Carolina Voter ID law and the steps the State

and the SEC are required to take to implement the law. I make this affidavit based upon personal knowledge gained during the performance of my duties as an employee of the South Carolina SEC and my review of the SEC's official records.

5. The 2012 general election will take place on November 6, 2012.

6. South Carolina R54 is a bill containing eleven sections.

7. Sections 1-3 deal with administrative and procedural issues related to voter registration.

8. R54's Section 4 requires that the SEC "implement a system . . . to issue voter registration cards with a photograph of the elector."

9. R54's Section 5 requires that South Carolina voters present one of five forms of photo identification at the polls. These are a South Carolina Department of Motor Vehicles (hereinafter "DMV")-issued driver's license that contains a photograph, a DMV-issued non-driver's license photo identification card, a United States passport that contains a photograph, a military photo identification card, or a state voter registration card containing a photograph of the voter.

10. R54's Section 6 implements requirements for a special identification card issued by the DMV.

11. R54's Section 7 requires the SEC to "establish an aggressive voter education program concerning" the Act.

12. Section 7 mandates that the SEC take a number of different actions. Generally it mandates that the SEC “establish an aggressive voter education program concerning” R54.

13. Specifically its first requirement is that the SEC post information about the Voter ID changes in a conspicuous location at each county board of registration and elections, each satellite office, the SEC’s office, and the websites of the SEC and county boards of registration and elections.

14. Second, Section 7 requires that the SEC train poll works and managers to answer questions concerning R54.

15. Third, the SEC must ensure that documentation describing R54’s changes to voting law are disseminated by poll workers and managers at every election after the Voter ID law takes effect.

16. Fourth, the SEC was required to coordinate with each county board of registration and elections to have at least two seminars about the voting law in each county prior to December 15, 2011. The SEC prepared seminar materials and established plans for such seminars, but in light of the fact that R54 has not yet been precleared, no seminars were held.

17. Fifth, Section 7 requires the SEC must coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

18. Sixth, Section 7 required that the SEC place advertisements describing R54 prior to December 15, 2011, in South Carolina newspapers with general circulations. The SEC did not place any such public service

announcements in any South Carolina general circulation papers prior to December 15, 2011 due to the fact that R54 has not been precleared.

19. Seventh, the SEC is required to coordinate with local media outlets to distribute information about the legislation.

20. Finally, Section 7 required the SEC notify each registered South Carolina voter who did not have a driver's license or identification card about the new law and the various voting options and the availability of free identification cards by December 1, 2011. The SEC did not notify any registered South Carolina voter without DMV-issued photo identification by December 1, 2011 due to the fact that R54 has not been precleared.

21. Section 8 directs the SEC to generate a list of all registered South Carolina voters who while otherwise qualified do not have the requisite driver's license or other form of photographic identification issued by the DMV. This list must be made available to voters upon request. The SEC has generated this list and has made it available to voters upon request. The SEC has the capacity to generate an updated list based on information provided by the DMV.

22. Section 9 is a finding by the State Legislature that the bill as a whole relates to the subject of voting and election reform.

23. Section 10 states that every section but Section 4 was required to go into effect upon the approval of the governor.

24. Section 11 states that Section 4 of the Act will take effect when the act has received preclearance from the United States Department of Justice or the United States District Court for the District of Columbia and the SEC has received the necessary funding.

25. R54 gives the SEC many new responsibilities and tasks. Based on knowledge and belief, these new duties and responsibilities will necessitate a great deal of the SEC's manpower and time. The SEC stands ready and able to comply with the requirements upon preclearance of R54.

26. The State legislature has provided the SEC with the funding necessary (required by Section 11 for the Act to take effect) to implement R54 if and when it receives preclearance.

27. As previously discussed (§ 8), Section 4 of the Act requires that the SEC create a system to issue voter photo identification cards. Because Section 4 has not yet gone into effect, the SEC has not yet implemented a system to issue voter photo identification cards. Still, the SEC has undertaken initial efforts to ready a system for the issuance of such cards. Based on my knowledge and experience as an official with the SEC, I believe that the SEC will need at least 4-6 weeks to implement this system fully. Additionally, in order to give those without photo voter identification cards a reasonable amount of time to obtain such identification before the November elections, the SEC would need to implement this system as soon as possible, but no later than September 1, 2012. Effective implementation of the requirements found in R54 in less

than 90 days from the November elections will be difficult for the SEC and the County Boards of Registration and Elections to accomplish, given the myriad overlapping and concurrent responsibilities these agencies have for preparing ballots and other significant duties associated with conducting an election for president and for each of the 180 seats in the State Legislature. This means just to implement the Section 4 requirements, the photo identification law must become effective by August 1, 2012.

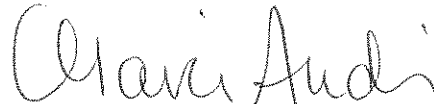
28. Assuming that the SEC must coordinate at least two new seminars in each county, place new advertisements in South Carolina general circulation papers, notify each voter without a photographic identification of this lack prior to the election with a reasonable amount of time for that person to obtain such identification, coordinate additional seminars and media coverage of Act R54 and train poll workers and managers adequately, the Act must go into effect by at least August 1, 2012. This is the latest date at which the Act can become effective and the SEC can still completely fulfill its duties under Section 7 of the Act.

29. Section 8 required the SEC to create a list containing all registered South Carolina voters who are otherwise qualified but lack a South Carolina driver's license or other form of photo identification issued by the DMV. The SEC generated such a list and made it available by December 1, 2011 as R54 required. The list will likely be different months after that December 1, 2011 date. Generating a new list and checking its accuracy takes several weeks. Thus, just to implement Section 8 in manner

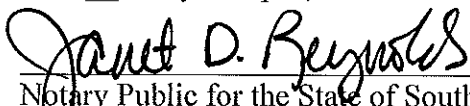
that allows South Carolina residents and voting rights organization a reasonable chance to check voters' status on the list and obtain (or help obtain) such photo identification if necessary, R54 would need to go into effect by August 1, 2012.

30. Thus, based on the overlapping requirements of Sections 4, 7, and 8, and based on the concurrent responsibilities of the SEC and the County Boards of Registration and Elections to prepare ballots and to exercise the duties associated with conducting the November 2012 General Election, R54 must go into effect no later than August 1, 2012 to apply to the November 2012 General Election.

I declare under penalty of perjury that the foregoing is true and correct.


Marci Andino

SWORN TO AND SUBSCRIBED before me
This 10th day of April, 2012


Notary Public for the State of South Carolina
County of 10-4-2020