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TESTIMONY: H. 3444, ELECTION LAWS SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE
February 10, 2021

The League of Women Voters supports aspects of H.3444 and encourages your support of the bill, with amendment.

H. 3444 would reconstitute the State Election Commission (SEC), which is the core of our statewide election system. At present the requirement that a minimum of one of the five commissioners be from the “largest minority party represented in the General Assembly” (§7-3-10(a)) is interpreted to mean that a maximum of one of the five would be from that party. Also, the current statute provides no option for participation by independents, who represent an increasing share of the electorate. This bill would correct that important oversight. H.3444 provides that four would be appointed by the Governor, of whom no more than two must be from the Governor’s party, leaving two positions that might be from the minority party or independent. Two would be appointed by the Speaker of the House and two by the President of the Senate, in each case chosen one from the majority party and one from the largest minority party in the body. The more equitable distribution of appointments among partisan groups in this bill is welcome.

However, the League does not believe that legislative appointments to the SEC are needed. South Carolina’s General Assembly and its leadership already have substantial power through their legislative and agency oversight functions, as well as options to intervene in regulatory and legal proceedings. This bill would unnecessarily further extend their already considerable influence. The bill should be amended to provide that appointment powers should be retained by the Governor, while maintaining the allocation of partisan appointments to the eight positions currently specified in the bill.

H. 3444 also instructs the SEC to “standardize the performance, conduct, and practices” of the county boards, and provides authority to establish regulations to achieve this. The League has long been aware of inconsistencies in county election administration. County attorneys and commissioners, acting in good faith, have read state law quite differently from one another. For example, absentee ballots that would be accepted in one county have been rejected for alleged signature mismatch in another. This can lead to unintended inequities and points to the need for greater consistency across South Carolina. We very much hope that this consistency will be in the direction of greater, rather than reduced, citizen access to the fundamental right to vote.

We ask you to amend this bill to assign all appointment authority to the Governor and forward it with a favorable recommendation.

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