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TESTIMONY BEFORE THE SENATE JUDICIARY SUBCOMMITTEE: H. 4919

The League of Women Voters strongly supports the introduction of no-excuse early voting in South Carolina. In-person early voting has been shown not to provide an advantage to any political party.¹ The advantages are simply those of badly needed convenience for busy voters.

We appreciate that most specific concerns that the League expressed in House subcommittee testimony about the bill as introduced were addressed satisfactorily in the House. However, amendments added in committee and on the House floor have introduced additional issues that must be addressed if this bill is to be a responsible contribution to election access and security in South Carolina. In addition, we want to draw attention to two critically important provisions that are badly needed, extension of the certification deadline and provision of notice and cure.

RECOMMENDED CHANGES AND DELETIONS

We begin with the existing bill provisions.

INFORMATION DISCLOSURE

Making disclosure of election information a felony punishable by up to five years in prison is excessive. Most poll workers are volunteer citizens and the potential for inadvertent legal exposure at that level could discourage participation. Counties already have sufficient difficulty recruiting workers for this demanding and poorly paid work.

SECTION 12 SECURITY REQUIREMENTS

Section 12 of the bill includes many changes in election process that are unnecessary and would be very problematic. Current State Election Commission and county policies and procedures address underlying security concerns more appropriately than the specifications that have been added to this bill. We will leave detailed discussion of the issues around this section to officials who are directly involved in the elections process, but we recommend that all changes in Section 12 should be deleted, with one exception.

SECTION 12 PUBLIC INPUT REQUIREMENT

That one exception is Section 12.E, which is the product of the League's testimony to the House subcommittee. It would add §7-13-1330 to require broad public input into decisions about adoption of new voting systems. The language in that amendment parallels recommendations by the Legislative Audit Council in 2013 that were unfortunately not implemented in the recent procurement of a voting system. It is not enough to allow invited input by selected individuals in a closed procurement process. We wish to see a statutory requirement that will ensure that in the future broad-based public input in this important decision will be guaranteed.

¹ Alan I. Abramowitz, "Why Voter Suppression Probably Won't Work," *Sabato's Crystal Ball*, UVA Center for Politics, February 3, 2022, <https://centerforpolitics.org/crystalball/>.

AUDITS

The League of Women Voters strongly supports responsible election audits to assure the public that their votes are handled with competence and integrity. We recognize Risk Limiting Audits as specified in Section 20 as the national gold standard. We also recognize the good intentions behind specifying a “floor” of 5% for these audits. However, we believe that technical specifications at this level are premature. Both state and county election officials have informed the League that extensive tests of audit processes are underway to inform development of the best possible audit processes for South Carolina. Technical requirements such as the 5% floor should be avoided until information is available from these investigations.

RECOMMENDED ADDITIONS TO THE BILL

Finally, we add recommendations that we regard as extremely important.

CERTIFICATION DEADLINE

The certification deadline for South Carolina’s elections must be extended. This change is long overdue. We currently have a three-day window for counties to submit their vote totals to the SEC for certification. This is exceedingly low when compared to other states, which provide up to 30 days for certification.² This three-day window is grossly inadequate, especially when responsible audits are undertaken. We recommend extension of the certification deadline to 14 days after the election, which is common in other states.

NOTICE AND CURE

Despite its multiple requirements for voters, this bill unfortunately assumes that if an application or ballot is found defective, it is simply rejected. South Carolina should provide “notice and cure” for absentee ballots, so that voters are notified if their absentee ballot is found defective. Voters should be made aware of and be able to correct deficiencies so that their votes are counted. This would simply allow the greatest number of qualified electors to fulfill their civic responsibility in the way dictated by the General Assembly. Some counties have provided this assistance to voters in the past without undue demand on resources and it should be made mandatory statewide.

Thank you for this opportunity to offer comment on what we believe is an important and overall positive bill that we wish to see passed in a form that is sound and productive.

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² <https://www.ncsl.org/research/elections-and-campaigns/after-the-voting-ends-the-steps-to-complete-an-election.aspx>