



20 Jan 2026

It has been a while since I've sent out an MDW Update, but the South Carolina General Assembly has returned to Columbia and there are important bills to talk about.

CLOSING PRIMARIES: H.3643 AND H.3310

The House Constitutional Laws Subcommittee hearing on this very important issue has been scheduled for Wednesday afternoon, January 21. The bills are H.3643 and H.3310.

Important Points:

- In South Carolina, the primary is often the last truly competitive opportunity for voters to choose a candidate who represents their interests and concerns.
- Governor McMaster has expressed concern that closing the primaries would create obstacles to participation in elections and that independents might not have a voice until the general election.
- There is no evidence that individuals who normally affiliated with another party or with no party are significantly altering primary election results, leading to selecting candidates outside the normal preferences of the party.
- The problem with our primaries isn't the wrong people voting, it is far too few people voting.

Please send written testimony to HJudConstitutionalLaws@schouse.gov . If you are a constituent of a subcommittee member, you can also call their office. The members are Jay Jordan, Justin Bamberg, Weston Newton, Cody Mitchell, and Spencer Wetmore.

PROOF OF CITIZENSHIP: S.128

S.128 would require that all South Carolina voters provide proof of citizenship while registering to vote. It will be heard in Senate subcommittee today, Tuesday, January 20, after adjournment of the Senate.

Important Points:

- This bill is completely redundant and unnecessary. SC voter rolls are already checked for valid citizenship through the federal SAVE program and other methods.
- This bill would not “grandfather” existing registered voters. All voters would be required to provide specified forms of proof of citizenship to their voter registration office before being able to vote again. This would be a substantial burden on both citizens and election offices, as well as redundant with other measures.
- This bill authorizes extremely broad and intrusive searches into data from a wide range of sources on our citizens, with a high potential for privacy violations and misuse.
- The forms of proof of citizenship that are specified overlap heavily with those provided as Photo ID at the time of voting, especially Department of Motor Vehicles (DMV) identification. Most citizens would be required to provide the same documents repeatedly.
- Birth certificates would be an acceptable form of documentation, but women who have adopted their husband’s name would not be able to show that the certificate is their own without additional documentation, such as a marriage certificate.
- This bill creates a major administrative burden on election offices and a burden on citizens, without any improvement in election integrity.
- Please send written testimony to HJudConstitutionalLaws@schouse.gov . If you are a constituent of a subcommittee member, you can also call their office. The members are Jay Jordan, Justin Bamberg, Weston Newton, Cody Mitchell, and Spencer Wetmore.

Subcommittee members are Senator Shane Massey, Chair, and senators Kimbrell, Tedder, Chaplin, Graham, Walker, and Zell. Call these senators to urge them to reject this bill. If the bill is forwarded with a favorable recommendation from subcommittee, constituents of Senate Judiciary Committee members should call or email their senator asking that they reject this unnecessary and damaging bill.

JUDICIAL REFORM: H.4755

We have recently seen major reforms of the method of selecting the members of our judiciary. H.4755, before the House Constitutional Laws Subcommittee on Thursday morning, January 22, would enact further changes. One of these changes is very positive. One is of doubtful value, and another would be harmful.

Important Points:

- H.4755 would remove current legislators from the JMSC, replacing them with independent persons having professional legal and law enforcement expertise. This is an important change to reduce the perception of bias in our judiciary and to provide a broader range of voices in the judicial selection process.
- H.4755 would provide that the Governor appoints all JMSC members. The current mix of legislative and governor's appointments is preferable, since it brings a broader range of voices in the selection of JMSC members.
- The bill would eliminate DEI considerations in JMSC appointments. However, diversity in our judiciary is badly needed to reflect the people of South Carolina. This change in the JMSC would very likely lead to less diverse judicial candidates forwarded to the General Assembly for a vote.

Please provide written testimony to the subcommittee by email to HJudConstitutionalLaws@schouse.gov.

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