

MAKING DEMOCRACY WORK IN SC

Network Update

LWV LEAGUE OF WOMEN VOTERS'
OF SOUTH CAROLINA



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MDW SC Update: Bad News and Good News

Convention of States Resolution

Today Senator Massey provided a Rules Committee slot to give H. 3205, one of the convention of states resolutions, special order. Objections had been placed on it by Senators Sabb and Martin; these are overcome by special order and the resolution will receive priority status.

This means that the Senate will take up this extremely dangerous bill next week. It has been discussed in these updates previously, but in brief it provides for calling a federal constitutional convention to address a balanced budget, greatly limiting the scope and powers of the federal government, and establishing Congressional limits.

Contrary to the claims of supporters, their charge to the convention is likely to become as meaningless as did that in 1787, when the convention given a more limited charge chose instead to completely rewrite our form of government. The rules that they wish to enforce for a convention (for example, one-vote-one-state) that are contrary to LWVUS positions are not enshrined in the Constitution (claims by Senator Garrett following League testimony in subcommittee notwithstanding).

However, even if a convention were to stay within the scope defined by state resolutions, the intended efforts of the Convention of States movement to balance the budget while cutting taxes and eliminating federal powers under the Commerce Clause would cripple our nation. The benefits of these changes would accrue largely to corporations and the ultra-wealthy who would escape both taxes and regulation while they abuse workers, consumers, and the environment. Other less affluent supporters would find federal weakness pleasing because many value the world as it existed before the Civil Rights movement of the mid-20th century and before the rapid social changes of our diverse nation in the 21st century. This movement is not conservative but reactionary.

If passed, H. 3205 would make South Carolina the 18th of 34 states needed to constitute a demand that Congress call a convention. Further information, including our testimony, is available at <https://my.lwv.org/south-carolina-state/legislative-advocacy/2021-22-effective-accountable-government-advocacy>.

H.4919

The House has passed an amended version of H. 4919, providing two weeks of no-excuse early voting as well as some additional changes in election law. Very undesirable amendments were offered, including closing primary elections by party. These were rejected on a bipartisan basis. We wish to thank those who worked hard to bring this bill forward through a collaborative process, especially Rep. Brandon Newton, Rep. John King, Rep. Gilda Cobb-Hunter, and Rep. Jay Jordan.

One amendment did result in an issue that should be addressed as this bill moves to the Senate. The League strongly supports election audits. However, the amendment requiring audits should be revisited by the Senate to make it genuinely useful and feasible for election administrators. It should not be so wide open that “Cyber Ninja”-type partisan performance art could substitute for meaningful audits. Risk Limiting Audits are the gold standard and should be specified. The percentage of ballots to be audited should not be specified in law, since best practices would establish appropriate levels for each county and election. Finally, the certification period should be extended from the current very brief three days following the election to allow time for responsible audits. Eight to twenty-one days is most common in the states.

We also hope that the penalty for release of election data can be reduced. However, it is unlikely that the majority party will move on this point.

We continue to hope that this voter-friendly bill will move successfully through the legislative process to become a positive contribution to South Carolina’s elections.

H.3444

H. 3444 as amended (most recently) by the House remains in Senate Judiciary without action. It is likely that it will be considered in a Senate subcommittee in coming weeks, possibly in conjunction with H. 4919.

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