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April 6, 2023

## TESTIMONY BEFORE CONSTITUTIONAL LAWS SUBCOMMITTEE, H. 3695

The League of Women Voters of South Carolina opposes H.3695. Primary elections are publicly funded and should not be subject to constraints that limit the ability of the public to have a voice in how we are governed. H.3695 would enact such constraints without providing corresponding benefits. It would disenfranchise many of South Carolina's voters in the many noncompetitive statewide and legislative elections that determine how South Carolina is governed, without protecting against organized mischief-making through crossover voting.

We recognize a longstanding fear that primary outcomes could be altered by crossover voters who are actually affiliated with an opposing party. There is little evidence that this has been a significant problem in South Carolina. Both Republican and Democratic candidates selected through the primary process go on to perform their elected roles in keeping with expectations associated with their official party affiliation.

The best-known malicious attempt to manipulate a primary in our state using crossover voters failed in its mission. Reputable news sources reported that "Operation Chaos" encouraged Republican voters in South Carolina to cross over to vote for Bernie Sanders in the 2020 Democratic presidential primary.<sup>1</sup> The goal was to promote a candidate who could not be elected nationally. However, this was insufficient to have the intended effect. Sanders came in a distant second.

Preventing such instances does not justify the disenfranchisement of voters with the legitimate goal of electing the best candidate, knowing that the November election is often a foregone conclusion. The noncompetitive nature of most South Carolina statewide and legislative general elections is well known to voters. The evidence suggests that crossover does not occur in percentages sufficient to alter election outcomes, but we believe that it is important for voters to have this option to make their voices heard, even if that voice is effectively a whisper.

On a positive note, this bill avoids one of the common problems in similar proposals by allowing unaffiliated voters to vote in any primary. However, this helps to underline a major underlying defect in any version of these bills. Partisans genuinely interested in meddling in the affairs of an opposing party could easily encourage registration of their allies as unaffiliated in order to vote in the opposing primary. However, just as easily, they could promote registration with the opposing party. Closed primaries won't stop them in either case.

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<sup>1</sup> Jarrett Renshaw, "Republicans' 'Operation Chaos' seeks to undermine South Carolina's Democratic primary, Reuters, 27 Feb 2020. <https://www.reuters.com/article/us-usa-election-south-carolina-republica/republicans-operation-chaos-seeks-to-undermine-south-carolinas-democratic-primary-idUSKCN20L1FF>

Please do not forward this bill with a favorable recommendation. No law to close primaries will prevent those with bad intentions from organizing and carrying out disruptive plans, but any move to close primaries by party will inhibit legitimate voters with the intention to help select the best possible persons to govern us.

Please refer any questions to Lynn S. Teague, VP for Issues and Action, LWVSC

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