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Supplemental Testimony, House Constitutional Laws Subcommittee, Election Bills
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Dear Committee Members:

I am writing today to comment on several bills before the committee related to elections and voting in South Carolina. I am Associate Professor of Mathematical and Statistical Sciences at Clemson University. I currently serve as the Director for Election Systems and Technology for the League of Women Voters of South Carolina.

In a democratic form of government, the foundational principle is that the government operates with the consent of the governed. Elections should be held with the objective of ascertaining the will of the voters. A clear consequence of this principle is that elections should be free and fair and that in the conduct of elections:

- every eligible voter should have an opportunity to register, and
- every registered voter should have an opportunity to cast a ballot without facing an undue burden.

In addition, election procedures should be designed to efficiently elicit the outcome most favored by participating voters. To that end, please consider the following remarks and recommendations regarding the slate of bills being considered today.

I urge you to support H.4590, which extends the hours when early voting in person is available so that working people have a broader opportunity to cast a ballot outside of normal working hours.

I urge you to support H.4022, which permits municipalities to implement instant-runoff voting procedures. Instant runoff ballots are not inordinately difficult for voters to use with proper instruction. They are better at discerning the will of the voters in many situations where plurality and conventional runoff formats can be gamed by strategic voting, leading to outcomes that are preferred by only a minority. They are also less expensive than conventional runoffs because they avoid the need for a second election. Runoff elections are costly. They have much lower turnout than the general election, and as a consequence, they may lead to outcomes that are counter to the will of the voters.

I urge you to oppose H.4591, which bans instant-runoff voting.

I urge you to oppose H.4259, which permits party officials to gratuitously require complete hand counts of paper ballots across entire counties. In the field of information technology, there is a concept known as "security theater." This term refers to procedures that give the appearance of improving security but that do not actually do so. Such procedures may impose significant burdens on users or operators while failing to provide any actual benefit. Unless there is some evidence of an actual problem with the conduct of an election, complete hand counts are just such a procedure. Risk-limiting audits count a sample of paper ballots and use statistical analyses to determine whether it is likely that the machine count is different enough from the actual count of paper ballots that the election outcome

could be compromised. They are easy and inexpensive to implement, and they should be applied broadly to ensure election integrity. Full hand counts are a significant burden on county election offices in terms of both cost and time, and they should not be imposed gratuitously without substantial evidence that the machine counts are wrong. The machines in use in South Carolina today have not been demonstrated to have significant or frequent problems achieving accurate counts.

I urge you to oppose H.4260, which clearly undermines the principle that every registered voter should have the opportunity to cast a ballot without an undue burden. It makes voting more difficult for senior citizens by eliminating their opportunity to vote by mail. It makes it more difficult for voters with disabilities to vote by imposing gratuitous restrictions on curbside voting. It makes voting more difficult for voters who work or who have other time commitments by eliminating early in-person voting. It exposes voters to harassment and loss of privacy by allowing unqualified observers to interfere with individual voters casting ballots.

I urge you to oppose H.4261, which undermines the principle that every eligible voter should have the opportunity to register and to be registered without undue burden. It also imposes a substantial burden of cost and time on county election offices. It would significantly impair information sharing that ensures voter rolls are consistent across jurisdictions, including across counties within the state and between states. It complicates the process of verifying voting records, permits harassment of county election offices, and imposes a substantial new burden on voters when they register by adding new requirements for documents and signature verification.

In summary, I urge the members of the committee to make recommendations on these bills consistent with the principles and objectives of democratic government: that the government makes its best effort to ascertain and carry out the will of the people it is intended to serve.

Thank you for your consideration.