

# ABORTION AND OUR JUDICIARY

**D**uring the 2023 session of our General Assembly we are seeing two issues of importance to the League, abortion and the judiciary, closely linked. A SC Supreme Court decision in favor of plaintiff Planned Parenthood overturning the state’s six-week abortion ban has led to very disturbing comments from public officials. Legislators have suggested that legislative actions should be rubber-stamped by the courts. Some have proposed overhauling both constitutional and statutory provisions related to the judiciary to ensure that the courts do not challenge the actions of the other branches of government.

These statements badly misrepresent the legitimate role of the judiciary and threaten actions that would endanger our system of government. Under our federal and state constitutions the judiciary is intended to be an independent branch of government that interprets and applies the law, adjudicates legal disputes, and has the authority to enforce, or void, statutes when disputes arise over their scope or constitutionality. Judges are expected to rule without reference to either personal policy preferences or the shifting winds of politics and public opinion, relying instead on the constitution, established principles of jurisprudence, and the official record presented by the parties in each individual case. Threats to increase control of the judiciary by other branches of government are therefore very disturbing. Important decisions about fundamental aspects of our state government, such as the role of the judiciary, must be made carefully and judiciously.

The Governor suggested in his state of the state address that South Carolina should move to a system of gubernatorial appointment of judges with Senate advice and consent. It is very unlikely that the Senate would cede much of its power and the House all of its role in judicial appointment to the Governor. This will not happen.

However, the General Assembly is likely to consider bills that would increase its own influence over the judiciary. Legislators already have great authority over our judiciary through both the process for selecting judges and control of the judicial budget. We do not recommend abandoning a legislative role in electing our judges, but we also do not recommend increasing their potential to influence what should be an independent branch of government. The role of the legislature in the multiple stages of selecting judges raises serious separation of powers issues and requires a delicate balancing act. For several years we have recommended an important change that we believe would strengthen the independence of our courts while continuing the role of the diverse voices of our legislature in judicial selection.

South Carolina established a Judicial Merit Selection Commission (JMSC) in 1996. The JMSC is responsible for pre-screening candidates for judicial seats, establishing a list of qualified individuals, and forwarding a list to the General Assembly for their consideration. At present six of the ten members of the JMSC are legislators, dominating this crucial gatekeeping body. The League of Women Voters has studied this issue at length and decided that the best way to introduce greater integrity and respect for

the separation of powers into our judicial selection process would be to make the JMSC a body of well-informed legal experts that is not dominated by members of the General Assembly or other currently serving public officials. This also would have the effect of engaging a wider public voice in these important decisions.

The integrity of our system of government depends absolutely on the independence of our courts. The League will continue to work to protect that independence and support the essential role of our courts in a system of checks and balances that lies at the heart of our representative democracy.

—Lynn S. Teague, LWVSC  
Vice President, Issues & Advocacy

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# Building Our Power

**P**rior to a summer strategic planning session, our board conducted partner and other stakeholder interviews to learn how they perceived LWVSC. Perceptions from these people who knew us well were very positive. What we didn't know was how we were perceived by the general public. We got some sense of that in the months leading up to the general election. From late September to November 8, I fielded daily calls from voters who wanted to know such things as how to find their polling place, whether they could vote absentee, or how their disabled relative or out-of-state college student could vote. Clearly,

*... there is always more to do to build our power as a state organization.*

for these callers, the League of Women Voters is a trusted source of election information.

That is good news, but there is always more to do to build our power as a state organization. That theme came out loud and clear at the board's summer retreat and during our follow-up planning activities.

With the help of an outside consultant, the board approved a strategic plan which will inform our budgeting and work for at least 2023-2025.

We have set three major goals for the state organization:

1. Build power by growing and diversifying membership
2. Build citizen and LWVSC advocacy power through increased civic engagement
3. Build power by strengthening organizational capacity

To grow our membership, we aim to communicate the benefits and impact of LWVSC membership and increase our membership base by 3 percent annually, with special attention to geographic, demographic, and political diversity. We will be working in 2023-2024 with our local Leagues to help realize these objectives.

To build citizen and advocacy power, we aim to increase participation in our voter education activities by 5 percent, increase the number of people advocating for our issues, and increase the percentage of voter turnout in the 2024 general election. These objectives will also entail education of and collaboration with local Leagues as well as increased expenditures in digital communications.



Strengthening organizational capacity continues to be a goal for LWVSC. As an organization that has relied primarily on volunteers, we need to expand and incrementally professionalize our team. We plan to secure fundraising and specialized communications assistance, which will help us achieve the previous goals as well as relieve our volunteer board of some of its workload. In addition to enhancing our people resources, we also aim to strengthen our board of directors, continue to increase local League capacity through leadership development and empowerment grants, and increase our financial capacity through more diversified sources of revenue.

These are the goals which will inform the budget that delegates will be asked to approve at our state convention on April 29-30 in Columbia. We can't achieve these goals alone. It will take all of us working together to build our power and advance our mission of empowering voters and defending democracy.

—Nancy Williams, LWVSC President

## Welcome, LWVSC Interns!

We're pleased to introduce two University of South Carolina interns working with Teresa Arnold, LWVSC Health Care Advocacy Specialist/Lobbyist, to support our work at the State House.

Jessica Baxter, at left, is pursuing a dual master's in Social Work and Public Administration. A long-time Columbia, SC resident, Jessica believes that equitable and equal access to health care is essential to quality life, especially for vulnerable populations. She hopes for a career in the nonprofit/government sector.

Samantha Johnson, at right, is a senior studying Global Health and Women and Gender Studies. Originally from Boston, MA, Sam plans to work for the State Department as a health diplomat to work toward strengthening health systems around the world.

We believe in the power of women—like Jessica and Sam—to create a more perfect democracy. Join us in welcoming them to the League.



## Connect with us!



[lwvsc.org](http://lwvsc.org)



@lwvsc



# STATE GRANTS POWER GRASSROOTS INITIATIVES

**A** new LWVSC Local League Empowerment Program in 2022 provided grants to enhance Local League community outreach. Predictably, final 2022 grant reports confirm that Leagues across the state were creative, resourceful, and successful!

LWV Horry County did a fabulous job of leveraging grant monies with their own funds to provide transit bus ads and indoor digital bulletin boards among other advertising and awareness strategies. LWV Columbia Area leased a digital roadside billboard in the vicinity of downtown wards with historically low voter turnout.

LWV Spartanburg partnered with USC-Upstate to register students and sent an informational e-letter to high school principals and “Voter Registration Champions.” LWV Hilton Head Island-Bluffton Area extended its community reach with Spanish-language materials.

LWV Greenville County proposed and helped execute a means of leveraging grant money via a shared digital outreach campaign prior to the primary and general elections. To promote VOTE411 and League presence in Dorchester and Berkeley counties, LWV Charleston Area focused efforts on the Flowertown Festival, Summerville, and its 200,000 attendees. Newer Leagues, like Anderson, Orangeburg, and York, made significant strides using grant money to build community visibility.

When it comes to empowering voters and defending democracy, there is never a lack of enthusiasm and ideas among South Carolina Leagues. Congratulations to all!



LWV Horry County's VOTE411 ads catch the eyes of bus riders.



LWV Orangeburg County promotes the League at the annual Christmas parade.

## Digital Campaign Reached 500,000+

LWVSC digital outreach efforts provided voting and election information to over 500,00 South Carolinians during the midterm election season. Data confirmed 23,271 clicks to VOTE411 from LWVSC campaigns.

To reach potential voters, we need to be where they are. On average, people spend 3 hours and 15 minutes on their phones per day. Individuals check their phones an average of 58 times each day. In 2020, 90% of US millennials got the latest news from popular social platforms.

Our LWVSC campaign included e-news articles in 6AM City's metro publications: CHAStoday, COLAtoday, and GVLtoday. LOCALiQ, a Gannett subsidiary, helped us deliver social ads on Facebook and Instagram, as well as mobile phone display ads targeted to 87 locations within 18 low voter turnout precincts. LWVSC-designed posts to Facebook and a newly created Instagram page urged voters to “Grab Your Future by the Ballot.” Banner ads on election search pages on SCIWay, South Carolina's information highway, generated 17,288 clicks to VOTE411.

Overall, the digital campaign—and the collective talents of a working group of Local League communication leads—provided strong visibility for the League of Women Voters and VOTE411.



# PRIVATIZERS TARGET SC TAX DOLLARS

**S**outh Carolina has become a target state for well-organized groups that seek to restrict curriculum, reduce the influence of teacher groups, ban books, and ultimately privatize public schools. Together, these efforts will undermine social progress and undercut universal free public education.

People commonly assume that private schools must provide better instruction than public schools. However, a longitudinal study by Pianta and Ansari (2018) revealed that merely controlling

*Historically, programs that divert public funds to religious or private schools have led to increased de facto segregation.*

for variation in family income eliminated most of the differences in achievement for public versus private school students.

## **Bills to privatize public education**

Senate bill S.39 was designed to circumvent the state constitutional prohibition against spending public money for private schools, an idea that the League has consistently opposed. Sponsors hope to avoid the constitutional prohibition by routing the government payments to Education Scholarship Accounts and authorizing parents to use the funds for private school expenses that include, but are not limited to, tuition and transportation.

Initially promoted as a way to offer more educational options to children with disabilities and those Medicaid-eligible, S.39 morphed into a potential boon for private schools. The original restrictions were eliminated. The bill that eventually passed subsidizes \$6,000 per student in private school expenses—5,000 students in the program’s first year, with 5,000 more annually for the next two years.

Qualifying income restrictions become more lenient each year, beginning with 200% of the poverty level (~\$60,000, family of four). By year three, the program will have expanded to 15,000 students with the increased qualifying income limit of 400% of the poverty level (~\$130,000, family of four). Of South Carolina’s 750,000 students, K-12, 735,000 would receive no benefit from this \$90 million program.

Senate bill S.285 offers an alternate strategy by setting up a tax-credit plan that collects dollars for private school scholarships before they ever reach the State Treasury. This bill could divert

\$100 million of potential state revenue to scholarships—ranging from \$1,000 to \$11,000 per year—for homeschoolers or for religious or private schools. League testimony noted the bill offers no accountability provisions and allows private schools to reject students for a variety of reasons including disability, gender, religion, and academic aptitude.

House bill H.3591 proposes yet another approach to privatization: a referendum to amend the state constitution by repealing the prohibition against spending government funds for direct aid to religious schools or other private schools.

The House will probably make some changes to any Senate bill; however,

there is a reasonable likelihood that a privatization bill could pass this year.

## **Curriculum restriction and book bans**

Curriculum restriction efforts resurfaced as House bill H.3728. The League and 23 others spoke against this bill. One man spoke in favor on behalf of Moms for Liberty, a well-connected, well-funded group that has fielded successful local school board candidates in several SC districts, and initiated book bans.

Most books targeted for removal have focused on either racial or LGBTQ+ themes. A recent Network for Public Education report, “Merchants of Deception: Parent Props and Their Funders,” connects Moms for Liberty and similar groups to a network of dark money donors who support privatization and oppose teacher unions.

## **Public good or private enterprise?**

Scholarship bills, curriculum restriction bills, book bans, and efforts to take over local schools boards—all four are aligned with a national trend to create pathways for privatizing public education. Proponents of privatization cite better academic outcomes; however, family income has been shown to account for differences between public and private school students’ achievement. Historically, programs that divert public funds to religious or private schools have led to increased de facto segregation.

So, ultimately the question is whether our citizens and our lawmakers believe that free public education is a public good that is worthy of adequate support, both in terms of funding with state dollars and in terms of supervision and resources that could be provided through the SC Department of Public Education. (Full article, citations: [bit.ly/3YdO3sm](https://bit.ly/3YdO3sm))

—Janelle Rivers, Ph.D., LWVSC  
Education Advocacy Specialist/Lobbyist



## CRT Fears

From President Donald Trump to Nikole Hannah-Jones' *1619 Project*, from statehouse floors to dining rooms, the term "CRT" has been a continuous, contentious, polarizing point of conversation.

Frequently brought up by proponents as a point of reckoning with past behaviors that appear perpetual, it is an example of acknowledging law and policy through a critical eye. Those who raise concerns over the topic of addressing CRT in education claim its tenets are unfounded and, most recently, that CRT underlies kids' weekly social studies lessons.

Critical Race Theory (CRT), not to be confused with Culturally Responsive Teaching, is a theoretical framework aimed at identifying systemic discrimination based on race. CRT has become a recently persistent target for education bills at the house and senate levels. Fears rest in that its sentiments may serve as a pervasive pillar of social studies education.

No matter one's political persuasion, arguably the most notable point when addressing CRT is knowing that South Carolina's K-12 social studies standards do not directly address CRT. Additionally, it is important that constituents understand the process by which any idea, including CRT, can be expressed in education.

Standards, adopted by the Board of Education, serve as guiding principles for education in public schools. The next avenue by which any idea could be introduced in the classroom would be through the curriculum, which is traditionally screened and approved at the district level. With state standards in mind, districts are charged to adopt a curriculum that follows a sound academic sequence and satisfies standard alignment to the greatest degree possible. Still, understanding that teachers may use several different resources to supplement standards and the curriculum to ensure engaging lessons, teachers lean on their certified expertise to combat bias and ensure alignment.

Rest assured that the principle of delivering a quality, developmentally appropriate educational experience, endorsed by multiple levels of rank and skill, has been a staple over time. Fidelity in delivering a compliant, educational experience has been consistently expected for all teachers and classroom activity - no matter the subject, no matter the tide of political conversations - CRT included.

—Dr. Sharda Jackson Smith  
Director of Curriculum, Strategic Initiatives,  
and Graduate Programs  
Assistant Professor of Elementary Education,  
University of South Carolina Upstate  
LWVSC Director, National Issues and Action

## CoverSC Coalition Champions Medicaid Expansion

CoverSC, the new statewide coalition advocating for Medicaid Expansion, rolled out its website in February: [coversc.org](http://coversc.org). I'm getting a lot of interest in revisiting the issue of Medicaid Expansion in our state. In recent budget hearings of the Ways and Means Committee, the chair asked every agency head dealing in health care whether we are drawing down all the match we can from the federal government. Of course, we are not. We are leaving billions on the table that benefit other states.

Closing the health insurance gap would cover over 200,000 South Carolinians. Most are workers who make too much to qualify for Medicaid but too little to afford private insurance. More people could access preventative care, reduce emergency room use, improve our state's health outcomes, and lower health care costs for all.

Affordable healthcare will reduce medical debt and improve financial independence for families. Expanding coverage contributes 30,000 new jobs in South Carolina, bringing employment and health care to rural communities.

I encourage all League members to visit [coversc.org](http://coversc.org) and bookmark it. Soon the site will allow supporters to subscribe to an action email list. Meanwhile, if you have questions or suggestions about the website, or if you have a story to tell concerning lack of insurance, contact me at [tcarnold74@gmail.com](mailto:tcarnold74@gmail.com).

—Teresa Arnold

LWVSC Health Care Advocacy Specialist/Lobbyist  
Chair, CoverSC



On January 16, LWV Charleston Area marched in bright winter sunshine, handing out "Future Voter" stickers to children of all ages. It was a glorious day to remember the work of Dr. Martin Luther King Jr.

# LEAD 2023

Members left League Education and Advocacy Day (LEAD), January 28 in Columbia, ready and eager to flex their constituent power! Inspiring and pragmatic experts tackled a full agenda of hot topics—from effective advocacy, book bans, and racial justice, to threats to our democracy and our planet.



Grassroots advocacy panelists Allison Terracio, Leslie Skardon, and Wendy Brawley with moderator Lynn Teague.



Andy Brack, Editor, *Statehouse Report*



John Michael Catalano, Outreach Coordinator, SC State Election Commission



Karen Woods, Co-Facilitator, LWVSC Racial Justice Working Group



A shared mission and passion “In League”



Connecting with friends and fellow advocates across South Carolina.



## Constituent Advocacy: What Works

“I represent the people who speak up,” a legislator once said to me.

The League knows that certain kinds of speaking up work better than others.

### Contact from a constituent.

SC legislators ask you to put CONSTITUENT in caps in any email title to them. Guess which emails get a timely open—or even an open? That’s why LWVSC tries to alert our members, providing names and contact information. Always emphasize that you live in the district.

### Early contact is the best hope of killing, modifying, or advancing legislation to the next level.

So a bill is in the four-person subcommittee of the Judiciary Committee in the SC House? Think about the job of modifying it at that level vs. lobbying 124 members of the full House. That’s why LWVSC begins with notifying only

our members who are constituents of the subcommittee, then adding in constituent advocates as the bill moves to the next level. Our three volunteer lobbyists can track, understand, and alert us with the exact bill among the hundreds of bills filed. They can tell us where the ball is and what the play means; they depend on our speaking up to get the ball across the line.

### You have more power than you think you do.

You may be among only five League members who are in the district of a subcommittee member. That legislator may hear from only a handful of people—or even none at all—unless you make a call.

### Telephoning is much more effective than email.

The easier the contact, the less it is worth. Email is easy but increasingly

seen as “AstroTurf,” not grassroots. From tracking email opens, we know that legislators may not read emails until after a vote, if then. A phone call to that legislator’s office, on the other hand, is instantly counted and much more likely to be passed on before a vote.

### Call as a concerned constituent rather than as a member of an organization.

Legislators think of both email and organizations as AstroTurf. When you get an alert, assume there are no others to make that call. Identify yourself as a constituent, the greatest power play for advocacy.

—Nancy Moore, LWVSC Director,  
Database Technology  
Passionate advocate for access and opportunity for women and African-Americans since LWVSC Board membership for the Equal Rights Amendment in the early 70s

## LWVSC Biennial Convention: High Powered, High Energy

Put April 29 and 30 on your calendar and join other League members at the DoubleTree by Hilton in Columbia for two days of stimulating speakers and the business of approving our 2023-2025 program and budget, approving changes to our bylaws, and electing LWVSC officers and directors for the next biennium.

Kicking off our convention will be acclaimed South Carolina civil rights attorney Armand Derfner, who will pose the question “Can Democracy Survive the Supreme Court?” Another highlight will be a live broadcast of the podcast “Bourbon in the Back Room,” hosted by former state Sens. Joel Lorie and Vincent Sheheen, who will interview former state Rep. and education advocate Rita Allison. Other experts—on redistricting, health care, the environment, and women in leadership—will be on the agenda. Culminating our Saturday activities will be an evening reception and banquet featuring live music, the launching of LWVSC Action, award presentations, and an inspiring talk by LWVUS Vice President Sania Irwin, who will join us in person.

Local Leagues and our two Member-at-Large (MAL) units will be selecting their voting delegates. Still, the convention is open to all League members, who may attend all business sessions as observers and participate in all other convention activities. Persons who prefer to attend only the Saturday reception and banquet may do so. Their guests for this evening’s events are welcome as well.

Registration is open now on LWVSC’s website ([bit.ly/3JY1acZ](https://bit.ly/3JY1acZ)) and will close on March 15. Persons who want to stay overnight at the DoubleTree on Friday and/or Saturday need to book their rooms with the link to the hotel that is provided on our website. Overnight rooms at a special rate will be available as long as they last, but no later than March 29. Double occupancy is encouraged.

So don’t delay. Gather your League friends and register now!



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## SC VOTER

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Established in 1920, the League of Women Voters of South Carolina is a nonpartisan, political organization that encourages people to play an informed and active role in government. At the local, state, and national levels, the League works to influence public policy through education and advocacy. League membership is open to any person who subscribes to the purposes and policy of the League. All members receive the *SC Voter*, email communications and news from their local League.

Prefer a digital newsletter only? Email us.

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Are you 72 years of age or older and required to take a RMD (Required Minimum Distribution) from your IRA-type account? Talk to your financial advisor or provider (e.g., Vanguard, Fidelity, or broker) about a QCD (Qualified Charitable Distribution). Ask how to make a contribution directly to the League of Women Voters of South Carolina.

You won't pay taxes on the distribution and the League will "pay it forward" by empowering South Carolina voters and defending democracy.

