



JANUARY 5, 2021

MAKING DEMOCRACY WORK IN SC: ELECTIONS AND VOTING

The bills listed below are among those pre-filed for the 2021 session of the SC General Assembly that would affect elections and voting. It remains to be seen which will surface in subcommittee and which will languish indefinitely unheard. The League of Women Voters of South Carolina is monitoring these bills and will provide updates, but we hope that all organizations concerned about election integrity and voting rights will also be watchful. All of these bills would affect our most fundamental right, the right to vote.

CHANGING THE STATE ELECTION COMMISSION (SEC)

Speaker Jay Lucas is the primary sponsor of **H.3444**. This bill would more evenly distribute commission appointments by political party. However, provisions of this bill also would more directly involve the legislative branch in an executive function by allocating SEC appointments to legislative leadership. This is not desirable in our state, where the General Assembly already dominates our government. The proposed change would further exaggerate the power of a very small number of already-powerful individuals and blur the already confused separation of powers in South Carolina. The General Assembly has agency oversight powers that are adequate to address concerns that are legitimate for a legislative body.

The bill also gives the SEC rule making authority to ensure consistency among counties in election procedures. The League supports this. However, attention should be directed to ensuring that authority and responsibility are in line with one another, and that the state does not use its authority to unduly burden counties with operational and financial requirements over which they have no control. A state-county imbalance in authority and responsibility is already a troublesome aspect of election administration in South Carolina.

S. 129 filed by Senate Majority Leader Massey proposes an alternative reorganization and would transfer the SEC to oversight by the Secretary of State. The League opposes this change because it would place election administration under the oversight of a partisan elected official. The greatest strength of existing SC election law is the nonpartisan nature of the SEC.

PARTISAN REGISTRATION AND CLOSED PRIMARIES

Several bills would involve South Carolina voter registration by partisan affiliation. One, **H.3265**, would be voluntary and would explicitly not affect the ability of voters to participate in partisan primaries. However, another bill, **H.3496**, would close primaries to all but those registered for that party and independents who are willing to be reclassified for two years as a member of that party. The League strongly opposes efforts to close primaries. Many South Carolina

elections are decided in the primary rather than the general election and this would disenfranchise large numbers of voters in those elections.

VOTER REGISTRATION

H.3270 would provide automatic voter registration with DMV driver registration. **H.3275** and **S.310** would provide same day voter registration. However, **S.365** would require voters to verify qualifications at least every three years or be removed from registration lists.

ABSENTEE VOTING

Quite a few bills have been filed that would provide expanded opportunities for early voting in person and by mail or that would alter absentee voting processes. These include **H.3189, H.3203, H.3266, H.3268, H.3270, H.3410, H.3519, S. 113, and S.156**. Some bills, such as **H.3525**, claim to limit voter fraud by requirements such as requiring signature matching and requiring that authorized returnees of absentee ballots produce government-issued voter identification. **S.113** makes a number of changes in absentee voting, including a permanent provision allowing absentee voting by those affected by states of emergency and altered absentee voting procedures that would, among other things, permanently eliminate use of ballot drop boxes. **S.84** clarifies procedures when a voter fails to present a valid identification.

VOTING RIGHTS RESTORATION

H.3034, H.3048, and S.351 would assist in voting rights restoration for those who have been incarcerated.

PRESIDENTIAL ELECTIONS

H.3187 would add South Carolina to the national popular vote compact that would award a state's electors to the winner of the national popular vote. **H.3404** would require proof of citizenship for candidates for president and vice president.

OTHER CHANGES

H.3199 would eliminate straight party voting. **H.3206** would eliminate multi-party candidates. **H.3267** would make Election Day a holiday. **H.3493** would promote blockchain voting (a truly terrible idea whose time has not come).

We can be certain that more bills affecting elections will be filed when the General Assembly goes into session next week, so stay tuned!

Thanks to everyone for all that you do!

Lynn

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