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MAKING DEMOCRACY WORK IN SC: VOTING BILLS GET SECOND READING IN SENATE

Today the full Senate took up two election bills, S.236 and S. 499. Both have been discussed in these updates as they passed through the Senate committee process.

Senator Young's bill, S. 236, was given second reading as amended in committee, by a vote of 44 to 0. It would allow consolidation of polling locations ONLY in municipal partisan primary elections and would permit up to a maximum of 3000 voters in a polling place. The maximum distance of the polling place from the nearest boundary of included precincts remains 3 miles, as in current law. The League supports this bill as amended. It will affect only a few municipalities in the state and partisan primary municipal elections do not typically have high turnout.

S.499, filed by Senator Campsen, also received second reading in the Senate today following amendment. The vote was 37 to 7. The bill as originally written authorizes legislative leadership to intervene in litigation involving state election law. This is already done. Both state and federal judges have ruled that legislators have standing to participate. The bill makes the process explicit and establishes ground rules. We believe this intervention should be unnecessary (the Attorney General is charged with protecting the state's interests in court) and unnecessarily expensive (private firms are hired to represent the legislators) but in practice this aspect of the bill makes no change.

S. 499 also requires Senate advice and consent for the Governor's appointments to the State Election Commission (SEC) and for the SEC's hiring of an Executive Director. An amendment by Senator Hutto would have changed the current statutory composition of the SEC, which is 5 members of whom a minimum of one must be from the majority and one from the minority party in the General Assembly. The Governor currently interprets this to mean 4 Republicans and 1 Democrat. Senator Hutto's amendment would have made this 2 each from the majority and minority parties and 1 independent. This was rejected.

An amendment by Senators Massey and Campsen retained the "minimum of one" language of the current statute but adds language that requires that SEC members be appointed with "consideration of race, gender, and other geographic and demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State." This improvement was adopted.

An amendment by Senator Scott would have added no-excuse early voting to the bill but was rejected. We applaud the senator's persistent efforts to make this a permanent feature of South Carolina elections.

There was debate about whether the bill's provisions requiring Senate advice and consent for SEC appointees and the hiring of the Executive Director of the SEC. It was said that this might tend to politicize the SEC. Some argued that it is more appropriate for the SEC members than for the Executive Director. However, the advice and consent provision was retained for both. The independence of the SEC is indeed very important. Unfortunately, there is no process by which commissioners could be appointed that is entirely free of politics. We believe that Senate advice and consent is appropriate for the SEC members because it will bring a greater number of voices to bear on their selection.

The Senate will meet only in pro forma session tomorrow to give the senators a long weekend. Both bills will be up for third reading next Tuesday. And then, the bills will be sent across the lobby to the House. The likelihood of amendment there is high, especially since the Senate has not heard the House Speaker's bill to restructure the SEC, H.3444. The House could transplant elements of that bill into S.499. If the House and Senate versions differ, the bills will go to conference committee.

All of this guarantees that the remainder of the session will continue to be interesting for those of us concerned about voting and election issues. We also await subcommittee action on other bills related to elections, including absentee voting and campaign finance.

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