



APRIL 9, 2021

MAKING DEMOCRACY WORK IN SC: IMPORTANT BILLS IN SUBCOMMITTEE NEXT WEEK!

Both houses of the General Assembly have scheduled very important bills for subcommittee hearing next Thursday. Because April 10 is crossover day, these are not bills that are likely to pass this year but this is the first year of a two year cycle and they can live on through 2022.

Senator Campsen's subcommittee will meet in Gressette 207 at 9:00 AM on Thursday, April 15, and Rep. Jordan's Elections Subcommittee of House Judiciary will meet at the same time in Blatt 110. All of the bills under consideration are highest importance, whether for good or ill, for preservation of our representative democracy. It is urgently important that you consider responding to these bills. Subcommittee is the only stage of the legislative process in which there is an opportunity for public testimony.

SENATE SUBCOMMITTEE

Senators Campsen, Hutto, Young, McLeod, Garrett

S. 174 by Bennett, Leatherman, Hembree and Rankin addresses the crucial issue of dark money. South Carolina has extremely weak campaign finance laws for third party groups. This bill focuses on those groups that do not have that primary mission of influencing voters in elections but do carry out some electioneering activities. The League submitted written testimony on this bill prior to the last meeting of this subcommittee (https://my.lwv.org/sites/default/files/s._174_dark_money_testimony_lwvsc.pdf). We believe – and federal courts have shared our opinion – that requiring disclosure of donors and expenditures by groups attempting to influence votes is not a violation of free speech, but an essential element of protecting the right of voters to make decisions in full possession of relevant facts.

S. 33, 133, 141, and 363 are all variants of resolutions calling for a federal constitutional convention to address amendment of the U. S. Constitution under the terms of Article V. We have discussed this in earlier MDW Updates (all are available at <https://my.lwv.org/south-carolina/legislative-advocacy>). The variants in the four bills present distinctions without a difference since constitutional scholars agree that states cannot set the terms of such a convention. The League has posted a general discussion of these resolutions at https://my.lwv.org/sites/default/files/constitutional_convention_resolutions.pdf. Our testimony for a comparable House bill is at https://my.lwv.org/sites/default/files/h._3205_testimony_house.pdf. The League very much opposes all of these resolutions as extremely dangerous.

HOUSE SUBCOMMITTEE

Representatives Jordan, Bryant, King, and Newton

The universal availability of both in-person and mail absentee voting in 2020 was appreciated by many voters in South Carolina. The 2020 elections were overall very successful and without compromise of security. Now, the Elections Subcommittee of House Judiciary will be considering two very different approaches to reinstating no-excuse absentee voting in South Carolina.

Both currently active bills include a period of no-excuse early voting. H.3822 would build upon the successes of 2020 to improve access through both in-person and mail early voting. It would institute well-tested approaches to ensuring secure accessible voting for qualified electors. H. 4150, on the other hand, would offset in-person (not mail) early voting with restrictions that would lead to reduced access to the ballot for many others. County election offices would be deprived of the ability to distribute early in-person voting locations and establish hours most effectively. Some voters (those out of their home county for business or pleasure for several weeks prior to the election) would be entirely disenfranchised and left with no method of voting as a consequence of changes in excused absentee criteria. Others will find voting more difficult as a consequence of other deletions from the list of acceptable excuses to vote absentee.

BILL COMPONENTS

H.3822

H. 3822 by Cobb-Hunter and Brawley is a comprehensive bill that would bring to South Carolina absentee voting provisions that have been successful in other states through many election cycles.

Section 1 provides same-day registration for in-person absentee voting and defines adequate documentation.

Section 2 establishes ballot deposit locations and requires that every eligible voter receive a ballot by mail. It provides for methods of return of the ballot by mail or in person by the voter or another person. It also requires signature verification of voter signatures on absentee ballots according to rules to be adopted by the State Election Commission (SEC).

Section 3 establishes universal no-excuse early voting and a thirty-day period for in-person voting, with locations open until 5:00 PM on each day and on election day until 7:00 PM.

Section 4 provides a procedure to notify voters of technical defects in absentee ballots, including apparent signature mismatch, and provides an opportunity for cure of that defect.

Section 5 guarantees timeliness of ballots postmarked on or before the day of the election.

Sections 6 and 7 require the Department of Corrections to provide information to inmates about the process for restoration of voting rights and also provide a voter registration form and written information how to register.

Section 8 adds to the existing list of acceptable photo ID a college or university identification card containing a photograph.

H. 4150

H. 4150 by Brandon Newton would provide a fourteen-day period of no-excuse early voting for all qualified electors. Universal early in-person voting would be a significant benefit for many, but the bill would enact restrictions on ballot access without compensating improvements in election security.

Section 1 of the bill defines minimum numbers of early in-person voting locations in general elections according to numbers of registered up to a maximum of six such locations. The formula does not take into account physical distances and the population formula can be expected to differentially affect communities. This section also prohibits use of ballot drop boxes, which have been used by some South Carolina counties for many years and continues in successful secure use in many other states. Delivery by mail or personal delivery is required.¹

Section 2 provides that voter registration within 30 days of an election is not valid for that election or any resulting second race or runoff. Election officials have previously testified at the State House that registration could continue until a later date without undue burden on election offices and their workload, so the rationale for the restriction is not apparent.

Section 3 removes some of the existing excuses for an excuse absentee vote. Governmental employees, persons on vacation, persons with employment obligations, poll watchers and other elections staff, caretakers for sick or physically disabled persons, persons with a death or funeral in the family and persons serving as jurors would no longer be eligible for excused absentee voting. The age limit for automatic absentee voting eligibility would be raised from 65 to 75 years of age. It is unclear what positive purpose is to be fulfilled in these restrictions.

Section 4. permits processing of absentee ballots on the day prior to the election, subject to stated conditions. This is a reasonable accommodation for election office efficiency.

Section 5 repeals provisions in existing law related to protests of primaries.

IN CLOSING

We hope that all of you will make your voices heard. All of these bills matter and have the potential to significantly alter how democracy works in South Carolina.

Lynn

Lynn Shuler Teague
VP for Issues and Action, LWVSC
teaguelynn@gmail.com
803 556-9802

You have received this email because you have not opted out of LWVSC network emails. If you wish to be removed, just email Lynn Teague and you will be removed from the list immediately.rs

¹ There is a lack of clarity in §7-15-387, which requires that ballots be delivered either by mail or personal delivery to an election location. This does not appear to override the provisions for delivery by authorized persons other than the voter in §7-15-185 but this should be clarified.