



MAY 17, 2021, PM

## MAKING DEMOCRACY WORK IN SC: SINE DIE

The week of Sine Die was eventful.

### ELECTIONS

On May 12 Marci Andino, Executive Director of the State Election Commission (SEC), submitted her resignation effective the end of December 2021. South Carolina's SEC was designed to be free of political influence, at arm's length from pressures from officials who are elected through the processes that the agency oversees. The League appreciates Ms. Andino's consistent respect for that independent role. Further, the 2020 elections were run well under difficult conditions, usually not a prelude to the departure of an executive.

We recognize that the SEC does not exist in a vacuum but it is constructed to protect to the extent possible its role as an independent agency serving voters and candidates impartially. The Governor's statutory role in the SEC begins, and ends, with appointment of commissioners. It is not a cabinet agency answering to the Governor. Legislators have a legitimate oversight role. Accordingly, the House held oversight hearings in 2017 and Senate SEC oversight hearings have been underway in 2021. This is a transparent and accountable method to review agency activities, but the Senate committee has not completed its work.

Immediately following announcement of Ms. Andino's resignation, Senators Massey and Campsen recalled H. 3444 to the floor from the Judiciary Committee assignment. They offered an amendment that included S. 499 provisions requiring Senate advice and consent for SEC appointments and SEC Executive Director hiring. The Senate amendment to H. 3444 also authorized SEC to promulgate regulations ensuring "standard processes" in elections across the state. H. 3444 as amended received second reading the same day with a unanimous bipartisan vote.

The bill received third reading from the Senate on Thursday and was sent to the House. Normally the House either concurs with Senate amendments or refers to a conference

committee. They did neither. In fact, a search of the Journal for May 13 shows no evidence that the House acknowledges that they received the bill. Among other implications, this means that selection of a new executive director of the SEC remains entirely in the hands of the SEC commissioners, without the additional voices that would be added through Senate advice and consent.

The role of the Executive Director of the SEC is a very important one, and anyone concerned about election nonpartisanship and integrity in South Carolina should follow this situation very carefully. South Carolina needs and deserves an SEC director supervised by SEC commissioners who are not subject to partisan influence. The search for a new director should be conducted accordingly, with a national search and a transparent and accountable hiring process.

### **FEDERAL CONSTITUTIONAL CONVENTION RESOLUTION**

H. 3205 calls for a federal constitutional convention to enforce “fiscal restraint” and “rein in” the powers and authority of the federal government. (Convention of States organizer Mark Meckler emphasizes that they take money from small donors, which is not the question. No one ever doubted that Mr. Meckler would take any money made available to him.) The Convention of States effort is largely funded by and designed to serve the interests of wealthy special interests. The resolution passed the House May 12 and was sent to the Senate. Supporters of the bill were forewarned of the debate scheduling by House leadership and many appeared to cheer and sing. Opponents of the bill were not given notice and did not cheer and sing as the House voted to move forward toward gutting both the budget and powers of the federal government.

Once received, the Senate did not ignore H. 3205 as the House did H. 3444, and it has been assigned to the Senate Judiciary Committee where it will await action in 2022. Organizing to prevent passage of this bill in the Senate must begin this summer, and we hope that all organizations receiving this update will agree and join in the effort to preserve our state and nation.

As always, Dum Spiro Spero.

Lynn

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