



FEBRUARY 6, 2021

MAKING DEMOCRACY WORK IN SC: ELECTION BILLS IN HOUSE SUBCOMMITTEE

The General Assembly has scheduled four election bills in the Election Laws subcommittee of the House Judiciary Committee on Thursday, February 11, at 9 AM. The bill of greatest general interest is H.3444, filed by Speaker Jay Lucas and (as of Feb. 6) nine co-sponsors.

H. 3444 (<https://www.scstatehouse.gov/billsearch.php?billnumbers=3444>) would reconstitute the State Election Commission (SEC). It is currently made up of five individuals appointed by the Governor, of whom “at least” one must be from the largest minority party represented in the General Assembly. The bill would change this to eight members. Four would be appointed by the Governor, of whom no more than two must be from the Governor’s party. Two would be appointed by the Speaker of the House and two by the President of the Senate, in each case chosen one from the majority party and one from the largest minority party in the body.

The League does not believe that legislative appointments to the SEC are needed. South Carolina’s General Assembly and its leadership already have substantial power through their legislative function; this would further extend their influence. SEC appointment powers could reasonably be retained by the Governor. However, the more equitable distribution of appointments among partisan groups in this bill would be welcome. In particular, we appreciate the instruction to the Governor that no more than two of his four appointees must be of his party. This opens the door to appointment of political independents, who represent an increasing proportion of the electorate.

H. 3444 also instructs the SEC to “standardize the performance, conduct, and practices” of the county boards, and provides authority to establish regulations to achieve this. The League has long been aware of inconsistencies in county election administration. County attorneys and commissioners, acting in good faith, have read state law quite differently from one another. For example, absentee ballots that would be accepted in one county might be rejected for alleged signature mismatch in another. This can lead to unintended inequities and points to the need for greater consistency. We hope that this consistency will be in the direction of greater, rather than reduced, citizen access to the fundamental right to vote.

The remaining three bills – H.3262, H.3263, and H. 3264 – address issues related to partisan primaries and the functions of the state and county party organizations. Only the first of these is likely to be of general interest. H.3262 would require candidates to demonstrate affiliation with the party with which they wish to run. This could

be useful, since there have been instances in recent years in which the legitimacy of party affiliation has been questioned.

Organizations that wish to provide testimony virtually should email HJudElectionLaws@schouse.gov by 5:00 PM on Wednesday, February 10. Written testimony may be emailed to this same address. The agenda does not mention in-person testimony, but prior experience has been that there will be an opportunity to sign up at the meeting location. The meeting is scheduled for live broadcast, available at www.scstatehouse.gov by clicking on the appropriate link on the home page under "House Meeting Schedule."

Subcommittee members who could be contacted individually are Wallace H. "Jay" Jordan, Jr.; Bruce M. Bryant; John Richard C. King; and Brandon Michael Newton.

Thank you to everyone for all that you do!

Lynn

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

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