



MARCH 26, 2021

## MAKING DEMOCRACY WORK IN SC: CONSTITUTIONAL CONVENTION AND ELECTION ISSUES

### FEDERAL CONSTITUTIONAL CONVENTION

H. 3205, a resolution calling for an Article V Convention to amend the federal Constitution, was discussed at length in our last update. It is designed to realize the dream of wealthy extremists – shrinking government until it can be drowned in the bathtub. Unfortunately, the Constitutional Laws Subcommittee of House Judiciary forwarded the bill to full Judiciary with a favorable report on Thursday March 18. The House will be on furlough next week, so it is very unlikely that the resolution will be passed by the House in time for the April 10 crossover date.

However, we are in the first year of a two-year cycle so this truly awful resolution will not die this year. Write to your legislators if they serve on the House Judiciary Committee and urge them to vote no. Help educate the public about the dangers of this bill. An op-ed from the League, [“How SC lawmakers are helping the campaign to cripple our nation,”](#) was published by the Post and Courier on March 22. It would be helpful to see more LTEs and social media helping to let people know what is at risk with H.3205 and resolutions like it. Please help kill H.3205.

### ELECTIONS AND VOTING

Recent activity affecting elections has primarily been on the Senate side, beginning in a subcommittee consisting of senators Campsen, Hutto, Young, McLeod, and Garrett. We are pleased that in efforts to alter the State Election Commission (SEC), on March 16 a Senate subcommittee chose to forward Senator Campsen’s bill S. 499. The subcommittee did not take up H.3444, which had been sent over by the House. S. 499 is a far superior bill. The primary change it offers in SEC composition is Senate advice and consent on the Governor’s appointment of SEC members and on the SEC’s hiring of an executive director. It does not attempt a state takeover of county election offices, as H.3444 would with its language of “plenary” (absolute) power, and Senate advice and consent is a well-established prerogative of the Senate for important appointments. S.499 was approved in Senate Judiciary on March 23 and is now on the Senate calendar.

The same subcommittee passed S.236, with an amendment. This bill would have allowed pooling polling places in all municipal elections with up to 3000 voters and at distances of up to 5 miles from the nearest boundary of a pooled precinct. After objections were raised by the League and by attorneys for the NAACP LDF, the distance was returned to the current 3-mile limit. However, subcommittee discussion made it clear that the senators believed the bill only affected a handful of municipal primary

elections, rather than all municipal elections as the bill wording actually specified. When the bill arrived in Senate Judiciary, the primary sponsor, Senator Young of Aiken, put forward an amendment to make explicit his intention that the increased pooled polling place size would apply only to municipal partisan primaries. It was forwarded by Judiciary in that altered and acceptable form.

The Senate subcommittee also began debate on S.113, which would make a number of changes in absentee voting procedures in South Carolina, but continued debate rather than reaching a vote. We believe that the subcommittee accepted objections from the League and from NAACP LDF to restricting absentee ballot returns to only the mail or personal return by a voter or the voter's immediate family. This would effectively disenfranchise many voters. We await hearing from the subcommittee when they meet again, because we believe that some alternative measure to restrict ballot returns will be offered. The League believes that the lack of any history of illicit "ballot harvesting" in South Carolina in recent decades and the existing protections that include identification of an authorized person returning a ballot, are sufficient. However, it is likely that a measure such as caps on numbers of ballots to be returned by an authorized individual will be proposed. Other concerns about this bill include language that prohibits the use of secure ballot return boxes.

Additional bills scheduled for the election subcommittee were not debated and will presumably appear on later agendas. The remaining bills are very helpful ethics improvements. S. 187 would establish rules surrounding campaign finance accounts and a process through which interest on such accounts would be directed to funding audit resources at the State Ethics Commission. S. 174 addresses the very crucial issue of dark money. South Carolina has the weakest laws controlling dark money in our nation. It is not possible for voters to consider the source of third-party efforts to influence them because there is no disclosure of who is trying to influence voters. Both of these bills deserve the strong support of anyone who cares about ethical and accountable government in our state.

League testimony on these bills is available on-line at <https://my.lww.org/south-carolina/legislative-advocacy>.

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