



PO BOX 8453, COLUMBIA, SC, 29202, (803) 251-2726, WWW.LWVSC.ORG

S. 499 TESTIMONY BEFORE SENATE JUDICIARY SUBCOMMITTEE

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The goal of any election legislation must be responsible administration of secure and accessible elections in which all of South Carolina's citizens can have confidence. S.499 does several things that are useful contributions toward that end. First, the bill would codify certain elements of the process through which the Senate and House leadership intervenes in litigation involving election law. We are uncertain why this intervention is needed since the Attorney General and agency attorneys represent the interests of the state in the courts. However, both federal and state judges have acknowledged the right of the leadership of the houses of the General Assembly to intervene in these cases. Establishing some of the conditions associated with that intervention, as S. 499 does, is a reasonable step.

S. 499 also would require Senate advice and consent for the Governor's appointments to the SEC and for the SEC's appointment of an Executive Director. These changes are reasonable to bring broad input to these very important positions.

Finally, we appreciate that S. 499 is not based on misdiagnosis of issues that led to inconsistencies in interpretation of state law in 2020. The SEC does not need more authority over county election commissions in order to ensure conformity in significant aspects of election procedures and practices. The SEC has had explicit statutory authority to compel counties to follow the same interpretation of federal and state election law since 2014.

We ask that you forward this bill with a favorable recommendation.

Contact: Lynn Shuler Teague, Vice President for Issues and Action, LWVSC
803 556-9802 TeagueLynn@gmail.com