



# SC Voter

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## NATIONAL COMMISSION ON VOTING RIGHTS

# Hears from Voters

## AT HEARING IN COLUMBIA

On February 6, 2014, at a National Commission on Voting Rights (NCVR) public hearing, organized by the Lawyers' Committee for Civil Rights Under Law, voters, activists, and voting rights advocates gathered at the Richland County Council Chambers in Columbia to share their experiences of the voting challenges they continue to face in South Carolina. LWVSC was proud to partner on the event.

"Voting isn't a right. It's the right," said Maggie Knowles with Protection & Advocacy for People with Disabilities. "From inaccessible polling places and voting machines to inadequately trained poll workers, people with disabilities face a number of obstacles in participating in the democratic process."

Knowles' testimony was among a diverse range of voting issues addressed by expert witness panels and general public witnesses representing disability rights advocates, African-American justice organizations, and, many other concerned citizens.

Guest Commissioners Nancy Bloodgood, Partner at the Foster Law Firm's Charleston office; Professor Duncan Buell, Chair of the Department of Computer Science and Engineering at the University of South Carolina; Ernest A. Finney, Jr., Former Chief Justice of South Carolina Supreme Court; James T. McLawhorn, Jr., President and Chief Executive Officer of the Columbia Urban League; and Dr. Lonnie Randolph, Jr., President of the South Carolina State Conference of the NAACP heard about



*"The State of South Carolina and its subsidiary, the South Carolina Election Commission, failed to inform voters about the Dress Code that is in effect in all forty-six counties within this state. Sumter County, where I reside, has a majority African-American population, and was totally and completely unaware of the Dress Code known as the Attire and Appearance Guidelines." stated Dr. Brenda Williams of The Family Unit.*



*Nikki Finney, an award-winning American poet and South Carolina resident urged attendees at the voting hearing to "Please get involved, don't be silent".*

the challenges, successes and opportunities for reform in all aspects of voting in South Carolina. Other topics included vote dilution, voting discrimination, and the implementation of South Carolina's photo ID law.

The Columbia event was the seventh in a series of nationwide hearings scheduled through the spring to collect testimony about voting discrimination and election administration challenges and successes. Over the past few years, too many states have enacted restrictive voting laws, while many others continue to grapple with recurring election administration challenges and some have proposed

VOTING RIGHTS: *continued on page 4*

## Highlights:

- Voting Rights ..... 1, 4, 5 & 6
- Co-Presidents' Message ..... 2
- Anti-Immigration Law (S.20) ..... 2
- LWVSC Council Agenda & Registration... 3
- Invention of Wings Review ..... 6
- Registration & Election Commissions ... 7
- Natural Resources Update ..... 8
- Nuclear Waste in SC ..... 8
- General Assembly Update ..... 9
- Voting Technology ..... 9
- Voter ID Enactment ..... 10
- Financial Review ..... 10
- Neonicotinoids ..... 11
- Important League Dates ..... 11
- Know Your State ..... 12



## Co-Presidents' Perspectives:

I believe I heard that Spring has arrived, but from the freezing temperatures we've had recently it's hard to tell. However, with Spring comes optimism and a few more warm days will definitely improve my attitude. I know we are all looking forward to more sunshine and spring flowers.

Speaking of looking forward to something, we hope you are planning to attend the biennial meeting of the LWVSC Council of Leaders. Council will be held on Saturday, April 26, at St. Paul's Lutheran Church, 1715 Bull Street, in downtown Columbia.

Plans have almost been finalized for an exciting, energizing, educational time for League members from across the state. The registration fee is only \$25 for the entire day, including all materials, lunch and light breakfast.

Council is a statewide League meeting that is held in the spring of even-numbered years. (LWVSC Convention happens in odd-numbered years. For LWVUS, Convention takes place in in even-

numbered years; Council is held in odd-numbered years.)

LWVSC Council is not only a time for serious work and organization building, but it is a wonderful opportunity to connect with Leaguers from across South Carolina. It is a chance to be inspired and educated and to feel the strength of the League statewide.

The 2014 Council theme builds on the League's strong tradition of *building League Leadership in order to help make democracy work in our state*. We are fortunate to have speakers covering South Carolina's mistreatment of inmates with mental illness; nuclear waste, hot voting topics and even the demonstration of new voting technology. In addition, there will be an update on current issues and actions and a session on Building Your League's Leadership Pool: Successes and Challenges.

We know you are busy with many wonderful local League activities, but we sincerely hope that you and your members (and even member prospects) can take



**Susan Richards**  
Co-President, LWVSC

a spring Saturday off to join us for Council. The full agenda and registration information is available on the LWVSC website, <http://www.lwvsc.org/>.

Have a wonderful Spring and we will see you on April 26th!

*Susan Richards*

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## Victory in Settlement over SC's Anti-Immigration Law (S.20)

By Keller Barron, LWVSC Vice President, Member Services

South Carolina Appleseed Legal Justice Center, together with its coalition of litigation partners and community members, claimed a victory in its settlement with the State of South Carolina over S.20, the state's anti-immigration law. LWVSC's Keller Barron was one of the community members who joined in the challenge of the law's provisions. The class action lawsuit *Low Country Immigration Coalition v. Haley*, filed in October 2011, led to a settlement agreement that was adopted by U.S. District Judge Richard Gergel in March 2014.

The lawsuit charged that the law interfered with federal authority over immigration by subjecting South Carolinians to unlawful seizure based on nationality and by demanding demonstration (through "papers") of citizenship or immigration status during traffic stops. Because of this agreement, daily interactions with undocumented immigrants will no longer be criminalized,

i.e., citizens like Keller, who help immigrant families by transporting them to the doctor or to school activities, can now do so without fear of prosecution. Also, there will no longer be enforcement of criminal penalties on those individuals who fail to carry immigration documents.

This settlement represents an important step forward for our state in the effort for comprehensive immigration reform.

### Here's what the immigration settlement means:

- It will not be a crime to "harbor" or transport people who are undocumented. This is a win for victim service providers and other humanitarians who help immigrants who can continue to render assistance and aid without fear of prosecution.
- It will limit enforcement of "papers please" provision of S.20, which required police officers to ask about the immigration status of anyone who they

"reasonably suspected" to be in the U.S. illegally.

- It creates strict guidance for this provision and includes a formal opinion from South Carolina's attorney general noting that law enforcement officers may not:
  - Stop, hold, or arrest individuals only to check immigration status;
  - Arrest people simply for being undocumented;
  - Detain someone longer than necessary to issue a ticket for the underlying violation, regardless of their immigration status.

**\*The coalition that filed the lawsuit includes:** American Civil Liberties Union, ACLU of South Carolina, LatinoJustice PRLDEF, Lloyd Law Firm, Mexican American Legal Defense and Educational Fund (MALDEF), National Immigration Law Center (NILC), Rosen, Rosen & Hagood, South Carolina, Appleseed Legal Justice Center, Southern Poverty Law Center.

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# Join us at LWVSC Council Meeting...

SATURDAY, APRIL 26, 2014

Fellowship Hall, St. Paul's Lutheran Church, 1715 Bull St., Columbia

*Building League Leadership to Make Democracy Work in South Carolina*

## - AGENDA -

- 9 am**            **Registration/ Continental Breakfast**
- 9:30**            **Welcome, Introductions, Reports**
- 9:45**            **South Carolina's Mistreatment of Inmates with Mental Illness**  
*Stuart Andrews, Partner, Nelson Mullins Law Firm, attorney representing plaintiffs in lawsuit against S.C. Department of Corrections alleging violation of constitutional rights of mentally ill inmates*
- 10:30**           **Nuclear Waste in South Carolina**  
*Tom Clements, Coordinator, Nuclear Campaign, Friends of the Earth U.S. (invited)*
- 11:15**           **Building Your League's Leadership Pool: Successes & Challenges**  
*Janie Shipley, LWVSC Membership/Leadership Development Coordinator;  
Susan Richards, LWVSC Co-President; Barbara Zia, LWVSC Vice President*
- 12:00 pm**      **Buffet Lunch/Networking Tables**
- 1:00**            **Hot Voting Topics in SC and the Nation**  
*Duncan Buell, Ph.D., Department of Computer Science and Engineering, USC;  
Tim O'Brien, LWVUS Public Advocacy for Voter Protection Project Manager*
- 2:00**            **New Voting Technology Demonstration**  
*Juan Gilbert, Ph.D., Professor and Chair, Human Centered Computing Division in the School of Computing, Clemson University*
- 2:45**            **Issues and Action Update**                      *JoAnne Day, LWVSC Co-President; LWVSC Policy Specialists*
- 3:15**            **Adoption of 2014-15 LWVSC Budget**                      *Holley Ulbrich*
- 3:30**            **Council Adjourns**
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## LWVSC COUNCIL REGISTRATION

Saturday, April 26, 2014

ST. PAUL'S LUTHERAN CHURCH, 1715 BULL STREET, COLUMBIA

Local League/MAL Unit: \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Registration is \$25.00 per person & covers the entire day, including all materials, lunch and light breakfast. A healthful lunch with salad and fixings, assorted wraps & dessert will be catered by Spotted Salamander. Free parking is available in church lot or on street.

Total No. Attending \_\_\_\_\_ Total \$ \_\_\_\_\_

Send this completed form and check payable to LWVSC by April 24 to:

**Barbara Zia**, 2028 Azimuth Ct., Mt. Pleasant, SC 29466

Contact Barbara at [ziab1@comcast.net](mailto:ziab1@comcast.net) or **843-480-1823** to arrange payment at the door.



## VOTING RIGHTS:

*continued from page 1 –*

reform to expand access. Additionally, this past June, the Supreme Court's decision in *Shelby County v. Holder* stripped away a key Voting Rights Act protection against voting discrimination. The goal of the NCVR is to document both what continues to keep voters from the ballot box as well as efforts to increase access, in two reports, which will be released in 2014.

NCVR hearings will address a range of topics, including: voting changes, voter registration, voter ID, election administration (e.g., provisional ballots, polling location issues, and method of elections), voting discrimination, student voting issues, and access to the ballot for individuals with disabilities, language minority voters, and communities of color. For more information about the National Commission on Voting Rights, please visit [ncvr.lawyerscommittee.org](http://ncvr.lawyerscommittee.org).

### Quote from SC Guest Commissioner: Professor Duncan Buell, *Department of Computer Science and Engineering, University of South Carolina.*

*"It isn't a good thing that so many people have so many concerns about whether the right to vote is available to those who should have it. But it is gratifying that so many people voiced concerns both about the right to vote and about improving the process by which we conduct elections. We need to have people actively engaged in the electoral process."*

### Supporting organizations (not exhaustive):

- The American Civil Liberties Union of South Carolina
- The Columbia Urban League
- The Family Unit
- League of Women Voters of South Carolina
- NAACP Legal Defense Fund
- National Action Network
- Protection & Advocacy for People with Disabilities, Inc.
- The South Carolina Progressive Network
- South Carolina State Conference of the NAACP

## Testimony presented at Feb. 6th Voting Hearing in Columbia by Barbara Zia, LWVSC Vice President, Community Relations

The League of Women Voters has been fighting for fairness and the right of every eligible citizen to vote since our inception 94 years ago, when our organization was formed by those who successfully fought to gain voting rights for women.

Voting is the most fundamental way in which citizens participate in our democracy. Across the country, the League registers voters, provides educational non-partisan voter guides, holds candidate forums and makes democracy work. The League of Women Voters of South Carolina (LWVSC) works diligently to ensure fair and accessible elections for all eligible voters, and to inform and engage citizens in our state's democratic processes. Though our focus is on increasing democratic participation by all eligible citizens, a particular emphasis is on low-income and minority communities. For example, in South Carolina, LWVSC's ongoing youth voter registration project aims to engage high school, community college, and/or vocational underrepresented (minority and/or high poverty) students to address the fact that more than half of all 18-year-old citizens in the U.S. were not registered to vote in 2008.

In South Carolina, the LWVSC monitors implementation of current election laws and practices, as well as proposed changes at both the local and state level. However, the largely rural nature of much of our state makes it challenging for voting advocates to comprehensively observe county councils or election commissions for changes, such as closing or consolidating polling places in communities where there is a high concentration of minority voters.

At the state legislative and election administration level, we monitor and oppose discriminatory voting practices and support practices that would expand voting access while protecting election integrity.

LWVSC vigorously opposed Act R54, South Carolina's new photo identification law for voters, throughout the long, arduous processes of legislation and litigation. We argued that the new ID requirement would impose an unnecessary burden on voters,

as well as a complex challenge to state and county election officials who have to implement it. The presence of economic and social inequities in our state means that the voter ID requirement poses a hurdle to minority voters. Data show that African-Americans in South Carolina are less likely than whites to possess a driver's license or other DMV-issued ID. Lower literacy rates in some minority communities raise concerns about the ability of these voters to navigate the drastically changed voter identification requirements under Act R54. In addition, inadequate funding was allocated for implementation of the new law, resulting in many badly election officials and voters, and poor access to ID-making equipment by voters with limited transportation resources.

LWVSC joined as an intervenor in *South Carolina v. Holder*, in support of the U.S. Department of Justice's denial of pre-clearance for Act R54. Section 5 of the Voting Rights Act of 1965 required South Carolina, a voting jurisdiction with a history of racial discrimination in voting, to get preclearance from the federal government before voting procedures could be changed in the jurisdiction.

The law that was pre-cleared by the U.S. District Court for the District of Columbia differs substantially from the measure signed by Governor Haley. In order to get the law pre-cleared under Section 5 of the VRA, the state agreed to major modifications, including an expanded "reasonable impediment" provision. South Carolina's new law does not require a voter to possess a photo ID to vote. The law allows anyone without a photo ID to vote in the same way they have in the past by simply stating the reason they did not obtain a photo ID.

According to the ruling, the individual voter-- not the poll manager or county commission--determines the reason the voter does not have a photo ID. So long as the reason given by the voter is not a lie, an individual voter may express any one of many reasons why he or she has not obtained a photo ID. Any voter stating

**TESTIMONY:** *continued on page 5 –*

## TESTIMONY:

*continued from page 4 –*

a reasonable impediment casts a special provisional ballot that is presumed valid and must be counted (unless there is evidence of falsity).

Since the implementation of the voter ID law in January 2013, LWVSC and our voting rights partners have acted as watch dogs to ensure that the law is carried out according to the court ruling. Our observations show that the law is misunderstood by voters and local election officials. For example, while I was observing polling places in Charleston County for the Special S.C. Senate District 42 Election, a poll manager admitted not knowing how to handle reasonable impediment claims. Despite efforts by state and county elections officials to educate themselves and the electorate, the law's provisions are complex and difficult to understand. It's unknown how many registered voters who lack an approved photo ID are discouraged and give up on voting entirely.

Those who argue the Voting Rights Act (VRA) is no longer necessary need look no further than South Carolina. LWVSC and LWVUS submitted amicus briefs to the Court in support of the VRA in the case of *Shelby County v. Holder*. Using Section 5, LWVSC, along with our partners, was able to battle back and overturn discriminatory provisions of the voter ID law. This successful application of Section 5 demonstrated the law's potency in protecting minority voters and the courts' flexibility and restraint in applying Section 5 to covered states.

The VRA has been an essential tool that we have relied on to protect the voting rights of hundreds of thousands of South Carolinians and in doing so protect the very foundation of our great democracy - our right to vote and have our votes counted. South Carolina and the entire nation have struggled for decades to expand the right to vote. The day may come when our nation is free from targeted discrimination relating to the right to vote, but unfortunately today is not that day. But with the U.S. Supreme Court decision in *Shelby County v. Holder*, the right to vote in South Carolina, as it is in many states, is at risk.

LWVSC opposes bills currently filed in the General Assembly that would have a deleterious impact on voting rights of citizens, particularly those who are low-income, minority, student or disabled. House Bill 3176 would significantly reduce excuses for mail-in absentee voting. We oppose the restricted definition of excused absentee voting in this bill. Business persons and other workers who are out of town for several weeks or voters who are out of town to care for an ill family member could find themselves unable to vote by any available mechanism. The requirement of a physician's certificate for the disabled to vote absentee is an additional burden, and given that many physicians charge a fee to fill out medical forms, this requirement can amount to a poll tax in order to vote. The omission of provisions for caretakers for persons who are elderly or disabled presents another problem since these caretakers may find themselves unable to be absent from their duties in order to vote. We see no reason to omit these long-standing legitimate excuses for in-person as well as mail ballot absentee voting.

Senate Bill 227 would impose a barrier to voter registration by requiring proof of citizenship, such as naturalization documentation and SC DMV-issued drivers license or identification card, when registering to vote. The LWVSC believes that this bill is an unnecessary obstacle for citizens who wish to participate in our democracy and is not needed to maintain the integrity of our elections. This would discriminate against minority and low-income citizens who are less likely than other voters to have access to such forms of identification. Further, many women do not have proof of citizenship in their current names since nearly 90 percent of women change their names when they marry or divorce. We are concerned that such a requirement would discriminate against women. Evidence of voter registration by non-citizens is rare, and of actual voting by non-citizens even more rare. Every vote matters, and adding this impediment is likely to eliminate legitimate registrants more often than it identifies those who are not legitimate. For those who can obtain the required documents, birth certificates and other

listed documents represent a cost to voters and thus constitute a poll tax. How severe these problems would be under S.227 depends on the latitude exercised by the State Election Commission in defining alternative proof of citizenship in their Rules and Regulations. We have no assurance that there will be a definition sufficiently broad to avoid disenfranchising legitimate voters or causing citizens to pay for documentation. Finally, but very importantly, this bill violates the federal National Voter Registration Act. In summary, the League opposes this bill as an unnecessary impediment to voting by our state's citizens and a probable violation of federal law.

From our firsthand knowledge of the electoral process in this state, we can say with confidence that South Carolina voters would benefit from legislation to permit early voting. We encourage an early voting period of at least 10 days in which election offices are open, including 2 weekends. This balances the need for a reasonable period of availability without making it so long that voters might cast their ballots before all of the information needed for an informed opinion is available. We also support provision of more than one early voting location in counties where distances are great. Dozens of states already allow their citizens to vote early, and South Carolina voters throughout the state are frustrated by the lack of an early voting process here. The record number of mail-in absentee ballots and unprecedented numbers of in-person absentee voters are the electorate's way of telling us that the current system is woefully inadequate. For the November 2012 Election, South Carolina had the fourth longest wait time to vote in the nation. Especially in today's economy, voters cannot leave their jobs for hours to stand in lines to vote, and their family responsibilities often preclude their doing so as well. By not providing enough time and more convenient locations for voters, our current system disenfranchises untold numbers of qualified voters.

The Voting Rights Act of 1965 ensured that every South Carolinian—indeed, every American—has an equal right to vote and has been one of the most important

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## TESTIMONY:

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gateways for voter enfranchisement in the modern era, helping to transform American democracy from a restricted, segregated past to one of remarkable inclusion.

The League calls on Congress to modernize and repair the Voting Rights Act by acting quickly on the bipartisan Voting Rights Amendment Act of 2014 recently introduced by Representatives Sensenbrenner, Conyers, Scott, and Lewis. The legislation responds directly

and responsibly to the Supreme Court's decision in *Shelby v. Holder* by updating the coverage formula for preclearance to ensure it is based on recent acts of discrimination and by providing narrow mechanisms to prevent discrimination in voting nationwide. H.R. 3899 has several key elements: It updates preclearance coverage to cover jurisdictions with a recent pattern of discrimination. This recognizes the progress achieved in states like South Carolina while maintaining an essential protection for voters where discrimination has continued. It provides

greater transparency for changes in election laws across the nation that could be discriminatory. Public notice was an important element in the original VRA in preclearance states and it makes good sense to extend it nationwide. It provides narrow, carefully crafted tools to prevent discrimination before it occurs. For example, the bill provides a mechanism for concerned citizens or the Department of Justice to ask a court to temporarily stop a potentially discriminatory voting change so the court has time to fully examine it.

# Review of the Invention of Wings

*by Sue Monk Kidd (Viking/359 pages)*

*By Shirene Hansotia, Esq., LWVSC Board Director, Criminal/Juvenile Justice*

***There was a time in Africa the people could fly....When we came here, we left that magic behind.***

Thus begins Sue Monk Kidd's powerful new novel, *The Invention of Wings*, as "Hetty 'Handful' Grimké" listens to her mother explain how slave girls like herself lost their ability to fly. "This all what left of your wings. They nothing but these flat bones now, but one day you gon get 'em back." Handful inherits her mother's indomitable spirit, and spends her life trying to break free of the bonds of repression holding her in slavery in the early 1800's in Charleston, South Carolina.

On her eleventh birthday, Sarah Grimké is given Handful as her personal slave. Having grown up with Handful, Sarah rejects the gift, the first of the many acts of defiance that mark her life as distinct from her slaveholding parents.

When Sarah's efforts to free Handful are rebuffed by her mother and father, she covertly begins to teach Handful to read. Sarah views Handful as a sister, but the gaping inequality between slave and slave owner makes Handful more guarded. "People say love gets fouled by a difference as big as ours," said Handful.

Mauma, Handful's mother, teaches her spirited daughter to find courage and persevere in the face of the unspeakable horrors of bondage. At a young age,

Handful witnesses her mother savagely beaten for a small act of insubordination. While the incident left Mauma with life-long physical scars, the act of witnessing such brutality made Handful and Sarah more determined to fight injustice throughout their lives.

Mauma, an accomplished seamstress, teaches Handful the skills required to ensure her continued usefulness to the Grimké family. In the process, Mauma reveals the family's history in the form of a quilt, documenting the long journey from Africa to South Carolina, a tapestry woven as a testament of love from a mother to her daughter. Each stitch binds together Handful and her mother, even as they are ripped apart by events beyond their control.

Even as a youngster, Sarah Grimké is wracked with guilt over her family's ownership of slaves, causing friction and disappointment. She struggles with a speech impediment and retreats further within herself as she tries to find a way to redress her family's wrongs. She dreams of emulating her father and brother by pursuing law, but those aspirations are quashed early by the deep seated belief that a woman's place was in the home.

Kidd's beautiful novel is a story about

taking love wherever it can be found. It's about black women suffering the double humiliation of slavery and patriarchy. It's about white women suffocated by southern mores and a dehumanizing culture. But it's also about the irrepressible strength of women that endured unspeakable pain yet remained resolute in fighting for freedom and justice. And black men planning insurrection rather than succumbing to their cruel fate. ("I had one mind for the master to see. I have another mind for what I know is me." Denmark Vesey)

Along the way, Sarah and her sister Nina, based on real historical figures, emerge as trailblazers, moving north and adopting the Quaker religion. Charleston and the South would never welcome them home again. Through the betrayal of men and false friends, Sarah finds her own voice, as she and her sister travel the country speaking out against slavery, and in the process, the repression of women.

Kidd's masterpiece delivers the final shovel of dirt, forever burying the image of the "happy slave singing in the field."

And Handful....well, she finds her wings.



# Registration & Election Commissions:

## *Where Voting Management Meets Home Rule*

*By Holley Ulbrich, PhD, LWVSC Director, Taxation and Home Rule*

There have been multiple bills introduced about combining county registration and election commissions since the problems in the last election in Richland County. It makes sense to combine the two functions of registering voters and managing elections. Many counties do have combined boards, but some do not. Members of the commission are appointed by the legislative delegation and usually hire the director, who is a county employee. The League has a position supporting combining the two boards. The two bills that have received the most attention are S.811 and S. 866. Both would combine the boards in those counties where they are not already combined, and by doing it as general legislation, they get around the prohibition against local legislation. Both would give some supervisory authority to the State Elections Commission. S. 866 would retain the role of the delegation in appointing the combined commission (actually, in recommending members to the governor, who makes the appointments). S. 811 would allow

the county council and the county delegation to agree in writing to delegate the appointment of commission members to the county council. We could support either bill, because they both make things better (combining the two) without making anything worse.

So where does home rule come in? Re-read that paragraph carefully. The legislative delegation (that's the senator or senators and representatives from your county or some portion thereof, some of whom do not live in your county) essentially chooses the members of the commission. The commission hires the director. The director and staff are county employees and the county has to provide the funds to run the office. Even though the director is a county employee, he or she is not answerable to the county manager, administrator, or supervisor, who is the chief administrative officer of the county.

S. 811, if passed (less likely than passage of S. 866), would represent a pretty big step forward in home rule. Currently county delegations control a lot of appointments to county

commissions and boards created by the General Assembly. Legislative efforts to give control of some entities to the county (which are pretty rare) led to a court decision that such legislation was prohibited because it was local legislation affecting only one county. The innovation in S. 866 is to provide a way of delegating that authority on a county-by-county basis, but doing it through general rather than local legislation.

We as a League need to encourage our legislators to vote for one of these two bills, but we also need to call their attention to this innovative idea, one that could apply to other county boards and commissions. Uniformity is good, but not if it prevents forward movement in at least some places. Expanded home rule that comes one county at a time is better than no expansion at all. As we look at candidates for the General Assembly and county councils in the summer primaries and the fall election, this would be a good conversation for League members to initiate.



## LWV Charleston

*LWV Charleston members Jane Pulling (left) and Auvo Kempainen (seated) partnered with Stratford High School student leaders to register young voters at the Berkeley County school.*



## LWV Sumter County

*LWV Sumter County members and friends from sister Leagues met in Sumter on Feb. 1 for a workshop on Membership Leadership Development, led by MLD Coordinator Janie Shipley. Sumter is SC's newest MLD League. Front row from left: Ted Volskay, Dee Woodward, Barbara Wiley, Ethel Wells, Sarah Leverette, Colleen Yates; back row: Rob Holloman, Janie Shipley, Marie Wells, Joyce Franklin, Celia Fontenot, Barbara Zia, Barbara Brown.*

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# Natural Resources Update

By Elizabeth Weems, LWVSC Board Director, Natural Resources

**Solar** -- A solar leasing bill in the S.C. General Assembly sponsored by Sen. Chauncey Gregory (R-Lancaster) proposes to allow solar installers to lease solar panels to customers and loosens caps on solar power in SC. No one spoke against the compromise in the Senate. Voting in the subcommittee is expected the week of March 31.

**Small Farms** -- The S.C. Department of Agriculture (SCDA) commissioned a study, "Making Small Farms Into Big Business" (MSFBB), to look at the impact of expanding the state's local food infrastructure. The SCDA and MSFBB Advisory Committee are working together to capitalize on the demand for local produce by creating a plan in which small farmers will increase economic development and jobs. (<http://www.agriculture.sc.gov/>)

**Wind Energy** -- Senate Bill 1011 provides for offshore wind research and development. It was in the Senate Judiciary subcommittee on March 19. Senate subcommittee members are Senators Luke Rankin (R-Horry), Brad Hutto (D-Orangeburg), and Ross Turner (R-Greenville). "South Carolina has the 2nd largest shallow water offshore wind resource on the East Coast and the potential to create thousands of jobs connected to the wind industry. South Carolina also has the lowest estimated costs in the country for constructing offshore wind facilities." (<http://thinkenergysc.com/wind-2>)

**Shoreline** -- S. 890, sponsored by Sen. Ray Cleary (R-Georgetown) amends Coastal Tidelands and Wetlands law to allow a new seawall made of steel to be built on the beach at Debordieu. When erosion occurs, as it inevitably will, taxpayers would pay for re-sanding the beach.

**Air State Implementation Plan (Air SIP) and DHEC** -- DHEC filed notice of intent to revise the state's EPA-approved Air SIP. If DHEC receives 20 requests for a public hearing regarding the proposed revisions, it would very likely hold one. Consider asking a member of your county legislative delegation to request that DHEC hold a public hearing. A hearing would probably be held in Columbia as this is a statewide implementation plan. (<https://www.scdhec.gov/environment/baq/Regulation-SIPManagement/SIP/>)

**DHEC Board Appointment** -- Lee Hewitt, a resident of Murrells Inlet, has been appointed the 7th Congressional District representative to the DHEC Board. Local environmental groups welcome him.

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## High Level Nuclear Waste in South Carolina

By Suzanne Rhodes, LWVSC Off-Board Specialist, Nuclear

The recent interest in MOX fuel by Governor Haley and others is simply a short-term interest in federally funded jobs. Unfortunately, no one urging MOX jobs seems concerned about the wastes that would be generated making MOX fuel. In addition, none of these folks has taken a stand on the need for a permanent geologic repository for both weapons and commercial wastes. They have challenged the closing of Yucca Mountain without addressing the reasons for its closure (geologic and hydrologic shortcomings, as well as very strong opposition by the citizens of Nevada, including a series of attorneys general).

The President's Blue Ribbon Commission (BRC) made several recommendations in January 2012 for "consolidated interim storage facilities" for "temporary" storage of commercial spent fuel, and perhaps for other high-

level nuclear wastes at a willing site. The BRC did not recommend reprocessing of commercial spent fuel except to keep the option open as a future possibility. Commercial spent fuel is waste, according to Savannah River Site's (SRS), Maxcine Maxted, and not worth reprocessing. However, SRS boosters have promoted reprocessing and have assumed that SRS wastes would be "first in line" at Yucca Mountain or another site.

LWVSC anticipates that wastes such those at SRS will be among the LAST to be sent to a repository site, IF one is established. This is based on the facts that Congress has not presented a viable solution for permanent storage, as well as various new challenges regarding spent fuel management at fuel pools and casks at reactor sites, and the greater political influence of the nuclear industry. Congress will hopefully be making a decision in the

coming years on this difficult problem.

Because of the likelihood that SRS wastes will remain at SRS for the foreseeable future, LWVSC is opposing the receipt of any more wastes at SRS without a clear demonstration of both SC protections and US responsibility. Liquid wastes from Canada have been encouraged by DOE and SRS, and there are rumors of German waste shipments. Both countries seem to be capable of treating these wastes, as they have in the past. The League is considering submitting a request for a Programmatic Environmental Impact Statement on the apparent change of federal policy - away from SRS cleanup responsibilities and toward receipt of international wastes.

I'd be happy to make local presentations, answer your questions, and/or provide links to reports, at any time. Contact me [suzrhodes@juno.com](mailto:suzrhodes@juno.com).





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# General Assembly Update: *Ethics and Elections*

By Lynn Shuler Teague, LWVSC VP, Issues and Action

**Ethics** -- We continue to follow the uneven progress of ethics reform bills through the General Assembly.

H.3945, the surviving major ethics reform bill, has been returned to the House from the Senate. After three weeks on the House calendar there has been no progress, either referral to committee or floor debate. The bill at present retains a reasonable income source disclosure provision that would be a substantial improvement on current law. However, senators Rankin, Hutto, Jackson, Malloy, Scott and others joined to successfully oppose inclusion in this bill of independent investigation of ethics complaints against members of the General Assembly.

We are cautiously optimistic about the progress of Rep. Kirkman Finlay's bills to clean up campaign finance rules and enforcement, H.4452-4457. These bills would clarify campaign finance rules and were passed through subcommittee. The most controversial of the bills is H.4453, which as amended would allow officials to correct unintentional mistakes in campaign finance charges up to a total of \$5000

by reimbursing the campaign account from their personal funds. This would be available only once for an offense; repeated offenses would face normal legal penalties. We recognize that there is a potential for abuse of this kind of remedy, but we see it as a reasonable provision. It seems a fair response to a first instance of unintentional errors involving less than \$5000, and also could help to remove the atmosphere of partisan "gotcha" around ethics enforcement in the legislature.

**Elections** -- South Carolina's system of elections is broken. We are fortunate to have a professional non-partisan State Election Commission, but counties administer elections under the direction of county commissions appointed by county legislative delegations. Although combined boards are efficient and consistent with League of Women Voters positions, almost all of these commissions were unconstitutionally combined from earlier separate boards of voter registration and elections. Further some counties, most conspicuously but not exclusively Richland, have proven inadequate to do their jobs,

resulting in seriously botched elections.

Several bills would grant greater authority to the State Election Commission to oversee county boards. H.3198 and H.4275 are among these, and should be supported.

S.866, filed by Senator Larry Martin, would fix the constitutional problem of illegally combined boards by consistently merging these offices statewide. This straightforward and necessary bill passed out of Senate Judiciary Committee with a majority favorable report, but Senator Shane Martin has filed a minority negative report. H.4421 parallels this bill. If this problem is not corrected, our next statewide elections could face widespread legal challenges since the vast majority of counties would be operating with illegally constituted election boards.

We are concerned that a recent court case raises the possibility that proof of citizenship may again become an issue in South Carolina. We are monitoring bills in the General Assembly and will oppose the progress of any bill requiring proof of citizenship for those registering to vote.

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## Exploring Voting Technology with Dr. Juan Gilbert

By Eleanor Hare, PhD, LWVSC Director, Web Technology

**Editor's Note:** Dr. Gilbert will be demonstrating his voting system at LWVSC Council on April 26.

How can we improve the voting experience for the disabled? Is it possible to develop a secure and trustworthy Internet voting system for our soldiers stationed abroad? How accurate is voter identification from photos? Can technology be used to decrease the waiting time at the polls? These are questions that Dr. Juan Gilbert and the Human-Centered Computing (HCC) Division at Clemson University are attempting to answer.

The Prime III voting machine, developed by Dr. Gilbert and his team, is used to test many aspects of voting. The Prime III is quite different from the iVotronic used in SC. It is a software application that runs on a variety of tablets and printers. (Dr. Gilbert's graduate

students carry the tablets and printers around in their backpacks, so the weight of the tablets and printers has influenced their choice for demonstrations.) The Prime III software is open for anyone to examine and free to anyone who wants to use it.

The Prime III prints a paper ballot, which lists the names of the candidates that have been selected by the voter. Using character recognition software, the names the voter sees on the ballot are used to count the vote. The paper ballot becomes the official record of the voter's intent and is used for audits and recounts.

The Prime III is named for the three voting methods it offers – voice, touch and both. Its developers explain that people with many disabilities can vote

in a private, secure environment without assistance. The system makes use of audio technology, allowing hands- and eyes-free voting. Recently, Dr. Gilbert and the HCC Division received a grant to evaluate the usability of a commercially available voting machine. League members were invited to participate in this testing, which was conducted in Clemson and Columbia.

The Prime III has been used for voting in the presidential primary in Oregon in 2012 and will be used in pilot projects in Wisconsin and Florida in 2014. The National Council on Independent Living is one of several organizations that have used the Prime III in their elections.



# Voting After Voter ID Enactment

By Susan Dunn, Legal Director, ACLU of SC; LWV Charleston Area Member

On October 10, 2012, the U. S. District Court for the District of Columbia pre-cleared the SC Voter ID legislation (known as R54). That order included the following statement: "...keep in mind that Act R54 may not have been precleared for any elections without the expansive reasonable impediment provision."

Now we must monitor whether election officials are adopting the same generous interpretation of the reasonable impediment provision. If you are interested in volunteering to monitor certification hearings in your county, please contact your local LWV.

Here are some of the observations made by volunteers who have monitored elections since January 2013.

## Are notary publics required?

The Photo ID statute includes this language: "Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope..." An affidavit is a written document witnessed by notary public. A document that is not notarized is not an affidavit.

All of the "affidavits" of reasonable impediments that were submitted at the certification hearings we attended were not affidavits, but sworn statements. None of the precincts that our monitors visited had a notary present.

Sworn statements are being accepted at the certification hearings as being the equivalent of an affidavit. It is doubtful, however, that this is a valid interpretation of SC law. If SC intends to accept sworn statements of reasonable impediment instead of affidavits, legislation should be passed to replace the term "affidavit" in the statute with the term "sworn statement." Until then, any provisional ballot issued based upon a non-notarized affidavit is subject to challenge.

## Do officials who certify the ballots know which "reasonable impediment" ballots to count?

The State promised the Court that the voter who had no photo ID would get to decide what his or her impediment was. The State assured the Court that election officials would "err on the side of the voter."

Election officials seemed to give voters who did not have photo ID the benefit of the doubt. The conversation relating to the processing of these ballots did, however, raise red flags. Several election officials made comments such as "How long do we accept these excuses?" and "She had transportation to the polling place, why can't she get an ID?" These comments lead us to believe that the election officials may begin to question the reasonableness of the impediments in future elections.

## Do voters who cast provisional ballots understand what must be done to assure the ballot is counted?

Voter ID legislation has one procedure for voters who have photo ID but forget to bring it to the polling place and another for voters who do not possess a photo ID.

If you have forgotten to bring your photo ID to the polling place, you may vote on a provisional ballot. Your vote will only be counted if you bring your Photo ID to election headquarters before election results are certified.

At several certification hearings, provisional ballots were not counted because the voter who had forgotten his or her ID failed to present ID before the certification. At least two voters who had forgotten to bring photo ID to the polls were allowed to complete the reasonable impediment affidavit when that provision did not apply to their situations. Their votes were not counted.

A voter who must present photo ID in order to have his or her vote counted is given the same notice as other voters who vote on provisional ballots. We recommend that voters who must present ID be given specific notice of that fact.

## Are provisional ballots handled in an efficient and confidential manner at the polling places?

Elections held in 2013 have all been local elections. We have not observed any elections with large turnouts. Our precinct level observations have been limited in number. Nevertheless, even this small sample causes us to report some matters of concern.

The "reasonable impediment" process is slow. Many voters who lack photo ID are elderly. The affidavit form on the ballot is not easy to read, and provisional ballots would benefit from being printed in a larger font. The provision ballots with the impediment affidavits that we observed took 8-10 minutes to process.

In Charleston County, precincts are given a tri-fold plastic screen to use on top of a table to provide privacy for the voter who is completing a provisional ballot. At four polling places in Charleston County, the tri-fold screen had been used outside the polling place as additional notification of the polling place location and was not available for use for provisional ballot privacy.

Most of the polling places we observed did not have a clear space set up for provisional voting. The implementation of the Voter ID law will increase the need for provisional ballots. If additional planning is not in place before the next general election, we anticipate that all voters will experience delays resulting from the extra time and space required to accommodate the increase in provisional ballots cast.

## Report on Financial Review of the Books of LWVSC for Fiscal Year Ended June 30, 2013

By Martha Roblee, LWV Columbia Area President, & Marianne McGrath, LWV Columbia Area Treasurer

**Date:** November 2, 2013 We have reviewed the books of the League of Women Voters of South Carolina as of June 30, 2013, examined the records of deposits and expenditures and traced beginning and ending cash balances to bank statements. The books are an accurate reflection of the financial condition of the League of Women Voters of South Carolina as of June 30, 2013 and the results of its operations and cash flows for the year.



# Bee Colony Collapse and Neonicotinoids

By Grace Gifford, LWV Horry County Member, and Elizabeth Weems, LWVSC Director, Natural Resources

"Neonicotinoids" is a new class of insecticides. First used for treating seed so that it would flow more easily through planting equipment, they are now available in your local garden and big box stores in handy pump spray bottles. Some names you might see on labels are clothianidin, thiamethoxam, dintofuran and imidacloprid. Research in France and at Indiana's Purdue University indicate that these insecticides act as neurotoxins in bees, disrupting their learning, memory and navigation.

In the Time article "A World Without Bees," Peter Neumann of the Institute of Bee Health at the University of Bern in Switzerland, comments that sublethal effects of repeated exposure of bees to neonicotinoids added to the effects of other bee diseases and parasites, are likely the cause of colony collapse disorder.

"Neonics" are reportedly less toxic to mammals and farmworkers who are exposed on the job; however, the American Bird Conservancy released a report last March asking the EPA to ban these insecticides due to impacts on birds and aquatic ecosystems. The EPA has chosen only to amend application warning labels to address impacts on

bees. Meanwhile, the Bayer Corporation pursues litigation against the European Union to repeal their "neonic" ban.

Of concern here in the Palmetto State is sulfoxaflor, which is highly toxic to bees according to the EPA, and newly permitted for unconditional use on cotton, one of our crops.

**The ALEC Connection --** The American Legislative Exchange Council bill template "State Pesticide Preemption Act" proposes that "No city, town, county or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation or statute regarding pesticide sale or use....." Read it all at <http://www.alec.org/model-legislation/state-pesticide-preemption-act/>

**Take Action --** Writing in the LWV Weston, MA, newsletter, member Barbara Fullerton proposes action for individuals:

- ✓ Avoid pesticides in your lawn and garden;
- ✓ Support local organic farms;
- ✓ Support environmental groups financially, if possible;

- ✓ Tell garden stores that you do not approve of neonicotinoid pesticides and ask them to stop selling them.

Her complete article can be found at [http://www.westonlwg.org/files/Bulletin\\_May13.pdf](http://www.westonlwg.org/files/Bulletin_May13.pdf).

## Additional Reading --

- [http://www.epa.gov/oppfead1/cb/csb\\_page/updates/2013/sulfoxaflor-decision.html](http://www.epa.gov/oppfead1/cb/csb_page/updates/2013/sulfoxaflor-decision.html)
- "Bird Group Calls for Halt to Insecticide" Florence Morning News, March 19, 2013
- "A World Without Bees" Time, August 19, 2013
- "Pesticides Linked to Honeybee Decline", The Guardian, March 29, 2012
- "Study Suggests Honeybee Collapse Has Many Culprits", The Sun News, May 3, 2013
- "Honeybee Deaths Linked to Seed Insecticide Exposure, Researchers Report", News for South Carolina Beekeepers, February 2012 (SC Beekeepers Assoc. Newsletter)

## IMPORTANT LEAGUE DATES:

### April

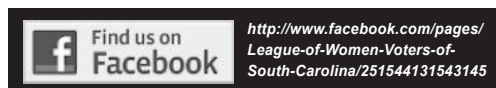
- 7th Monday, *World Health Day*
- 6th-12th *National Volunteer Week*
- 22nd Tuesday, *Earth Day*
- 26th Saturday, 9:30-3:30, *LWVSC Council Meeting, St. Paul's Lutheran Church, 1715 Bull St., Columbia*

### May

- 1st Thursday, *Law Day*
- 6th Tuesday, *National Teachers Day*
- 7th Wednesday, *SC Conservation Common Agenda Lobby Day and Legislative Reception, Columbia. Details to come soon at <http://conservationvotersofsc.org>.*
- 10th Saturday, *Last day to register to vote in June 10th State Primary*

### June

- 6th-10th *LWVUS Convention, Dallas Texas*
- 5th Thursday, *119th Session of the South Carolina General Assembly adjourns, Statehouse, Columbia*
- 10th Tuesday, 7 AM - 7 PM, *South Carolina Primary Election*
- 24th Tuesday, 7 AM - 7 PM, *State Primary Runoffs*



\* Any member of the LWV of South Carolina is welcome to attend LWVSC Board meetings.



# LWV SC Voter

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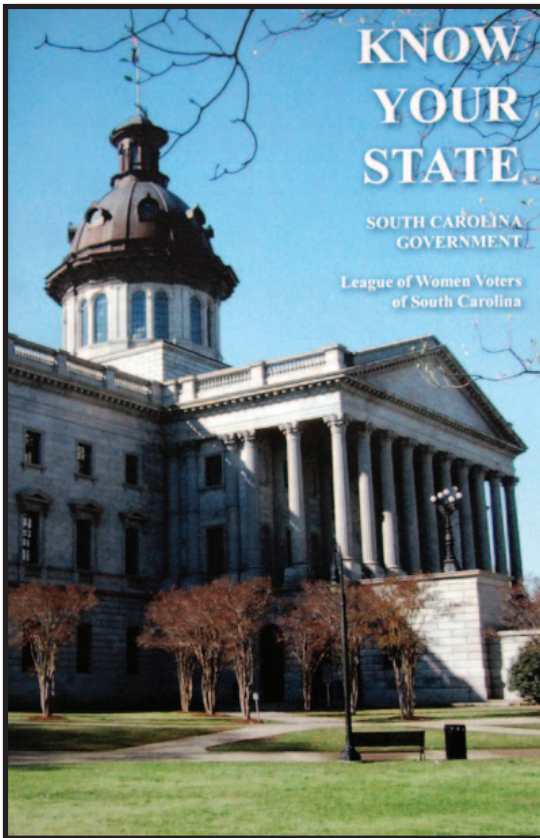
Established in 1951, the League of Women Voters of South Carolina is a nonpartisan, political organization that encourages citizens to play an informed and active role in government. At the local, state, and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a League member. All members receive the National Voter, the SC Voter, and a newsletter from their local League.

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# KNOW YOUR STATE

- UPDATED EDITION -

The most recent edition of LWVSC's *Know Your State: South Carolina Government* publication came out in 2009. A lot of water has passed under the state's bridges since then, so before reprinting, there has been an update in 2014. The update not only has the most recent numbers for state and local revenue, population, and student enrollment, but also reflects changes in photo ID for voters, Common Core Standards, the new on-line public school, the demise of the Budget and Control Board, and other legislative changes. This informative 72-page booklet is a great gift for speakers, school and public libraries, newcomers to the state, and a great reference for our members. The retail price is \$10, but Leagues can buy copies for \$7 and resell them at full price or give them to anyone you think might need a copy. You can pre-order copies for delivery at the April 26th LWVSC Council by emailing [league@lwvsc.org](mailto:league@lwvsc.org) or calling 803-251-2726.



Website: [www.lwvsc.org](http://www.lwvsc.org)

Join the League today!