

DARK MONEY IN 2020

Two of the bills among our highest priorities for 2020 focus on the important issue of disclosure of funding sources that are at present “dark money” in South Carolina political advertising. What do we mean by “dark money?” We have all been told to “consider the source” when evaluating information. We can’t do this when political ads are funded by anonymous donors. Citizens do not have the resources to independently confirm or reject the many claims made in political ads, so the identity of those behind the ads becomes especially important in deciding whether the ads are credible and unbiased.

South Carolina currently lacks the laws needed to combat political ads funded by anonymous sources.

South Carolina currently lacks the laws needed to correct this. Unlike the federal government and 48 other states, South Carolina doesn’t even require disclosure of donors to groups that admit that their primary purpose is to influence our votes, among them committees of political parties and caucuses. A 2010 federal court ruling invalidated for excessive vagueness our existing (and effective) law requiring that disclosure. At present, South Carolina and Indiana are the only states that lack an enforceable requirement of this kind. Reinstating this protection for voters with a clear and unambiguous standard should not be a hard decision. H.4203 by Rep. Gary Clary and others would require disclosure of donors to groups that

explicitly acknowledge that their primary purpose is to influence elections. This bill has received a favorable report from the House Constitutional Laws subcommittee and should move forward early in the 2020 session.

Another bill, H.3045 by Rep. Mandy Powers Norrell and others, attempts to address the more difficult issue of requiring disclosures by groups that do not have the primary purpose of influencing elections, but choose to do so as a part of their activities. A recent federal court ruling has greatly simplified the legal landscape around this issue, recognizing that disclosure rules strong enough to be effective are not an undue restraint on free speech.

An earlier federal interpretation embodied in the FEC’s 11 C.F.R. § 109.10(e) (6) required disclosure only of donors who explicitly donate funds to support a specific electioneering action. This was easily evaded by simply not stating an intended use for a donation. However, the United States District Court for the District of Columbia has now recognized in *CREW v. FEC* and *Crossroads GPS* that this narrow standard is unacceptable, is not necessary to preserve the constitutional right of free speech and does not serve the public interest. The Supreme Court in September 2018 refused to hear appeal of this ruling, effectively concurring with the district court in leaving it in place.

H.3045, like H. 4203, has been reported favorably from House subcommittee and should be passed in 2020 to protect the right of our citizens

to know who is attempting to influence their votes.

In South Carolina, respected and honorable candidates with a long record of service to our state have suffered from substantial dark money attacks and have even lost their seats as a consequence. Recently the Charleston mayoral race provided an example of dark money pouring into a local election. Surely this massive infusion of money into our politics demands accountability. The League will continue to work for the passage of these important bills during the 2020 legislative session.

Lynn S. Teague, LWVSC Vice President for Issues and Action

Highlights

- Co-President’s Message* 2
- Gerrymandering:*
- State Court Review?* 3
- Gerrymandering: Bringing People-Powered Fair Maps to South Carolina!* 4
- LEAD Day 2020* 5
- South Carolina Presidential Preference Primary* 6
- Successful Kick-off Meeting for a Rock Hill Area MAL Unit* 7
- Donate to the League* 8

Co-president's Message: Beyond "wokeness"

In modern usage, "woke" signifies having an enlightened awareness of racial, gender, and social justice issues. A politically woke person is keenly sensitive to all forms of discrimination and exclusion. To be "unwoke" is to be ignorant of or unconcerned about or unsympathetic to the painful effects of discrimination, exclusion, and injustice, particularly on the grounds of race, gender, religion, national origin, or disability.

Many who consider themselves woke are young and insist on absolute purity of behavior and the uncompromising pursuit of ideal goals. This idealism in the young is not new — and thank goodness for that!

The League's positions come down heavily on the side of social justice, of racial and gender equity, of strong public education for all, of voter access for all citizens.

We have only to think back to the role of the young in the civil rights movement and the Vietnam War protests of the 1960s. Youthful energy and scorn for compromise are essential to such struggles.

But the expectations now delve into minutiae of behavior and views, and, through social media, the condemnation of the unwoke is spread widely, instantly, and often to devastating effect. People

can be "cancelled" for unwoke actions from when they were teenagers or for carelessly using an unwoke expression, for failing to use the woke gender pronouns or the woke terms for racial or ethnic groups. Does that condemnation sometimes amount to its own bullying, its own smears and discrimination? And how does any of this connect to the League of Women Voters?

The League's positions come down heavily on the side of social justice, of racial and gender equity, of strong public education for all, of voter access for all citizens — of "wokeness." At the same time, the League is engaged in a major effort to promote diversity and inclusion and to number among its members people of all backgrounds, types, and persuasion. Our diversity policy specifically eschews exclusion of anyone based on "political perspective." So, does diversity include the unwoke? Do we reach out sincerely to those whose views on social justice or gender pronouns or voter access differ from ours? Do we strive just to be "woke enough"?

Feeling enlightened can quickly morph into feeling smug. I am mindful of President Obama's recent comments on the problem of uncompromising "wokeness," the way it ignores ambiguities and complications and human weaknesses. He cautioned those who seem to equate making change with being as judgmental as possible about other people. "Like, if I tweet or hashtag about how you didn't do something right



or used the wrong verb," he said, "then I can sit back and feel pretty good about myself cause, 'Man, you see how woke I was, I called you out.'" He noted that just "casting stones" is easy to do, but it is "not activism. That is not bringing about change."

The League wants to make change. But the League also wants civility and tolerance and bipartisan efforts and respectful conversation across the aisle and the inclusion of all (with all our warts) who are committed to making our democracy work. In the end, perhaps it is not a matter of being "woke enough," but of getting beyond the limitations — and smugness — of "wokeness" itself.

*Christe McCoy-Lawrence,
LWVSC Co-President*

Keep in touch between SC Voter Issues!

LWVSC regularly communicates news, announcements, policies, legislative developments, and more through email, Facebook, and our website.

Email: Watch for emails (about twice a month) from **LWV of South Carolina.**

If you do not receive these, please let us know (send to lwvsc.cml@gmail.com).

Facebook: Follow our page **League of Women Voters of South Carolina.**

There are daily posts about breaking developments and the page gets a lot of traffic. "Liking" and "sharing" posts helps spread the word.

Website:

Our website, lwvsc.org, is kept up to date; check it regularly.

GERRYMANDERING STATE COURT REVIEW?

When the Supreme Court ruled last summer that political gerrymandering was not justiciable in federal court, Chief Justice Roberts proposed four alternative routes for pursuing fair maps:

- Voter initiatives
- State legislatures
- Congress
- State courts

The state court route was pursued in 2018 in Pennsylvania and, more recently, this past summer in North Carolina. In Pennsylvania, the state supreme court declared that the state's Congressional district maps violated the state constitution's requirement that elections be "free and fair." New maps, drawn by a "special master" appointed by the courts and implemented in time for the 2018 elections resulted in nine Republican seats (44.75% of votes) and nine Democratic seats (55.03% of votes), compared to 13 Republican (53.91%) and five Democratic seats (45.70%) in the 2016 election.

The North Carolina case is still being pursued, but here's a brief recap of developments from this past summer and fall. A state district court concluded that partisan gerrymandering violates the North Carolina constitution's requirement that "[a]ll elections shall be free." In September, the court found the state legislative and senate maps (drawn by the Republican-dominated legislature) unconstitutional and required the legislature and senate to redraw their maps in a manner that was open to public scrutiny. Those maps were redrawn in open sessions of the two houses and submitted for review in mid-September. At the end of October, the court finally accepted the revised legislative and senate maps but demanded new Congressional maps.

In North Carolina's 2018 Congressional election, Republicans won 10 seats with 50.39% of the vote and Democrats won three with 48.35% of the

vote. One Republican legislator famously opined that his proposed map produced 10 Republican and three Democratic seats because he did "not believe it's possible to draw a map with 11 Republicans and two Democrats."

In November, the legislature passed a set of revised maps and submitted them for review by the court, but opponents expect to oppose the maps, claiming they still represent a Republican partisan gerrymander. A ruling is due December 2, and if the revised maps are not approved, the March primary election could be postponed.

In South Carolina, efforts are underway to get a legislative solution to the problem of partisan gerrymandering. There are now multiple bills that would implement

That language is similar to the language in other states that state courts have relied on in declaring partisan gerrymandering unconstitutional. Interpretation of the constitution is up to judges in each state, however. There is no certainty that South Carolina judges would follow other state courts' precedents, although having multiple state courts in agreement would add weight to that interpretation. Even if the court agreed on the principle, it would then have to find that the actual maps were, in fact, gerrymandered. South Carolina's current maps, drawn in 2010, were subject to "pre-clearance" under a provision of the Voting Rights Act that the Supreme Court voided in 2013. Because racial and partisan gerrymandering are often



some form of independent redistricting commission and/or set standards for fair maps. But the 2020 legislative session represents the last opportunity to implement a legislative solution before the 2020 Census results are published and new maps are drawn in 2021 that will stand for another decade. If the legislative effort fails, does South Carolina have a judicial recourse?

Article I, Section 5 of South Carolina's constitution states

- Elections, Free and Open
- All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

correlated, it is possible that the current maps would not appear to be as extreme as those in other states. The new maps will not be pre-cleared, so there's no telling how they will turn out until the process runs its course.

Our hope is that an independent redistricting commission will be in place by 2021, but if not, we will consider judicial remedies for gerrymandered maps. LWVSC hopes to avoid the need to pursue this path. We will be looking to all of you to help. See Shayna Howell's article on page 4 in this issue of *the Voter* and follow developments at <https://votersrule2020.wordpress.com>.

Matt Saltzman
LWVSC Director for Redistricting

GERRYMANDERING

BRINGING PEOPLE-POWERED FAIR MAPS TO SOUTH CAROLINA

Waiting for the Supreme Court's decision on gerrymandering in *Rucho v Common Cause* (a case in which LWV was a co-plaintiff), many of us were crossing our fingers, but we were not holding our breath. While we waited, we planned. And when the disappointing ruling came down, LWVSC was prepared to double down on our efforts to ensure that voters choose their representatives, not the other way around.

In October, I traveled to Washington, DC for an LWVUS training for the nationwide People Powered Fair Maps initiative. All 50 state Leagues had a delegate in attendance, everyone with a different story to tell about gerrymandering in their state. Several state Leagues have successfully advocated for independent redistricting commissions already, and although we have an uphill

battle, LWVSC is well-positioned to lead the charge for such a commission in SC.

At our annual convention in May, local Leagues voted to prioritize action on redistricting reform, and a Redistricting Workgroup was established. Matthew Saltzman and I, with the guidance of Lynn Teague, are leading this workgroup. Most of your local Leagues have already designated at least one liaison for the group; we are so appreciative of their time and energy and are excited to get to work!

We are also pleased to have new resources – including a grant and communications tools – to jumpstart our work.

We have an ambitious plan, and will need the help of every one of you to see it through. Every league will have access to tools and resources that will show their communities that:

- Gerrymandering makes our political system more polarized and hyperpartisan
- We need maps that benefit the voters, not political parties or incumbents
- Without redistricting reform, voters will continue to have fewer choices in the voting booth. Voters should choose their representatives, not the other way around.
- Having a gerrymandered legislature makes it hard to make progress on other issues we care about, such as a high quality public education system and protecting our natural resources (see above: hyperpartisanship and lack of choice in the voting booth.) We have to fix gerrymandering first!



VERED CAROLINA!



Our plan includes more exciting news... For the first time in years, we are bringing back LWV Lobby Day! Mark your calendars for the second week of February and look for the exact date and time soon. We want to show up in large groups from across the state (on the week of our centennial anniversary!) to continue doing what we've been doing for 100 years – Making Democracy Work.

While there are several bills out there that would lead to improvements in the current process, we are lobbying for H. 3054 (establishing an independent redistricting commission and solid map-drawing criteria), which has bipartisan support and does not require a constitutional amendment. The bill did not make it out of subcommittee last year, so that will be our first task.

Although there is support for the bill in the legislature, there is also significant opposition, and they need to hear from **the majority of South Carolinians who support redistricting reform.**

We need you at Lobby Day, but we want to lay some groundwork first. There will be many opportunities to have your voice heard leading up to LWV Lobby Day. They will include: testifying at legislative delegation meetings, writing letters to the editor, hosting or attending a People Powered Fair Maps Postcard Party (five times fast, anyone?) and reaching out to businesses and allied non-profits for their support. Look for these advocacy opportunities through your local League.

So... It's All Hands On Deck! Gerrymandering has plagued South Carolina for decades, under both Democrat and Republican majorities. We are now looking ahead to the 2021 map drawing, and are concerned, since it will be the first since the Voting Rights Act in which South Carolina is no longer required to receive preclearance for their maps. This could leave the door open for substantial incumbent or partisan gerrymandering.

LWVUS has suggested this is our biggest fight since women's suffrage. This time, we have the right to vote, now we want to make sure it counts.

Shayna Howell
Co-Chair, LWVSC Redistricting Workgroup

League Education and Advocacy Day 2020

We only get together as a state League twice a year, January and May, so we need to make the most of it. The state board is NOT the state League. You, all 1100 of you in 13 local Leagues, are the state League. LEAD is a chance to learn, share, rejuvenate, and get ready for both a legislative session and an election year. And it's a special year for the League, the 100th anniversary. So mark your calendars for Saturday, January 25th, 9-3 at Saint Peter's Catholic Church on Assembly Street in Columbia. A \$25 registration fee will provide coffee, lunch, handouts and lots of learning and networking.

Our two speakers are both long time League members with sterling credentials. John Ruoff, a member of the Columbia League with decades of experience lobbying on redistricting, will share War Stories from the Redistricting Front. Redistricting co-chairs Matt Saltzman and Shayna Howell will follow up with action plans for you to carry out.

Our second speaker is Dr. Laura Wolliver, who was a professor of political science and women's studies until her recent retirement. She is president of the Columbia League and will speak on "Disturbing the Peace in South Carolina: Women's Suffrage and Human Equality."

It's a big election year, and we want you to share your successes and challenges in every dimension of electoral democracy from registration to candidate forums to vote 411 to problems with equipment and finding poll workers and making sure that students, ex-felons, and other groups are enabled and encouraged to participate. That's the groundwork for which the League is justly famous.

Other highlights: an update on our Diversity, Equity and Inclusion initiative, a legislative briefing by our incomparable unpaid full-time lobbyist Lynn Teague; and reports from our newly created working groups on education, natural resources, race and gender equity and centennial events.

So bring a carload or two and be prepared for a stimulating, informative, and energizing experience!

Holley Ulbrich
LWVSC Co-President

SOUTH CAROLINA PRESIDENTIAL PREFERENCE PRIMARY

You have probably noticed the influx of presidential primary candidates in our state in recent months. In fact, it is difficult to avoid them right now in South Carolina as they seem to be appearing in every corner. If they don't tangle up traffic where you live for their events, they are certainly visible on your TV screen, or on your local radio. You may wonder why they are all coming to South Carolina; could it be our wonderful beaches, friendly people, and excellent barbeque?

Why South Carolina?

South Carolina is the first state in the South to hold presidential primaries. In 2020 Iowa, New Hampshire, and Nevada will be the only states holding primaries before South Carolina. Our state is seen as the first test for candidates in the South. Results in South Carolina hold predictive value for how candidates may fare in other southern states. In fact, since 1980, the candidate chosen in Republican primaries in South Carolina has become the party candidate all but one time (2012 Romney-Gingrich). On the Democratic side since 1992, when Democrats adopted the primary system, they have chosen the eventual winner three out of four times.

Will both major parties be having a primary?

On February 29, 2020 Democratic primary voters can go to the polls to select their preferred Democratic party candidate for the 2020 presidential election. As of mid-November 2019, there are eighteen declared Democratic candidates in the race and one candidate who is still deciding whether to run.

The South Carolina Republican party executive committee canceled the Republican presidential preference primary in South Carolina that would normally have been held the same day. The reasons cited for the cancellation were "no legitimate primary challenger" and the unnecessary expense for taxpayers without a legitimate challenge. The Protect Democracy Project is suing the state GOP to reinstate the primary on behalf of former U.S. Representative Bob Inglis (Republican, Travelers Rest) and a co-defendant. Their main argument is that South Carolina Republicans are being deprived of their fundamental right to vote in a primary. A decision in the case is imminent, but the decision could be appealed to the state Supreme Court. At least four other states have canceled their Republican primaries. There are three candidates running in the Republican primary.

What is the registration deadline?

South Carolinians wanting to vote in the Democratic primary must be registered by January 30, 2020. Voters can register in person at their local county election office; by mail, in which case the registration must be postmarked by January 30; or online at www.scvotes.org.

Who can vote in the primary?

South Carolina does not allow for registration by party; we have what is called an open primary system. This means that any registered voter wishing to vote in a primary election may do so. A person may only vote in one party's primary.

If a person will be 18 years of age by the presidential election, November 3, 2020, he or she can vote in the primary election. Anyone born after November 3, 2002 can register and vote in the presidential preference primary in February.

What sort of identification is needed to vote?

When voting in person, you may show one of the following forms of photo ID: SC Driver's License, SC Department of Motor Vehicles ID Card, SC Concealed Weapons Permit, SC Voter Registration Card with Photo, Federal Military ID, Department of Defense Photo ID, Veterans Affairs Benefits Card, US Passport, US Passport ID Card.

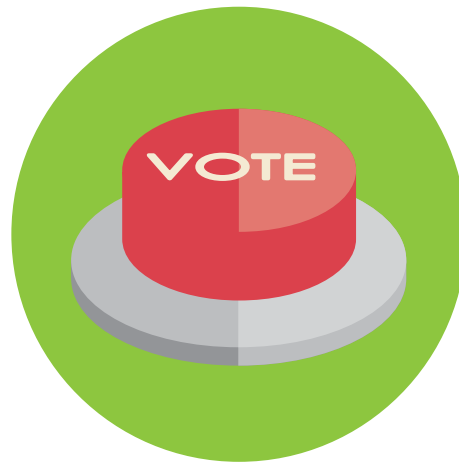
If you forget to bring your ID to vote, you may vote a provisional ballot that will count only if you show your Photo ID to the election commission prior to certification of the election (usually Thursday or Friday after the election).

Will there be long lines to vote in the primary?

In 2008, 23% of the electorate voted in the Democratic primary in South Carolina. The Democratic party did not hold a primary in 2012. In 2016, 13% of the electorate voted in the Democratic primary. Based on this recent history, there probably will not be long lines at polling stations.

Can I vote absentee in the presidential preference primary?

You may vote absentee in the primary. To do this **in person**, you should visit the county voter registration office in your county of residence, complete an application, and cast your ballot. You may vote absentee in person up until 5:00 p.m. on the day before the election. Rules for the photo ID required to vote at the polling place apply.



To vote absentee **by mail** you need to go to www.scvotes.org to get the application online, or you may request an application for yourself or your immediate family member from the county voter registration office in your county by phone, mail, email, or fax. The deadline to request an absentee ballot is Tuesday, February 25, 2020, 5:00pm. All absentee ballots must be received by the election office by Saturday, February 29, 2020, 7:00pm.

How will votes be distributed to Democratic party candidates as a result of the South Carolina Democratic primary election?

In South Carolina voters directly vote for a presidential candidate in the presidential preference primary, then based on these votes delegates supporting various candidates are chosen at the state party convention in May 2020 to go to the Democratic National Convention in Milwaukee, Wisconsin (July 2020).

South Carolina has 63 delegates to the Democratic National Convention out of a total estimated 4,594 delegates. The number of delegates awarded to each state is determined by a formula that factors the state's popular vote for the Democratic nominee in the previous three elections, the state's electoral votes, and when the state's primary is held.

Allocation of South Carolina delegates at the state convention is as follows, 35 delegates are chosen proportionally at the district level based on primary election results in each of the seven congressional districts. Twelve at-large delegates are chosen based on the primary vote statewide. Seven delegates are chosen as party leaders and elected official delegates. All of these groups of delegates are pledged delegates, meaning that they will vote for a particular candidate who they pledge to vote for at the convention. A mandatory 15 percent threshold is required in order for a presidential contender to be allocated national convention delegates. Finally, nine delegates in South Carolina are unpledged automatic party leader and elected official delegates (commonly known as superdelegates). Superdelegates do not need to be pledged to a specific candidate. 758 total delegates at the Democratic National Convention are superdelegates.

In 2016 the Democratic party changed its bylaws so that the 758 superdelegates do not vote in the first round of voting at the Democratic National Convention. Only the 3,836 pledged delegates vote in the first round. If no presidential candidate wins a majority, voting goes to a second round, when superdelegates are allowed to vote.

Hm, this is confusing, does my vote matter?

Yes! With low turnout for primaries, and proportional allocation of delegates in the Democratic party, your vote is especially impactful. Only 15 percent of people in your congressional district need to vote for a candidate for him or her to have representation at the national convention. Voting in this election gives you a voice on Democratic party candidates, party policy, and direction for the next four years. Take advantage of the opportunity and GO VOTE!

Katarina Moyon, At-Large member

Successful Kick-off Meeting for a Rock Hill Area MAL Unit

A capacity group of thirty people filled the room at the LOOM in Fort Mill on Wednesday, Nov. 13, to learn how to start a LWV local league in the Rock Hill Area. Joyce Franklin, LWVSC Director for Member Services, and our two co-presidents, Holley Ulbrich and Christe McCoy-Lawrence, presented information on the history of the League, our educational and advocacy efforts, our voter services — and, then, the next steps involved in starting a MAL unit! A Steering Committee of ten was established before the meeting disbanded.

Joyce Franklin started working on this initiative many months ago by arranging two previous events in Rock Hill. In May, Holley Ulbrich gave a presentation on redistricting, and at a second meeting in October, LWVSC lobbyist Lynn Teague talked about our legislative advocacy work. Those meetings, though more lightly attended, gave impetus to the November organizational meeting by revealing considerable citizen interest and by providing contacts who then contributed on-the-ground help in arranging and publicizing the November event.

Pastor Karen Woods from Fort Mill posted flyers, helped find the venue, brought a lot of people, and even provided refreshments. Katarina Moyon at Winthrop University helped spread the word, gave a radio interview before the event, and invited a number of the Winthrop people who came to the meeting. And Joyce Salomon, who had attended both earlier meetings, contributed the contact information of many friends and acquaintances who are interested in our work. These contributions were critical to the success of the meeting.

In the 1960s through 1980s, there was a vigorous local League in the Rock Hill area, but it faded away around 1990. That north central area of the state — York, Lancaster, and Chester counties — has been a League desert since then, creating a large gap in our state-wide educational and advocacy efforts, in our VOTE411.org coverage, and general voter services. We are very excited about the prospect of having a new MAL Unit in the Rock Hill Area soon.

Christe McCoy-Lawrence, Co-President, LWVSC

**MAKING
DEMOCRACY WORK®**

Post Office Box 8453
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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.

Co-Presidents: Christe McCoy-Lawrence
Holley Ulbrich

Editors: Linda Powers and
Holley Ulbrich

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I wish my contribution to remain anonymous.

I wish my contribution to be tax deductible where allowed by law. My check is made out to the "League of Women Voters Education Fund" which is a 501(c)(3) organization.

I wish to support the League's action priorities. My check is made out to the "League of Women Voters" and is not tax-deductible.

Comments _____

Contribution can be mailed to LWVSC, P.O. Box 8453, Columbia, SC 29202 or a donation can be made on line at www.lwvsc.org. You can donate with a one time or recurring gift. Every little bit helps support advocacy efforts at the SC Statehouse and grassroots efforts in our local communities.

Thank you for your support!