

PROGRESS ON UTILITY REGULATION IN SC

The 2018 session of South Carolina’s General Assembly has made significant progress on reform of monopoly utility regulation, although much remains to be done. The League became involved in utility regulation in 2015, when schedule delays and cost increases at the V. C. Summer nuclear plant raised questions about the extent to which our state government protects utilities at the expense of their customers and the general public.

We were first concerned about the Base Load Review Act (BLRA), passed in 2007. We initially worked with Rep. Kirkman Finlay (R-Richland) to attempt to amend the BLRA to incorporate protections for consumers. Overall the impact of the BLRA was to shift risk from shareholders to ratepayers. A bill amending the BLRA passed out of a House subcommittee in the spring of 2017. However, it stalled there.

After abandonment of V. C. Summer on 1 Aug 2017, the gravity of the problems in the regulatory system became better understood by legislators. As a consequence, the BLRA has now been repealed for all future projects and a strong definition of prudence has been incorporated into the law. This is significant progress. However, it also had become clear to the League and to our legislative allies that this was not all that was needed. The whole system had fallen prey to what economists call regulatory capture, in which protection of captive consumers has been neglected in favor of protection of utility interests.

From the beginning the League has stressed the importance of reforming the Office of Regulatory Staff (ORS) mission, which unreasonably demanded that the ORS not only protect ratepayers but also protect economic development and “the financial integrity of utilities.” This has now been done. The General Assembly agreed that economic development could be defended by the Department of Commerce and that the financial integrity of utilities was not a direct state interest, leaving ORS to defend consumer interests, including reasonable rates for stable reliable service. In addition, a consumer advocate has been established in the Dept. of Consumer Affairs.

That is only the beginning. The overall oversight group for the regulatory system is the State Regulation of Public Utilities Review Committee (PURC), made up of six legislators and four members of the public appointed by legislators. PURC vets candidates for the Public Service Commission (PSC), the Public Service Authority (PSA), and Director of the ORS; conducts annual evaluations of individuals and regulatory agencies; and has other planning functions in utility regulation. The PSC is an important quasi-judicial body that decides utility regulatory issues. The PSA oversees Santee Cooper.

PURC, the PSC, and the PSA require much greater attention than they have received. PURC needs provisions preventing members from receiving income, donations, or gifts from the utilities whose operations they regulate. In both the PSC and PSA, we must have

greater attention to qualifications and less parochial focus on local representation. We should also look at the need for improvements in co-op governance. The question of whether Santee Cooper should be sold or put under greater oversight is currently before a legislative committee that we are following closely. We need reform of all of our utility systems in ways that support public accountability and transparency, as well as ethical conduct. The League will continue to work toward that goal.

— Lynn Shuler Teague
VP for Issues and Action, LWWSC

Highlights

<i>Co-President’s Message</i>	2
<i>LEAD Save the Date</i>	2
<i>Looking Ahead</i>	2
<i>Constitutional Amendment on the Ballot</i>	3
<i>Celebrating Sarah Leverette</i> ..	4
<i>Women’s Equality Day</i>	4
<i>Gerrymandering:</i>	
<i>An Update</i>	6
<i>SC Election Security</i>	7
<i>SC DHEC Spare the Air Award Winner</i>	7
<i>Donate to the League</i>	8

Co-President's Message



Midterm elections are at the top of everyone's agenda this fall. By the time you receive this Voter, registration will be finished for this election, but there will be candidate forums, poll-watching, getting out the vote, and voting. Voting is both a privilege and a responsibility. Informed voting — knowing what's on the ballot and how the candidates stand on issues we care about — is an important part of that responsibility. Lots of people depend on the League. So we need to ask candidates for state and local offices and for Congress about issues that matter to the League. Redistricting. Election security, including machines that provide for paper trails and protection from hacking. Funding education. Access to higher education. Protecting the environment. Campaign finance reform. Judicial selection at all levels. Health care. Ask those questions at forums or other opportunities. Elections are an opportunity to get politicians to listen. Make the most of it!

As we start to look ahead to our convention in Charleston next May, the nominating committee is gearing up to fill some important slots on state board. Under the reorganization that was approved by the Board in June, we will be looking especially for a communications director, a fundraising director, and an events coordinator. Please consider whether you or someone in your League has those skills and would be willing to use them for LWVSC. If so, let Sally McGarry, chair of the nominating committee know at smcgarry@roadrunner.com.

There is an old Chinese saying that is both a blessing and a curse: May you live in interesting times. The times we live in — with polarization of the electorate, a record number of women candidates, the likelihood of a lot of newcomers from both parties in Congress, the greatly expanded role of social media in elections, the concerns about election security — are both a blessing and a curse, a challenge and an opportunity. Let's all do the best we can to make it the most open, fair, and engaged election that we can. And then sit back on November 6th and hope for the best.

Holley Ulbrich, Co-president, LWVSC

Save the Date!

- LEAD (League Education and Advocacy Day) will be held on Saturday, January 19th at the SCEA building in Columbia.
- State convention will be held in Charleston at Town and Country Suites on May 4 and 5.

Make plans to attend!

Primaries: Looking back; looking forward

The recent primary elections in South Carolina are an invitation to the League to consider, as the custodian of good government, what changes we might want to support or oppose. Periodically the General Assembly considers proposals to change from open primaries — anyone can choose to vote in either primary—to closed primaries where voters register by party as they do in many others states. The League presently has no position, but perhaps we should develop one.

The second issue is runoffs in primary elections, where the League does have a position that we might want to reconsider. At present, the League is opposed to runoffs in primaries because the time is so short (two weeks) between primary and runoff and the turnout in the runoff is often low. However, there were some hotly contested primaries, especially for governor and for Congressional District 4, with multiple candidates. The candidate running first in the primary in District 4 garnered 25 percent of the vote in a field of 13 and lost in the runoff. Now that the General Assembly is adjourning in May instead of June it would be feasible to have a longer period between primary and runoff.

So think on these things and be prepared to voice your preference in the state program planning your local League will be conducting after the first of the year.

Want to stay up to date with the latest news and events? Looking for resources? Visit:

lww.org ★ twitter.com/lwv ★ facebook.com/leagueofwomenvoters

Search for your local chapter on Facebook

CONSTITUTIONAL AMENDMENT ON THE NOVEMBER BALLOT:

APPOINTING A STATE SUPERINTENDENT OF EDUCATION

The following Constitutional Amendment Question will appear on ballots in the November 6, 2018, General Election:

Amendment 1

Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to provide that beginning in January 2023, or upon a vacancy in the office of Superintendent of Education after the date of the ratification of the provisions of this paragraph, whichever occurs first, the Superintendent of Education must be appointed by the Governor, with the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for the office?

Yes: A ‘Yes’ vote will require the Superintendent of Education be appointed by the Governor with the consent of the Senate.

No: A ‘No’ vote maintains the current method of electing a Superintendent of Education.

League of Women Voters' Explanation of the Vote

In November, South Carolina voters will consider a constitutional amendment to change the S.C. Superintendent of Education position from a statewide elected office to an appointment made by the Governor with the consent of the state Senate.

Arguments that support a “yes” vote include:

- South Carolina is one of only eight states in which state superintendents are chosen in statewide partisan elections.
- In South Carolina, many statewide offices (seven) are elected by statewide partisan vote. A recent change was the Adjutant General, which has been removed as an elected position.
- The seven remaining elected state positions, in addition to many important statewide commission and board members who are appointed by the General Assembly, take authority from the Governor who should be held responsible for the efficient operation of all state agencies.
- An appointed Superintendent would increase the Governor’s accountability for public education issues and strengthen the Office of the Governor in this legislatively-dominated state.
- The expense and difficulty of running statewide partisan campaigns may discourage the best candidates from running.

Arguments that support a “no” vote include:

- Since the State Superintendent has direct oversight of all the state’s public schools, an elected Superintendent makes her/him directly accountable to voters regarding K-12 education issues.
- Since the largest portion of the state budget goes to education, as well as millions of dollars in federal grant money, an elected state superintendent can devote full attention to education issues without the distraction or competition of other state funding issues.
- Gubernatorial appointment would not guarantee the person chosen would have the knowledge, experience or philosophy to successfully manage school issues.
- Special interest lobbying could influence gubernatorial appointment of a superintendent.
- As education becomes more complex and specialized, statewide campaigns require candidates to travel throughout the state, giving voters the opportunity to meet and evaluate the candidates.

The League’s position is to support appointment for this office by a reformed (i.e. more representative) state board of education, but that option is not on the ballot, **so the state League neither supports nor opposes this amendment.** Those in favor argue that the change will make the Superintendent accountable to the governor, that voters have difficulty assessing the skills of what is more an administrative than a policy-making position, and that many qualified candidates are deterred by the cost and effort of campaigning for the office. Those opposed point to the generally good elected superintendents from both parties who have occupied the office and the opportunity the election provides for voters to express their concerns to candidates. An issue is the credentials required; there are no specific requirements for an elected superintendent, but those set forth in the legislation do not necessarily limit the office to those with relevant education administration experience.

CELEBRATING SARAH LEVERETTE

Born in the upstate town of Iva, Sarah Leverette became one of the first women lawyers in the state. She graduated magna cum laude from the University of South Carolina School of Law and was admitted to the South Carolina Bar in 1943. Having a law degree at that time did not ensure women the opportunity of practicing law. Instead, Sarah began a long career in legal research starting at the South Carolina Department of Labor. Following her post-graduate work at Columbia University, Sarah returned to the U.S.C. School of Law as a librarian and instructor, becoming the first female faculty member at the law school, where she taught legal research and writing for a quarter century.

Gov. John West appointed Leverette to the S.C. Constitutional Study Committee in 1969-70 when she wrote the procedural manual that is used today for revising the Constitution. She recalled this committee took “blood, sweat, and tears,” but it has had considerable influence on the direction that constitutional revision has taken.

Leverette left the U.S.C. School of Law in the seventies to serve as

commissioner and chairman of the South Carolina Industrial Commission; she retired from this position in the 1980s.

Equally impressive as her commitment to the law in South Carolina has been her commitment to volunteerism in Common Cause, the Community Relations Luncheon Club, Richland Foundation, the American Association of University Women, and Education First. In many cases, she served on the boards of these organizations -- the League of Women Voters of South Carolina, Common Cause of South Carolina, the AAUW of South Carolina, Friends of Education, and others.

A member of the Columbia League of Women Voters for over fifty years and elected for a term as its president, Leverette committed herself to League work. She represented the League before the legislature on topics of constitutional revision, freedom of information, tidelands and coastal zone management. She also served on the South Carolina Constitutional Study Committee as the governor’s appointee and with the committee contributed toward a revision and accepted speaking engagements

to inform the public of the work of the committee. Sarah remembers “hurtling through the late afternoon to Aiken with Barbara Moxon, munching on the banana sandwiches and nuts Mrs. Moxon had provided,” then being so frightened by Barbara Moxon’s driving on the way to another speaking engagement that she forgot what she was going to say. On another occasion, after speaking on constitutional revision to a women’s group, Sarah was approached by a woman who told her that she never had understood the constitution, and still didn’t, but she certainly had enjoyed the talk!

Sarah also served as a board member of the S.C. Women Lawyers Association and received that organization’s Jean Galloway Bissell Award in 2001, recognizing her as a pioneer for women lawyers in the state. She was featured in a book about early state attorneys, *Portia Steps Up*, since she was the only female in her USC law class in 1943.

The Girl Scouts also recognized Sarah’s work; because of her lifetime of community service, Sarah was honored with a Girl Scout Congaree Area 2006

CELEBRATING WOMEN

Celebrating courage, leadership, and history, Lowcountry women came together for Women’s Equality Day on August 26. Brian Hicks, author and Charleston Post and Courier columnist, spoke about politically influential women in his new book, *In Darkest South Carolina*. Barbara Fry, leader of the League’s Equal Means ERA Coalition, explained why ratification of the Equal Rights Amendment is important. Melinda Hamilton, LWVCA President, noted that through most of its existence the League has not welcomed women of color. “We were wrong,” she said. “On Women’s Equality Day, it is especially important to



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award, one of the four Women of Distinction chosen that year; she was cited for her pioneering work in the legal area and for her tireless advocacy for human rights. On her 90th birthday, the S.C. House of Representatives recognized Sarah Leverette “for her leadership and achievements as attorney, educator, and volunteer taking the opportunity to wish her a happy birthday in 2009.” Again, in January 2010, she was honored as a “SHE-roe” [Maya Angelou’s term] by Planned Parenthood of Columbia, when she was awarded the Barbara Moxon Advocacy Award at Planned Parenthood’s January, 2011, Columbia luncheon. In her closing acceptance remarks, she looked over the assemblage and lamented, “I would have run for office if I’d known I had this many friends.” Sarah’s accomplishments and



her longtime commitment to the League of Women Voters of South Carolina earn her a secure place in the hearts of League members across the state.

From LWVSC History by Sheila Haney. Sarah Leverette passed away August 29th, 2018 at the age of 98.

WOMEN'S EQUALITY DAY

thank those of color who’ve kept the faith with us. The history written for our time must show that we welcome all who share our goals as we work for a more just, inclusive democracy.”

The League of Women Voters of Spartanburg County, the Breakfast Business and Profession Women, and the Alpha Kappa Alpha Sorority celebrated Women’s Equality Day by honoring Congresswoman Liz Patterson and historian Alice Henderson and celebrating the 100th birthday of Katherine Johnson, NASA mathematician depicted in the movie, “Hidden Figures.” In addition, Kathryn Smith, author of *The Gatekeeper*,

portrayed Missy LeHand, executive secretary of Franklin Roosevelt.

About seventy people packed the meeting space of the LWV of the Clemson Area for our Women’s Equality Day celebration. Refreshments and music were enjoyed. Our MC regaled us with stories of women’s history and delightful memories of our mothers and grandmothers acquiring the right to vote. Several members reported that singing the Woody Guthrie song, “This Land Is Your Land,” acquired new emotional impact in the current political atmosphere.

Does Your Town Support the International Bill of Rights for Women?

Women’s rights have been a central cause for the LWV since the organization’s inception in 1920. Much progress has been made, but women still do not have equality in ways that affect their lives in many arenas.

LWV strongly supports the ongoing efforts to pass an Equal Rights Amendment to the US Constitution, but we recognize that South Carolina is unlikely to be the 38th state to ratify. Under the circumstances, what can we do to promote this issue?

One important path that South Carolinians can follow is that provided by CEDAW, the Convention on the Elimination of all Forms of Discrimination Against Women, which was adopted by United Nations General Assembly in December 1979, and is commonly called the International Bill of Rights for Women.

Did you know?

- that CEDAW has been ratified by all but six of the UN’s 196 member nations, the USA being one holdout (along with Iran, Nauru, Somalia, Sudan, and Tonga)?
- that at least thirty U.S. cities have passed CEDAW resolutions or ordinances, with many more in process?
- that, in S.C., both Columbia and Charleston adopted CEDAW within the last year?

Local leagues can encourage their cities and counties across the state to follow Columbia and Charleston’s lead. Educate the citizenry in your area with letters to the editor and informational programs about the need for equal protection. Seek municipal leaders who will help introduce a bill in your local city council and push efforts to have your municipality or county pass a CEDAW resolution or ordinance. Blanketing the state with CEDAW resolutions will move the cause forward!

For more information, see www.amnestyusa.org/files/pdfs/cedaw_fact_sheet.pdf and citiesforcedaw.org.

— Christe McCoy-Lawrence

WHAT'S THE LATEST ON GERRYMANDERING?

From Co-President Holley Ulbrich:

The state board welcomes its newest director, Matt Saltzman from the Clemson LWV, who is our director for redistricting. Matt, who is on the faculty of the math department at Clemson University, moved to Clemson in 1990 and has been working at the intersection of his two favorite subjects — applied mathematics and politics. He has spoken to a number of groups on redistricting and attended redistricting training at Duke University last fall on the expert witness track. Here are Matt's latest thoughts on redistricting:



the court, with the acquiescence of the plaintiffs, determined that the current, unconstitutional maps should be used in the 2018 election, due to insufficient time to implement new maps and lack of a reasonable alternative plan.

In May, Ohio voters approved an initiative to ensure bipartisan support for redistricting plans. The new procedure will take effect after the 2020 census. It will require approval of 60% of legislators in the state house and senate, including half of the minority party members in order to remain in place for a full decade. If legislators fail to agree, a bipartisan commission will be appointed to draw the maps. If the commission fails, then legislators would get another chance with

would create a “Citizens Redistricting Commission.” The bill that the League supports is H.4456, which would create an independent redistricting commission and bans consideration of partisan or incumbent protection. Rep. Gary Clary (whose upstate district includes portions of Oconee and Pickens Counties) plans to refile this bill when the legislature reconvenes in January. LWVSC volunteer lobbyist Lynn Teague is optimistic that the bill will receive a committee hearing in this upcoming session. LWVSC, AARP, and NAACP are part of a coalition supporting this bill. There is broad public support for redistricting reform, and there is enthusiasm for the effort even among organizations that do not actively lobby on

At the end of the Supreme Court session in June, the court declined to rule on the question of whether partisan gerrymandering is constitutional, instead remanding the Wisconsin case back to a lower court to consider the question of standing to bring the suit.

As a consequence, the North Carolina case, *Rucho v. League of Women Voters of North Carolina and Common Cause*, was also sent back to its lower court.

In August, the lower court in the North Carolina case ruled for the plaintiffs and declared that the North Carolina district map unconstitutionally violated the First Amendment guarantee of freedom of association. After further consideration,

There is broad public support for redistricting reform, and there is enthusiasm for the effort even among organizations that do not actively lobby on elections and voting issues.

more lenient rules and if that process fails, the majority party could draw a map that would have to be reconsidered after four years.

Meanwhile, here in South Carolina, the legislature adjourned in June without considering either of two bills to create a nonpartisan redistricting process. One, H.5200/S.1159, introduced in April by the Progressive Legislative Caucus,

elections and voting issues.

The problem of defining and evaluating district boundaries to assess their compliance with the criteria laid out in our bill is complex, but I and several other League members are working to gather the necessary data and generate the appropriate analyses. The League will not be deterred in its efforts to ensure fair elections in South Carolina.



Show your love for redistricting in bumper sticker form!

This conversation-starting bumper sticker was designed by the Clemson League member and graphic designer Christine Prado to help raise awareness of the redistricting issue.

We are accepting orders, minimum of ten bumper stickers, at \$2 each, postage paid.

Send your orders with a check made out the LWVSC to:

Holley Ulbrich

2 Birch Place

Clemson SC 29631

Questions?

Call 864-654-6828

South Carolina Election Security

The Election Infrastructure Sharing and Analysis Center, the Department of Homeland Security and the FBI are working with South Carolina elections officials. All county elections directors participated in a 2-day workshop, in which they took part in security exercises and learned to detect and guard against new phishing methods. Physical security of the voting machines and of elections offices was examined. SLED and local law enforcement have been involved. The South Carolina State Elections Commission and federal officials are taking the cyber threat seriously and have taken major actions to safeguard our vote.

Moving Forward to a Safer Technology

Duncan Buell, Co-chair of the Task Force on Alternative Voting Technologies, has published a comprehensive article on the current and future use of voting machines in the September 13, 2018, issue of *Statehouse Report*. All the voting machines demonstrated at the 2015 Voting Fair marked the ballot for the voter, but his article includes a strong argument for voter-marked ballots. (www.statehousereport.com/2018/09/07/buell-on-choosing-new-voting-systems)

— Eleanor Hare
LWVSC Voting Technology Chair

Let's all VOW to **VERIFY** what may or may NOT be news!

- V** View
- E** Evaluate
- R** Research, if needed
- I** Identify truth? Or
- F** Falsehood?
- Y** Yes or No?

Supporting responsible news reporting is part of making democracy work!

SPARTANBURG LEAGUE PRESIDENT WINS SC DHEC SPARE THE AIR AWARD



Spartanburg Leaguers (Mary Deku second from left) demonstrate school air quality flags.

Mary Ann Deku, Spartanburg League president, who has headed up the League's "Breathe Better" anti-idling campaign at schools since 2014, has been awarded DHEC's Spare the Air Award for an individual. This award recognizes individuals who demonstrate environmental stewardship through voluntary measures to improve air quality. Deku recruited 18 Spartanburg County schools to participate; the schools that conducted an idling vehicle count as part of their anti-idling campaign produced a 40 percent reduction in idling among cars and a 54 percent reduction in idling among school buses. And, the project led to another collaboration — working with the Garden Club at Carlisle Foster's Grove Elementary School on their vegetable garden! Congratulations, Mary!

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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PO Box 8453
Columbia, SC 29202
Phone/Fax:
(803) 251-2726
Website: www.lwvsc.org

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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!