

# Questions on the questions?

## Why can't laws and amendments be written in plain language?

Monday, November 6, 2006

Why can't lawmakers write laws - and amendments that appear on ballots - in language the average voter can understand?

Even the South Carolina Election Commission site that claims to offer an "explanation" of the statewide amendments voters will be asked to consider Tuesday made the explanations almost as complicated as the original.

And we went away feeling not much had been explained.

Information we obtained in the interest of educating ourselves may help readers determine their positions.

n No. 1: "Must article XVII of the Constitution of this state be amended by adding Section 15 so as to provide that in this state and its political subdivisions, a marriage between one man and one woman is the only lawful domestic union?"

Simply put, if you vote yes, you favor that definition of marriage; if you vote no, you don't think it is necessary.

Our editorial on the subject pointed out that the main "threat to traditional marriage," as it has been phrased, is the heterosexuals who practice it. About half of us don't do it very well; 50 percent of marriages will end in divorce. There are strong feelings on both sides. With that in mind, we have also published both pro and con pieces on the issue, on Oct. 29 (vote no) and Nov. 5 (vote yes). These were written for us by a retired Clemson professor and the president of the Palmetto Family Council.

n No. 2: "Shall Article III be amended to provide that (each body) of the General Assembly" have equal latitude in temporary adjournment during the session.

A yes vote would allow both the House and Senate to adjourn temporarily, especially sensible during periods when discussions are in committee rather than debated on the floor. It is a more efficient use of lawmakers' time if they don't have to be in Columbia (and paid by taxpayers) when they aren't involved in committee discussions.

A secondary question on this issue approves a change in the state constitution in order that Amendment No. 2, if approved, can take effect.

n No. 3: We are the only state that cannot invest pension money in foreign stocks. To vote yes would give more flexibility in investment options and allow investment in companies that most may not think of as foreign-owned but are very successful and important to the nation's economy and even in our own state, for example, Michelin. Proponents also believe this will reduce risk to the pension fund's future as well as provide diversity that would produce greater profits.

Again, there is a secondary question that would eliminate an advisory panel that essentially has already been supplanted.

In 2005, the General Assembly took investment decisions out of the hands the advisory panel in an effort to remove political implications on pension investments, giving those responsibilities to a six-member commission and professionals in the field.

n No. 4: This is the big one, whether there should be a 15 percent cap on property reassessment. When considering this proposal, voters should be aware this would be total over a five-year period but not necessarily a decrease in taxes. There is no free lunch; even if your property taxes don't increase, taxes will increase somewhere (or arise in another form), to make up for what you "saved." The legislature's approval of a sales tax increase to make up for lost revenues with the removal of school operating expenses from property taxes is a good example.

Proponents say a yes vote is the first step toward real property tax reform. Those who oppose say it will help some homeowners but do little for the average taxpayer as well as further burden business to compensate.

n No. 5: A yes vote would provide that private property cannot be condemned by the state or local government under eminent domain for any use other than that for the public good. The issue arose in many states, in addition to our own, because of another state's taking a property owner's land to benefit a private developer for a hotel complex. Government officials maintained this was for "the public good" because it would be economically beneficial to the community. Yet public good has traditionally meant buildings and sites of public access, such as parks, libraries or the widening of roads that improved safety.

Passage would also allow the General Assembly to condemn property for public or private use if just compensation is made to the owner or owners and if the property has been deemed to be a public nuisance or dangerous to the public.

We hope voters will educate themselves before entering the voting booth on Tuesday. Remember, state law mandates you only have three minutes; unless you have prepared ahead of time, it might take three minutes just to read the questions.

We find the amendments to be written in complicated language, which makes us wonder if it is by design or with the intent to discourage voters taking the time to try to actually understand what they are voting for or against.

One might call that politics by passivity.