

REDISTRICTING STRATEGY, 2020

In coordinating our legislative, technical, and public communication strategies for redistricting, we need to keep the focus on our primary goal. From our first discussions several years ago, the League's goal has been to ensure that the maps generated on the basis of the 2020 census put the interests of voters, rather than parties or incumbents, first. Each voter should have the best possible opportunity to contribute to selecting the representative of their choice in the General Assembly and in Congress. We believe that in South Carolina this would probably not lead to a major shift in party dynamics (that is not our issue or goal in any case) but would serve the important goals of reducing polarization, creating conditions that would require legislators to respond to a broader range of voters rather than a narrow partisan "base," and reducing the voter apathy that arises from predetermined election outcomes.

Our broad strategy has been to work toward that goal through the mechanisms available at each stage, roughly characterized as legislative action to reform the process (2017-2020), the actual map process (2021), and if that fails to produce reasonable maps, litigation (2021 and following). However, we can now expand on how that is structured, and particularly on how it can play out in 2020.

We continue to press for passage of H.3054. 2020 is the last year when that could conceivably happen. However, we need to be sure that everyone, especially those working on this through the League, understands that this bill is one tool in a long term strategy, an expression of the broadly defined means that we believe will contribute to sound maps, but not in itself our ultimate goal or the only expression of our paths toward that goal.

MEANS TO OUR END

So, what are those principles of sound process that are embodied in H.3054, but that we can work toward with or without passage of the bill?

- Active and meaningful public involvement in the redistricting process
- Transparency through public hearings and, more importantly, other more direct mechanisms to give the public information and an opportunity to comment on standards, data, process, and outcomes
- Exclusion of partisan protection from criteria
- Exclusion of incumbent protection from criteria

TECHNICAL ISSUES

The General Assembly has already begun this year planning for redistricting. While they probably assume that no redistricting reform will pass, planning in 2020 can apply equally well whether there is or isn't an independent commission. H.3054 would not amend the Constitution of 1895, and thus would leave the process embedded to some extent in the General Assembly, with or without an independent commission. Sound plans would apply regardless of who is drawing lines.

We are told that House plans at present include public hearings across the state (as also required by H.3054), but there are questions about how productive they are. Many in the public don't fully understand the reapportionment process (reallocating House members among Congressional districts) or redistricting (redrawing both Congressional and state legislative lines) and so don't provide useful input. Also, some of those commenting focused on constituent service rather than policy development. As a consequence, some citizens prioritize being represented by someone

they perceive as like themselves. This is very different from the goals the League is seeking. And finally, public hearings are a fairly superficial form of input, insufficient to focus on real issues in the district lines.

So, there is consideration of additional ways of soliciting input. One such possibility is that software can be purchased with an app that allows the public to construct their own maps and email them to the redistricting group. There is reasonable concern that the result would be submission of large numbers of maps, many of them not very useful. We agree that it would be easy for informed and well-reasoned maps developed by competent organizations (like us!) to be lost in this process. We hope to further discuss this option with legislative staff in hopes that it can be developed into a practical means of meaningful input and communication, which would be far more useful than public hearings. What we cannot have (regardless of who is drawing the official maps) is open access to the map room. This is an IT security issue. Of course, we question whether legislators belong there either; that is something that would be addressed by H.3054.

BROADER STRATEGY

We need to structure our communications with our members and with the public around our “means to the end” while continuing to press through the 2020 session for H. 3054 as a direct way to implement those means. Realistically, we have always recognized that passage of a reform bill is a very heavy political lift that requires large scale public pressure on legislators for passage. We continue to work toward that goal, while keeping in mind a larger strategy that will improve the process and outcomes regardless of how that effort plays out.

We need to work as closely as we can with those drawing the lines, regardless of who that is. How can we assure that if we come up with good maps, or assessments of ways to alter draft, those ideas will be effectively part of the conversation?

We know from Matt Salzman’s work that the current South Carolina congressional lines stand up to scrutiny as not seriously gerrymandered, using several mathematical approaches to measuring that. We know that geography and population distribution are such that there will never be a map in which all South Carolina districts are truly competitive enough to encourage candidates to respect a wide range of views.

We know that close scrutiny and transparency throughout the process lead to better lines. DOJ previously provided the most effective part of that scrutiny, but now we must do it ourselves. As much as possible, we need to maintain a positive dialogue with all those involved, while standing firm on the need for fairness to voters, not protection of parties or incumbents.

The greatest danger in South Carolina is the protection that incumbents are tempted to devise for themselves when they design districts. Even if voting data aren’t included in the data input, individual legislators already know which precincts and areas within and around their current districts tend to support or oppose them or at least their party, and it is human nature that if allowed to do so, many will use that information to their own advantage. We can engage the public to apply significant pressure on legislators to limit this by working to ensure that self-interested district manipulation sufficient to harm voter interests cannot be done without public exposure.

COMMUNICATIONS

The LWVUS workshop provided useful information about communications. We know that we need personal stories rather than numbers to communicate with the public. The current situation suggests that one part of this might be messaging around a concept like “I’m a voter and I’m watching” with some brief personal elaboration.

Again, this should be structured to emphasize the ultimate goal of citizens having a meaningful vote, and the process needed to get there. H.3054 embodies what we see as a reasonable way to get there, but it isn't the only way to influence the outcome, and we are in this for the long haul.

At every stage, we must be careful not to become associated with any redistricting efforts that have partisan goals or that don't share our perspective on both goals and methods. We should avoid in every way messaging that implies that our goals are partisan. The League takes nonpartisanship seriously. It isn't just a tax status. It is essential to our being trusted to provide objective information in both our voters services (such as voter registration and candidate forums) and in our advocacy.

SO, WHAT ARE WE DOING IN 2020?

Ramping up public communication with personal stories that communicate the need for citizens to tell legislators they expect a process that protects voters with meaningful public involvement.

Working to implement the strategic elements that we believe are needed to achieve our goal. H.3054 embodies those elements, and this is the last legislative session in which it could be enacted.

Working to encourage processes that allow maximum effective citizen input, regardless of who is ultimately drawing the lines.