



AUGUST 3, 2021

MAKING DEMOCRACY WORK IN SC: HOUSE REDISTRICTING AD HOC COMMITTEE MEETS

The House held the first meeting of their Redistricting Ad Hoc Committee this morning, Tuesday, August 3, in Room 110 of the Blatt Building. The committee includes Chairman Jay Jordan, Jr., and representatives Bamberg, Bernstein, Collins, Elliott, Henegan, Brandon Newton and Weston Newton.

After a lengthy delay in starting, the committee discussed – without revealing – a schedule for public hearings on redistricting. The meetings will occur well after August 16 receipt of Census Bureau data and will end on October 4. In response to a question from the committee, Chairman Jordan indicated that the House will not allow virtual testimony from the public, despite growing pandemic conditions. Technical difficulties were cited as the reason.

Since the General Assembly is expected to return at a date (not yet announced) in October and vote on final maps, it seems likely that the House hearings will be focused on giving the public a look at the maps that the House committee has decided to propose.

The House public meetings will not address criteria because that was decided today without public input. The committee voted (with no discussion from any member) to adopt the previous House guidelines. I have attached those to this

Update. Incumbent protection will continue to be an accepted criterion and indeed a priority.

We were told that the public hearing schedule will be posted at some time, possibly today but possibly later. Chairman Jordan suggested that the public look for the webpage link under the list of House Judiciary subcommittees at www.scstatehouse.gov. In 2011 the information was posted at www.redistricting.schouse.gov, but at present that page is not available.

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2011 (AND NOW 2021) GUIDELINES AND CRITERIA FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING

The South Carolina House of Representatives, the House Judiciary Committee, and the House Election Laws Subcommittee have the authority to determine the criteria that the South Carolina House of Representatives will use to create Congressional and legislative districts. Therefore, the Election Laws Subcommittee of the South Carolina House of Representatives adopts as its criteria these guidelines and criteria.

I. Constitutional Law

Redistricting plans shall comply with the United States Constitution and the opinions of the United States Supreme Court.

II. Voting Rights Act.

Redistricting plans shall comply with the Voting Rights Act of 1965, as amended. Pursuant to the Voting Rights Act of 1965, and in accordance with the opinions of

the Supreme Court, race may be a factor considered in the creation of redistricting plans, but it must not be the predominant factor motivating the legislature's decisions concerning the redistricting plan and

must not unconstitutionally predominate over other criteria set forth in these guidelines. The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States and of the State of South Carolina, and also is against the public policy of this state. Accordingly, these criteria are subordinate to the Voting Rights Act of 1965, as amended, and the laws of the United States or of the State of South Carolina. Any proposed redistricting plan that is demonstrated to have the intent or effect of dispersing or concentrating minority population in a manner that prevents minorities from electing their candidates of choice will neither be accepted nor approved.

III. State Constitution and Laws.

Except as otherwise required by the Constitution and laws of the United States, redistricting plans also shall comply with the South Carolina Constitution and the laws of this state.

IV. Equal Population/Deviation

- a. The population of the Congressional and legislative districts will be determined based solely on the enumeration of the 2010 federal decennial census pursuant to the United States Constitution, Article I, Section 2.
 2. The number of persons in Congressional districts shall be nearly equal as is practicable. The ideal population for Congressional districts shall be 660,766. In every case, efforts shall be made to achieve strict equality or produce the lowest overall range of deviation possible when taking into consideration geographic limitations.
 3. The ideal population for a South Carolina House of Representatives district shall be 37,301. In every case, efforts should be made to limit the overall range of deviation from the ideal population to less than five percent, or a relative deviation in excess of plus or minus two and one-half percent for each South Carolina House district. Nevertheless, any overall deviation greater than five percent from equality of population among South Carolina House districts shall be justified when it is the result of geographic limitations, the promotion of a constitutionally permissible state policy, or to otherwise comply with the criteria identified in these guidelines.

V. Contiguity

Congressional and legislative districts shall be comprised of contiguous territory. Contiguity by water is sufficient. Areas which meet only at the points of adjoining corners shall not be considered contiguous.

VI. Compactness

Congressional and legislative districts shall be compact in form and shall follow census geography. Bizarre shapes are to be avoided except when required by one or more of the following factors: (a) census geography; (b) efforts to achieve equal population, as is practicable; or (c) efforts to comply with the Voting Rights Act of 1965, as amended. Compactness may require the division of population concentrations when to do otherwise would mean dramatically altering the character of a district or would require tortuous configuration of an adjoining district.

Compactness will be judged in part by the configuration of prior plans. Particular reference will be made to prior plans implemented after the 2000 census because these configurations more accurately reflect the present realities imposed by the state's most recent ongoing population shifts. Compactness will not be judged based upon any mathematical, statistical, or formula-based calculation or determination.

VII. Communities Of Interest

Communities of interest shall be considered in the redistricting process. A variety of factors may contribute to a community of interest including, but not limited to the following: (a) economic; (b) social and cultural; (c) historic influences; (d) political beliefs; (e) voting behavior; (f) governmental services; (g) commonality of communications; and (h) geographic location and features. Communities of interest shall be considered and balanced by the Election Laws Subcommittee, the House Judiciary Committee, and the South Carolina House of Representatives. County boundaries, municipality boundaries, and precinct lines (as represented by the Census Bureau's Voting Tabulation District lines) may be considered as evidence of communities of interest to be balanced, but will be given no greater weight, as a matter of state policy, than other identifiable communities of interest.

It is possible that competing communities of interest will be identified during the redistricting process. Although it may not be possible to accommodate all communities of interests, the Election Laws Subcommittee, the House Judiciary

Committee, and the South Carolina House of Representatives will attempt to accommodate diverse communities of interest to the extent possible.

VIII. Incumbency Protection

Incumbency protection shall be considered in the reapportionment process. Reasonable efforts shall be made to ensure that incumbent legislators remain in their current districts. Reasonable efforts shall be made to ensure that incumbent legislators are not placed into districts where they will be compelled to run against other incumbent members of the South Carolina House of Representatives.

IX. Priority Of Criteria

1. In establishing congressional and legislative districts, all criteria identified in these guidelines shall be considered. However, if there is a conflict among the requirements of these guidelines, the Voting Rights Act of 1965 (as amended), equality of population among districts, and the United States Constitution shall be given priority.
2. If application of the criteria set forth in these guidelines will cause a violation of applicable constitutional, federal, or state law, and there is no other way to conform to the criteria without a violation of law, deviations from the criteria are permitted. However, any deviation from the criteria shall not be any more than necessary to avoid the violation of law, and the remainder of the redistricting plan shall remain faithful to the criteria.

X. Public Input

Subcommittee shall make reasonable efforts to be transparent and allow public input into the redistricting process.