



Using the law to end gerrymandering

State laws that empower county and municipal voters to make ordinances and resolutions have not been used by citizens to change local or state policies. The county referendum process is regularly used by local governments, without taking up petitions, to levy taxes for a library, school district, or public transportation.

This law prohibits citizens from using the petition process to spend or raise tax money, as only elected officials can do that. It does, however, empower county voters to petition to pass a resolution, or ordinance, that sets the county's official policy position.

County policies cannot over-ride state laws, but a successful county petition isn't an opinion poll; it is a legally constituted resolution passed by county councils advising their legislative delegations that the citizens of their county and district have resolved, in this case, that the amendment to end gerrymandering should be on the ballot.

Petition targets, distribution, collection, and verification

The petitions for the Fair Maps SC campaign are legal documents. As with all voting related documents, there are strict rules to follow and criminal penalties for their wilful violation.

Laws regulating the county petitions provide that:

1. Only registered voters of a county can sign that county's petition.
2. Specific language that Fair Maps is using in both the county petition and the State Constitutional Amendment.
3. The size and nature of the petitions is not specified, but should be standardized to facilitate verification. The petition can be downloaded at FairMapsSC.com. Mail original copies of the completed forms to: **Fair Maps SC, PO Box 8325, Columbia, SC 29202.**
4. A valid petition must contain the voter's **printed name, signature, date of birth, and indicate their county of registration**. Only original petitions with original signatures are valid.
5. Original petitions must be submitted at one time to county election boards. Petitions will be verified prior to

submission by trained volunteers to ensure a correct count of registered votes allocated to each county and legislative district. County election boards are required to validate the petitions to ensure that they include at least 15% of the county's registered voters. Numbers for each district are posted at FairMapsSC.com.

Verifying a voter's registration

The State Election Commission's web site (scvotes.org) and mobile application now allow anyone to enter the name, date of birth, and county of registration to verify the political districts in which voters are registered. Any citizen that is unregistered but eligible to vote can be registered immediately prior to signing the petition by using the State Election Commission's online tools.

Which organizations can engage in a ballot initiative campaign?

Referendums are by law nonpartisan, as they reflect the will of the people rather than a party or candidate. So educational work around petitioning to end gerrymandering can be done in churches, schools, and civic institutions that are restrained from political engagement.

501(c)(3) public charities may legally express positions on ballot initiatives, referenda, state constitutional amendments, county resolutions, and other policies put to a direct vote of the public. (They must not suggest support or opposition to any candidates for public office).

Ballot measure advocacy can be an important tool for public charities to help create better laws for the communities they serve. They are often used to tackle issues not adequately resolved by current state policy or those that elected representatives don't want to sponsor. Working on ballot measures may help organizations connect with individuals or communities they might not otherwise. Advocacy for the adoption or rejection of ballot measures usually qualifies as lobbying under federal tax law, which is permitted, within limits, for 501(c)(3) public charities.

Federally chartered 501-c-3 organizations may share strategies and information with all parties supporting a ballot measure as long as they never show support or opposition to particular candidates for public office.

C-3's can do surveys and reports on the positions of incumbents and candidates, and take contributions for their nonpartisan educational work from all sources, within federal constraints on lobbying expenses as part of their budgets. There are no prohibitions on political parties and clubs participating in a ballot initiative.

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South Carolina's ethics laws consider that ballot measures only come from the legislature, and the Ethics Commission reporting rules govern opposition or support of a question on the state ballot. It is unclear what financial rules, if any, govern independent expenditures to promote a county level referendum.

Should the **Fair Maps SC** amendment make it to the state ballot, the Fair Maps campaign would have to register as a ballot measure campaign, make quarterly reports to the State Ethics Commission, and observe contribution limits of \$3,500.

Organizations and individuals involved in ballot measure campaigns in South Carolina must adhere to the state's campaign finance laws. These laws regulate the amounts and sources of money given or received for political purposes. In addition, campaign finance laws stipulate disclosure requirements for political contributions and expenditures towards a ballot measure.

For detailed information regarding 501-c-3 and c-4 lobbying, see the Alliance for Justice at BolderAdvocacy.org. For state regulations, go to ethics.sc.gov.

Targeting the petition to gain legislative support

To be clear, even a successful 46-county petition drive cannot automatically place a constitutional amendment on the statewide ballot. Only a two-thirds vote in the General Assembly can do so.

Republicans hold majorities in all three branches of our state government. They have the majority in the House and Senate necessary to pass new district maps without a single Democratic vote. Since demographics dictate that Democrats will remain a minority party, Republicans let them make their districts safe for their incumbents.

In fact, packing black voters into certain districts means a Democrat will likely win there, but it also helps ensure the creation of more safe, majority-white districts for Republicans. So incumbents of both parties benefit from having gerrymandered districts.

Well over a half-million black and white voters — packed in and cracked out of these safe districts — won't benefit, as their legislator doesn't need their vote to win their primary. In fact, 40% of black voters only have a white Republican on their ballot for Senate, and one out of every eight white voters (274,404) only have a black candidate on their ballot.

When the choice of who represents YOU is repeatedly made by a small percentage of people who don't resemble you, your elected representative doesn't have to represent you to win. To get our amendment on the ballot, we must convince all 44 Democrats and at least 39 Republicans in the House, along with 12 Republican Senators and all 19 Democratic Senators to get the necessary 114 votes to put the amendment on the ballot.

We have no doubt that if we can get the amendment on the ballot it will pass. Once approved by the voters, the amendment then returns to the legislature for ratification by a simple majority. Even then, we will face challenges in making sure that enabling legislation and funding for a Citizens Redistricting Commission is true to the intent of our effort.

Gaining the bipartisan leadership and popular support to end gerrymandering will require a shared belief that we're all better off when we're all better off. Fair maps can make half the seats in the legislature competitive enough that the winning candidate will have to represent people who don't look like them or think like them. This can create a sensible center in South Carolina state government that will be more responsive to, and responsible for, all constituents.

The county petition campaign will focus on legislative districts where the incumbent has not agreed to let their constituents vote on the amendment. We have the tools to tally petitions by district and direct resources to pressure reluctant incumbents.

The targeting we plan to do starts with a publicly posted and regularly updated list of how the incumbents stand on the constitutional amendment. This requires an educational and grassroots lobbying effort with each legislator to inform them of the opportunity to end gerrymandering and solicit their position. We will target legislators who control the committees the legislation will have to pass through to get to the floor and on the ballot.

On the first day of the 2020 legislative session, we will release the list of legislators who have agreed to vote to put the Amendment on general election ballot, and adjust our tactics accordingly.