



**A nonpartisan citizens campaign
to end gerrymandering in South Carolina
without relying on the courts or the legislature**

Organizing Manual

ger·ry·man·der

to divide or arrange a territorial unit into election districts
in a way that gives incumbents and the majority party an unfair advantage

The campaign outlined in this manual is the only plan
that lets citizens draw South Carolina's district lines,
without relying on the courts or the legislature.



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How did we get here?

As South Carolina gears up for the 2020 Census and the reapportionment of political districts, it is important to understand how our electoral system came to be ranked one of the nation's least competitive.

Our current state constitution was written in 1895 with the express purpose of disenfranchising black citizens. Gov. Ben Tillman recognized that poor whites would also be excluded from the voter rolls, noting,

"We did not disfranchise the negroes until 1895. Then we had a constitutional convention convened which took the matter up calmly, deliberately, and avowedly with the purpose of disfranchising as many of them as we could under the fourteenth and fifteenth amendments. We adopted the educational qualification as the only means left to us... We of the South have never recognized the right of the negro to govern white men, and we never will."

For 54 years, the Voting Rights Act of 1965 (VRA) required states with a history of racially motivated voter suppression to submit plans to the US Department of Justice for clearance before implementation. In 2013, the US Supreme Court ruled in *Shelby v. Holder* that the federal review of voting changes was no longer necessary.

The 2020 redistricting process will be the first in 48 years that doesn't have the minimal oversight afforded by the VRA. The VRA prohibited changes that would dilute minority voting strength, but the DOJ and the US Supreme Court have always allowed partisan gerrymandering that lets incumbent politicians draw their own districts and essentially choose their own voters.

After the Civil War, voting rights granted to black men resulted in the SC House of Representatives becoming the nation's first, and only, majority black legislative body. Within 10 years after passing the 1895 state constitution,

there were no blacks elected to the legislature until 1970, when the Democratic Party admitted three black candidates to their ticket. It was only after the black-led United Citizens Party got ballot status in 1969 that the whites-only Democratic Party accepted black candidates.

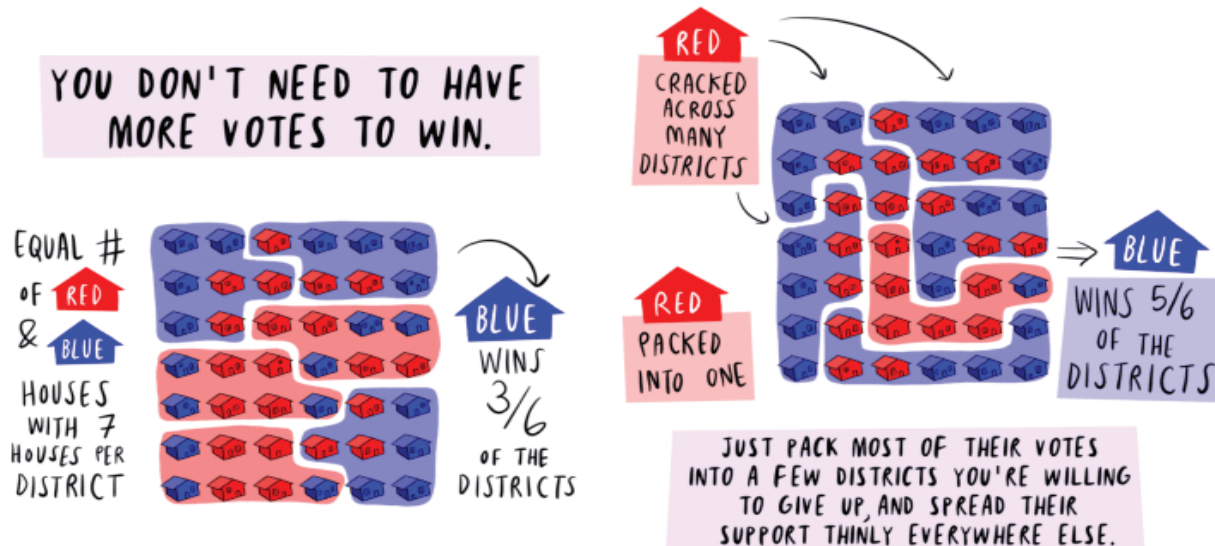
In 1973, the NAACP won a federal lawsuit that created 24 majority-black, single-member districts in time for the 1974 state elections. Redistricting in 1980 added 13 additional majority-minority seats. Since then, six more have been created, bringing the current total to 33 black House seats and 10 Senate seats.

While the Voting Rights Act broke the whites-only hold on the legislature, it allowed packing blacks into majority-minority districts that diluted their collective voting strength. No matter how many blacks are in a political district, they can elect just one representative.

In safe black districts, more than 250,000 white voters only have a black Democrat to vote for. In safe white districts, nearly 400,000 black voters only have a white candidate on their ballot.

Since an average of 70% of SC voters only have one candidate on their general election ballot to represent them in the General Assembly, the majority of the legislature was elected in the 2016 Republican primary by 8.6% of the state's three million voters.

So long as extreme racial/political gerrymandering is allowed, and as long as the majority party represents the state's white majority, the only voters candidates must reach are those who look and think just like them. This leads to a lack of compromise in the legislature and allows extremists to carry disproportionate political clout. The result is an obviously flawed system that discourages voter participation and endangers our very democracy.



Summary

The Fair Maps SC campaign outlined in this toolkit is the only plan that

- removes lawmakers and party bosses from the business of drawing their own district lines
- does not rely on the courts to rule against partisan and racial gerrymandering
- does not rely on a majority of the General Assembly to yield control of elections

This plan was crafted by staff and legislative members of the Education Fund (501-c-3) of the SC Progressive Network, a 23-year-old nonpartisan policy institute. For this campaign to succeed, leadership must come from a bipartisan committee of established civic, business, and political leaders. The Education Fund claims no ownership or control of the campaign, but is rather a partner in a broad-based, citizen-led effort to make our elections more fair and politicians more accountable.

After a year of development, the Citizens Redistricting Commission Act was filed in December 2018 by Rep. Gilda Cobb-Hunter and Sen. Mike Fanning. We deemed our 2016 redistricting bill inadequate after a similar legislatively appointed “independent” commission in Pennsylvania grid-locked, resulting in mapping power returning to lawmakers. (*See bill comparisons on page 24.*)

After extensive consultation with experts across the country and studying plans that have been tried in other states, we believe that our most recent plan will work. It will require an ambitious education and mobilization campaign, but a growing number of voters understand that the current system benefits incumbents alone, and are ready to take on an unjust and dysfunctional system.

The US Supreme Court ruled recently on gerrymandering cases brought by Democrats in North Carolina and Republicans in Maryland. It found that extremely partisan maps that favor one party are not unconstitutional. Anticipating such a ruling, the Fair Maps SC campaign designed a plan that doesn't rely on the courts or the legislature.

“The courts won't solve the problem,” says retired state Sen. Phil Leventis. He knows better than most, as he participated in reapportionment five times between 1980 and 2012. “Elected officials protecting themselves is the problem, so it is incumbent on us as citizens to take our elections back. Democrats, Republicans, Independents — anybody and everybody who values democracy can make elections work much better than they are today.”

Our plan would create a commission of qualified citizen volunteers, picked like a jury pool, whose final maps cannot be changed by the legislature or by veto. As in 27

other states, SC voters can't place a constitutional amendment on the general election ballot. The three states that have created independent citizens commissions have done so through statewide ballot initiatives. They are California, Colorado, and Michigan.

The Fair Maps SC campaign proposes a legally binding process that allows 15% of a county's voters to petition their county council to adopt a resolution like the Joint Resolution for a Constitutional Amendment we introduced in 2018 (*see page 10*). The county petition *shall* be adopted or placed on the ballot of the next county-wide election, scheduled state-wide for November 2020.

The majority of the 170 members of the General Assembly are elected in party primaries and run unopposed in the general election. Less than 15% of voters participate in party primaries, yet an overwhelming majority of citizens believe that politicians shouldn't draw their own districts. We predict that the county petitions for fair districts will garner more votes in legislators' districts than were cast in the uncontested primary that elected them.

At the start of the 2020 legislative session, we will present lawmakers with the formal resolution from their county council showing the number of voters in their district who want them to put the amendment on the November 2020 ballot. Those who don't support the amendment by the time filing opens on March 16 risk facing an opponent who does.

If two-thirds of the General Assembly doesn't vote to place the Amendment on the ballot by the end of the session, the campaign will continue gathering signatures at the polls in November, where it will be clear to voters that there was only one legislative candidate on their ballot.

By law, ballot initiatives are nonpartisan. Online tools allow voters to download and print a petition, gather signatures, and mail it in to the campaign (*see pages 12 and 13*). Prepaid postcard petitions and social media can help the campaign succeed by the end of 2019. If we have not gathered enough petitions by then, the campaign will continue until South Carolina voters get to pick their politicians.

Making the case for a South Carolina Citizens Redistricting Commission

House Bill 3432 (Rep. Gilda Cobb-Hunter, District 66)

Senate Bill 254 Sen. Mike Fanning, District 17

All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.

Constitution of the State of South Carolina, Article 1, Section 1

• Problem 1 •

Gerrymandered maps let politicians pick their voters

Fact: South Carolina has one of the least competitive state legislative districts in the nation.

Under the current system, electoral maps are drawn by the state legislature, determined by majority vote, and subject to the governor's veto. No state law establishes criteria for creating congressional and state legislative districts. Senate and House redistricting committees adopt their own guidelines, which are neither consistent nor precisely parallel. House guidelines expressly protect incumbents:

"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."

Senate guidelines only suggest that districts should be of contiguous geography and, where practical and appropriate, give consideration to communities of interest, constituent consistency, county boundaries, municipal bounda-

ries, voting precinct boundaries, and district compactness. The guidelines may be changed at any time.

Allowing legislators to draw their own districts is a conflict of interest that allows them to cherry-pick their voters. The current process leaves electoral maps vulnerable to partisan and racial bias, manipulated without public scrutiny. South Carolina politicians have taken advantage of this power to draw maps that virtually guarantee their re-election, and have adopted guidelines to protect themselves.

This unfair practice of creating boundaries of electoral districts to favor specific political interests is called gerrymandering, and gives one political party an unfair advantage on Election Day. It allows politicians to choose their voters instead of voters choosing their politicians. The biggest loser in this rigged system is South Carolina voters.

Bottom line: gerrymandering subverts equal representation, suppresses voter participation and diminishes good governance.

• Problem 2 •

The courts say it's up to politicians to fix our system, but they are unlikely to do so since it works for them

The electoral game in South Carolina is so rigged that more than 2.1 million of the state's 3.1 million registered

voters only have one candidate on their ballot for House or Senate. Of the 170 members of the state's General Assembly, 69% had no opposition in the last two general elections. Only 10% of the seats (17) are competitive, where the victor wins with less than 60% of the vote.

The lack of competitive districts and the creation of safe seats means that we can't vote our way out of the problem without changing the demographics of the districts. Since current maps were drawn by incumbents in 2012 to ensure their re-election, they are unlikely to reapportion their districts to include people who don't look and think like they do.

The "partisan" gerrymandering that the courts have approved looks just like racial gerrymandering, as the current maps created 43 minority-majority districts by packing them with black voters. The Democratic Party is now a majority-black party, and black legislators comprise a majority of the Democratic legislative caucus.

With its recent ruling on gerrymandering in *Rucho v. Common Cause*, the US Supreme Court in June 2019 affirmed Fair Maps SC's prediction that the courts would hold that the US Constitution grants states, not the federal government, the power to run their elections.

With no recourse in federal court, and with the majority party unlikely to let voters draw district maps, it is left to us, the citizens of South Carolina, to construct a mechanism to force change. Here's how we do that.

• The Solution, Part 1 •

1. Create an independent Citizens Redistricting Commission to draw fair maps

2. Pass a Constitutional Amendment to allow citizens to vote for fair maps

In December 2018, the Citizens Redistricting Commission Act (H-3432 & S-254) and a Joint Resolution for a State Constitutional Amendment (H-3390 & S-249) were introduced. Taken together, they provide detailed legislation to turn redistricting over to the voters, and a Constitutional Amendment to prevent a legislative majority from overturning the decision. This would ensure that political power and public policy are more directly derived from the needs and aspirations of a majority of voters.

The Commission would be required to follow strict criteria in drawing district maps that could not give a

disproportionate or unfair advantage to any political party or candidate. The commission would be charged with creating competitive districts where possible. Our current gerrymandered maps result in 117 district elections with only one candidate and 90% of the General Assembly winning by more than 60% of the vote.

The model maps in this toolkit use a demographic metric of winners taking office with no more than 60% of the vote. This would increase the number of competitive districts from 17 to 85 of the state's 170 districts. This plan would increase competition by 500%, compelling candidates to appeal to all voters rather than a select few. **Our maps show that making half the seats in the General Assembly competitive will still leave the Republican party in the majority.** But Republican and Democratic legislators in newly competitive districts with general election competition could rise from 10% to 50%, creating a sensible center for sound public policies.

• The Process •

How a Citizens Redistricting Commission would work

The State Ethics Commission would work with the State Election Commission to identify eligible registered voters and invite them to apply for the commission. To be eligible, a voter must possess a consistent record of regularly voting in primary elections.

This does not apply to newly registered voters or those who have not had primary contests on their ballot. Politicians, lobbyists, and anyone with significant conflicts of interest cannot serve on the commission.

The Ethics Commission would then randomly select applicants (like a jury) from the general pool to create a 56-member nominee pool. That pool must include eight residents from each of the state's seven congressional districts. Four of those nominees from each district must be majority-party voters, and four must be voters of the largest minority party.

The Ethics Commission would then review the nominee pool to ensure eligibility and to see that applicants mirror the state's geographic and demographic makeup. Once completed, the Ethics Commission would randomly select from the pool 14 Redistricting Commission members and 14 alternates, one majority-party voter and one largest-minority party voter from each congressional district. Candidates would be selected to insure a demographic reflection of the district's voters.

The Redistricting Commission would be provided the necessary resources and tools to assist in drawing maps. With today's computer software, drawing fair maps is easy. It's gerrymandering that is difficult. Strong rules would make the process fair, impartial, and transparent. To ensure transparency and accountability, minutes of all meetings shall be publicly posted on the Commission's web site.

The Commission would be required to follow strict criteria when drawing the maps that would not give disproportionate advantage to any party or candidate. The Commission must consider five factors in this priority order: population equality, federal Voting Rights Act compliance, communities of interest, competitiveness of districts; and consistency with existing local boundaries.

The proposed maps must have districts that are of equal population as determined by the count of the 2020 US Census; are geographically contiguous; reflect the state's diverse population and communities of interest; do not provide a disproportionate advantage to any political party; reflect consideration of county, city, and township boundaries; and are reasonably compact. The Commission shall, within all other constraints, also strive to make districts competitive.

The Commission must conduct its business publicly, and must publish everything used to draw the maps, including the data and computer software used. The Commission would be required to hold at least seven public hearings across the state to hear how communities want to be represented in districts.

The public would be able to submit feedback — even potential maps — for consideration. The Commission must post the maps on its web site for public comment in a manner designed to achieve the widest public access reasonably possible.

Prior to adoption, the maps must be tested using appropriate technology to ensure compliance with all mandated criteria. The final maps must be approved by at least 10 Commission members, including at least four majority-party members and four largest-minority party members. If the unable to reach agreement, the Ethics Commission would dissolve the original Commission and convene the alternate redistricting commission within 14 calendar days of the original commission's dissolution. The alternate commission would have 60 days to conclude the reapportionment duties.

There is no executive or legislative power to alter or veto the Commission's final reapportionment plan and maps.

• The Solution, Part 2 •

How do we pull this off without the courts or the legislature?

The pressure to force this plan through a system resistant to change is found in the South Carolina Code of Law. While voters in South Carolina cannot put a constitutional amendment on the state ballot, they can petition county councils to adopt a resolution expressing the policy of the county's citizens.

State law on county petition initiatives

Title 4 – Counties • Chapter 9: Article 13
ARTICLE 13 • Initiative and Referendum

SECTION 4-9-1210. Electors may propose and adopt or reject certain ordinances; submission by petition to council.

The qualified electors of any county may propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and adopt or reject such ordinance at the polls. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the county equal in number to at least fifteen percent of the qualified electors of the county.

SECTION 4-9-1230. Election shall be held where council fails to adopt or repeal ordinance.

If the council shall fail to pass an ordinance proposed by initiative petition or shall pass it in a form substantially different from that set forth in the petition therefor or if the council shall fail to repeal an ordinance for which a petition for repeal has been presented, the adoption or repeal of the ordinance concerned shall be submitted to the electors not less than thirty days nor more than one year from the date the council takes its final vote thereon.

The council may, in its discretion, and if no regular election is to be held within such period, provide for a special election.

All county councils shall be bound by the results of any such referendum.

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 November ballot.

Our plan to compel legislators to put the Citizens Redistricting Commission Amendment on the general election ballot is to get more of their constituents to sign the county petition than voted for the incumbent legislator's uncontested primary. Legislators who ignore the expressed will of their voters do so at their own peril.

Petition targets, distribution, collection, and verification

This is not the usual petition drive that is an organization's promotional ploy that will end up in the trash. 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 petition campaign 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 is included on page 13, and is posted at FairMapsSC.com, where it can be downloaded, filled out, and the original mailed to: Fair Maps SC, PO Box 8325, Columbia, SC 29202. Online distribution of the blank form allows any SC voter to gather signatures. With funding, petitions can be printed in newspapers and on prepaid post cards.)*

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 (ie. advocacy, civic, educational, and religious) 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.

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 the constitutional amendment to end gerrymandering 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.

Constitutional amendment introduced for 2020 general election ballot

A Joint Resolution for a constitutional amendment was introduced in the House and Senate in December 2018 (H-3390 and S-249) at the same time the Citizens Redistricting Commission Act (H-3432 and S-254) was introduced. The 10-page act details the way a citizens redistricting commission would be structured and operate, and require a majority vote of both houses to become law.

The resolution calls for a putting the question on the general election ballot for South Carolina voters to determine whether to end partisan gerrymandering. Since ballot questions are nonpartisan, pushing for an amendment to let voters stop gerrymandering is less politically polarizing than a legislative battle over the act. An amendment is also a much more durable decision than a legislative act, which could be reversed by a majority vote of the legislature.

AMENDMENT # _____

“Must the Constitution of this State be amended by adding Article XVIII, to provide that the districts of the SC House, Senate and the US House of Representatives be reapportioned by a Citizens Redistricting Commission, and not by the incumbent members of the SC General Assembly. To require the General Assembly to provide by law the qualifications, terms, duties, funding, procedures and criteria by which a Citizens Redistricting Commission of randomly drawn, qualified voters shall be established for each decennial reapportionment of political districts; to provide that commission members shall reflect the state’s demographics and a balance of political preferences; to provide for all lawful considerations, including competitiveness and equal representation, in drawing districts; and to provide that the commission’s final reapportionment must not be subject to legislative amendment or gubernatorial veto; and to provide that the General Assembly may not adjourn sine die until it has received and adopted the commission’s proposed reapportionment plan?”

“Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

Explanation

A “Yes vote means that voters rather than incumbent legislators will draw political districts.

A “No” vote means that incumbent legislators will continue to draw their own political districts.

Yes

No

County Petition to End Gerrymandering

SECTION 4-9-1210: Electors may propose and adopt or reject certain ordinances; submission by petition to council of 15% of the county's registered voters requires council to adopt the resolution or put on the ballot.

The undersigned registered voters of _____ County petition our county council to adopt a resolution confirming: the voters of this county have resolved that the Constitution of this State should be amended to end partisan gerrymandering and to notify our County Legislative Delegation that the citizens of this county want a Constitutional Amendment for a Citizens Redistricting Commission (as specified in the Joint Resolution of that title prefiled Dec. 18, 2018) placed on the statewide general election ballot. This Resolution remains the policy of this county until the referenced Constitutional Amendment is placed on the statewide general election ballot for consideration by the voters.

Only registered voters of _____ County may sign this petition

Printed name as it appears on voter registration

Date of Birth

Signature

Printed name as it appears on voter registration

Date of Birth

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Printed name as it appears on voter registration

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University of South Carolina survey on mapping district lines in South Carolina

This is a synopsis of 800 interviews conducted in 2017 for the SC Progressive Network by the USC Institute for Public Service and Policy Research on the process of drawing legislative district lines in South Carolina. The full 16-page summary is posted at FairMapsSC.com.

Questions posed

1. **Are district lines drawn fairly?**
2. **Are voters satisfied with the choices they have in elections?**
3. **Would they prefer lines be drawn by the General Assembly or by an independent commission of non-legislators?**

As a caveat, half of the respondents were given additional information about legislative districts in South Carolina. The information provided was as follows: In South Carolina 78% of the state legislative districts are dominated by one political party. This means that for the 78% of the legislative districts in the state, the candidate who wins the dominant party's primary will win the general election (the 78% figure was drawn from a metric that used incorporating money, competition and incumbency).

Question 1: Are lines drawn fairly?

A plurality of respondents (45.7%) feel the lines are fair, while 26.4 percent that the lines are not fair. Another 27.9% say they don't know whether the lines are drawn fairly. Those given additional information about the districts were more likely than those who were not to say the drawing of districts is NOT done fairly.

Question 2: Are voters satisfied with choices?

Respondents were evenly split, with 46.3% satisfied with the choices compared to 45.9 % who would like more choice. About 8%t didn't know whether they were satisfied. The additional information provided to some of the respondents had no effect on this question.

Question 3: How would you prefer lines be drawn?

The majority (64.5%) prefer that legislative districts be drawn by an independent commission rather than the General Assembly. Republicans supported preventing legislators from drawing their own districts by 64.5%, 65.8% of Democrats, 66.9% of Independents and 75.6% of Others agreed.

When given the additional information mentioned above, respondents were more likely to believe that the drawing of legislative districts in SC is NOT done fairly.

Notes

- Blacks were significantly less likely than whites to want the drawing of legislative districts be done by an independent commission.
- Respondents in the oldest age cohort (65+) were significantly less likely than younger respondents to want lines drawn by independent commission.
- Respondents with college degrees favored independent commission.
- Respondents with household income of \$25000 are less likely to prefer independent commission or provided a "don't know" response.



Talking Points

- South Carolina's state legislative districts have been gerrymandered to have the least competitive elections in the nation, allowing one political party an unfair advantage on Election Day.

- 69% of state legislative districts have been gerrymandered by state lawmakers to offer only one major-party candidate in the general election. 117 out of 170 legislative districts offer voters no choice. Just 10% of legislative seats (17) were won by the competitive margin of 10% recommended by Fair Maps SC. The current average victory margin for legislators without competition is 89%. The current average victory for all 170 legislative seats is 85.8%.

- No state law establishes criteria for creating congressional and state legislative districts. The legislature has adopted redistricting guidelines that expressly protect their seats for re-election.

- An independent citizen's redistricting commission of qualified voters, chosen like a jury, should be placed in charge of drawing election maps to end the detrimental unfair impact of gerrymandering.

- The State Ethics Commission would oversee the application and qualification process, and would randomly select commission members that reflect the geographic and demographic makeup of South Carolina.

- The commission would be independent of direct control or influence by any elected government official, political party, or politician. Eligible registered voters would be able to apply for service on the commission.

- Politicians, lobbyists, and people with significant conflicts of interest would not be eligible to serve on the commission.

- The commission would be provided with the latest technology to accurately and fairly reapportion districts.

- The commission would be required to follow strict criteria when drawing maps to ensure no political party, politician, or candidate is given a disproportionate advantage.

- The commission would be required to conduct its business publicly, with strong rules in place to ensure the process is fair, impartial, and transparent.

- The commission would hold public hearings across the state to gather feedback from citizens to hear from communities before a final vote to approve district maps. The public could even submit maps for consideration.

- The legislature and governor would be prevented from interfering with the redistricting process, altering, or vetoing its final maps.

Snapshot of 2016-'18 S.C. Legislative Elections

	Number of legislators		Major-Party Opponent in General Election	Total Money Raised	Money Raised per Legislator
Senate	46		17% (8 of 46)	\$7,273,282	\$158,115
House	124		36% (45 of 124)	\$5,303,448	\$42,770
Total	170		31% (53 of 117)	\$12,123,751	\$71,316

	Districts with only a black Democrat on ballot	White voters with only a black Democrat on their ballot		Districts with only a white Republican on ballot	Nonwhite voters with only a white Republican on their ballot
Senate	8	9% (194,517)		27	40% (383,156)
House	24	10% (219,910)		46	24% (235,022)
Total	32			73	

% of Legislators	Number of Legislators		Major-Party Opponent in General Election	Total Money Raised	Money Raised per Legislator
69%	117		No	\$8,116,695	\$69,373
31%	53		Yes	\$4,007,056	\$75,605
100%	170			\$12,123,751	\$71,316

% of Legislators	Number of Legislators		Percentage of votes for legislator in General Election	Average % of votes for legislator in General Election	Money Raised per Legislator
90%	153		>60%	89.3%	\$68,303
10%	17		<60%	54.7%	\$116,165
100%	170			85.9%	\$71,316

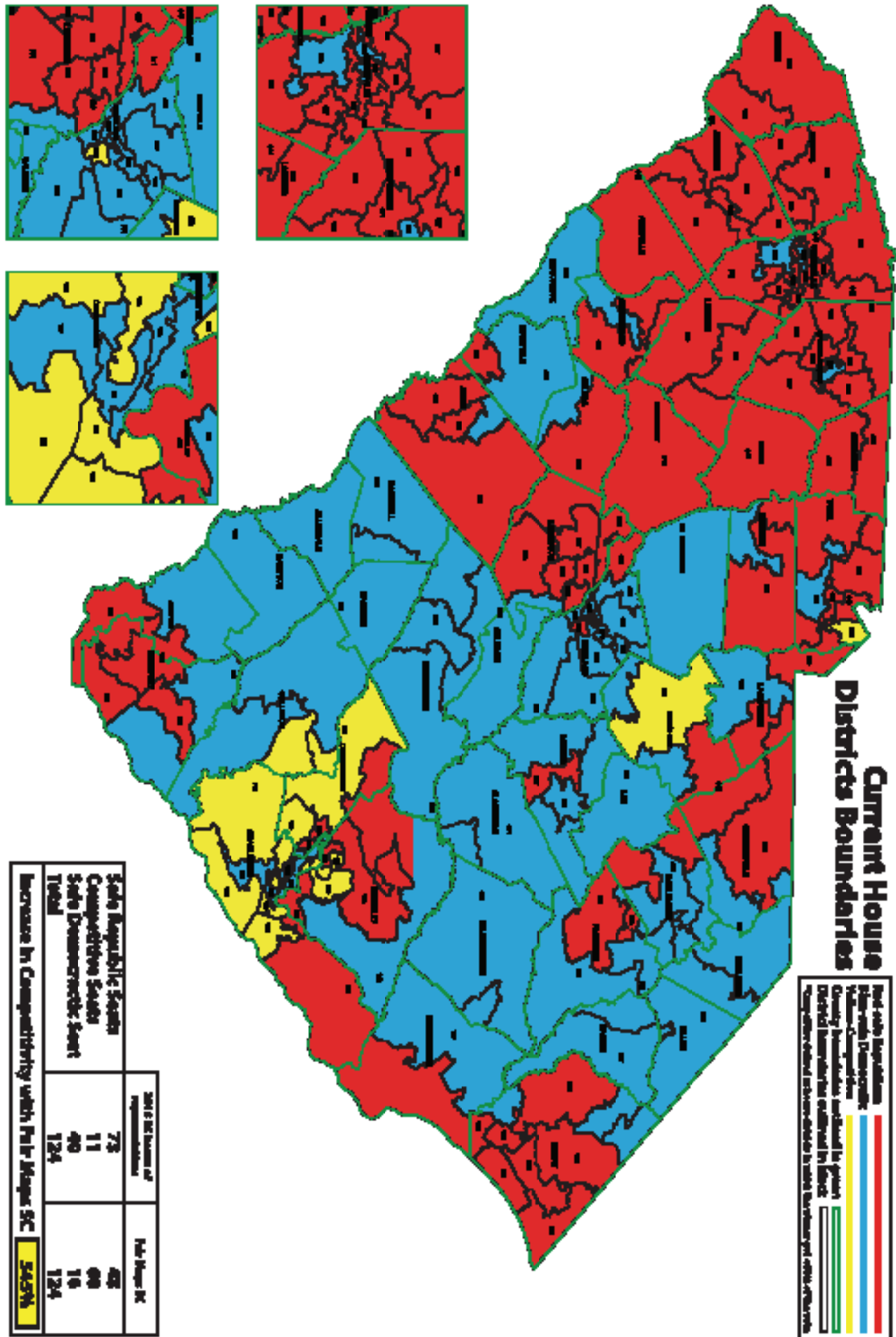
Total Registered at 2018 Primary	Percent Voting	Total Voting Democratic Primary	Democratic Percent of Total	Total Voting Republican Primary	Republican Percent of Total
3,044,375	20.43%	245,031	8.05%	367,983	12.09%

Fair Maps SC Increases electoral competitiveness in S.C. General Assembly races 500%

	2016/'18 SC state senate	Fair Maps SC
Safe Republican seats	27	16
Competitive seats	6	25
Safe Democratic seats	13	5
Total	46	46
Increase in Competitiveness with Fair Maps SC		417%

	2018 SC house of representatives	Fair Maps SC
Safe Republican seats	73	48
Competitive seats	11	60
Safe Democratic seats	40	16
Total	124	124
Increase in Competitiveness with Fair Maps SC		545%

	2018 SC Congressional Districts	Fair Maps SC
Safe Republican seats	3	2
Competitive seats	3	5
Safe Democratic seats	1	0
Total	7	7
Increase in Competitiveness with Fair Maps SC		167%



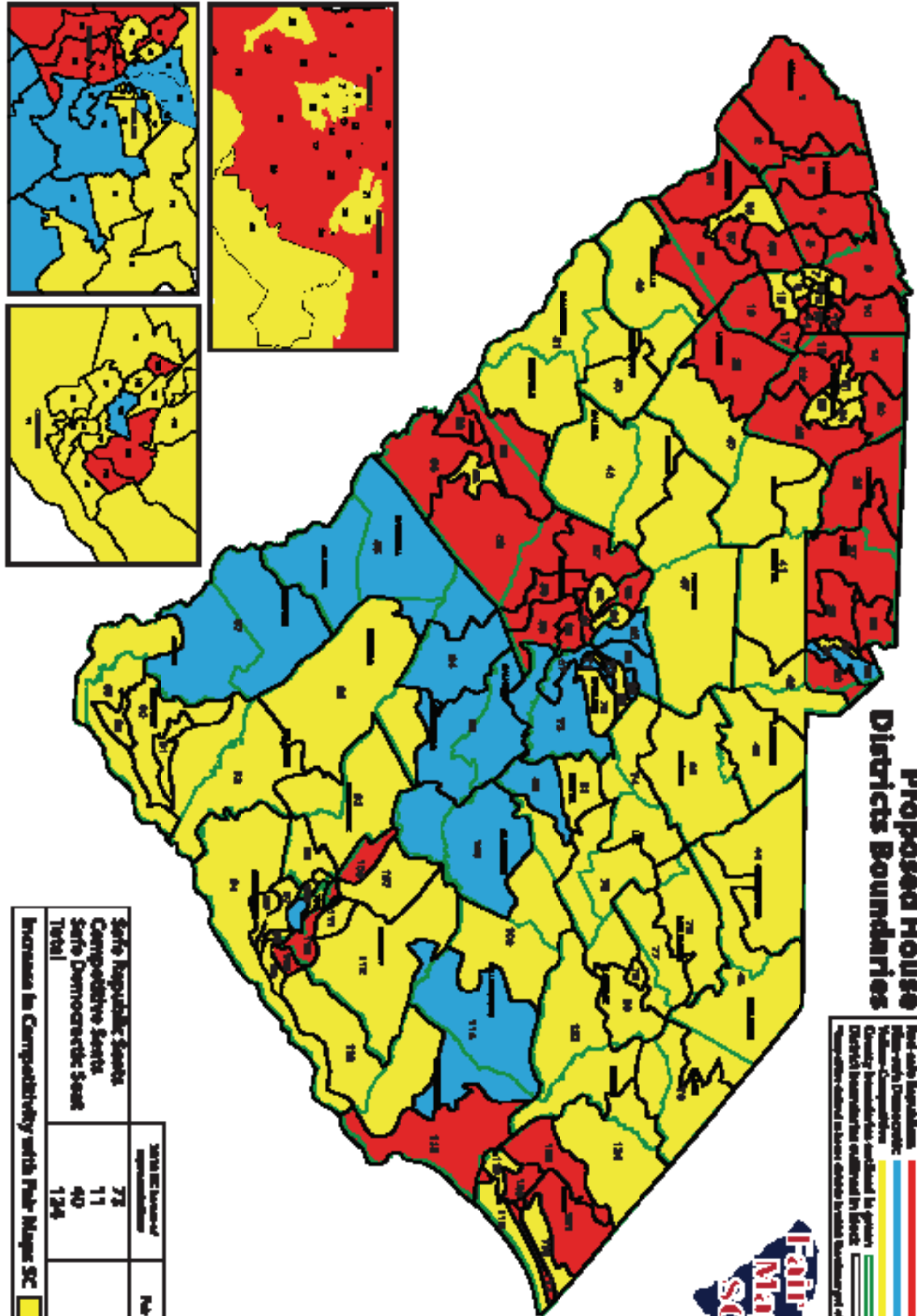
Current House Districts Boundaries

Red: 2011 Population Plan - with Districts
 Yellow: 2011 Population Plan - with Districts
 Blue: 2011 Population Plan - with Districts
 Green: 2011 Population Plan - with Districts
 Orange: 2011 Population Plan - with Districts
 Purple: 2011 Population Plan - with Districts
 Light Blue: 2011 Population Plan - with Districts
 Light Green: 2011 Population Plan - with Districts
 Light Orange: 2011 Population Plan - with Districts
 Light Purple: 2011 Population Plan - with Districts
 Light Light Blue: 2011 Population Plan - with Districts
 Light Light Green: 2011 Population Plan - with Districts
 Light Light Orange: 2011 Population Plan - with Districts
 Light Light Purple: 2011 Population Plan - with Districts

2011 SC House of Representatives	Fair Maps SC
State Legislative Seats	48
Competitive Seats	16
State Democratic Seat	124
Total	148

Increase in Competitiveness with Fair Maps SC: **54.0%**

Proposed House Districts Boundaries



Fair Maps SC

- Red: Safe Republican Seats
- Yellow: Competitive Seats
- Blue: Safe Democratic Seats
- Green: Increase in Competitively with Fair Maps SC

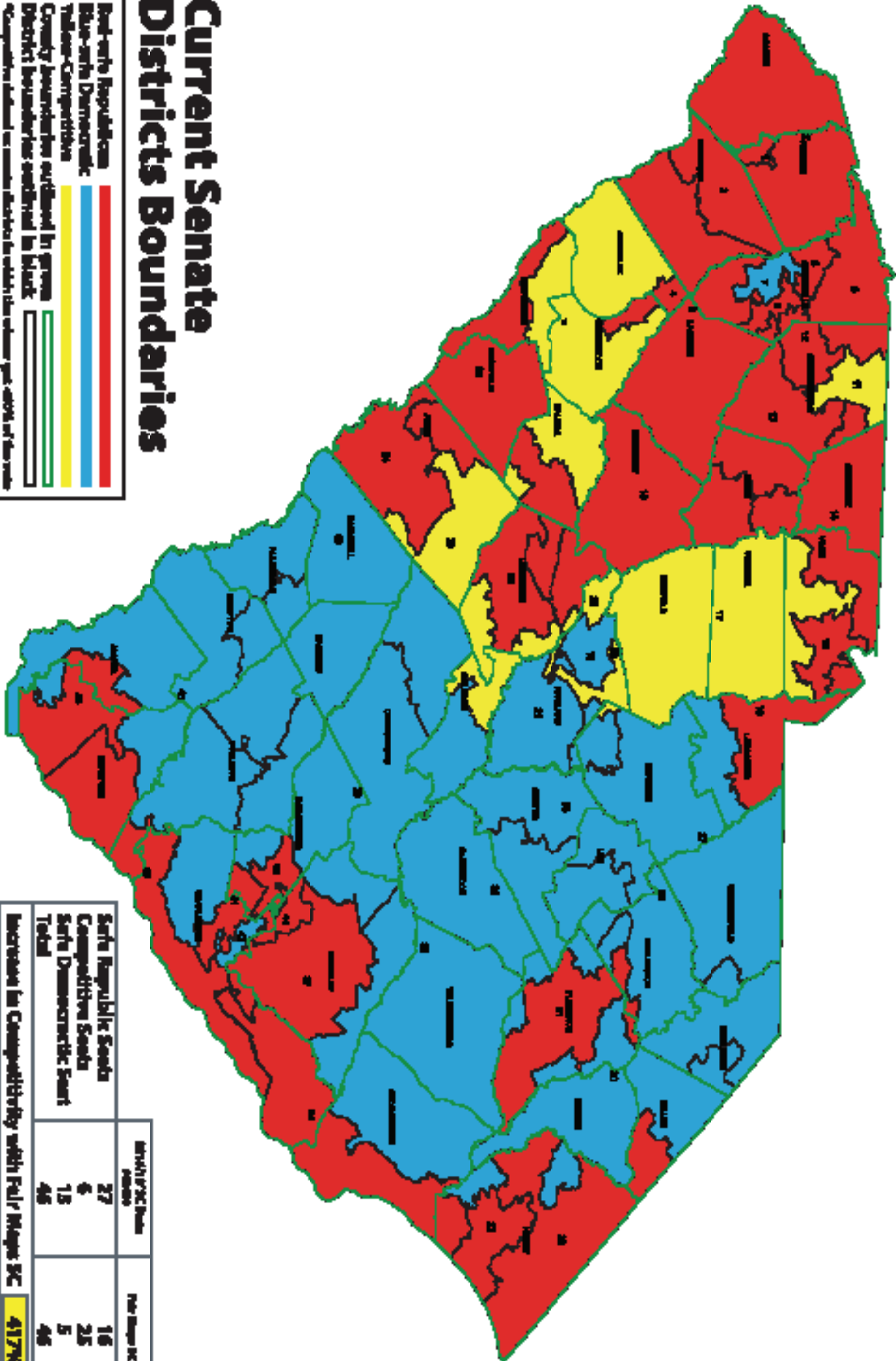
Redistricting is subject to change. District boundaries are subject to change. District boundaries are subject to change.

	2018 SC House of Representatives	Fair Maps SC
Safe Republican Seats	73	48
Competitive Seats	11	60
Safe Democratic Seats	40	16
Total	124	124

Increase in Competitively with Fair Maps SC: 54%

Current Senate Districts Boundaries

Red - Safe Republican
 Blue - Safe Democratic
 Yellow - Competitive
 County boundaries overlaid in green
 District boundaries overlaid in black
 County boundaries overlaid in black



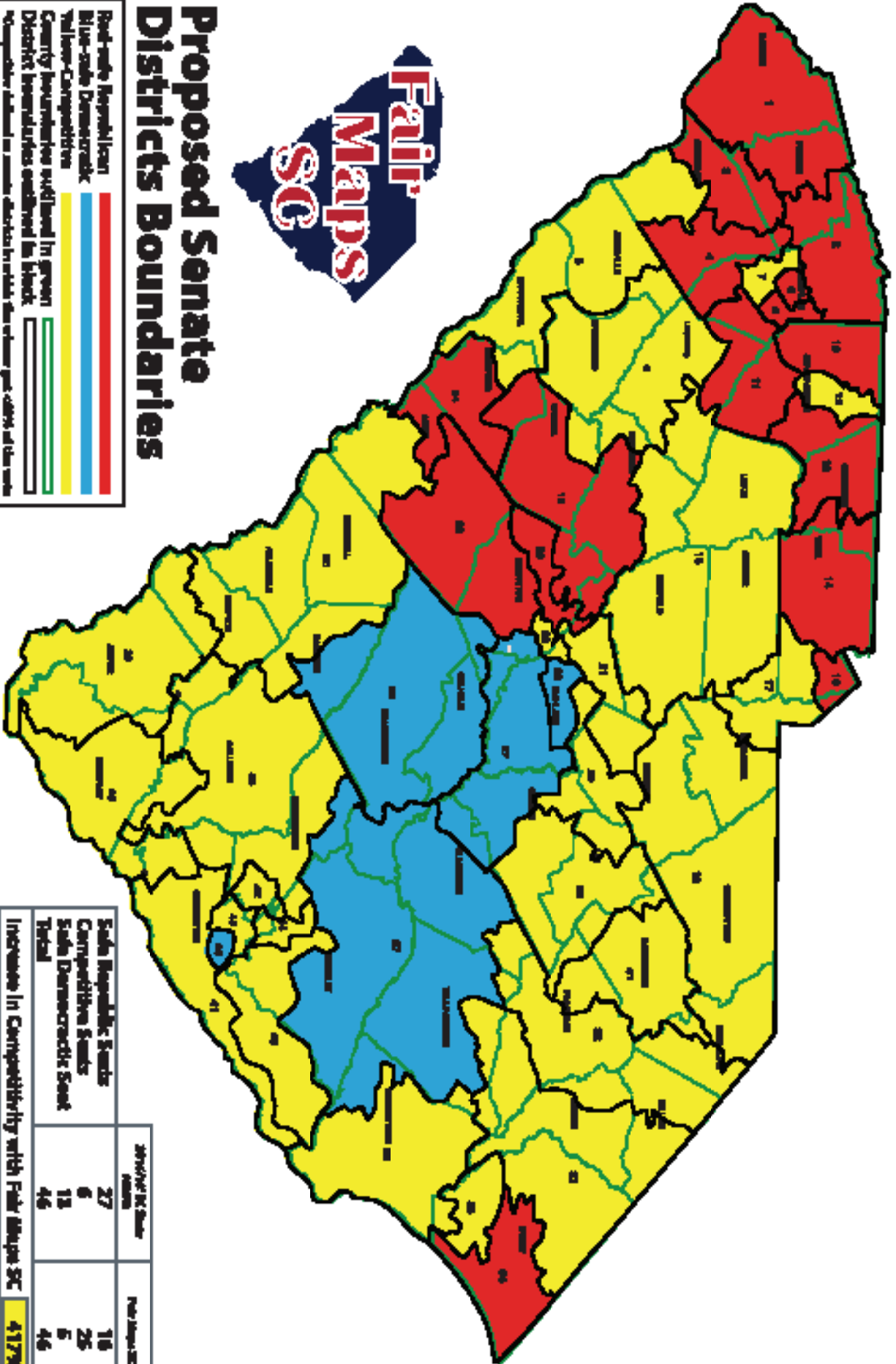
	Number of SC House Precincts	Per House SC
Safe Republican Seats	27	16
Competitive Seats	6	25
Safe Democratic Seats	13	5
Total	46	46

Increase in Competitively with Fair Maps SC **417%**



Proposed Senate Districts Boundaries

Red - Safe Republican
 Blue - Safe Democratic
 Yellow - Competitive
 County boundaries outlined in green
 District boundaries outlined in black
 *Competitive defined as senate districts in which the winner gets 40% of the vote

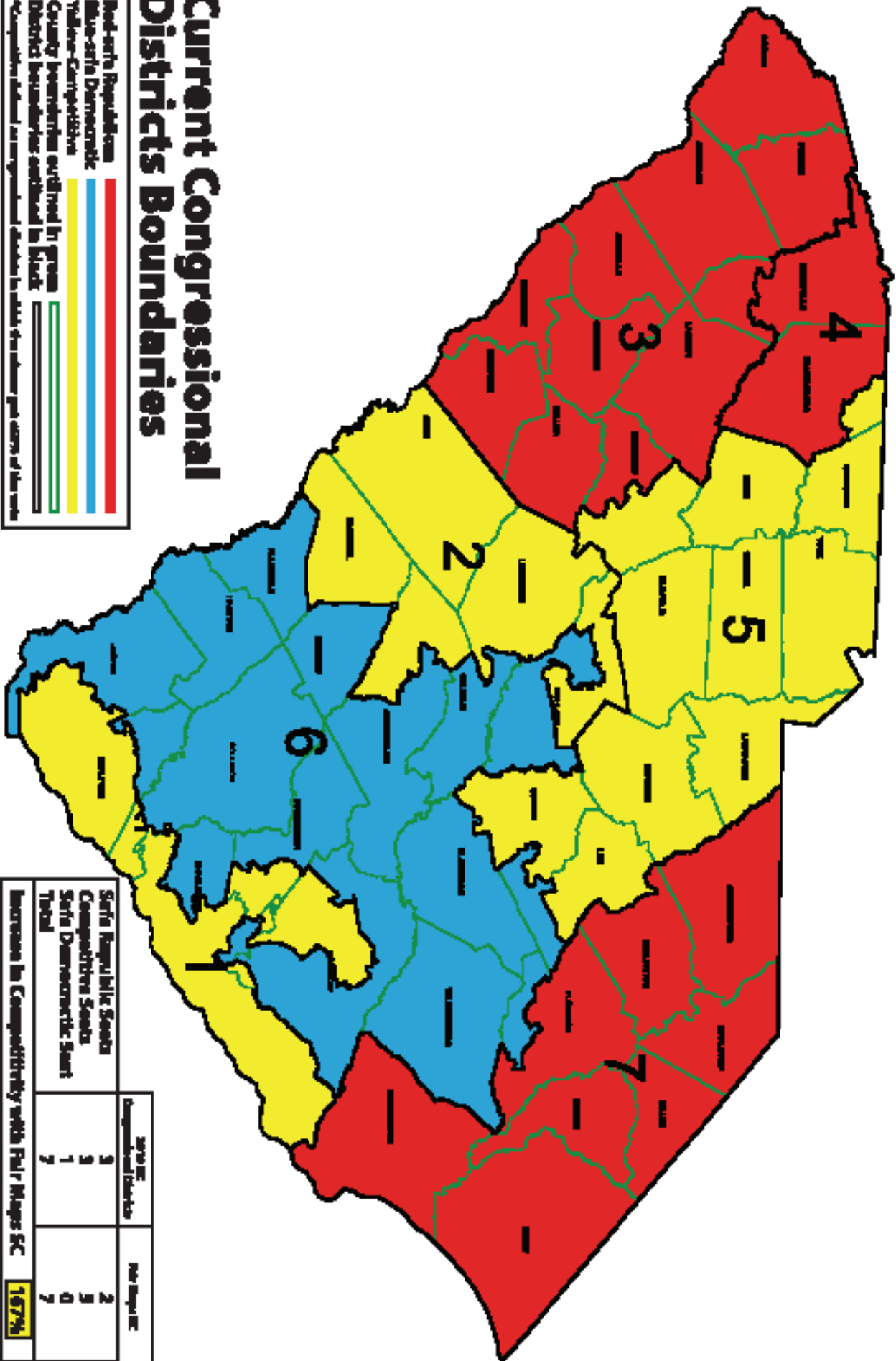


	2011/12 SC Senate Results	Prop Senate SC
Safe Republican Seats	27	16
Competitive Seats	6	25
Safe Democratic Seats	13	5
Total	46	46

Increase in Competitvity with Fair Maps SC **417%**

Current Congressional Districts Boundaries

Red-seats Republican
 Blue-seats Democratic
 Yellow-Competitive
 County boundaries outlined in green
 District boundaries outlined in black
 *Competitive defined as congressional districts in which the winner gets 50% of the vote



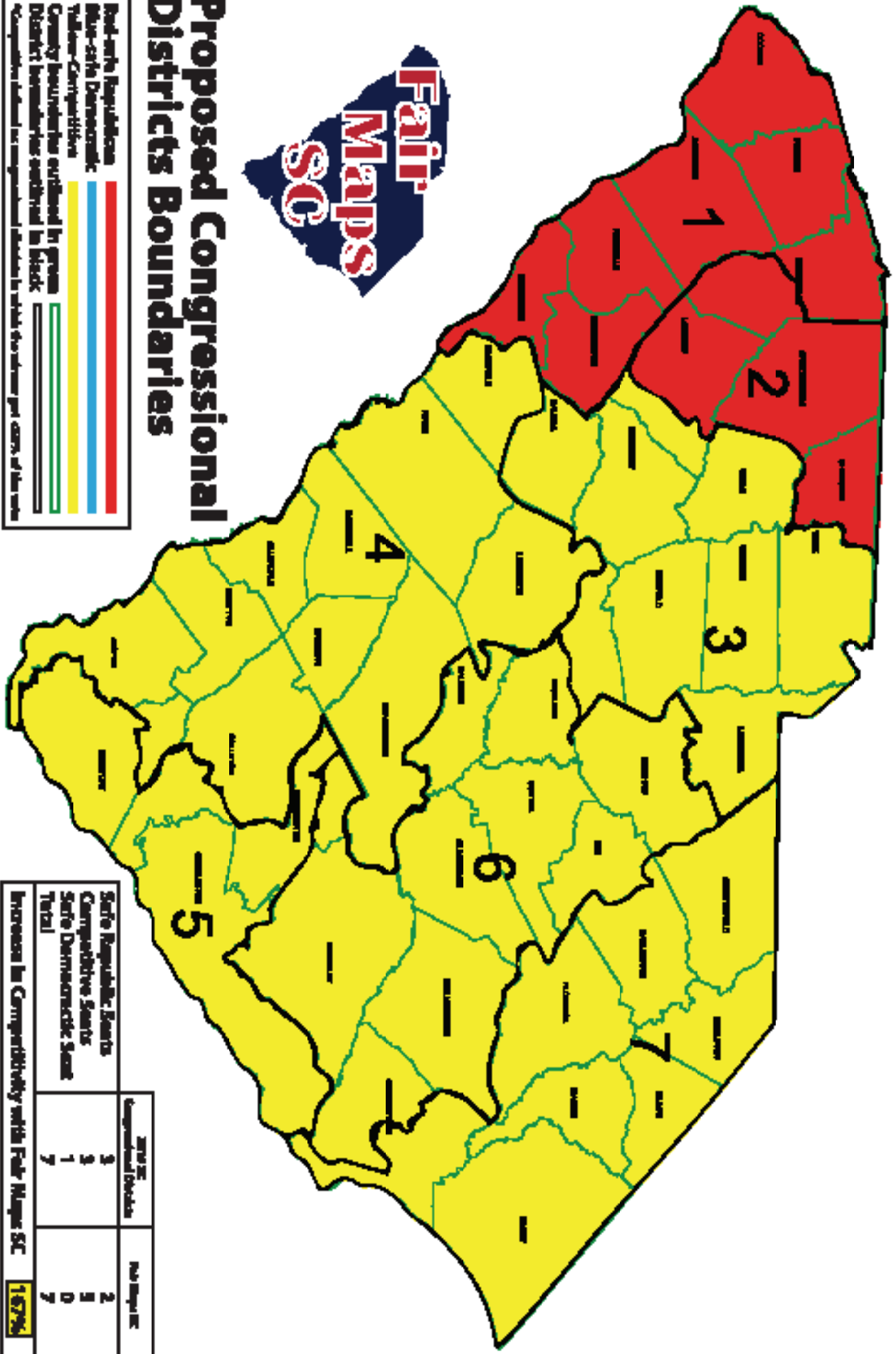
	2010 SC Congressional Districts	Fair Maps SC
Seats Republican Seats	3	2
Competitive Seats	3	3
Seats Democratic Seats	1	4
Total	7	7

Increases in Competitively with Fair Maps SC **167%**



Proposed Congressional Districts Boundaries

Red-shade Republican
 Blue-shade Democratic
 Yellow-Competitive
 County boundaries outlined in green
 District boundaries outlined in black
 *Counties shaded in orange/red indicate in which the winner got 60% or less of the vote



State Republican Seats	State Democratic Seats	Competitive Seats	Total
3	3	1	7

Improves in Competitively with Fair Maps SC	%
167%	

2019 PENDING REDISTRICTING LEGISLATION

AREA	H-3432/S-254 (COBB-HUNTER/FANNING) SC CITIZENS REDISTRICTING COMMISSION	H-3054/S-230 (CLARY/FANNING) SC CITIZENS REDISTRICTING COMMISSION
OVERSIGHT AGENCY	<p>The State Ethics Commission oversees the appointment of the members of the South Carolina Citizens Redistricting Commission.</p> <p>Mid legislative oversight or authority, with strict conflict of interest prohibitions:</p> <ul style="list-style-type: none"> ▪ Mid current or former state or federal office holders. ▪ Mid current or former state or federal agency executive directors. ▪ Mid individuals who have worked as a paid campaign staffer for a candidate for elected office within the previous 5 years. ▪ Mid paid staff members for an elected official in the five years. ▪ Mid declared candidates for partisan federal, state, or local office ▪ Mid elected officials to federal, state, or local office. ▪ Mid officers or members of a governing body for a federal, state, or local political party. ▪ Mid paid consultants or employees of a federal, state, or local elected official or political candidate's campaign, or political action committee. ▪ Mid employees of the General Assembly. ▪ Mid registered state or federal lobbyist, or employees of a registered state or federal lobbyist. ▪ Mid one with immediate family members who have served in any of the above specified roles within the previous 5 years. <p>Mid one who has donated more than a combined total of two thousand dollars to a candidate or candidates for elected office within the previous 5 years.</p> <p>There is no mechanism for executive or legislative alteration or veto power over the commission's final reapportionment plan and maps.</p>	<p>NONE</p> <p>Members are appointed by the Governor and the General Assembly.</p> <p>In each House, the members of the majority political party and the members of the largest minority political party make recommendations for appointment to the commission.</p>
INDEPENDENCE	<p>Mid one who has donated more than a combined total of two thousand dollars to a candidate or candidates for elected office within the previous 5 years.</p> <p>There is no mechanism for executive or legislative alteration or veto power over the commission's final reapportionment plan and maps.</p>	
SELECTION	<p>The State Ethics Commission randomly selects applicants via an application process open to all registered SC voters in a manner that promotes a diverse and qualified applicant pool.</p>	<p>Members are appointed by the Governor, House of Representatives, and Senate.</p>

2019 PENDING REDISTRICTING LEGISLATION

AREA	H-3432/S-254 (COBB-HUNTER/FANNING) SC CITIZENS REDISTRICTING COMMISSION	H-3054/S-230 (CLARY/FANNING) SC CITIZENS REDISTRICTING COMMISSION
COMPOSITION	The Commission shall consist of 14 members, one majority party voter and one largest minority party voter drawn from each congressional district. The final commission is selected to ensure the commissioner's membership reflects the state's diversity including, but not limited to, race, ethnic, geographic, and gender diversity; however, it is not intended that formulas or specific ratios be applied for this purpose.	Seven members, none of whom may be elected officials: <ul style="list-style-type: none"> ▪ 2 appointed by the Governor ▪ 2 selected by the Senate ▪ 2 selected by the House The final member is selected by vote at the first Commission meeting to serve as its chair.
VACANCY/REMOVAL	The State Ethics Commission simultaneously chooses a panel of 14 alternate commissioners available to replace a commissioner of the same party in his congressional district in case of a vacancy.	Vacancies are filled in the same manner as the original appointment.
FUNDING	The Governor submits a budget to the General Assembly that includes funding sufficient to meet the estimated expenses of the entire redistricting process. The General Assembly shall make the necessary appropriation.	Expenses are paid from the general fund of the State, and payable from the appointed authorities (Governor & General Assembly)
STAFFING	The Department of Administration shall provide staff support for the commission's work; may contract and hire staff as needed.	The Revenue & Fiscal Affairs Office provides technical and clerical staff and services; may call upon other state agencies; may employ experts.
TRANSPARENCY	To ensure transparency and accountability, the minutes of all the meetings shall be publicly posted on the commissioner's website. The commission shall establish fair and reasonable written criteria appropriate for reapportionment that it shall follow in formulating plans of reapportionment.	No provisions

2019 PENDING REDISTRICTING LEGISLATION

AREA	H-3432/S-254 (COBB-HUNTER/FANNING) SC CITIZENS REDISTRICTING COMMISSION	H-3054/S-230 (CLARY/FANNING) SC CITIZENS REDISTRICTING COMMISSION
REDISTRICTING CRITERIA	<ul style="list-style-type: none"> ▪ The commission shall consider the following five factors, in priority order: <ol style="list-style-type: none"> 1. Population equality 2. Voting Rights Act compliance 3. Communities of interest 4. Competitiveness of district; and 5. Consistency with existing local boundaries. ▪ Once the mandatory criteria are achieved, the commission shall consider contiguity and compactness of districts. ▪ The commission shall propose plans or maps with districts that: <ol style="list-style-type: none"> 1. Are of equal population as mandated by the U.S. Constitution and shall comply with the Voting Rights Act and all other federal laws; 2. Are geographically contiguous; 3. Reflect the state's diverse population and communities of interest; 4. Do not provide a disproportionate advantage to any political party; 5. Reflect consideration of county, city, and township boundaries; and 6. Are reasonably compact. 	<ul style="list-style-type: none"> ▪ Districts shall comply with the United States Constitution and the federal Voting Rights Act. ▪ Redistricting plans must be comprised of districts that are: <ol style="list-style-type: none"> 1. Geographically contiguous and, 2. To the greatest extent possible, geographically compact, while maintaining and respecting the geographic integrity of any city, county, city and county, neighborhood, or communities of interest including, but not limited to, rural communities, coastal communities, or separation by geographic features such as lakes, major rivers, national forest, or mountains. ▪ The place of residence of an incumbent or a political candidate may not be considered in the apportionment of districts, nor shall districts be apportioned for the purpose of favoring or discriminating against an incumbent, political candidate, or political party. ▪ In drawing districts, the commission shall seek to achieve substantial population equality among districts with deviations for state House of Representatives and Senate districts allowable to achieve compliance with nondiscriminatory criteria.

2019 PENDING REDISTRICTING LEGISLATION

AREA	H-3432/S-254 (COBB-HUNTER/FANNING) SC CITIZENS REDISTRICTING COMMISSION	H-3054/S-230 (CLARY/FANNING) SC CITIZENS REDISTRICTING COMMISSION
PUBLIC NOTICE	<p>The commission shall open a 45-day public comment period to host public hearings across the State. The commission shall establish and implement an open hearing process for public input and deliberation that must be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the reapportionment public review process.</p> <p>Notice of all public hearings must be published in daily newspapers of general circulation covering all areas of the State for at least fourteen days prior to the hearing date.</p>	<p>Notice of all public hearings must be published in daily newspapers of general circulation covering all areas of the State at least fourteen days before the hearing date.</p>
COMMENT & HEARINGS	<p>The commission shall hold at least 7 public hearings across the State, with at least one in each congressional district, and the commissioners from that district must be in attendance. The public hearings must be supplemented with other activities as appropriate to increase opportunities for the public to observe and participate in the review process. The commission shall display, and post on their website, the maps for public comment in a manner designed to achieve the widest public access reasonably possible.</p>	<p>The commission shall conduct at least 4 public hearings: Columbia, Greenville, Charleston, and Florence.</p>
APPROVAL	<p>The final maps must be approved by at least ten of Commission members, including at least four majority party members and four largest minority party members. If the commission is unable to come to such an agreement, the State Ethics Commission shall dissolve the original commission and convene the alternate commission within fourteen calendar days of the original commission's dissolution. The alternate commission shall have sixty days to conclude the reapportionment duties. There is no mechanism for executive or legislative alteration or veto power over the commission's final reapportionment plan and maps.</p>	<p>After the hearing or hearings are completed, the commission shall prepare a final report consisting of its redistricting plan and the criteria used in developing the plan. The final report must be filed with the Governor, the Speaker of the House of Representatives, the President of the Senate, and the respective chairmen of the Judiciary Committees of the House of Representatives and the Senate. The General Assembly shall undertake the development and adoption of a redistricting plan on its own, without regard to any subsequently filed plan by the commission, if the commission fails to meet the its deadline.</p>



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