

SOUTH CAROLINA CITIZENS REDISTRICTING COMMISSION

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| LEGISLATION | HOUSE BILL 3432 REPRESENTATIVE GILDA COBB-HUNTER (D), 66 TH DISTRICT SENATE BILL 254 SENATOR MIKE FANNING (D), 17 TH DISTRICT |
| CONSTITUTIONAL AMENDMENT | HOUSE BILL 3390 REPRESENTATIVE GILDA COBB-HUNTER (D) 66 TH DISTRICT SENATE BILL 249 SENATOR MIKE FANNING (D), 17 TH DISTRICT |

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. - ARTICLE I, SECTION 1, CONSTITUTION OF THE STATE OF SOUTH CAROLINA

THE PROBLEM: GERRYMANDERED MAPS

South Carolina has 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. There is no state law that establishes criteria for creating congressional and state legislative districts. Senate and House redistricting committees adopt their own guidelines and criteria, which are neither consistent nor precisely parallel.¹ House Guidelines expressly provide for 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."*²

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

Allowing legislators to draw their own districts is a conflict of interest which gives them the freedom to pick and choose their voters. The current process leaves electoral maps vulnerable to partisan bias and manipulation beyond public scrutiny. South Carolina politicians have taken advantage of this opportunity to draw maps that virtually guarantee their re-election every decade and they have adopted guidelines for their protection. This manipulative practice of creating boundaries of electoral districts to favor specific political interests within legislative bodies is called gerrymandering. Gerrymandering gives one political party an unfair advantage on Election Day. It allows politicians to choose their voters, instead of voters choosing their politicians. As a result, the voice of the people is not heard on Election Day because their votes do not matter. Gerrymandering subverts equal representation, suppresses voter participation and diminishes good governance.

THE SOLUTION: FAIR MAPS FROM AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION

Enacting legislation or amending the State Constitution to create an independent Citizens Redistricting Commission of voters – not politicians – in charge of drawing fair election maps would address the detrimental impact of gerrymandering. 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. This solution would provide election maps created through a fair, impartial, and transparent process.

¹ [2011 Redistricting Guidelines \(Senate\); 2011 Guidelines and Criteria For Congressional and Legislative Redistricting \(House\)](#)

² 2011 Redistricting Guidelines, Section VIII, p.5-6

THE PROCESS: HOW IT WOULD WORK

The State Ethics Commission would work with the State Election Commission to identify eligible registered voters and make its best effort to notify and invite all eligible voters to apply for the commission. To be eligible to serve on the commission, a voter must possess a consistent record of regularly voting in the majority or minority party's primary elections. This does not apply to newly registered voters, or those who have not had primary contests on their ballot. Politicians, lobbyists, and people with the most significant conflicts of interest cannot serve on the Commission. Upon the closing of the application period, the Ethics Commission would then randomly select applicants from the general pool to create a 56-member nominee pool. The nominee pool must include eight residents from each of the state's seven congressional districts, of whom four nominees from each district must be majority party voters, and four must be voters of the largest minority party. The Ethics Commission would then perform a review of the nominee pool to ensure that those applicants mirror the geographic and demographic makeup of the State as closely as possible, and that all eligibility requirements have been met. Once completed, the Ethics Commission would randomly select the final 14 Redistricting Commission members from the nominee pool, one majority party voter and one largest minority party voter drawn from each congressional district. The Ethics Commission will simultaneously choose a panel of 14 alternate Commissioners to be available in case of vacancy or if the original panel fails to reach a decision on electoral maps. The Redistricting Commission would be made up of ordinary citizens who come from the various communities and backgrounds from around South Carolina that reflects its demographics and diversity.

The Redistricting Commission would be provided with the necessary resources to assist with drawing maps. There will be strong rules in place to ensure the process is fair, impartial, and transparent. **To ensure transparency and accountability, the minutes of all the meetings shall be publicly posted on the commission's website.**

The Commission would be required to follow a set of strict criteria when drawing the maps and cannot give a disproportionate advantage to any party or candidate. The Commission must first consider these 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.** Once these mandatory criteria are achieved, the commission must consider contiguity and compactness of districts. 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 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. Members of the public will have the opportunity to submit comments, concerns, feedback, and even potential maps for consideration. The commission must post the maps on its website 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 ten of Commission members, including at least four majority party members and four largest minority party members. If the commission is unable to reach an agreement, the Ethics Commission would then dissolve the original Commission and convene the alternate redistricting commission within fourteen calendar days of the original commission's dissolution. The alternate commission would 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.

THE TIMELINE

By June 30, 2020, the General Assembly must pass legislation (H3432/S254) to enact the Citizens Redistricting Commission or pass legislation (H3390/S249) that will place a constitutional amendment on the November 2020 ballot to allow the voters to decide. South Carolina state law does not impose a particular deadline for drawing new maps.

The new maps drawn by the independent Citizens Redistricting Commission would be used for the 2022 elections. The timeline after the legislation or constitutional amendment passes would be as follows:

- September 2020 60-Day Application process opens
- November 1, 2020 Application process closes
- January 31, 2021 Selection of the Commission is completed
- March 2021 Commission convenes
- June 1, 2021 Public comment period and public hearings commence
- July 15, 2021 Public comment period closes
- August 15, 2021 Deadline to adopt final set of maps.
- September 1, 2021 Maps must be presented to the public.
- November 8, 2022 First general election with the new maps takes place.

ADD:

Dates for census and normal redistricting process

May 1, 2019 Census starts

April 30, Census