**South Carolina General Assembly**

124th Session, 2021-2022

**S. 561**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Setzler and McLeod

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Companion/Similar bill(s): 3279, 4201, 4202

Introduced in the Senate on February 17, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Independent Reapportionment Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/17/2021 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20210217.docx))

2/17/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\sj\20210217.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=561&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/17/2021](file:///p:\pprever\2021-22\561_20210217.docx)

**A** **JOINT RESOLUTION**

TO PROPOSE AN AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION, 1895, BY ADDING ARTICLE XVIII, TO PROVIDE FOR AN INDEPENDENT REAPPORTIONMENT COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE CHOSEN, TO PROVIDE FOR THE DUTIES OF THE COMMISSION, TO PROVIDE FOR THE APPROVAL OF PROPOSED APPORTIONMENT PLANS, TO PROVIDE FOR APPORTIONMENT IN THE EVENT THAT A PROPOSED APPORTIONMENT PLAN IS NOT APPROVED BY REFERENDUM, AND TO EXEMPT THE PROVISIONS OF THIS ARTICLE FROM THE PROVISIONS CONTAINED IN SECTION 1, ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that the Constitution of this State be amended by adding a new article to read:

“Article XVIII

Independent Reapportionment Commission

Section 1. Whenever there is reason to reapportion districts for the Senate, House of Representatives, or United States House of Representatives because of a new federal census or because of a decision of a court of competent jurisdiction, an Independent Reapportionment Commission shall be formed. The Commission shall be composed of nine members selected by a three-member Applicant Review Panel appointed by the Inspector General.

Section 2. Within ninety days after the Commission has been organized or the necessary census data are available, whichever is later, the Commission shall file with the State Election Commission its proposed plan for apportioning Senate, House of Representatives, and United States House of Representatives districts. All deliberations of the Commission shall be open to the public.

The proposed apportionment plan shall be filed with the State Election Commission and shall be submitted to the voters in a statewide referendum to be held on the second Tuesday of November in the year in which the Commission is organized. If the apportionment plan is approved by a majority of the qualified electors casting ballots, then it shall automatically be codified in the Code of Laws of South Carolina, 1976, and district boundaries shall be adjusted accordingly. The districts as codified following the referendum shall be the districts until such time as reapportionment is again required.

If the apportionment plan is not approved by a majority of the qualified electors casting ballots, then the State Election Commission shall certify to the Supreme Court that the referendum failed to receive the requisite number of votes. The Supreme Court shall then issue an order appointing a three-person tribunal of Special Apportionment Masters, who shall devise a reapportionment plan in accordance with the apportionment criteria contained in Section 4 of this article. The Special Apportionment Masters’ plan shall then be automatically codified in the Code of Laws of South Carolina, 1976, and district boundaries shall be adjusted accordingly. The districts so codified shall be the districts until such time as reapportionment is again required.

The Commission shall dissolve upon the approval of the apportionment plan by referendum or upon the appointment of the tribunal of Special Apportionment Masters, as appropriate. The tribunal of Special Apportionment Masters, if convened, shall dissolve upon the release of its apportionment plan.

Section 3. Members of the Commission and the Applicant Review Panel shall be free of conflicts of interest, and members of the Commission shall possess relevant analytical skills, the ability to be impartial, and an appreciation for South Carolina’s diverse demographics and geography.

A conflict of interest exists if, during the past ten years, a person, or a member of his immediate family, has been appointed to, been elected to, or been a candidate for elected office; served as an officer, employee, or paid consultant to a political party or the campaign committee of a candidate for elected office; served as an elected or appointed member of a political party; registered as a lobbyist on the federal, state, or local level; been employed as legislative staff on the federal or state level; or contributed two thousand dollars or more to any congressional, state, or local candidate for office during any one year.

Section 4. Apportionment plans for the Senate, House of Representatives, and United States House of Representatives districts shall comply with the United States Constitution and the federal Voting Rights Act, 42 U.S.C. 1971, et. seq.

Apportionment plans shall be comprised of districts that are geographically contiguous and, to the greatest extent possible, geographically compact, while maintaining and respecting the geographic integrity of any city, county, city and county, neighborhood, or community of interest. Communities of interest shall not include relationships with political parties, incumbents, or political candidates. The place of residence of any incumbent or political candidate shall 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.

Section 5. No later than August first of each year when the United States Census is being conducted, or as soon as practicable following a decision of a court of competent jurisdiction mandating reapportionment, the Inspector General shall convene an Applicant Review Panel composed of three people. The Applicant Review Panel shall screen individuals applying to serve on the Independent Reapportionment Commission. The Applicant Review Panel shall then select nine qualified applicants for the Commission. All deliberations of the Applicant Review Panel shall be open to the public. The Applicant Review Panel shall complete its work on or before December thirty-first of the year in which it is formed, at which time it will dissolve.

The Inspector General shall prepare an application for interested individuals and establish a fair, open procedure for submitting applications for consideration.

Section 6. No person who serves on an Applicant Review Panel or an Independent Reapportionment Commission may hold elected office in this State for a period of five years after his service has been completed.

Section 7. The provisions contained in this article are not subject to the provisions contained in Section 1, Article III of the South Carolina Constitution, related to the legislative power of this State.”

SECTION 2. The proposed amendments in SECTION 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Shall the 1895 South Carolina Constitution be amended by adding Article XVIII, to provide that apportionment of the South Carolina Senate, South Carolina House of Representatives, and United States House of Representatives districts shall be conducted by a nine member Independent Reapportionment Commission selected by an Applicant Review Panel appointed by the State Inspector General, to provide that the Commission’s apportionment plan shall be approved by referendum, to provide that a special tribunal shall be appointed by the Supreme Court to prepare an apportionment plan if the apportionment plan is not approved by referendum, and to provide parameters for all apportionment plans?

Yes 

No 

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’.”

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