



STATE OF SOUTH CAROLINA
THE SENATE
COLUMBIA

GLENN F. MCCONNELL
PRESIDENT PRO TEMPORE

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June 27, 2003

Mr. Joseph Rich
Chief, Voting Section
Civil Rights Division
Department of Justice
320 First Street, NW, Room 818A
Washington, DC 20001

Re: Request for Preclearance, South Carolina Senate Plan, S. 591, R. 97.

Dear Mr. Rich:

On behalf of the South Carolina Senate, and pursuant to Section 4 of S. 591, we are submitting the Senate redistricting plan contained in Sections 1 through 7 of S. 591, R. 97, an act ratified by the South Carolina General Assembly on May 28, 2003, and signed into law by the Governor on June 2, 2003 (herein referred to as S. 591)¹ for preclearance. The act, which will take effect in the regularly scheduled 2004 primary and general elections, provides for the decennial redistricting of South Carolina's forty-six State Senate districts.

Pursuant to 42 U.S.C. 1973c and 28 C.F.R. § 51.27, the Senate submits the following information:

(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.

¹ Sections 8 through 13 of S. 591 also provide for the redistricting of the South Carolina House of Representatives. Section 10 of the act designates the Speaker of the House of Representatives as the submitting authority for the House reapportionment plan. Accordingly, the House plan will be precleared separately from the Senate plan.

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A copy of S. 591 is attached as **Exhibit 1**. This Senate redistricting plan is largely based on an interim redistricting plan ordered by a three-judge federal district court as a result of impasse litigation. Colleton County v. McConnell, 201 F.Supp. 2d 618 (D.S.C. 2002) (attached as **Exhibit 2**). The changes in S. 591 were made after consultations with individual senators and with the benefit of knowledge gleaned during an extensive public hearing process conducted in 2001 following the release of the decennial census. The act passed the Senate with a bipartisan vote of 39-6. S.C. Senate Journal, April 30, 2003, p. 114. Five of the Senate's eight African-American members voted for the plan, and two voted against it (the remaining African-American Senator, Robert Ford, was absent due to medical reasons). A block equivalency file for the plan is attached as **Exhibit 3**, and paper maps illustrating the plan are attached as **Exhibit 4**.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.

The current plan under which members of the South Carolina Senate have been elected (herein the 1997 Court plan) was ordered into effect as a remedy by a three-judge federal panel. Smith v. Beasley, unpublished opinion 3:95-3235-0 (U.S. Dist. Ct., Columbia, S.C., May 28, 1997). A copy of the Court's order is attached as **Exhibit 5**. A block equivalency file of the 1997 Court plan is enclosed as **Exhibit 6**. Maps of the 1997 Court plan also are provided as **Exhibit 7**.

The 1997 Court plan was ordered into effect as the result of a successful challenge to a redistricting plan that was enacted by the General Assembly on May 11, 1995 (1995 Act No. 49) and precleared by the Attorney General on May 30, 1995. In an order filed September 27, 1996, the Court in Smith v. Beasley held that three Senate districts (Districts 29, 34, and 37) were unconstitutionally drawn. Smith v. Beasley, 946 F.Supp. 1174 (D.S.C. 1996) (**Exhibit 8**). The General Assembly enacted remedial legislation on February 11, 1997 (1997 Act No. 1) (S.C. Senate Journal, February 11, 1997, pp. 567-568) but it was denied preclearance by the Attorney General. After the denial of preclearance, the Court issued its own remedial plan.

Following the 2000 decennial census, the South Carolina General Assembly made an unsuccessful attempt at redistricting. On August 27, 2001, the General Assembly ratified H.3003, a redistricting plan for the House and Senate, but this bill was vetoed by the Governor. S.C. Senate Journals, August 27, 2001, p. 3765. On September 4, 2001, the House of Representatives failed to override the Governor's veto, and an impasse was reached in the redistricting process. S.C. Senate Journal, September 4, 2001, pp. 3773-3744. Litigation followed immediately thereafter.

As a result of the impasse litigation, a three-judge federal panel ordered an interim redistricting plan for Senate elections held in 2004 and thereafter (herein the 2002 Court

plan), but that plan has not yet been implemented for the Senate districts, and will not take effect if the changes embodied in S. 591 are precleared. A block equivalency file of the 2002 Court plan is enclosed as **Exhibit 9**. Maps of the 2002 Court plan also are provided as **Exhibit 10**. The Court in Colleton County v. McConnell explicitly held that the 2002 Court plan for Senate districts would not take effect until the regularly scheduled primary and general elections in 2004. Colleton County v. McConnell, 201 F.Supp.2d at 671. Therefore, the 1997 Court plan in Smith v. Beasley remains in effect, and is the proper benchmark for evaluating this submission.

(c) If the change affecting voting either is not readily apparent on the face of the documents, provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

The following reports summarize the changes between the existing districts ordered by the 1997 Court plan, the 2002 Court plan, and the districts enacted in S. 591.

1. A Plan Components Report provides a population summary for each district, including Black Voting Age Population² adjusted to reflect institutional populations in the state³, as well as the precinct in each district in the 1997 Court plan. **Exhibit 11**.
2. A Plan Components Report provides a population summary for each district, including Black Voting Age Population adjusted to reflect institutional populations in the state, as well as the precinct in each district in the 2002 Court plan. **Exhibit 12**.

² Consistent with DOJ guidelines, all of the Senate's data defines "Black Voting Age Population" to include those individuals identified as "all or any part black" or "AP Black" in the U.S. Census. However, in its order in Colleton County v. McConnell, the Court referred to the "black only" population category of census data when compiling its black voting age statistics. Colleton County v. McConnell, 201 F. Supp.2d 642 n. 21. Accordingly, there are some minor discrepancies between the Court's order and the Senate's own data.

³ The Senate surveyed colleges, universities, correctional facilities, and other institutions throughout the state and compiled estimates of institutional population, which it considered in the redistricting process. The summary sheets accompanying the Plan Component Reports reflect adjustments to the United States census data to reflect the subtraction of institutional (and therefore non-voting) population from the estimates of the each district's population.

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3. A Plan Components Report provides a population summary for each district, including Black Voting Age Population adjusted to reflect institutional populations in the state, as well as the precinct in each district in S. 591. **Exhibit 13.**
4. A BVAP Comparison Chart showing the BVAP in each district under the 1997 Court plan, the 2002 Court plan, and S. 591. **Exhibit 14.**

(d) The name, title, address, and telephone number of the person making the submission.

The Honorable Glenn F. McConnell,
President *Pro Tempore* of the South Carolina Senate
Attn: Michael N. Couick
Director of Research and
Attorney to the Senate Judiciary Committee
Post Office Box 142
Columbia, South Carolina 29202
Telephone (803) 212 6623
Fax (803) 212 6606

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

The State of South Carolina is the submitting authority for this change, and the President *Pro Tempore* of the South Carolina Senate is designated as the appropriate official responsible for making this submission in Section 4 of S. 591.

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

Not applicable

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

Please refer to paragraph (b) above.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

The South Carolina Senate enacted S. 591 in order to comply with its duty to

carry out decennial reapportionment pursuant to the Fourteenth and Fifteenth Amendments of the United States Constitution and Article III of the South Carolina Constitution, and as interpreted by Baker v. Carr, 369 U.S. 186 (1962), other U.S. Supreme Court cases, and relevant federal cases applicable to South Carolina including Colleton County v. McConnell, *supra*.

(i) The date of adoption of the change affecting voting.

S. 591 was ratified by the General Assembly on May 29, 2003, and was signed into law on June 2, 2003, by the Governor.

(j) The date on which the change is to take effect.

The new districts will take effect for the regularly scheduled primary and general elections in 2004. S. 591, Section 5. The schedule for the 2004 primary and general elections is as follows:

1. Candidates for the State Senate must file notices of their candidacies between noon on March 16 and noon on March 30, 2004. S.C. Code Ann. § 7-11-210.
2. Primary elections will be held on June 14, 2004. S.C. Code Ann. § 7-13-15.
3. The general election will be held on November 2, 2004. S.C. Code Ann. § 7-13-10.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

The changes embodied in S. 591 have not been enforced or administered.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

The changes submitted for preclearance will affect the entire South Carolina Senate.

(m) A statement of the reasons for the change.

Please refer to our response in item (h) above. In addition, courts have emphasized that redistricting is a state legislative duty. The Senate districts in S. 591 cure split VTDs and reunite communities of interest which were separated in the 2002 Court plan due to the Court's need to comply with a plus or minus 1% deviation standard.

(n) A statement of the anticipated effect of the change on members of racial or

language minority groups.

The South Carolina Senate presently has nine districts with a majority black voting age population, Districts 19, 21, 30, 32, 36, 39, 40, 42, and 45. Additionally, District 7 (47.25% BVAP) which has an African-American incumbent is maintained as a viable district for a candidate chosen by the minority community. District 29, which has an African-American incumbent who was elected in a recent special election, is drawn with 44.38 % BVAP. The table below identifies these districts, their BVAP levels, the incumbents, and their race.⁴

Senate District	Member Name	1997 Court Plan BVAP %	2002 Court Plan BVAP %	2003 S. 591 Plan BVAP %
7	Ralph Anderson*	49.78	45.06	47.25
17	Linda H. Short	53.05	48.41	47.6
19	Kay Patterson*	67.8	58.71	59.93
21	Darrell Jackson*	62.05	52.33	57.02
29	Gerald Malloy*	42.7	39.32	44.38
30	Maggie Wallace Glover*	59.16	54.38	55.87
32	J. Yancey McGill	58.51	55.29	56.36
36	John C. Land	57.96	54.91	54.45
39	John W. Matthews*	60.91	55.59	55.78
40	C. Bradley Hutto	46.58	50.41	50.71
42	Robert Ford*	61.81	57.93	59.56
45	Clementa C. Pinckney*	51.74	52.77	55.58

* African American incumbent

There were reductions in BVAP in nearly all of the majority-minority districts due

⁴ As noted above, charts comparing the percentage of minority populations in all forty-six Senate districts as drawn in S. 591 to the districts in the 1997 Court and 2002 Court plans are attached as **Exhibit 14**.

to the dispersion of the minority populations in the state. Nearly all of the majority-minority districts were grossly underpopulated. *see Colleton County v. McConnell*, 201 F.Supp.2d at 661. As a consequence of the dispersion of minority population, two districts, 7 and 17, could not be constitutionally maintained as majority-minority districts. A chart showing the malapportionment of the minority-majority districts drawn under the 1997 Court plan is attached as **Exhibit 15**.

District 7

District 7 is represented by Senator Ralph Anderson, an African-American Democrat, who has held office since 1997. As noted in the table above, District 7 is not maintained as a majority-minority district in S. 591. This district had a BVAP of 49.78% under the 1997 Court plan, and was, at one time, a majority-minority district. However, according to the 2000 census, the district was underpopulated by 15.06%. (The ideal Senate district would contain 87,218 people.)

All of the parties in the impasse litigation agreed, and the Court found, that District 7 could not be maintained as a majority-minority district without resort to unconstitutional gerrymandering. *Colleton County v. McConnell*, 201 F.Supp. 2d at 660. All of the parties also agreed that the district, as drawn by the Court with 45.06% BVAP, afforded the minority community an equal opportunity to elect a candidate of its choice. *Id.* In S. 591, District 7's BVAP is raised to 47.25%.

Senator Anderson has won two elections in District 7, and has a strong chance of reelection as the district is drawn in S. 591. Senator Anderson was consulted extensively regarding the drawing of District 7 in S. 591, and he voted in favor of the plan.

District 17

District 17 is represented by Senator Linda H. Short, a white Democrat, who has held the seat since 1992. District 17, which has 47.6% BVAP in S. 591, is not maintained as a majority-minority district. This district had 53.05% BVAP under the 1997 Court plan, according to the 2000 decennial census, but was underpopulated by 12.77%. The District Court in the *Colleton County v. McConnell* case found that this district could not be maintained as a majority-minority district without resort to unconstitutional gerrymandering. *Colleton County v. McConnell*, 201 F.Supp. 2d at 660. Senator Short voted in favor of the plan.

District 39

District 39 is represented by Senator John W. Matthews, an African-American Democrat, who has held the seat since 1985. The district was underpopulated by 11.02% according to the 2000 census, and had a BVAP of 60.91%. The Court in *Colleton*

County v. McConnell drew District 39 with a BVAP of 55.59%. Minor changes to the district in S. 591 resulted in a BVAP of 55.78%. Senator Matthews voted against S. 591, but did not express any voting rights related concerns regarding his district or the plan as a whole.

District 40

District 40 is a new majority-minority district in S. 591. It is represented by Senator C. Bradley Hutto, a white Democrat, who has held the seat since 1996. District 40 had 46.58% BVAP under the 1997 Court plan. Agreeing with the Senate's recommendation, the Colleton County v. McConnell Court drew District 40 as a majority-minority district, with a BVAP of 50.41%. Colleton County v. McConnell, 201 F.Supp. 2d at 661. S. 591 made minor changes to District 40, which were made in consultation with the incumbent senator, as well as Senator Matthews, who represents the neighboring District 39. In S. 591, the Senate drew District 40 as a majority-minority district with 50.71% BVAP. Senator Hutto voted against S. 591, but did not express any voting rights related concerns about his district or the plan as a whole.

District 45

District 45 is represented by Senator Clementa C. Pinckney, an African-American Democrat, who has held the seat since 2000. District 45's BVAP under the 1997 Court plan was 51.74%. The Colleton County v. McConnell court drew District 45 with 52.77% BVAP, which is raised to 55.58% under the S. 591. Senator Pinckney voted in favor of S. 591.

District 30

District 30 is represented by Senator Maggie W. Glover, an African-American Democrat, who has held office since 1993. District 30's BVAP under the 1997 Court plan was 59.16%. However, the district was underpopulated by nearly 12 The Colleton County v. McConnell court drew District 30 with 54.38% BVAP. District 30's BVAP in S. 591 is 55.87%. Senator Glover voted in favor of S. 591.

District 36

District 36 is represented by Senator John C. Land, a white Democrat, who has held office since 1977. District 36, had a BVAP of 57.96% under the 1997 Court plan, but was underpopulated by 8.82%. The Court in Colleton County v. McConnell drew District 36 with 54.91% BVAP. 201 F.Supp. 2d at 662. Minor changes to District 36 in S. 591 resulted in a BVAP of 54.45%. Senator Land voted against the plan, but did not express any voting rights related concerns about his district or the plan as a whole.

District 32

District 32 is represented by Senator J. Yancey McGill, a white Democrat, who has held office since 1989. Under the 1997 Court plan, District 32 was underpopulated by 8.6% according to the 2000 census, and had a BVAP of 58.51%. The Court in Colleton County v. McConnell drew District 32 with a BVAP of 55.29%. In S. 591, District 32's BVAP is increased to 56.36%. Senator McGill voted in favor of the plan.

District 42

District 42 is represented by Senator Robert Ford, an African-American Democrat, since 1993. According to the 2000 census, District 42 had a BVAP of 61.81% but was the most underpopulated majority-minority district in the state, 18.65% below the ideal district size. The Court in Colleton County v. McConnell drew District 42 with a BVAP of 57.93%. In S. 591, District 42's BVAP is 59.56%. Senator Ford was absent due to medical reasons when the Senate voted on S. 591.

District 29

District 29 is not a majority-minority district, but it is represented by Senator Gerald Malloy, an African American incumbent, who was elected in a special election held on November 5, 2002. The special election was held to fill the vacancy caused by the death of Senator Edward E. Saleeby, a white Democrat who had served in the Senate since 1973. Under the 1997 Court plan, District 29 had a 42.7% BVAP, and was underpopulated by 5.84%. Before Senator Malloy was elected, the Colleton County v. McConnell court had reduced the BVAP in District 29 to 39.32%. None of the parties to the litigation had proposed that District 29 be drawn as a minority opportunity district, and the Court did not consider whether its District 29 would afford the minority community an opportunity to elect a candidate of choice. However, the three-judge panel in Smith v. Beasley, previously rejected a black majority District 29 as unconstitutionally gerrymandered. Smith v. Beasley: 946 F.Supp. at 1210. In S. 591, the BVAP in District 29 is increased to 44.38%. The district was drawn after extensive consultation with Senator Malloy, who voted in favor of S. 591.

District 19

District 19 is represented by Senator Kay Patterson, an African-American Democrat, who has held the seat since 1985. According to the 2000 census, District 19 had a BVAP of 67.8% but was underpopulated by 5.95%. The Court in Colleton County v. McConnell drew District 19 with a BVAP of 58.71%. In S. 591, District 19's BVAP is 59.93%. Senator Patterson voted in favor of S. 591.

District 21

District 21 is represented by Senator Darrel Jackson, an African-American Democrat, who has held the seat 1993. According to the 2000 census, District 21 had a BVAP of 62.05% but was underpopulated by 14.91%. The Court in Colleton County v. McConnell drew District 21 with a BVAP of 52.33%. In S. 591, District 21's BVAP is 57.02%. Senator Jackson voted against S. 591, but did not focus his opposition on voting rights related concerns.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

There is no pending litigation involving S. 591. For a recent history of the litigation involving redistricting and the South Carolina Senate, please refer to paragraph (b) above.

(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

The prior redistricting plan was fashioned and implemented as an interim remedy by federal three-judge panel in Smith v. Beasley and therefore was not precleared.

(q) For redistrictings and annexations: the items listed under § 51.28 (a)(1) and (b)(1).

Please see below.

(r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in § 51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in § 51.37.

Please see below.

Pursuant to 42 U.S.C. 1973c and 28 C.F.R. § 51.28, the Senate also submits the following supplemental information.

(a) Demographic information.

- 1). **Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.**

Please see our response to Section 51.27(b) and (c) above (Exhibits 3, 6, 9, 11, 12, and 13).

- 2). **The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.**

The number of registered voters currently residing in the existing Senate districts, as drawn in the 1997 Court plan, is provided in the report attached as **Exhibit 16**. This information is not available for the districts provided in the 2002 Court plan or in S. 591. In South Carolina, the State Election Commission, and the forty-six local county election commissions, compile registered voter information of this kind. They have not identified the number of registered voters by district under the 2002 Court plan or S. 591, and will not have that information available for several months.

- 3). **Any estimates of population, by race and language group, made in connection with the adoption of the change.**

Please see our response to Section 51.27(c) above (Exhibits 11, 12, 13).

- 4). **Demographic data provided on magnetic media shall be based upon the Bureau of the Census Public Law 94-171 file unique block identity code of state, county, tract, and block.**

The data provided meets these requirements.

- 5). **Demographic data on magnetic media that are provided in conjunction with a redistricting shall be contained in a table of equivalencies giving the census block to district assignments in the following format:**

- (i) **Each census block record (including those with zero population) will be followed by one or more additional fields indicating the district assignment for the census block in one or more plans.**

- (ii) **All district assignments in the plan fields shall be right justified and blank filled if the assignment is less than four characters.**

- (iii) The file structure shall be as follows
- (iv) State and county shall be identified using the Federal Information Processing Standards (FIPS-55) code.
- (v) Census tracts shall be left justified, and census blocks shall be left justified and blank filled if less than four characters.
- (vi) Unused plan fields shall be blank filled.
- (vii) In addition to the information identified in § 51.20 (c) through (e), the documentation file accompanying the block level equivalency file shall contain the following information:
 - (A) The file structure.
 - (B) The total number of plans.
 - (C) For each plan field, an identification of the plan (e.g., state senate, congressional, county board, city council, school board) and its status or nature (e.g., plan currently in effect, adopted plan, alternative plan and sponsors).
 - (D) The number of districts in each plan field.
 - (E) Whether the plan field contains a complete or partial plan.
 - (F) Any additional information the jurisdiction deems relevant such as bill number, date of adoption, etc., and a listing of any modifications the submitting authority has made that alter the structure of the TIGER/line geographic file.

The data provided meets these requirements.

(b) Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:

- 1). The prior and new boundaries of the voting unit or units.

- 2). The prior and new boundaries of voting precincts.
- 3). The location of racial and language minority groups.
- 4). Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.
- 5). The location of prior and new polling places.
- 6). The location of prior and new voter registration sites.

Maps are provided in Exhibits 4, 7, and 10.

(c) Annexations. For annexations, in addition to that information specified elsewhere, the following information:

Not applicable.

(d) Election returns. Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information:

- 1). The name of each candidate.
- 2). The race or language group of each candidate, if known.
- 3). The position sought by each candidate.
- 4). The number of votes received by each candidate, by voting precinct.
- 5). The outcome of each contest.

Please see Exhibit 17.

6). The number of registered voters, by race and language group, for each voting precinct for which election returns are furnished. Information with respect to elections held during the last ten years will normally be sufficient.

Please see Exhibit 18.

7). Election related data containing any of the information described above that are provided on magnetic media shall conform to the

requirements of § 51.20 (b) through (e). Election related data that cannot be accurately presented in terms of census blocks may be identified by county and by precinct.

Election data is submitted in image files. It is not available in magnetic media.

(e) **Language usage.** Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Act is contained in *Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups*, 28 CFR Part 55.

Not applicable.

(f) **Publicity and participation.** For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place. Examples of materials demonstrating public notice or participation include:

- 1). Copies of newspaper articles discussion the proposed change.

Please see Exhibit 19.

- 2). Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

The Senate Judiciary Committee's Subcommittee on Redistricting held an extensive series of public hearings in 2001 and gathered public comment from interested parties around the state. Six hearings were held during the month of April 2001, in Columbia, Aiken, Charleston, Greenville, Florence, and Rock Hill. Summaries of the testimony received at these meetings are enclosed as **Exhibit 20**. The public also was encouraged to submit proposed redistricting plans and comments to the Senate Judiciary Committee's Redistricting Subcommittee. The Redistricting Subcommittee also solicited and received proposed redistricting plans from interested parties, including the American Civil Liberties Union Foundation, which represented minority voters in the 2001 process and the ensuing litigation. The Senate maintained a web site throughout the redistricting process in which it provided extensive information to the public, including downloadable

database files of the 1997 Court plan, and plans proposed by various parties. Copies of public notices are enclosed at **Exhibit 21**.

Using the information received from the public, interested parties, and individual members, the Redistricting Subcommittee adopted guidelines for the drawing of the Senate plan. Please see **Exhibit 22**. These same guidelines were followed by the Senate in fashioning S. 591.

Because of legislative time constraints the Senate relied upon public information compiled during the 2001 public hearings and knowledge gained from the testimony and evidence presented in the Colleton County v. McConnell case. The plan in S. 591 is based on the 2002 Court plan, and for the most part differs from that plan by making minor changes to the court-drawn districts in order to respond to local concerns expressed by the members of the Senate. The plan was made available to the general public and interested parties before the Senate's vote.

3). Minutes or accounts of public hearings concerning the proposed change.

In addition to the response to item (f)(2) above, please see **Exhibit 23** containing minutes from the April 23, 2003, Redistricting Subcommittee hearing.

4). Statements, speeches, and other public communications concerning the proposed change.

Enclosed in **Exhibit 24**, are the following documents that are responsive to this request:

1. Memorandum to members of the Senate from Sen. McConnell of 12/04/2002.
2. Memorandum to members of the Senate from Sen. McConnell of 12/06/2002.
3. Memorandum of Sen. McConnell of 04/25/2003.
4. Letter of James Gallman, S.C. N.A.A.C.P. of 04/25/2003.
5. Notice of Redistricting Subcommittee Meeting on 04/29/2003.
6. Remarks of Sen. Anderson and Sen. McConnell as published in the Senate Journal on April 29, 2003.

7. Letter of Laughlin McDonald, Esquire, of the American Civil Liberties Legal Foundation of 04/29/2003.

5). Copies of comments from the general public.

Please see our response to item (f)(2) above. No comments have been received specifically directed to S. 591.

6). Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

Copies of the Senate and House Journals containing records of the deliberation of S. 591 are enclosed at **Exhibit 25**.

(g) Availability of the submission.

- 1). **Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney general and statements regarding where such public notices appeared.**

Copies of public notices advising the public of this submission, as well a copy of the notice posted on the Senate's web site is enclosed in **Exhibit 26**.

- 2). **Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied.**

Please refer to our response to item (g)(1) and **Exhibit 26**.

(h) Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

A list of minority group contacts is enclosed in **Exhibit 27**

Mr. Joseph Rich
Chief, Voting Section
June 27, 2003
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The Senate wishes to complete the preclearance process as expeditiously as possible. Please let me know if you should require any additional information or if you have any concerns that we need to address.

With best wishes, I am,

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Glenn F. McConnell".

Glenn F. McConnell
President *Pro Tempore*

c: Michael N. Couick, Esquire
Michael A. Carvin, Esquire
Charles L.A. Terreni, Esquire