**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3339**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk, Cobb‑Hunter, Clary, Norrell, Kirby, Wheeler, J.E. Smith, Govan, Ott, Bernstein, Collins, Elliott, Stavrinakis, Mack and Rutherford

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Introduced in the House on January 10, 2017

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

Summary: South Carolina Reapportionment Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 166](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 166](file:///h:\hj\20170110.docx))

4/18/2017 House Member(s) request name added as sponsor: Clary

4/20/2017 House Member(s) request name added as sponsor: Norrell, Kirby, Wheeler, J.E.Smith, Govan, Ott, Bernstein, Collins, Elliott, Stavrinakis, Mack, Rutherford

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3339_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 80 TO TITLE 2 SO AS TO ESTABLISH THE SOUTH CAROLINA REAPPORTIONMENT COMMISSION CONSISTING OF SEVEN MEMBERS FOR THE PURPOSE OF SUBMITTING REAPPORTIONMENT PLANS TO THE GENERAL ASSEMBLY AND TO PROVIDE FOR THE SELECTION, QUALIFICATIONS, POWERS, AND DUTIES OF THE COMMISSION AND ITS MEMBERS.

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

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 80

South Carolina Reapportionment Commission

Section 2‑80‑10. The General Assembly finds that the periodic reapportionment of the House of Representatives, the Senate, and the congressional districts is a responsibility of great consequence for it is designed to guarantee fair and effective representation for all citizens of South Carolina. It is a duty whose performance involves the analysis of population data, the study of geographic and demographic factors, the assistance of statisticians and other technical experts, and the development and completion of a reapportionment plan in time not only to provide for an orderly electoral process and an informed electorate but also to comply with all state and federal election laws, including primary election and general election schedules prescribed by statute and by the state Constitution. The General Assembly also finds that benefits are to be gained from the participation of the major political parties and of the public in the process. For these reasons, the General Assembly considers it proper and necessary to provide formally for public participation in the formulation of a reapportionment plan by establishing an independent commission to construct reapportionment plans in a timely fashion and to prescribe a schedule to best ensure that the periodic reapportionment of the House of Representatives, the Senate, and the congressional districts is carried out in conformity with statutorily and constitutionally prescribed dates in the nomination and election process and with all other state and federal election laws.

Section 2‑80‑20. The General Assembly shall adopt a reapportionment plan for the House of Representatives, Senate, and congressional districts by the second Thursday in May of the year following the year of the decennial United States Census after receipt of final reapportionment plans as required by the provisions of this chapter. If the deadline is not met and notwithstanding Section 2‑1‑180, the General Assembly may not adjourn sine die until it has received the final report of the South Carolina Reapportionment Commission as specified in this section, and it has enacted the required reapportionment plans.

Section 2‑80‑30. (A) On January first of the year following the year of the decennial United States Census, there is created the South Carolina Reapportionment Commission consisting of seven members, none of whom may be public officials, selected as follows:

(1) the members of the House of Representatives affiliated with the two political parties having the largest representation in the House of Representatives shall each, acting as a caucus, elect one member;

(2) the members of the Senate affiliated with the two political parties having the largest representation in the Senate shall each, acting as a caucus, elect one member;

(3) the Governor shall appoint two members, using his appointments to ensure representation of minority races and political parties; and

(4) the members of the South Carolina Reapportionment Commission appointed pursuant to items (1) through (3) shall at their first meeting by majority vote elect a seventh member who shall serve as chairman. If the members are unable to elect a chairman, after ten ballots, or in any case if no chairman has been elected within ten days after the organizational meeting, the Governor shall appoint the chairman.

(B) Vacancies must be filled in the manner of original appointment. Commission members shall receive the usual mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions.

(C) The first meeting of the commission must be called by the Governor by the first day of February following creation of the commission, and he also shall appoint one of the previously selected members to serve as temporary chairman at the commission’s organizational meeting until a chairman is selected.

(D) The commission shall expire upon filing its final report and the enactment by the General Assembly of all the reapportionment plans required in Section 2‑80‑20.

Section 2‑80‑40. For purposes of this chapter, the most recently completed United States Census qualifies as the decennial enumeration required by Section 3, Article III of the Constitution of this State.

Section 2‑80‑50. The commission shall establish fair and reasonable written criteria appropriate for reapportionment which it shall follow in formulating plans of reapportionment. The Revenue and Fiscal Affairs Office shall provide technical staff and clerical services to the commission, and the commission may call upon the services of other state agencies for advice and assistance as it considers necessary.

Section 2‑80‑60. After formulating a proposed reapportionment plan, the commission shall conduct at least three public hearings on the plan which must be held in Columbia, Greenville, and Florence and as many other hearings in the same or other locations throughout the State as it considers necessary for the purpose of receiving comments on the proposed plan. 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. After the hearing or hearings are completed, the commission shall prepare a final report consisting of its reapportionment plan and the criteria used in developing the plan. The final report must be filed by the first day of May, following creation of the commission, 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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