**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4456**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clary, Funderburk, Bernstein, Elliott, Wheeler, Cogswell, Collins, Thigpen, J.E. Smith, Cobb‑Hunter and Norrell

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Companion/Similar bill(s): 989, 1159, 5201

Introduced in the House on January 9, 2018

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

Summary: SC Redistricting Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2017 House Prefiled

12/13/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 118](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 119](file:///h:\hj\20180109.docx))

1/10/2018 House Member(s) request name added as sponsor: J.E.Smith

2/7/2018 House Member(s) request name added as sponsor: Cobb‑Hunter

3/8/2018 House Member(s) request name added as sponsor: Norrell

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**VERSIONS OF THIS BILL**

[12/13/2017](file:///p:\pprever\2017-18\4456_20171213.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 80 TO TITLE 2 SO AS TO ENTITLE THE CHAPTER “SOUTH CAROLINA REDISTRICTING COMMISSION”, TO CREATE AN INDEPENDENT REDISTRICTING COMMISSION, TO PROVIDE THAT MEMBERS OF THE COMMISSION WILL BE APPOINTED EVERY TEN YEARS AFTER THE FOLLOWING YEAR OF THE DECENNIAL UNITED STATES CENSUS, AND TO PROVIDE FOR THE MEMBERSHIP AND PROCEDURES FOR THE COMMISSION TO FOLLOW IN REAPPORTIONING THE HOUSE OF REPRESENTATIVES, THE SENATE, AND THE STATE’S CONGRESSIONAL DISTRICTS.

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 Redistricting Commission

Section 2‑80‑10. The General Assembly finds that the periodic redistricting 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 redistricting 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 redistricting plan by establishing an independent commission to construct redistricting plans in a timely fashion and to prescribe a schedule to best ensure that the periodic redistricting 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. For purposes of this chapter the:

(1) redistricting plan defines the boundaries of electoral districts in a manner that is consistent with the most recent federal census and with the criteria specified in Section 2‑80‑50; and

(2) most recently completed United States Census qualifies as the decennial enumeration required by Section 3, Article III of the Constitution of this State.

Section 2‑80‑30. The General Assembly shall adopt a redistricting 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 redistricting 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 Redistricting Commission as specified in this section, and it has enacted the required redistricting plans.

Section 2‑80‑40. (A) On January first of the year following the year of the decennial United States Census, there is created the South Carolina Redistricting Commission consisting of seven members, none of whom may be elected officials, selected as follows:

(1) two members must be appointed by the Governor, no more than one of whom are members of the appointing Governor’s political party;

(2) two members must be selected by the Senate, one upon the recommendation of the members of the majority political party in the Senate and one upon the recommendation of the members of the largest minority political party in the Senate;

(3) two members must be selected by the House of Representatives, one upon the recommendation of the members of the majority political party in the House of Representatives and one upon the recommendation of the members of the largest minority political party in the House of Representatives;

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

(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 the Governor also shall appoint one of the previously selected members to serve as temporary chair at the commission’s organizational meeting until a chairman is selected.

(D) The commission shall adjourn upon filing its final report and the enactment by the General Assembly of all the redistricting plans required in Section 2‑80‑30. The commission shall have authority to reconvene to address any court orders requiring changes to the redistricting plan until such time as a new commission is appointed following the next federal census. The commission will develop a redistricting plan consistent with those court orders, which shall become effective upon submission of their report to the General Assembly.

Section 2‑80‑50. (A) 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 and employ such additional experts as needed for advice and assistance as it considers necessary.

(B) Commission members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses must be paid from the general fund of the State on warrants duly signed by the chairman of the commission and payable by the authorities from which they are appointed, except as provided in this chapter.

(C) The commission may employ or retain other professional staff or consultants, upon the determination of the necessity for other staff by the commission. The costs and expenses of the commission must be funded in the annual state General Appropriations Act.

(D) Apportionment redistricting 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. Redistricting plans must 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 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. Communities of interest may not be interpreted to include relationships with political parties, incumbency, or political candidates. 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.

(E) The commission shall establish its own policies and procedures as necessary regarding the adoption of redistricting plans but shall follow parliamentary procedure as published in Mason’s Manual or Robert’s Rules of Order, in its discretion, and the commission shall adopt such district boundaries as are approved by a simple majority of the members of the commission.

Section 2‑80‑60. After formulating a proposed redistricting plan, the commission shall conduct at least four public hearings on the plan which must be held in Columbia, Greenville, Charleston, 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 redistricting 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. 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 file its plan by the May first deadline.”

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

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