

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL  
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## 9 A JOINT RESOLUTION

10  
11 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
12 SOUTH CAROLINA, 1895, BY ADDING ARTICLE XVIII SO  
13 AS TO PROVIDE FOR AN INDEPENDENT CITIZENS  
14 REDISTRICTING COMMISSION TO BE KNOWN AS THE  
15 “SOUTH CAROLINA CITIZENS REDISTRICTING  
16 COMMISSION”, TO REQUIRE THE GENERAL ASSEMBLY  
17 TO PROVIDE FOR THE MEMBERSHIP AND FUNDING OF  
18 THE COMMISSION AND THE MANNER IN WHICH  
19 MEMBERS OF THE COMMISSION ARE CHOSEN, TO  
20 PROVIDE FOR THE DUTIES OF THE COMMISSION, TO  
21 PROVIDE FOR THE GENERAL ASSEMBLY’S ADOPTION OF  
22 THE COMMISSION’S REAPPORTIONMENT PLAN, TO  
23 PROVIDE THAT THERE MUST BE NO MECHANISM FOR  
24 EXECUTIVE OR LEGISLATIVE ALTERATION OR VETO  
25 POWER OVER THE COMMISSION’S FINAL  
26 REAPPORTIONMENT PLAN, AND TO PROVIDE THAT THE  
27 GENERAL ASSEMBLY MAY NOT ADJOURN SINE DIE  
28 UNTIL IT HAS RECEIVED AND ADOPTED THE  
29 COMMISSION’S PROPOSED REAPPORTIONMENT PLAN.  
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31 Whereas, the General Assembly finds that the periodic  
32 reapportionment of the House of Representatives, the Senate, and  
33 the congressional districts is a responsibility of great consequence  
34 for it is designed to guarantee fair and effective representation for  
35 all citizens of South Carolina; and  
36

37 Whereas, reapportionment is a duty whose performance involves the  
38 analysis of population data, the study of geographic and  
39 demographic factors, the assistance of statisticians and other  
40 technical experts, and the development and completion of a  
41 reapportionment plan in time not only to provide for an orderly  
42 electoral process and an informed electorate but also to comply with

1 all state and federal election laws, including primary election and  
2 general election schedules prescribed by statute and by the state  
3 constitution; and  
4

5 Whereas, the General Assembly also finds that benefits are to be  
6 gained from the participation of the major political parties and of the  
7 public in the process; and  
8

9 Whereas, the General Assembly believes it proper and necessary to  
10 provide formally for public participation in the formulation of a  
11 reapportionment plan by establishing an independent citizens  
12 redistricting commission to construct proposed reapportionment  
13 plans in a timely fashion and to prescribe a schedule to best ensure  
14 that the periodic reapportionment of the House of Representatives,  
15 the Senate, and the congressional districts is carried out in  
16 conformity with statutorily and constitutionally prescribed dates in  
17 the nomination and election process and with all other state and  
18 federal election laws. Now, therefore,  
19

20 Be it enacted by the General Assembly of the State of South  
21 Carolina:  
22

23 SECTION 1. It is proposed that the Constitution of this State be  
24 amended by adding a new article to read:  
25

26 “Article XVIII  
27

28 South Carolina Citizens Redistricting Commission  
29

30 Section 1. Whenever there is reason to reapportion districts for  
31 the Senate, House of Representatives, or United States House of  
32 Representatives because of a new federal census or because of a  
33 decision of a court of competent jurisdiction, a fourteen-member  
34 independent citizens redistricting commission to be known as the  
35 South Carolina Citizens Redistricting Commission (‘commission’)  
36 must be formed and funded adequately by the General Assembly.  
37 The General Assembly shall provide by law for the State Ethics  
38 Commission’s administration over the appointment of the  
39 commission’s members and alternate members who are tasked with  
40 the post-census decennial reapportionment plan for the House of  
41 Representatives, Senate, and congressional districts. In addition, the  
42 State Ethics Commission shall work with the State Election  
43 Commission to identify eligible registered voters and shall make its

1 best efforts to notify and invite all eligible voters to apply for  
2 appointment to the commission. The selection process must be  
3 completed by January thirty-first in calendar years that end with the  
4 numeral '1', following the federal decennial census.

5  
6 Section 2. The commission shall convene to begin its term of  
7 service on March first in calendar years that end with the numeral  
8 '1'. In developing reapportionment plans or maps, the commission  
9 shall consider the following five factors, in priority order:

- 10 (1) population equality;
- 11 (2) Voting Rights Act compliance;
- 12 (3) communities of interest, which include, but are not limited  
13 to, populations that share cultural or historical characteristics or  
14 economic interests. Communities of interest do not include  
15 relationships with political parties, incumbents, or political  
16 candidates;
- 17 (4) competitiveness of district; and
- 18 (5) consistency with existing local boundaries.

19 Once the mandatory criteria are achieved, the commission shall  
20 consider contiguity and compactness of districts. Islands are  
21 contiguous by land to the county of which they are a part.

22 The commission shall count incarcerated persons as residing at  
23 their most recent home addresses, not at the address of the place of  
24 incarceration.

25 The commission shall propose plans or maps with districts that:

- 26 (1) are of equal population as mandated by the U.S. Constitution  
27 and shall comply with the Voting Rights Act and all other federal  
28 laws;
- 29 (2) are geographically contiguous;
- 30 (3) reflect the state's diverse population and communities of  
31 interest;
- 32 (4) do not provide a disproportionate advantage to any political  
33 party;
- 34 (5) reflect consideration of county, city, and township  
35 boundaries; and
- 36 (6) are reasonably compact.

37 Before voting to adopt a plan, the commission shall ensure that  
38 the plan is tested, using appropriate technology, for compliance with  
39 the criteria above. All commission decisions must be determined by  
40 a majority of at least ten members that includes at least four  
41 Democrats and four Republicans.

42 At least ten members, including at least four majority party  
43 members and four largest minority party members, shall approve the

1 final version not later than August fifteenth in calendar years that  
2 end with the numeral ‘1’. The final version, to include maps, must  
3 be presented to the public, General Assembly, and Congressional  
4 offices by September first in calendar years that end with the  
5 numeral ‘1’.

6  
7 Section 3. The General Assembly shall adopt the  
8 reapportionment plan for the House of Representatives, Senate, and  
9 congressional districts, as determined by the commission, by  
10 January thirty-first in calendar years that end with the numeral ‘2’,  
11 after receipt of final reapportionment plans as required by the  
12 provisions of this article. There is no mechanism for executive or  
13 legislative alteration or veto power over the commission’s final  
14 reapportionment plan and maps. The General Assembly may not  
15 adjourn sine die until it has received and adopted the commission’s  
16 final reapportionment plan. Legal challenges to the commission’s  
17 final reapportionment plan or maps must be filed in state circuit  
18 court or federal district court pursuant to state and federal law. An  
19 appeal of a state court decision regarding reapportionment must be  
20 heard in the South Carolina Supreme Court.”

21  
22 SECTION 2. The proposed amendments in SECTION 1 must be  
23 submitted to the qualified electors at the next general election for  
24 representatives. Ballots must be provided at the various voting  
25 precincts with the following words printed or written on the ballot:

26  
27 “Must the Constitution of this State be amended by adding Article  
28 XVIII, to provide that reapportionment of the South Carolina  
29 Senate, South Carolina House of Representatives, and United States  
30 House of Representatives districts must be conducted by a  
31 fourteen-member independent citizens redistricting commission to  
32 be known as the South Carolina Citizens Redistricting Commission;  
33 to require the General Assembly to provide by law for the members’  
34 qualifications, terms, duties, funding, and the procedures and  
35 criteria by which the commission’s reapportionment plan is  
36 approved and adopted; to provide that the commission’s final  
37 reapportionment must not be subject to legislative amendment or  
38 gubernatorial veto; and to provide that the General Assembly may  
39 not adjourn sine die until it has received and adopted the  
40 commission’s proposed reapportionment plan?

41  
42 Yes

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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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