**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 5200**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Cobb‑Hunter and Brawley

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**HISTORY OF LEGISLATIVE ACTIONS**

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View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5200&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/3/2018](file:///p:\pprever\2017-18\5200_20180403.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING ARTICLE XVIII SO AS TO PROVIDE FOR AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION TO BE KNOWN AS THE “SOUTH CAROLINA CITIZENS REDISTRICTING COMMISSION”, TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR THE MEMBERSHIP AND FUNDING 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 GENERAL ASSEMBLY’S ADOPTION OF THE COMMISSION’S REAPPORTIONMENT PLAN, TO PROVIDE THAT THERE MUST BE NO MECHANISM FOR EXECUTIVE OR LEGISLATIVE ALTERATION OR VETO POWER OVER THE COMMISSION’S FINAL REAPPORTIONMENT PLAN, AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT ADJOURN SINE DIE UNTIL IT HAS RECEIVED AND ADOPTED THE COMMISSION’S PROPOSED REAPPORTIONMENT PLAN.

Whereas, 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; and

Whereas, reapportionment 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; and

Whereas, 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; and

Whereas, the General Assembly believes it proper and necessary to provide formally for public participation in the formulation of a reapportionment plan by establishing an independent citizens redistricting commission to construct proposed 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. Now, therefore,

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

South Carolina Citizens Redistricting 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, a fourteen‑member independent citizens redistricting commission to be known as the ‘South Carolina Citizens Redistricting Commission’ (commission) must be formed and funded adequately by the General Assembly. The General Assembly shall provide by law for the State Ethics Commission’s administration over the appointment of the commission’s members and alternate members who are tasked with the post‑census decennial reapportionment plan for the House of Representatives, Senate, and congressional districts. In addition, the State Ethics Commission shall work with the State Election Commission to identify eligible registered voters and shall make its best efforts to notify and invite all eligible voters to apply for appointment to the commission. The selection process must be completed by January thirty‑first in calendar years that end with the numeral ‘1’, following the federal decennial census.

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

(1) population equality;

(2) Voting Rights Act compliance;

(3) communities of interest, which include, but are not limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates;

(4) competitiveness of district; and

(5) consistency with existing local boundaries.

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

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

The commission shall propose plans or maps with districts that:

(1) are of equal population as mandated by the U.S. Constitution and shall comply with the Voting Rights Act and all other federal laws;

(2) are geographically contiguous;

(3) reflect the state’s diverse population and communities of interest;

(4) do not provide a disproportionate advantage to any political party;

(5) reflect consideration of county, city, and township boundaries; and

(6) are reasonably compact.

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

At least ten members, including at least four majority party members and four largest minority party members, shall approve the final version no later than August fifteenth in calendar years that end with the numeral ‘1’. The final version, to include maps, must be presented to the public, General Assembly, and congressional offices by September first in calendar years that end with the numeral ‘1’.

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

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:

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

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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