REDISTRICTING 101

S.C. ASSOCIATION OF COUNTIES MID-YEAR CONFERENCE

February 19, 2020

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Executive Director

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PREPARATION
RFA – Precinct Demographics

SECTION 11-9-850. Revenue and Fiscal Affairs Office; Digital Cartography and Precinct Demographics section.

The Revenue and Fiscal Affairs Office must be comprised of a Digital Cartography and Precinct Demographics section, which shall report directly to the executive director. The Digital Cartography and Precinct Demographics section shall:

(1) review existing precinct boundaries and maps for accuracy and develop and rewrite descriptions of precincts for submission to the legislative process;

(2) consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent;

(3) develop a system for originating and maintaining precinct maps and related data for the State;

(4) represent the General Assembly at public meetings and meetings with other state, county, or local governmental entities on matters related to precincts;

(5) represent the office at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts;

(6) assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice;

(7) coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes;

(8) serve as a focal point for verifying official precinct information for the counties of South Carolina; and

(9) consult with and provide assistance to the General Assembly on redistricting and reapportionment matters relating to any subdivision of the State.


Editor's Note

Prior Laws: Former Section 11-9-850 was titled Verification by State Treasurer of information relating to that office, and had the following history: 1982 Act No. 466, Part II, Section 44. See now, Code 1976 Section 11-9-880.

Effect of Amendment

2018 Act No. 246, Section 2, rewrote the section.
RFA – CENSUS DESIGNATION

January 27, 2015

Mr. John Thompson
U.S. Census Bureau
Washington, DC 20233-0001

Dear Mr. Thompson,

Our state is looking forward to participating in the planning for the 2020 Census. We are establishing the staff at the S.C. Revenue and Fiscal Affairs Office as our non-partisan liaison to work on the geographic programs of the 2020 Census Redistricting Data Program. This office was previously part of the Budget and Control Board as the Office of Research and Statistics and has a lengthy history of working with the Census Bureau on the Redistricting Data Program. South Carolina participated in all phases of the Redistricting Data Program for the 2010 Census and we expect to do the same for the 2020 Census. The primary contact for the program will be Mr. Will Roberts (Will.Roberts@sc.gov, 803-734-8923). We look forward in working with the Census Bureau on this program as well as other Census related activities.

Nicki R. Haley
Governor of South Carolina

Sen. Harvey S. Peeler, Jr.
Senate Majority Leader

Rep. Bruce Barister
House Majority Leader

Sen. Nikki G. Setzer
Senate Minority Leader

Rep. J. Todd Rutherford
House Minority Leader
RFA – EXPERIENCE

• 1980 – Census and Redistricting
• 1990 – Census and Redistricting
• 2000 – Census and Redistricting
• 2010 – Census and Redistricting
  • Counties: 40
  • Municipalities: 53
  • School Districts: 56
  • Special Purpose Districts: 2
  • Federal Court Cases: 3
Census Data and Redistricting Cycle

- Pre-Census Programs
- The Census - Census Day and Data Release
- Reapportionment and Redistricting
- Submission of Redistricting Plans to the Census Bureau
THE CENSUS – TIMELINE AND DATA

• First decennial census in 1790 called for by Article I, Section 2, Clause 3 of the U.S. Constitution
• Census Day will be April 1, 2020
• State counts given to president before December 31, 2020 for reapportionment
• Title 13 amended by P.L. 94-171 requires the redistricting tabulation data be given to the states by April 1st of the following year after a decennial census is taken
• Population is counted where person is living on this day, including students, inmates, military, undocumented immigrants, etc.
• Census data will be released by April 1, 2021
• Data contains many racial fields
THE CENSUS

The 2020 Census: A New Design for the 21st Century

Motivate People to Respond

Conduct a national-wide communications and partnership campaign
- Maximize outreach using traditional and new media
- Target ads to specific audiences
- Work with trusted sources to inspire participation.

Count the Population

Collect data from all households, including group and unique living arrangements
- Make it easy for people to respond anytime, anywhere
- Encourage people to use the new online response option
- Use the most cost-effective strategy to contact and count nonrespondents
- Knock on doors only when necessary
- Streamline in-field census-taking

Establish Where to Count

Identify all addresses where people could live

Release Census Results

Process and Provide Census Data
- Deliver apportionment counts to the President by December 31, 2020
- Release counts for redistricting by April 1, 2021
- Make it easier for the public to get data

Count Everyone Once In the Right Place

INTERNET SELF-RESPONSE

TELEPHONE AND PAPER SELF-RESPONSE

NONRESPONSE FOLLOWUP

IN-FIELD

IN-OFFICE

Conduct a 100% review and update of the nation’s address list
- Minimize field work with in-office updating
- Use multiple data sources to identify areas with address changes
- Get local government input
The Revenue and Fiscal Affairs Office has adopted the redistricting racial field guidelines as stated by the U.S. Justice Department in the Federal Register Vol.66, No. 12., Thursday, January 18, 2001, reaffirmed in 2011 by the USDOJ. Listed are the adopted guidelines.

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<td>Non-Hispanic Multiple Race-NH_WhiteBlack-NH_WhiteIndian-NH_WhiteAsian-NH_WhiteHawaiian-NH_WhiteOther</td>
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LOW RESPONSE SCORE

South Carolina - Census Low Response Score* By Census Tract

*The Census Low Response Score (LRS) is a continuous score that predicts whether a tract will produce a low response rate. The score for a tract is inversely related to the true return rate from the 2010 Census for that tract. Therefore, the people living in tracts with a lower LRS are more likely to respond to the 2020 Census than those with a higher LRS.
PRINCIPLES
Reapportionment vs. Redistricting

- **Reapportionment** – The reallocation of congressional seats based on total state population (done after the release of the state population totals based on the latest decennial census)
  - Article 1, Section 2 sets the apportionment of Congressional seats based on decennial census

- **Redistricting** – The redrawing of election district lines to accommodate population changes over the previous decade
ONE PERSON, ONE VOTE

• 14th Amendment U.S. Constitution – Equal Protection
• Evenwel v. Abbott (2016) - Total population can be used for satisfying one person, one vote criteria
• Reynolds v. Sims (1964) - State legislative district population variance. State legislative districts, and local government districts are typically drawn to a population variation of less than 10%
• Home Rule Act 1975 (Act #283) requires county council districts to be redrawn to a population variance under 10%
• Gaffney v. Cummings (1973) - The 10% rule does not exempt you from a one person, one vote suit
VOTING RIGHTS ACT

• Section 5 VRA
  • Any change in election law must be submitted to the U.S Department of Justice for preclearance before the law can be implemented. For redistricting plans, USDOJ would analyze the plan to ensure the plan did not dilute minorities opportunity to elect candidates of choice.
  • Shelby v. Holder(2013) - U.S. Supreme Court ruled Section 4(b) of 1965 VRA was unconstitutional. This is the formula for which jurisdictions fall under Section 5 of the 1965 VRA. South Carolina is no longer under the provision of Section 5. Section 5 itself was not ruled upon.
VOTING RIGHTS ACT

• Section 2 VRA
  • While South Carolina is no longer under Section 5, we are still under Section 2
  • Section 2 – while the plan did not have the intent on discrimination it has had the effect. Typically multi-member district plans and at-large voting plans, but does also apply to single member district plans. City of Mobile v. Bolden (1980) and then Section 2 amendment in 1982 by Congress.
  • Burden of proof of a Section 2 claim on plaintiffs not on defendants
  • “Totality of circumstances” must be used in a deciding a Section 2 violation. 52 USC 10301(b)
PROCESS
**REDISTRICTING PROCESS**

**What:** Congress

**Why:** Required by the U.S. Constitution

**Who:** Drawn by the S.C. legislature

**How:** Bill goes through legislative process and references census blocks in the bill

**When:** Redistricting is completed before the next general election after the release of the latest decennial census data

**What:** State House and Senate

**Why:** Required by the S.C. Constitution

**Who:** Drawn by each of the individual bodies

**How:** Bill goes through legislative process and references census blocks in the bill

**When:** Redistricting is completed before the next general election after the release of the latest decennial census data
**Redistricting Process**

**What:** County Council

**Why:** Required by the Home Rule Act of 1975

**Who:** Drawn by the council

**How:** Requires three readings with map and/or description passed by ordinance

**When:** Redistricting is completed before the next general election after the release of the latest decennial census data
**Redistricting Process**

What: City Council

Why: No Statutory time table. Strongly recommended to review latest decennial census numbers

Who: Drawn by council

How: Requires two readings with map and/or description passed by ordinance

When: Redistricting can happen at anytime
**Redistricting Process**

What: **School Districts**  
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers  
Who: Drawn by the legislature  
How: Bill goes through legislative process and references a map and statistics in the bill  
When: Redistricting can happen at anytime the legislature is in session

What: **Special Purpose Districts**  
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers  
Who: County Council – 1988 Attorney General opinion for single county SPD  
How: Requires three readings with map and/or description passed by ordinance  
When: Redistricting can happen at anytime
Redistricting Time Frame

• County Council Redistricting
  • Needs to be completed and submitted to county voters registration prior to April 2022 for the June 2022 primaries
  • Jurisdictions that have elections in 2021 will be first

• City Council Redistricting
  • No statutory time frame

• School Districts
  • No statutory time frame
PARTICULARS
PROPOSED PLAN POPULATION

- District 1: 14,495
- District 2: 14,460
- District 3: 14,345
- District 4: 14,219
- District 5: 14,635
- District 6: 14,751
- District 7: 14,260

Target Population: 14,751
PROPOSED PLAN PERCENT DEVIATION

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<tr>
<td>7</td>
<td>-1.62%</td>
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ADOPT RESOLUTION ESTABLISHING CRITERIA

• Adhere to the court ordered constitutional requirement of one person, one vote
  • County Councils must adhere to a state law of population variance under 10%

• Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
  • A redistricting plan should not have either the purpose or the effect of diluting minority voting strength and should otherwise comply with the Voting Rights Act, the Fourteenth and Fifteenth Amendments to the U.S. Constitution, and the decisions of the U.S. Supreme Court
ADOPT RESOLUTION ESTABLISHING CRITERIA

• Ensure that parts of the districts are contiguous
  • All districts will be composed of contiguous geography. Contiguity by water is acceptable. Point-to-point contiguity is acceptable so long as adjacent districts do not use the same vertex as points of transversal.

• Attempt to keep compact districts
• Attempt to maintain constituent consistency
  • Efforts will be made to preserve cores of existing districts

• Respect Communities of Interest
  • Where practical, districts should attempt to preserve communities of interest

• Avoid splitting voting precincts
• Solicit public input
Carefully and specifically reference the correct map that was adopted

Share
  • RFA
  • County Election and Voter Registration
PLANS
ONE PERSON, ONE VOTE

• Fraser et.al. v. Jasper County School District (2014)
  • One person, one vote lawsuit under equal protection clause of the Fourteenth Amendment
  • County delegation had not adopted a redistricting plan since 1997. Skipped 2000 and 2010 Census.
  • Judge enjoined 2014 election and gave the county delegation time to redraw districts. Delegation had until March 2015 to compromise and pass new plan.
  • County delegation could not agree on a compromise plan, so the court drew the plan and ordered a special election.
  • Area of high population growth was divided between two districts to try and balance the population as much as possible between the two districts.
## Benchmark

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<th>District</th>
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<th>Dev.</th>
<th>%Dev.</th>
<th>Hisp</th>
<th>%Hisp</th>
<th>NH_WHT</th>
<th>%NH_WHT</th>
<th>NH_BLK</th>
<th>%NH_BLK</th>
<th>VAP</th>
<th>%H18</th>
<th>NHVVAP</th>
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## Court Plan

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<th>%H18</th>
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<td>828</td>
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<td>20.94%</td>
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<td>24.22%</td>
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<td>43.15%</td>
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<tr>
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<td>372</td>
<td>14.27%</td>
<td>942</td>
<td>36.13%</td>
<td>1,239</td>
<td>47.53%</td>
<td>1,925</td>
<td>230</td>
<td>11.95%</td>
<td>748</td>
<td>38.86%</td>
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<td>3,684</td>
<td>15.70%</td>
<td>8,922</td>
<td>38.02%</td>
<td>10,510</td>
<td>44.79%</td>
<td>17,329</td>
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## Dev. Status

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<tbody>
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## Low 2 @ 0% 

<table>
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<td>2,607</td>
</tr>
<tr>
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<td>0%</td>
</tr>
</tbody>
</table>

Total: 65.86%
FLORIDA UNCONSTITUTIONAL MAP
CONTACT INFORMATION

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Thank You!

South Carolina Revenue and Fiscal Affairs Office

Our mission is to provide independent research, analysis, and resources to facilitate informed policy decisions and administration of services.