**South Carolina General Assembly**

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**H. 3069**

**STATUS INFORMATION**

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Summary: SC Fairness, Accountability, and Integrity in Redistricting Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

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 12/8/2022 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3069_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding chapter 80 to title 2 so as ESTABLISH THE “SOUTH CAROLINA FAIRNESS, ACCOUNTABILITY, AND INTEGRITY IN REDISTRICTING ACT” TO ESTABLISH THE CRITERIA AND PROCESS FOR APPORTIONMENT PLANS CREATED BY THE GENERAL ASSEMBLY.

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

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

 CHAPTER 80

 South Carolina Fairness, Accountability, and Integrity in Redistricting Act

 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 Constitution of South Carolina, 1895. 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 a bipartisan independent citizens commission to construct reapportionment 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.

 The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States and of the State of South Carolina, and also is against the public policy of this State. Accordingly, these criteria are subordinate to the Voting Rights Act of 1965, as amended, and the laws of the United States or of the State of South Carolina. Any proposed redistricting plan that is demonstrated to have the intent or effect of dispersing or concentrating minority population in a manner that prevents minorities from electing their candidates of choice will neither be accepted nor approved.

 Section 2‑80‑20. For purposes of this chapter:

 (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 set forth in this chapter.

 (2) The most recently completed United States Census qualifies as the decennial enumeration required by Section 3, Article III of the Constitution of South Carolina, 1895. The total state population and the population of the defined subunits thereof, as reported by the decennial census, must be the exclusive permissible population database used for the development, evaluation, and analysis of proposed redistricting plans.

 Section 2‑80‑30. The General Assembly must adopt a redistricting plan for the House of Representatives, Senate, and congressional districts by January first of the year following receipt of the decennial United States Census results, and prior to the next presidential general election. If the deadline is not met the General Assembly may not adjourn sine die until it has enacted the required redistricting plans.

 Section 2‑80‑40. In the event that the decennial census results are delayed, the General Assembly shall convene upon receipt of federal decennial census results and complete the final reapportionment process thirty days before the filing deadline for congressional and state legislative races, whichever is sooner.

 Section 2‑80‑50. The General Assembly shall adopt the redistricting plans for the House of Representatives, Senate, and congressional districts, as set forth according to this chapter. The General Assembly shall propose redistricting plans or maps with districts that shall:

 (1) comply with the United States Constitution and the opinions of the United States Supreme Court;

 (2) comply with the Voting Rights Act of 1965, as amended; and

 (3) except as otherwise required by the Constitution and laws of the United States, comply with the South Carolina Constitution and the laws of this State.

 Section 2‑80‑60. The General Assembly shall consider the following criteria when apportioning the State into congressional and legislative districts:

 (1) The population of Congressional and state legislative districts must be determined based solely on the enumeration of the federal decennial census pursuant to Article I, Section 2 of the United States Constitution. Congressional and state legislative districts must be as nearly equal in population as is possible.

 (2) To the extent practicable, congressional and state legislative districts must be comprised of contiguous territory. Contiguity by water is acceptable to link territory within a district provided that there is a reasonable opportunity to access all parts of the district and the linkage is designed to meet the other criteria stated herein.

 (3) Congressional and state legislative districts must be as compact in territory as possible and, to the extent practicable, shall reflect natural, historical, geographical, and municipal and other political lines, as well as the right of all South Carolinians to fair representation and equal access to the political process. Congressional and legislative districts must be compact in form and shall follow census geography.

 (4) Communities of interest must be considered in the redistricting process. Communities of interest include, but are not limited to, geographical areas, such as neighborhoods of a city or regions of a state, where residents share cultural and historical characteristics, economic interests, or have common political interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county. A variety of factors may contribute to a community of interest including, but not limited to, the following: economic; social and cultural; historic influences; political beliefs; voting behavior; governmental services; commonality of communications; and geographic location and features. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

 (5) Incumbency protection must be considered in the reapportionment process. Reasonable efforts must be made to ensure that incumbent legislators remain in their current districts and are not placed into districts where they will be compelled to run against other incumbent members of the General Assembly.

 (6) Cores of previously drawn districts are to be preserved to the extent possible.

 (7) Political subdivisions such as county, municipal, township, public service districts, and voting precinct boundaries must be taken into consideration.; and

 (8) If there is a conflict among the requirements of these criteria, the Voting Rights Act of 1965, as amended, equality of population among districts, and the United States Constitution must be given priority.

 Section 2‑80‑70. (A) In determining the redistricting for the State, the General Assembly shall not count as part of the population in a given district boundary any incarcerated individual who was:

 (1) incarcerated in a state or federal correctional facility, as determined by the decennial census; and

 (2) not a resident of the State before the person’s incarceration.

 (B) The General Assembly shall count as part of the population in a given district boundary any individual incarcerated in a state or federal correctional facility, as determined by the decennial census, if the individual was a resident of the State before incarceration. Such individuals must be counted for reapportionment and redistricting purposes at the individual’s last known residence before incarceration.

 Section 2‑80‑80. (A) The General Assembly shall establish and implement an open hearing process for public input and deliberation in the reapportionment process, creating accountability to the public for the final plans.

 (B) The General Assembly shall maintain an open and accessible website with key information available to the public.

 (C) Adequate notice for all hearings must be provided at least at least two weeks before all hearing dates.

 (D) Public hearings must be conducted in every county to receive public input from communities of interest before drawing maps.

 (E) The General Assembly must open a thirty day public comment period on proposed plans and shall conduct at least one public hearing in every county to receive public input on proposed maps that have been drawn for consideration by the General Assembly.

 (F) The General Assembly shall display, and post on their website, the maps for public comment.

 (G) The General Assembly may conduct additional hearings to accommodate public interest, but shall not limit the participation from communities of interest.

 (H) Public hearings may be supplemented with other activities as appropriate to increase opportunities for the public to observe and participate in the review process.

 (I) The General Assembly shall make the demographic, political data used by the redistricting authority publicly available; make clear what software is being used to create maps, accept and consider proposed public plans in whatever form they are submitted; and shall ensure that there is sufficient time to modify the final plan in response to public feedback.

 Section 2‑80‑90. The apportionment provided for by this chapter shall continue in effect until the official reporting by the President of the United States of the next federal decennial census. After the official reporting of the federal decennial census by the President to Congress, the General Assembly shall, no later than January first, reapportion and redistrict the State, wherever necessary, for the next general election and thereafter in such a manner that the several congressional and state legislative districts shall comply with this chapter. Such apportionment shall continue in effect until the next succeeding federal decennial census.

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

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