

Senate Judiciary Committee

GLENN F. McCONNELL
CHAIRMAN



MICHAEL N. COUICK
DIRECTOR OF RESEARCH AND
ATTORNEY TO THE COMMITTEE

SUSAN S. MUSSER
ASSISTANT DIRECTOR OF RESEARCH AND
ATTORNEY TO THE COMMITTEE

MEMORANDUM

TO: Redistricting Subcommittee Members
FROM: Senator Glenn F. McConnell, Chairman
DATE: April 25, 2003
RE: Redistricting Subcommittee Meeting

A meeting of the Redistricting Subcommittee has been scheduled for Tuesday, April 29, 2003, at 10:00 a.m., in Room 105 of the Gressette Building. The purpose of the meeting is to review and adopt criteria to be used in the consideration of any redistricting plan subsequently debated by the Senate.

If you have any questions or will be unable to attend, please contact Debbie Hammond in my office at 212-6634.

GFM/dh

Subcommittee Members:

Senator Glenn F. McConnell, Chairman
Senator Thomas L. Moore
Senator John E. Courson
Senator Robert Ford
Senator Dick Elliott
Senator Larry A. Martin
Senator Robert L. Waldrep, Jr.
Senator C. Bradley Hutto
Senator John D. Hawkins

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NOTICE OF SUBCOMMITTEE MEETING

The REDISTRICTING SUBCOMMITTEE
will meet at 10:00 a.m., on Tuesday, April 29,
2003, in Room 105 of the Gressette Building.

For further information, contact Debbie Hammond at 212-6634.

SOUTHERN REGIONAL OFFICE



Laughlin McDonald

Director

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April 29, 2003

Senator Glenn F. McConnell
South Carolina Senate Office Building
Columbia, S.C.

Re: S.591 (proposed senate redistricting)

Dear Senator McConnell:

Mike Couick asked me to look at S.591 and give an opinion whether the proposed new senate districts are retrogressive compared to the districts in the existing court ordered plan. I understand that no changes are being proposed for house and congressional districts.

I begin with the caveat that I have not had an opportunity to conduct the kind of technical analysis of S.591 involving precinct performance and levels of racial bloc voting in the areas that are proposed to be shifted that would enable me to give an ultimate opinion of the impact of S.591. However, based upon the demographic changes, in my judgment the proposed new districts would not likely cause a retrogression in black voting strength within the meaning of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. Based upon the information provided to me by Mr. Couick, in none of the existing majority blacks districts affected by S.591 (SDs 19, 21, 30, 32, 36, 39, 40, 42, 45) is the black population significantly reduced in the proposed districts. The only reduction is in SD 36, but the reduction is de minimus, *i.e.*, -0.46%. Under the court ordered plan, SD 36 contains a BVAP of 54.91%, while under S.591, SD 36 contains a BVAP of 54.45%. In the other majority black districts, there is actually a slight increase in BVAP, ranging from 0.45% to 4.69%, but the increase is again de minimus and does not, in my judgment, amount to packing. The largest increase (4.69%) is in SD 21, but it does not appear that the increase would have a retrogressive effect in any adjacent districts.

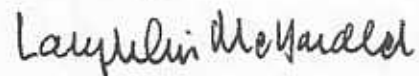
Given the facts that S.591 is based upon the court ordered plan and makes only de minimus changes in the majority black districts, and once again in the absence of a technical analysis of precinct performance and levels of racial bloc voting in the areas that are proposed to be shifted, it does not appear likely that a

credible claim could be made that S.591 violates the results standard of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

I express no opinion whether S.591 is a better districting plan for the senate than the court ordered plan. Such decisions are properly reserved for the residents and voters of the state and their elected representatives. I also express no opinion whether S.591 could be challenged on some other, non-Voting Rights Act ground. Finally, the opinions expressed in this letter are entirely my own and not necessarily those of any voters or residents of the state.

Best wishes.

Sincerely,



Laughlin McDonald

cc: Mike Couick

Remarks by Senators ANDERSON and McCONNELL

- PRESIDENT: Senator from Greenville.
- Sen. ANDERSON: Would the Senator yield for a question, please?
- Sen. McCONNELL: Yes, sir.
- Sen. ANDERSON: Senator, do you know that after you leave Columbia that I am the only African-American Senator going north, whether you go to Rock Hill or Spartanburg or anywhere? Do you know that?
- Sen. McCONNELL: Yes, sir. Now that you mention it and I think about the maps. You are correct.
- Sen. ANDERSON: Ok. I thought I'd mentioned it all the time. But, do you know under the federal plan, it would drop me to 44%, and my chances for winning election would probably be almost impossible. Do you know that?
- Sen. McCONNELL: If you tell me that would be the result and I suspect that it would be difficult there in Greenville.
- Sen. ANDERSON: Do you know the deviation really helps most of us, changing it from 0 percentage to 5 percent?
- Sen. McCONNELL: I'm sorry. Give me that again.
- Sen. ANDERSON: Do you know that changing the deviation from 0 to 5 percent helped a whole lot of us and made it possible for me ...
- Sen. McCONNELL: Yes, sir. It gave us the flexibility to be able to improve your district some. Your district is ...
- Sen. ANDERSON: It went from 44% ...
- Sen. McCONNELL: From a minority voting strength standpoint by putting the precincts together and having the variance, we were able to do more up there and I think y'all have also changed some precinct lines up there.
- Sen. ANDERSON: We are in the process of changing some of the precinct lines. Do you know that inasmuch as the new plan is helping other minorities that I cannot visualize that the NAACP could legally file a suit that would be detrimental to African-Americans.
- Sen. McCONNELL: That the court plan would be?
- Sen. ANDERSON: No, the new plan.
- Sen. McCONNELL: The new plan.
- Sen. ANDERSON: I cannot believe that the NAACP would file the Justice Department on a

plan that would improve our district lines for at least two African-Americans.

Sen. McCONNELL: I don't know how the case could be made on this plan that minority voting strength has been damaged by what we did in Greenville. I think it's been enhanced. Your district has been enhanced and, to my knowledge, when I go back and look at all of them, just as Mr. McDonald has been able to do at least on a cursory level, none of them are negatively impacted. There's no case of packing, there's no case of diluting. It has been clean, surgical action on the court plan to try to improve it by putting precincts together.

Sen. ANDERSON: Well, do you know that it has helped some African-American districts with the Judiciary plan? Do you know that?

Sen. McCONNELL: If it helps them? Yes, sir. I think it helps them. I would tend to think that those who may have initially criticized it, when they look closer at it, they're going to be very pleased with it.

Sen. ANDERSON: And, do you know that I don't see any reason why we should have a hearing because we have an expert on it. I think that each elected official would know the boundaries of it, so I don't think that a hearing would help at all. Probably create more problems than anything, do you know that?

Sen. McCONNELL: Yes, sir. And, I understand where you are coming from that the changes that have been made out there allow us to do so within the parameters and the criteria and will, of course, in your opinion those who are up there make the Greenville Delegation more representative.

Sen. ANDERSON: Well, thank you.

Sen. McCONNELL: Yes, sir.

On motion of Senator JACKSON, with unanimous consent, ordered printed in the Journal.

MEMORANDUM

Via Facsimile

TO: Members of the Senate

FROM: Glenn F. McConnell

DATE: December 4, 2002

RE: Redistricting

Many of you have expressed an interest in the General Assembly revisiting the U.S. District Court's 2002 plan to redistrict the South Carolina Senate. In its March 20, 2002 Order, the three-judge panel encouraged "the General Assembly and the Governor to work together to adopt any plan that could improve upon" what the Court had done. While I am reserving judgment as to whether the Court plan might be improved, I am committed to giving my full consideration to any proposals any member wishes to offer.

Should you wish to propose changes to your district, please submit a written description of your proposed changes to me via Mike Couick by Tuesday, December 17, 2002. Your written description can be as simple as a listing of precincts (VTD's) to add to and/or to delete from your district. If you would like to discuss your changes personally with Mike, please contact Debbie Hammond (803-212-6634) to arrange an appointment during the week of December 9 - 13, 2002.

Staff has assembled a packet of information that may assist you in this process. These documents will be available to pick up on Friday, December 6, 2002. If you are interested in receiving this information, please contact Debbie Hammond.

GFM/dh

Copy to Gressette Building Offices

MEMORANDUM

TO: Members of the Senate

FROM: Glenn F. McConnell

DATE: December 6, 2002

RE: Redistricting Information

For your use in determining whether or not you desire to submit proposed changes for your Senate district, I have enclosed the following documents:

- (1) A copy of the Federal Court Order (dated March 20, 2002);
- (2) A Statewide VTD to Precinct Correlation Table;
- (3) Population Summaries [current Senate Districts, Final Draft Staff Senate Plan, and 2002 Court Drawn Senate Plan];
- (4) Nonvoting Population Reports for your current district; for your district under the Staff Senate Plan, and for your district under the 2002 Court Plan;
- (5) Plan Components Reports (with precinct names) comparing Current Senate Districts to the 2002 Court Plan;
- (6) A small map (labeled "VTDs") of each county you currently represent with VTD lines super-imposed;
- (7) A small map (labeled "1997") of each county you currently represent with your district lines and VTD lines super-imposed;

(8) A small map (labeled "1997") of each county you currently represent with your district lines and major roadways super-imposed;

(9) A large map (labeled "2002") of each county you would represent under the 2002 Federal Court-drawn plan with your district lines and VTD lines super-imposed; and

(10) A large map (labeled "2002") of each county you would represent under the 2002 Federal Court-drawn plan with your district lines and major roadways super-imposed.

I hope this information will be helpful to you. As I stated in my previous memo, if you desire to propose changes to your district, I would appreciate your submitting these changes in writing and/or meeting with Mike Couick to discuss your ideas. Mike will also be glad to answer any other questions you have regarding redistricting.

GFM/dh

Enclosures



SOUTH CAROLINA STATE CONFERENCE

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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April 25, 2003

VIA FACSIMILE AND REGULAR MAIL

The Honorable Glenn McConnell
Chairman
Senate Judiciary Committee
101 Gressette Bldg.
Columbia, SC 29202

Dear Senator McConnell:

We are writing to express our concerns about the current effort to reapportion districts in the South Carolina Senate. Perhaps you may recall the contentious debate surrounding redistricting following the 2000 Census. We believe the desire of incumbent legislators and partisan interests weigh far too heavily upon this issue.

Most of all, we believe that the process of redrawing representative districts should allow a high degree of public access and input to insure the interests of the voters in South Carolina are preserved. We are unaware of any public hearings held regarding the redrawing of Senate districts for the State of South Carolina. In fact we have seen no evidence of an attempt to inform the public of your plans to redraw district lines. In essence Senator McConnell we have grave concerns over what appears to be an effort by members of the Senate to fast track legislation designed to change the composition of these districts in order to avoid voter scrutiny and public input.

Our history in South Carolina as it relates to fairness in voting and redistricting should compel the leadership of the Senate to avoid even the appearance of not being open on an issue such as this which impacts the voting rights of every citizen of our State. You know that the NAACP through the years has maintained a keen interest in making sure that policies, laws and other provisions related to voting would not adversely impact African American voters. Fortunate for all of us, we are not alone in believing that by empowering all segments of the electorate we build a stronger democracy.

The NAACP would like an opportunity to examine the maps, data and other documentation related to the proposed redistricting plan and to comment on the proposed legislation before further consideration of this matter by the Senate. We also request that a series of public hearings be scheduled right away to gather additional public comment on the proposed Senate redistricting plan.

Kindly treat this request in an expeditious manner due to its importance to the voters of South Carolina. Please feel free to call me at (803) 649-1465 if you have any questions.

Sincerely,

James Gallman
President