**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 81 TO TITLE 2 SO AS TO ESTABLISH THE SOUTH CAROLINA REAPPORTIONMENT COMMISSION CONSISTING OF SEVEN MEMBERS FOR THE PURPOSE OF SUBMITTING REAPPORTIONMENT PLANS TO THE GENERAL ASSEMBLY FOR THE HOUSE, SENATE, AND CONGRESSIONAL DISTRICTS AND TO PROVIDE FOR THE SELECTION, QUALIFICATIONS, POWERS, AND DUTIES OF THE COMMISSION AND ITS MEMBERS.

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

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 81

South Carolina Reapportionment Commission

Section 2‑81‑10. (A) The General Assembly finds that the United States Supreme Court in the 2015 case of Arizona State Legislature v. Arizona Independent Redistricting Commission 135 S.Ct. 2652 held that the United States Constitution in its Election Clause permits voters to vest congressional redistricting authority in an independent commission separate and apart from the legislature of that state. It was a key point in the decision that the State of Arizona constitutionally permitted voters through an initiative petition process to pass laws themselves as the original source of power and authority and this Arizona congressional redistricting authority was a result of this initiative petition process. The State of South Carolina does not have such a constitutional initiative petition process but the General Assembly nevertheless believes that the holding in this case would permit the establishment by law of an independent redistricting commission for specified federal and state offices to act in conjunction with the General Assembly to fairly and equitably reapportion the election districts from which these federal and state officials are elected.

(B) The General Assembly further 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 state Constitution. 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 an independent commission to construct 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.

Section 2‑81‑20. The General Assembly may, but is not required to, enact a reapportionment plan for the House of Representatives, Senate, and congressional districts developed by the commission after receipt of final reapportionment plans of the commission as required by the provisions of this chapter. However, if the General Assembly chooses to enact a reapportionment plan for these offices, it must do so in compliance with the provisions of this chapter.

Section 2‑81‑30. (A) Thirty days after completion by the appropriate federal officials and agencies of the decennial United States Census, there is created the South Carolina Reapportionment Commission consisting of seven members, none of whom may be public officials, selected as follows:

(1) the members of the House of Representatives affiliated with the two political parties having the largest representation in the House of Representatives shall each, acting as a caucus, elect one member;

(2) the members of the Senate affiliated with the two political parties having the largest representation in the Senate shall each, acting as a caucus, elect one member;

(3) the Governor shall appoint three members, using these appointments to ensure representation of minority races and political parties; and

(4) the members of the South Carolina Reapportionment Commission appointed pursuant to items (1) through (3) shall at their first meeting by majority vote elect a member to serve as chairman. If the members are unable to elect a chairman, after three ballots, or in any case if no chairman has been elected within ten days after the organizational meeting, the Governor shall appoint the chairman.

(B) Vacancies must be filled in the manner of original appointment. Commission members shall receive the usual mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions.

(C) The first meeting of the commission must be called by the Governor following creation of the commission, and the Governor also shall appoint one of the members to serve as temporary chairman at the commission’s organizational meeting until a chairman is selected.

(D) The commission shall expire upon filing its final report and the enactment by the General Assembly of all the reapportionment plans required in Section 2‑81‑20.

(E) The commission for a particular decennial census is not considered a continuing body and another new commission must be selected in the manner required by this chapter for reapportionments required by subsequent decennial censuses.

Section 2‑81‑40. For purposes of this chapter, the most recently completed United States Census qualifies as the decennial enumeration required by Section 3, Article III of the Constitution of this State.

Section 2‑81‑50. The commission shall establish fair and reasonable written criteria appropriate for reapportionment which it shall follow in formulating plans of reapportionment. The Revenue and Fiscal Affairs Office shall provide technical staff and clerical services to the commission, and the commission may call upon the services of other state agencies for advice and assistance as it considers necessary.

Section 2‑81‑60. (A) After formulating a proposed reapportionment plan, the commission shall conduct at least four public hearings on the plan which must be held in Columbia, Greenville, Charleston, and Florence and as many other hearings in the same or other locations throughout the State as it considers necessary for the purpose of receiving comments on the proposed plan. Notice of all public hearings must be published in daily newspapers of general circulation covering all areas of the State at least fourteen days before the hearing date. After the hearing or hearings are completed, the commission shall prepare a final report consisting of its reapportionment plan and the criteria used in developing the plan. The final report must be filed within six months after creation of the commission, and also must be filed with the Governor, the Speaker of the House of Representatives, the President of the Senate, and the respective Chairmen of the Judiciary Committees of the House of Representatives and the Senate.

(B) After filing of the commission’s final report, the judiciary committees of each House shall introduce legislation to enact the commission’s report with no changes except for technical or stylistic corrections. The General Assembly is not required to enact this legislation, but during the matriculation of the legislation through the General Assembly, it only may be amended by a two‑thirds vote of the membership of the particular house which is considering the legislation. The General Assembly declares its specific intent that this two‑thirds vote requirement is not severable from the remaining portion of this chapter. If a Governor’s veto, if any, is not overridden after the enactment of a particular reapportionment plan or plans, then former election districts shall remain in full force and effect until these former election districts are modified in whole or in part by a court of competent jurisdiction.”

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

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