**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑19‑45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION; TO REPEAL SECTION 7‑19‑35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

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

PART I

Congressional Reapportionment

SECTION 1. Chapter 19, Title 7 of the 1976 Code is amended by adding:

“Section 7‑19‑45. The State is divided into seven congressional districts as follows:

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PART II

Miscellaneous

SECTION 2. Section 7‑19‑35 of the 1976 Code is repealed, provided that until the members of the congressional districts elected in the 2022 General Election from the districts enumerated in Section 7‑19‑45 qualify and take office, the districts now provided by law continue to apply for purposes of vacancies in office for members of the congressional districts.

SECTION 3. Upon the effective date of this act:

(A)(1) The President of the Senate has an unconditional right to intervene on behalf of the Senate in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act, the validity of this legislation, or any action of the General Assembly.

(2) The Speaker of the House of Representatives has an unconditional right to intervene on behalf of the House of Representatives in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act, the validity of this legislation, or any action of the General Assembly.

(B)(1) In a federal court action that challenges the constitutionality of this act, the validity of this legislation, or any action of the General Assembly, the President of the Senate has standing to intervene as a party on behalf of the Senate, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action. A federal court presiding over any action in which the State of South Carolina, or any state agency, is a named party is requested to allow the President, on behalf of the Senate, to participate in any such action as a party.

(2) In a federal court action that challenges the constitutionality of this act, the validity of this legislation, or any action of the General Assembly, the Speaker of the House of Representatives has standing to intervene as a party on behalf of the House of Representatives, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action. A federal court presiding over any action in which the State of South Carolina, or any state agency, is a named party is requested to allow the Speaker, on behalf of the House of Representatives, to participate in any such action as a party.

(C)(1) A request to intervene or the participation of the President of the Senate as a party or otherwise, in any action challenging the constitutionality of a state statute, the validity of legislation, or any action of the General Assembly does not constitute a waiver of:

(a) legislative immunity or legislative privilege for any individual legislator, legislative officer, or legislative staff member; or

(b) sovereign immunity or any other rights, privileges, or immunities of the State that arise under the United States Constitution or the South Carolina Constitution.

(2) A request to intervene or the participation of the Speaker of the House of Representatives as a party or otherwise, in any action challenging the constitutionality of a state statute, the validity of legislation, or any action of the General Assembly does not constitute a waiver of:

(a) legislative immunity or legislative privilege for any individual legislator, legislative officer, or legislative staff member; or

(b) sovereign immunity or any other rights, privileges, or immunities of the State that arise under the United States Constitution or the South Carolina Constitution.

(D) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty‑four hours of the receipt of service of a complaint that challenges the validity of this act.

(E) In any action in which the Senate or the House of Representatives intervenes or participates pursuant to this section, the Senate and the House of Representatives must function independently from each other in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

(F)(1) The Senate is hereby authorized and empowered to employ attorneys other than the Attorney General to defend any law enacted creating legislative or congressional districts.

(2) The House of Representatives is hereby authorized and empowered to employ attorneys other than the Attorney General to defend any law enacted creating legislative or congressional districts.

SECTION 4. The President of the Senate is authorized to initiate or otherwise participate in litigation on behalf of the Senate regarding redistricting.

SECTION 5. The Speaker of the House is authorized to initiate or otherwise participate in litigation on behalf of the House of Representatives regarding redistricting as the Chief Administrative Officer of the House of Representatives pursuant to Section 2‑3‑110.

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

PART III

Time Effective

SECTION 7. This act takes effect upon approval by the Governor.

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