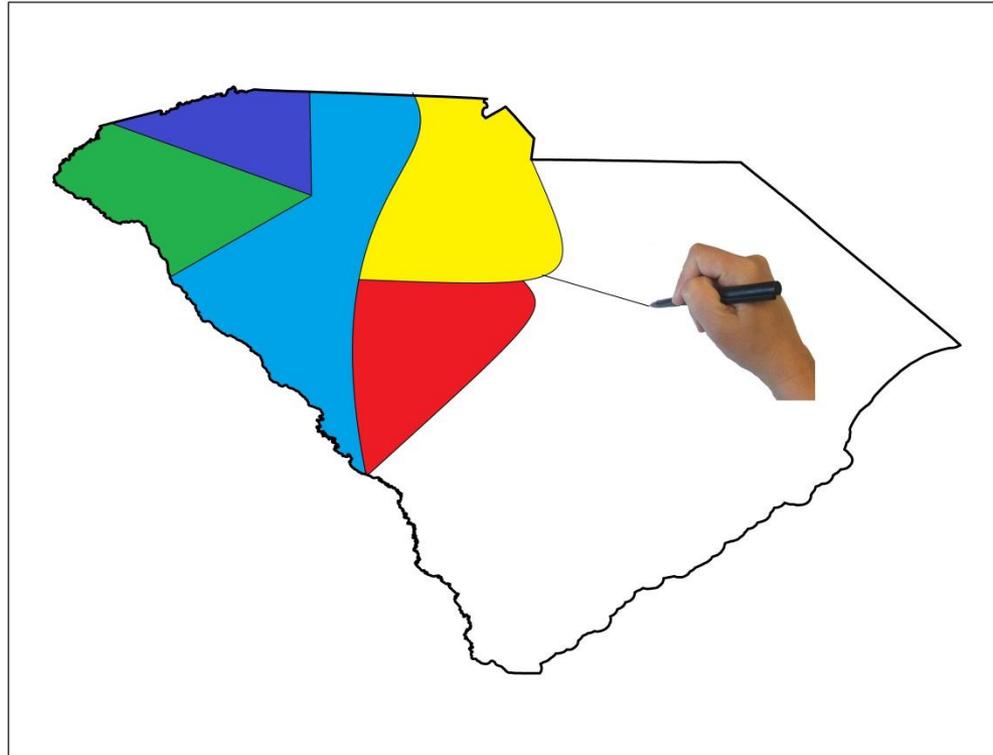


Enduring Principles of Redistricting

South Carolina Municipal Attorneys Association



Frank A. Rainwater, Executive Director
Will Roberts, State Political Cartographer
December 2, 2016



Key Points

- Need to redistrict – 2021, now, or both?
- Critical work for laying the foundation for the 2020 Census and redistricting is NOW.
- May call RFA for census or redistricting help.



Topics and Issues

- Preliminary Process and Pre-Census Programs
- Census – Timeline and Data
- Redistricting – Principles, Law and Examples



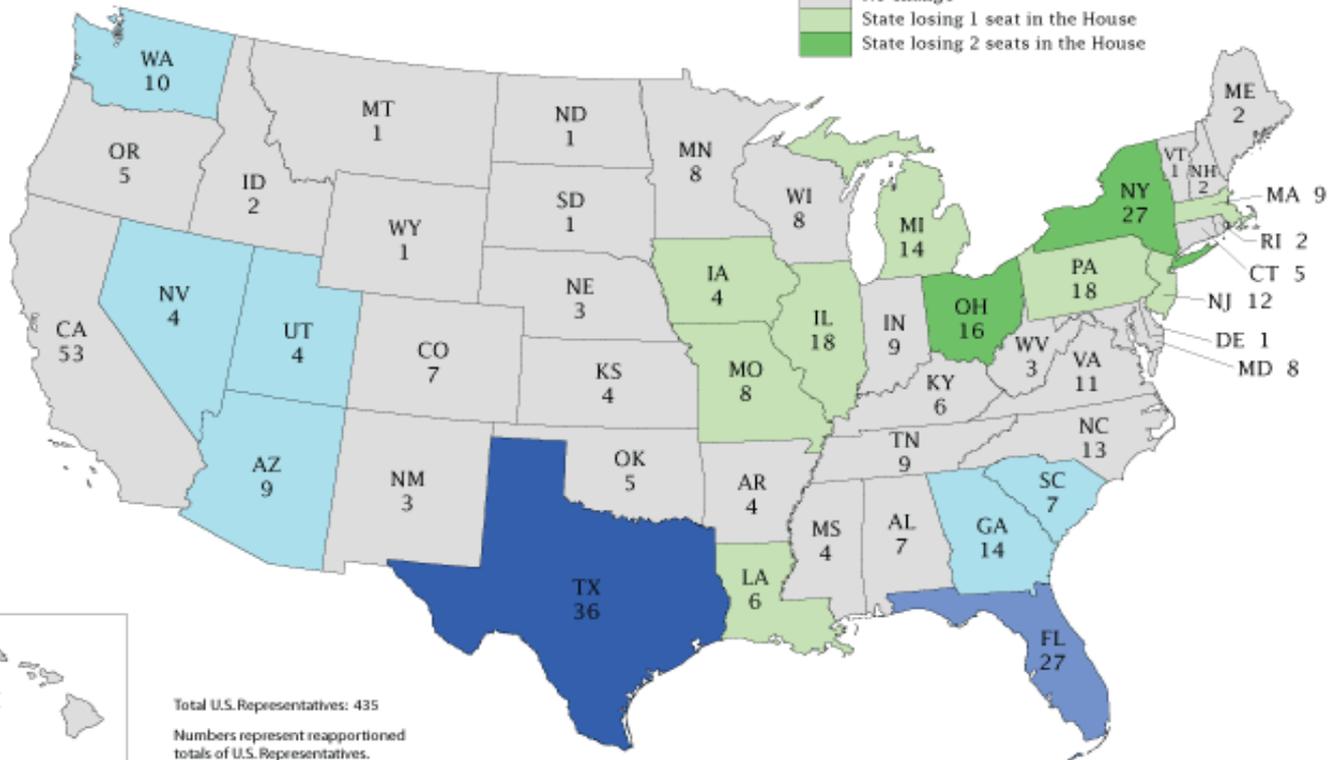
Reapportionment vs. Redistricting

- 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.



2010 Reapportionment Changes

Apportionment of the U.S. House of Representatives
Based on the 2010 Census



Total U.S. Representatives: 435
Numbers represent reapportioned totals of U.S. Representatives.

U.S. Department of Commerce

USCENSUSBUREAU
Helping You Make Informed Decisions

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



Pre-Census Programs

- BAS – Boundary and Annexation Survey
 - December/January information sent to **HEO - Mayor**
 - Annexations must be effective by January 1st of that year
 - March 1st is deadline for submission to the Census Bureau for inclusion in the Population Estimates Program and American Community Survey
 - May 31st is deadline for inclusion in the next round of BAS materials

- State Certification of BAS
 - §5-3-90 - DOT, Secretary of State and DPS notified of annexations
 - §58-23-1700 - RFA to be notified of annexations
 - RFA serves as State Certifying Official

- LUCA – Local Update of Census Addresses



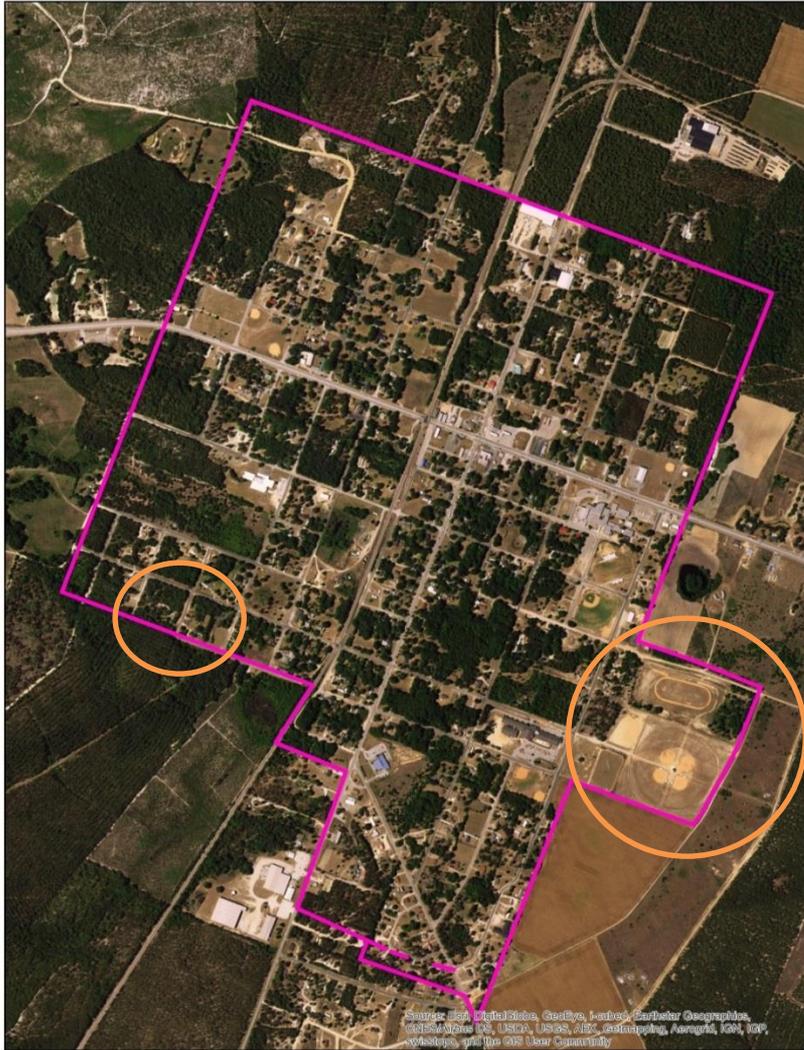
Pre-Census Programs

- Why is BAS important?
 - To get the correct revenue and representation
 - To conduct accurate elections

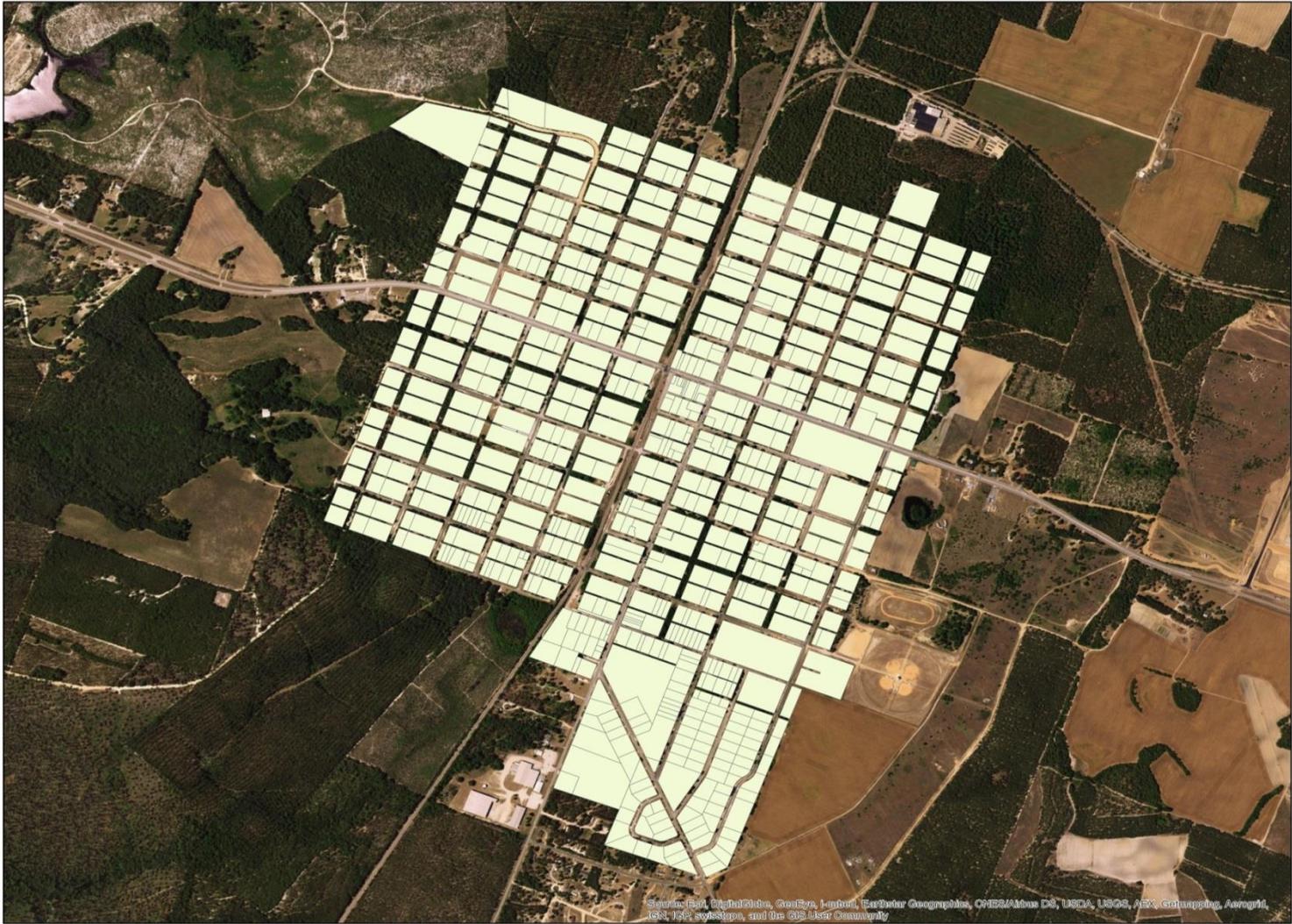
Example: Town of Port Royal annexed Paris Island in 1999. The annexation was not included in the BAS so it was not included in the 2000 Census count. State aid to subdivision was allocated for several years on the population number without Paris Island included. 2000 Census population was 3,950. After adjustment for Paris Island population was 7,739



Pre-Census Programs



Pre-Census Programs



Pre-Census Programs

- LUCA
 - Local Update of Census Addresses
 - Census address list updated by local government
 - RFA will provide technical help if needed
 - South Carolina modified or added over 1 million addresses for the 2010 Census
 - Extremely important part of the 2020 Pre-Census programs



Pre-Census Programs

- LUCA



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. This includes students, inmates, military, undocumented immigrants, etc.
- Census data will be released by April 1, 2021
- Data contains many racial fields
- Need GIS (Geographic Information System)
 - Hardware – Computer system
 - Software – ESRI and Redistricting software
 - People – Demographer, Cartographer, Elections Analyst, and Lawyer
 - Data – Census, Election, Voter Registration,
 - Methods – What methods are you going to use?



The Census

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.

| Field | Details | Formula |
|------------|---|--|
| Hispanic_O | Hispanic | |
| NH_WHT | Non-Hispanic White | |
| NH_DOJ_BLK | Non-Hispanic Black | Non-Hispanic Black + Non-Hispanic WhiteBlack |
| NH_DOJ_IND | Non-Hispanic American Indian and Alaska Native | Non-Hispanic Indian + Non- Hispanic WhiteIndian |
| NH_DOJ_ASN | Non-Hispanic Asian | Non-Hispanic Asian + Non-Hispanic WhiteAsian |
| NH_DOJ_HWN | Non-Hispanic Native Hawaiian and Other Pacific Islander | Non-Hispanic Hawaiian + Non Hispanic WhiteHawaiian |
| NH_DOJ_OTH | Non-Hispanic Some Other Race | Non-Hispanic Other + Non-Hispanic WhiteOther |
| NH_DOJ_OMR | Non-Hispanic Other Multiple Race | Non-Hispanic Multiple Race-NH_WhiteBlack- NH_WhiteIndian- NH_WhitieAsian- NH_WhiteHawaiian- NH_WhiteOther |

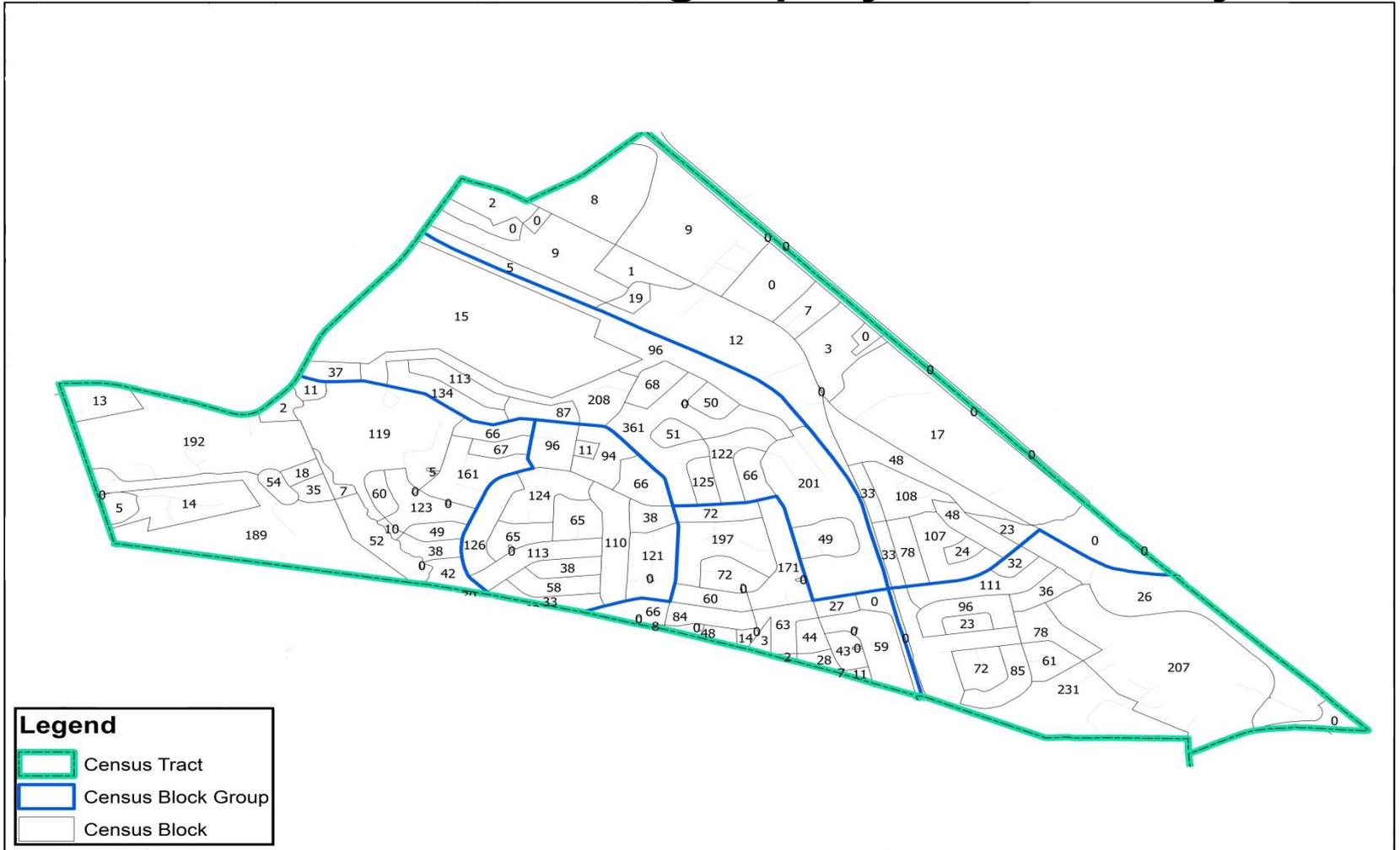


Census Data Hierarchy

- Block – Block Group – Tract – County – State
- Block – VTD – County – State
- VTD – Voter Tabulation District. Similar or same as a voting precincts.



Census Geography Hierarchy



What?

Why?

Who?

REDISTRICTING

Where?

When

What: Congress
Why: Required by the U.S. Constitution
Who: Drawn by the S.C. legislature
Where: 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.
Where: 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: County Council
Why: Required by the Home Rule Act of 1975
Who: Drawn by the council
Where: 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

What: City Council

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

Who: Drawn by council

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

When: Redistricting can happen at anytime

What: School Districts
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
Who: Drawn by the legislature
Where: 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.
Where: Requires three readings with map and/or description passed by ordinance
When: Redistricting can happen at anytime.



Shaw v. Reno

Bush v. Vera

Section 5

Equal Protection

Deviation

Thornburg v. Gingles

HOW TO REDISTRRICT

Section 2

Easley v. Cromartie

Shelby v. Holder

VAP

Gerrymandering

Redistricting 2020 Steps

- Inform Mayor the Census is coming
- Participate in Pre-Census Programs – BAS, LUCA
- Inform council of the need to redistrict
- Call our office for assistance
- Adopt redistricting criteria
- Set a schedule for redistricting
- Hold plan presentation meetings and public input meetings
- Draft and pass ordinance – Two readings for ordinance
- Send information to the County Voter Registration and Elections Office



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.
- 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



Redistricting Criteria

- **One Person, One Vote**
- **1965 Voting Rights Act**
- **Avoidance of Racial Gerrymandering**
- Contiguousness
- Compactness
- Constituent Consistency
- Communities of Interest
- Voting Precincts



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.



Deviation

- Ideal Population = Total Population/ # of Districts*
Example: $4,625,401/46 = 100,552$
- Absolute Deviation – Number of persons above or below the ideal population for a district
Example: District 1 – 95,822, Ideal 100,552 = -4,729 Persons
- Relative Deviation – percentage of population a district is over or under the ideal population for a district
Example: $((95,822-100,552)/100,552) \times 100 = -4.70\%$
Or
 $((\text{Population} - \text{Target})/\text{Target}) \times 100$
- Overall Range Deviation – Total combined range of deviation for a redistricting plan.
Example: District 42 -22.03% District 38 +31.70% = 53.73%
or
Largest positive + |largest negative| = overall range deviation

* Number of Members if a multi-member plan

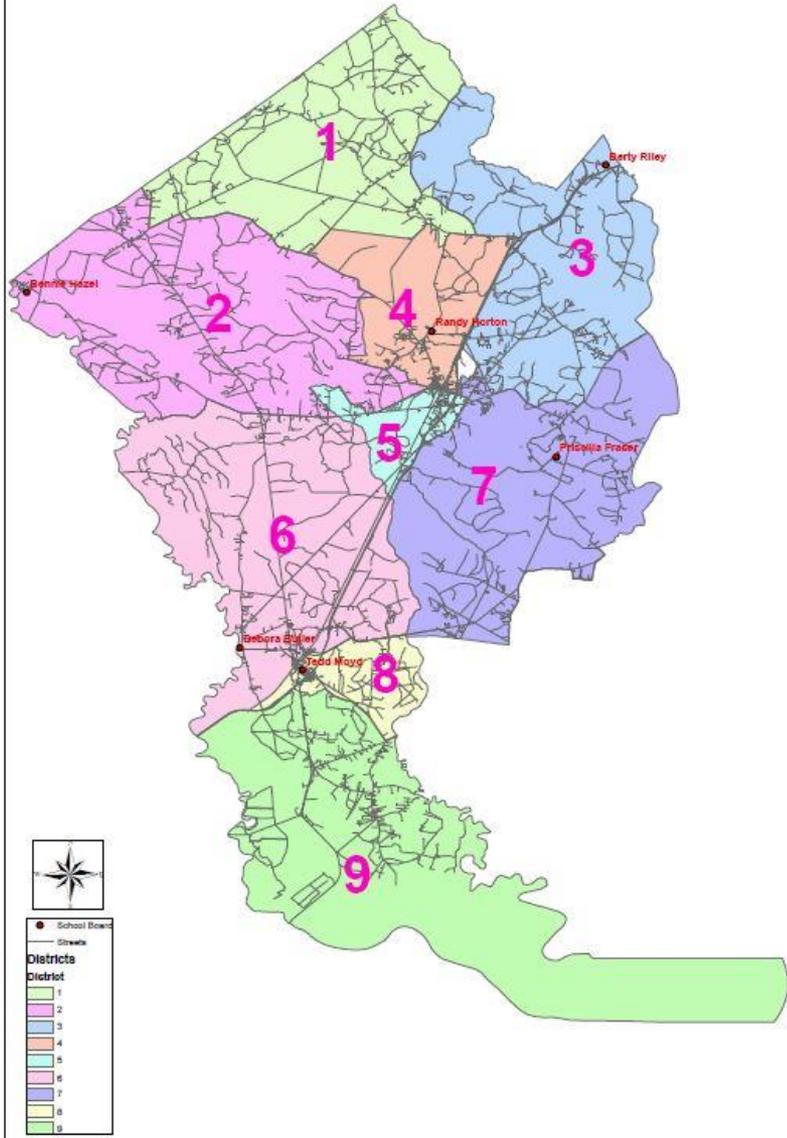


One Person, One Vote

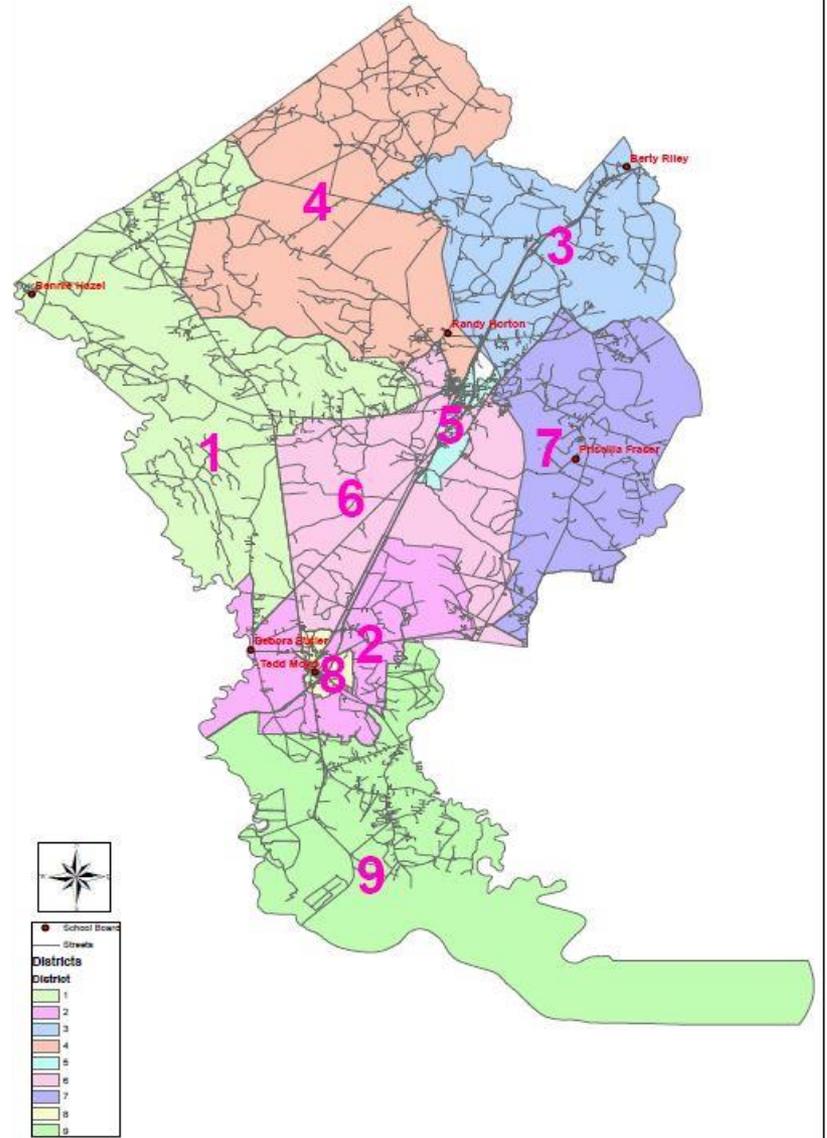
- Fraser et.al. v. Jasper County School District (2014)
 - One person, one vote lawsuit under equal protection clause of the Fourteenth Amendment.
 - County delegation had not adopted a redistricting plan since 1997. Skipped 2000 and 2010 Census.
 - Judge enjoined 2014 election and gave the county delegation 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.



Jasper School District Benchmark Plan



Jasper School District Federal Court Plan



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)



Voting Rights Act

- Thornburg v. Gingles(1986) – 3 prong test for vote dilution claim.
 - Minority group must be large and geographically compact to draw a majority-minority district. Minority district must be able to be drawn at +50% minority VAP – Bartlett v. Strickland.
 - The minority group must be “politically cohesive”.
 - Bloc voting by the majority usually defeats the minority’s candidate of choice.

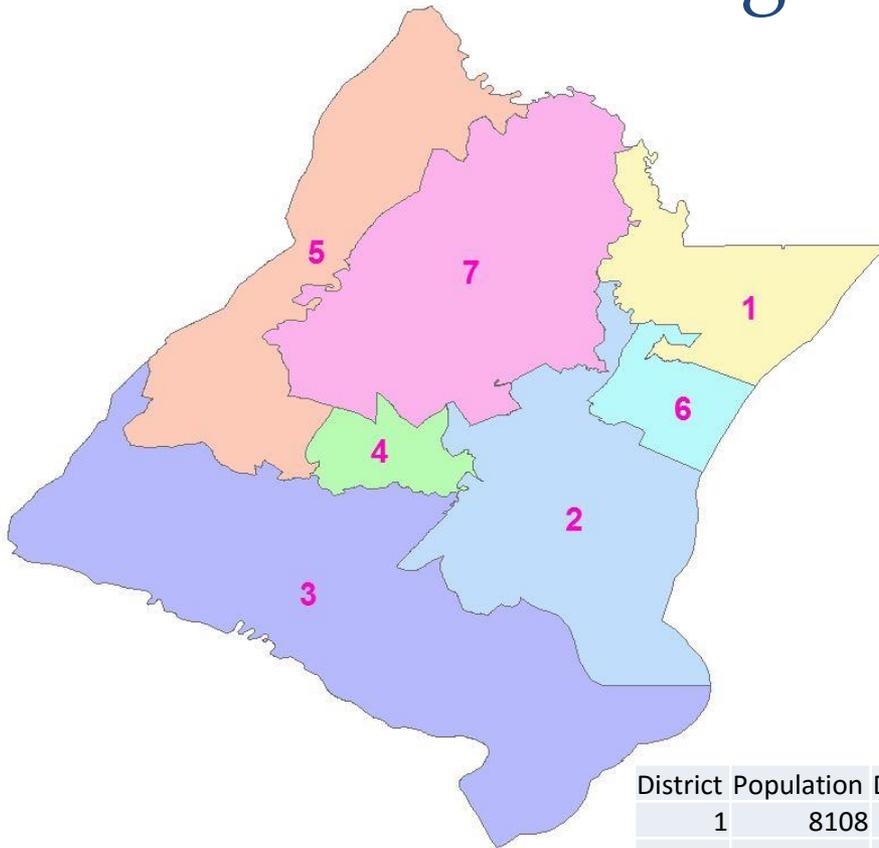


Voting Rights Act

- U.S. v. Georgetown County School District (2008)
 - 9 Members elected at-large in partisan contest.
 - Chairperson elected at large in partisan county-wide election.
 - Population 55,797 - 21,541 (38.6%) black and 33,307 (59.7%) white.
 - VAP 41,753 - 14,235 (34.1%) black and 26,859 (64.3%) white.
 - Consent decree to go to 7 County Council districts with 2 at-large members. Chair will be elected from board by the board.
 - Plan created to provide for 3 Majority-Minority Districts.
 - Legislative delegation passed legislation implementing the plan as outlined in consent decree



Voting Rights Act



| District | Population | Dev. | %Dev | NH_Bl | %NH_BLK | VAP | %VAP | NH_BVAP | %NH_BVAP |
|----------|------------|------|--------|-------|---------|-------|--------|---------|----------|
| 1 | 8108 | 137 | 1.72% | 521 | 6.43% | 6965 | 85.90% | 377 | 5.41% |
| 2 | 7943 | -28 | -0.35% | 1683 | 21.19% | 6160 | 77.55% | 1151 | 18.69% |
| 3 | 7785 | -186 | -2.33% | 4748 | 60.99% | 5530 | 71.03% | 3195 | 57.78% |
| 4 | 8074 | 103 | 1.29% | 5198 | 64.38% | 5520 | 68.37% | 3274 | 59.31% |
| 5 | 8058 | 87 | 1.09% | 2619 | 32.50% | 5697 | 70.70% | 1678 | 29.45% |
| 6 | 7850 | -121 | -1.52% | 1389 | 17.69% | 6266 | 79.82% | 945 | 15.08% |
| 7 | 7979 | 8 | 0.10% | 5290 | 66.30% | 5615 | 70.37% | 3542 | 63.08% |
| Totals | 55797 | | 4.05% | 21448 | | 41753 | | 14162 | |

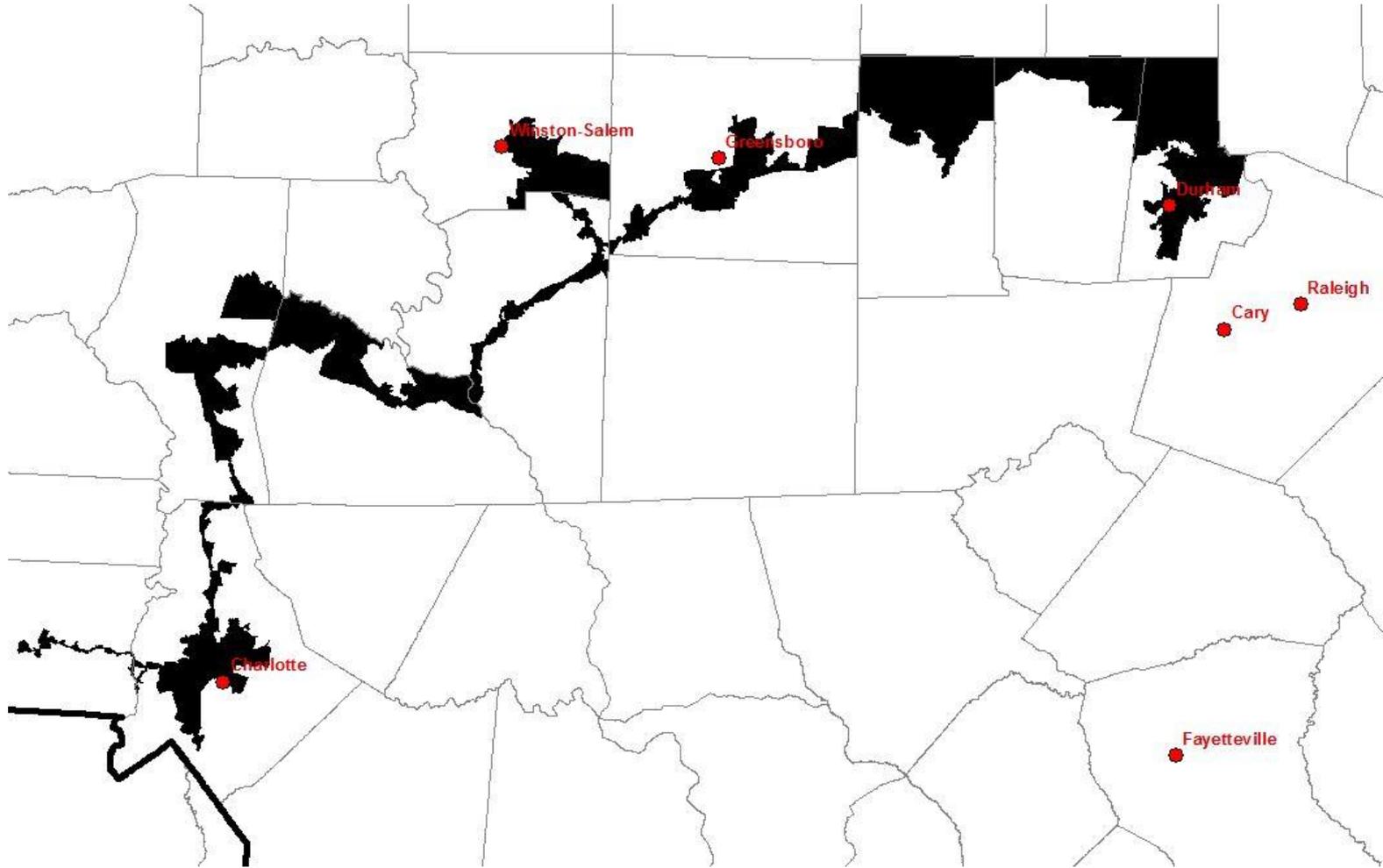


Avoiding Racial Gerrymandering

- Shaw v. Reno (1993) – First racial gerrymandering case to reach the Supreme Court. Court ruled racial gerrymandering was a violation of Equal Protection
- Bush v. Vera(1996) – Race should not be a **predominate** factor in drawing plans. Race can be a factor, but must be subordinate to traditional redistricting principles. If redistricting principles were subordinate to race, then strict scrutiny can apply to a redistricting plan by the court.
- Strict scrutiny of a plan requires court to determine if the state had a compelling interest in creating a district with race as predominate factor
- Alabama Legislative Black Caucus v. Alabama(2015) – “A racial gerrymandering claim, however, applies to the boundaries of individual districts.”

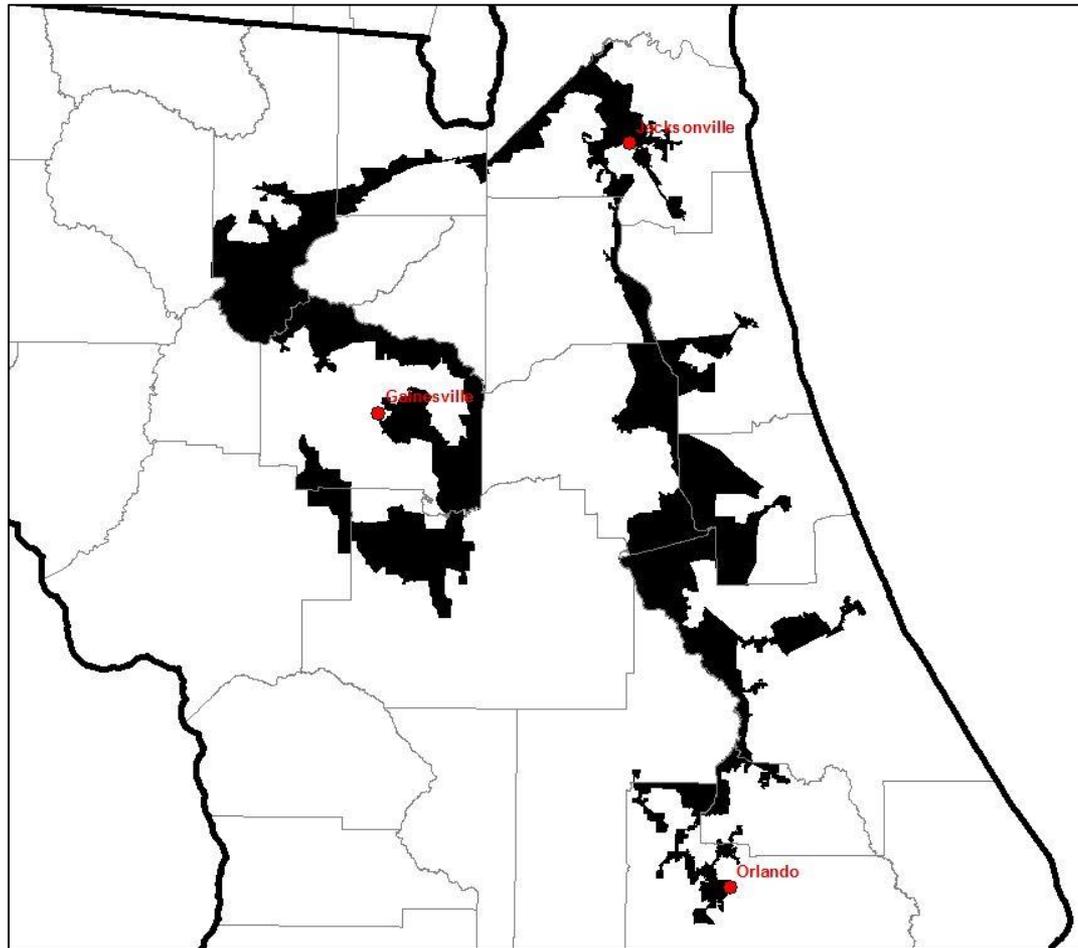


Shaw v. Reno



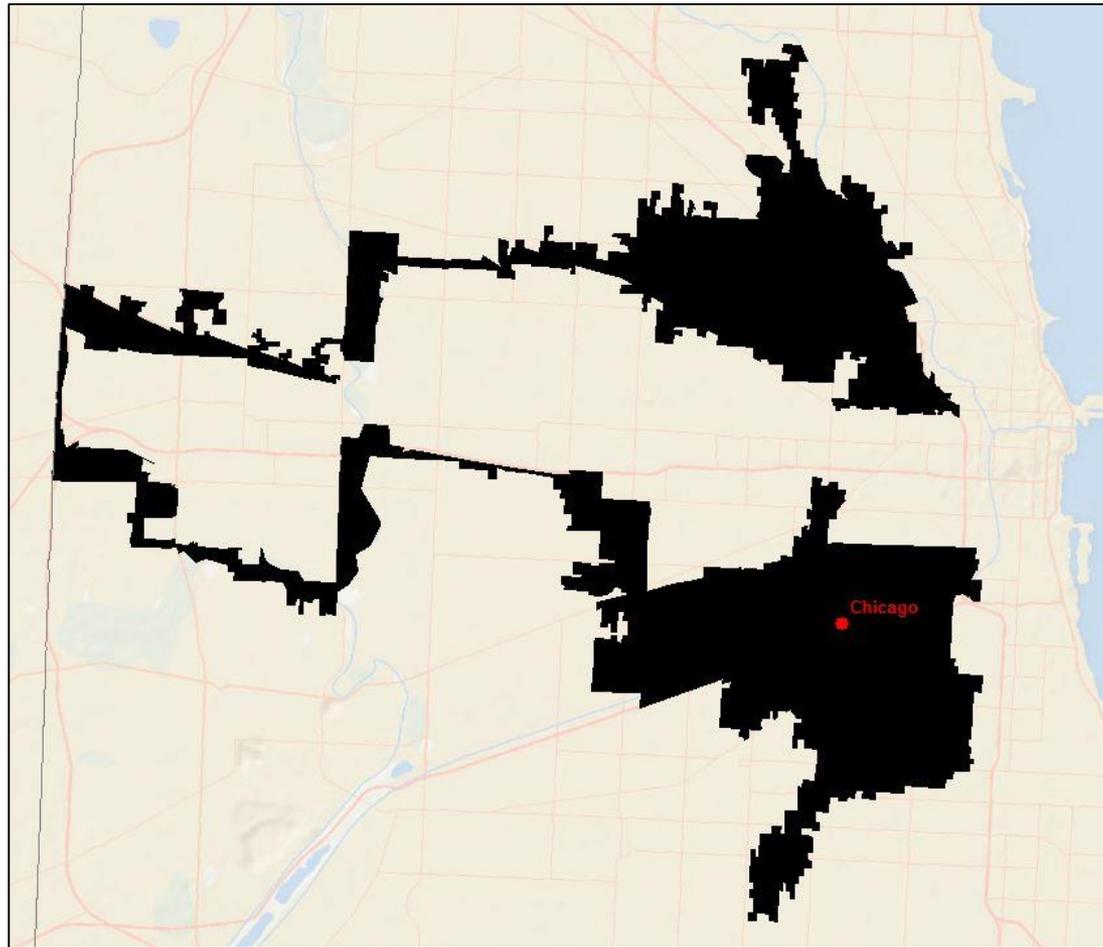
Other Crazy Shapes

Florida Congressional District 3



Other Crazy Shapes

Illinois Congressional District 4



Traditional Redistricting Criteria

- Contiguousness – All parts of the districts must be touching. Point contiguity is acceptable.
- Compactness – Districts should be able to pass an “eye” test as well as can be measured by statistical models.
- Constituent Consistency – preserving the core of existing districts and protecting incumbents
- Communities of Interest – Counties, Cities, Towns, School Districts, Neighborhoods,...
- Voting Precincts – General Assembly has the authority to redraw voting precincts. Precincts are typically redrawn after redistricting has occurred or a large population change in one geographic area. RFA is responsible for voting precincts §1-11-360



Relevant Laws and Court Cases

- Act 283 of 1975 – Home Rule Act
 - County Council must redistrict to population of less than 10% deviation.
 - Change of government triggered by petition of registered voters (15% municipality, 10% County) or ordinance of council. Must go through referendum.
- Elliott v. Richland County(1996) – one shot at redistricting per decade.
- Moye v. Caughman(1975) – Legislature has authority over redistricting of school districts. School districts are creatures of the General Assembly.
- Vander Linden v. Hodges(1999) – Weighted voting for legislative delegation.
- Calvin v. Jefferson County Board of Commissioners(2015) – Case out of Florida dealing with prison population in redistricting. Judge ruled redistricting plan unconstitutional with prison included. Prison lacked a “representational nexus” with the county and school district.



Shapefiles

PL94-171

Blocks

Census

Database

GIS

HOW TO DRAW THE LINES

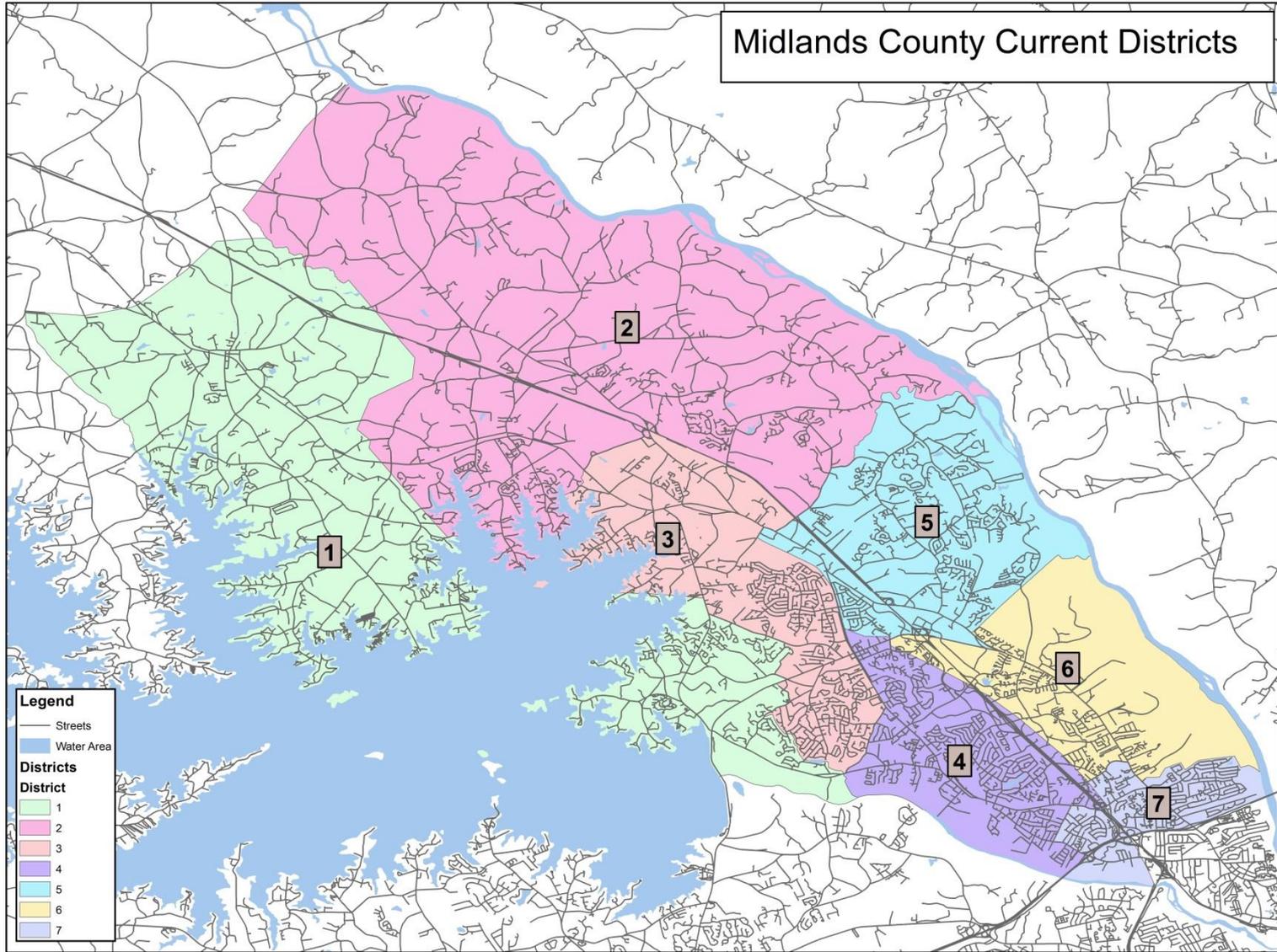
Compactness

Contiguity

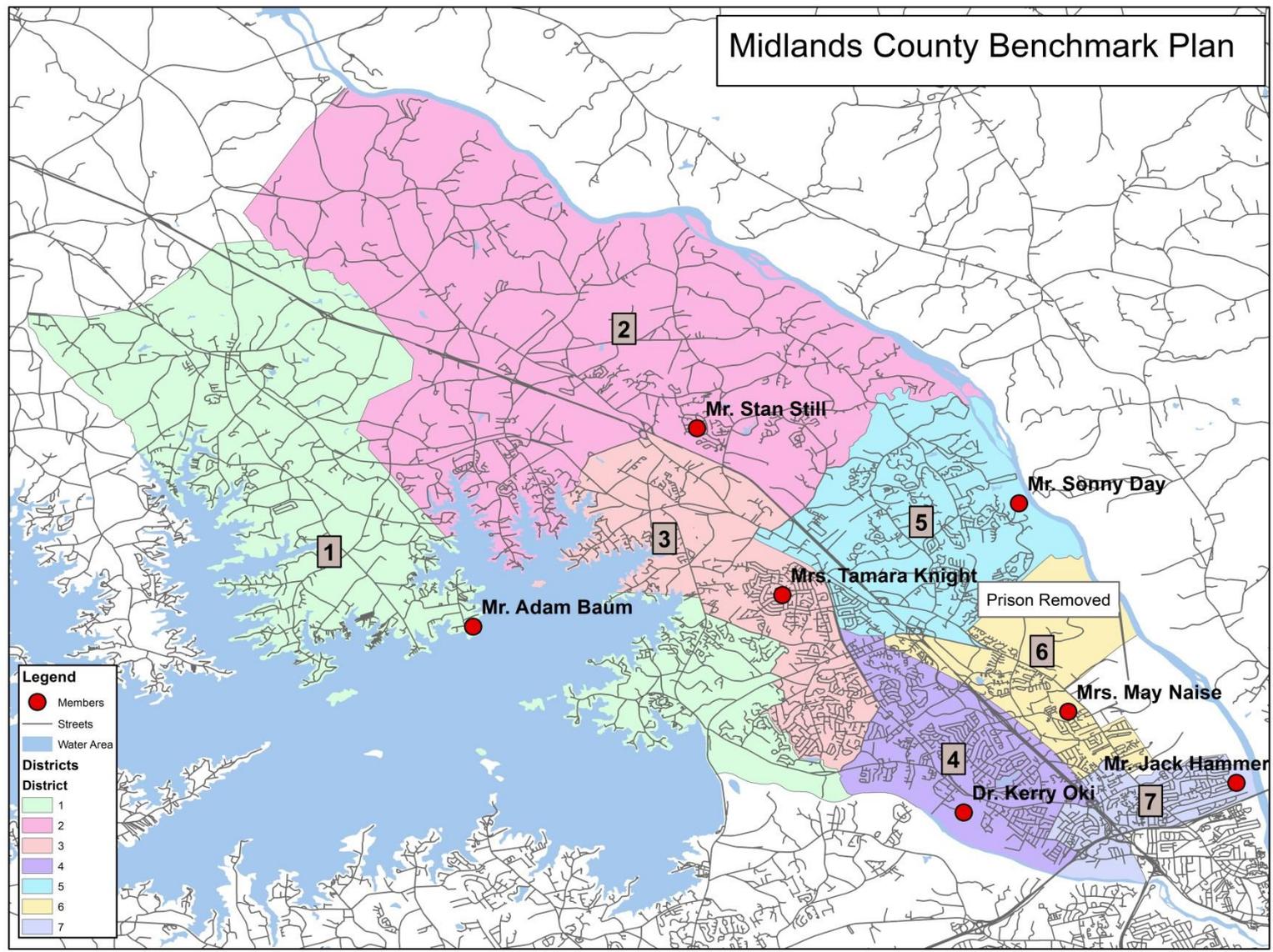
Election Results
Precincts

Political Data

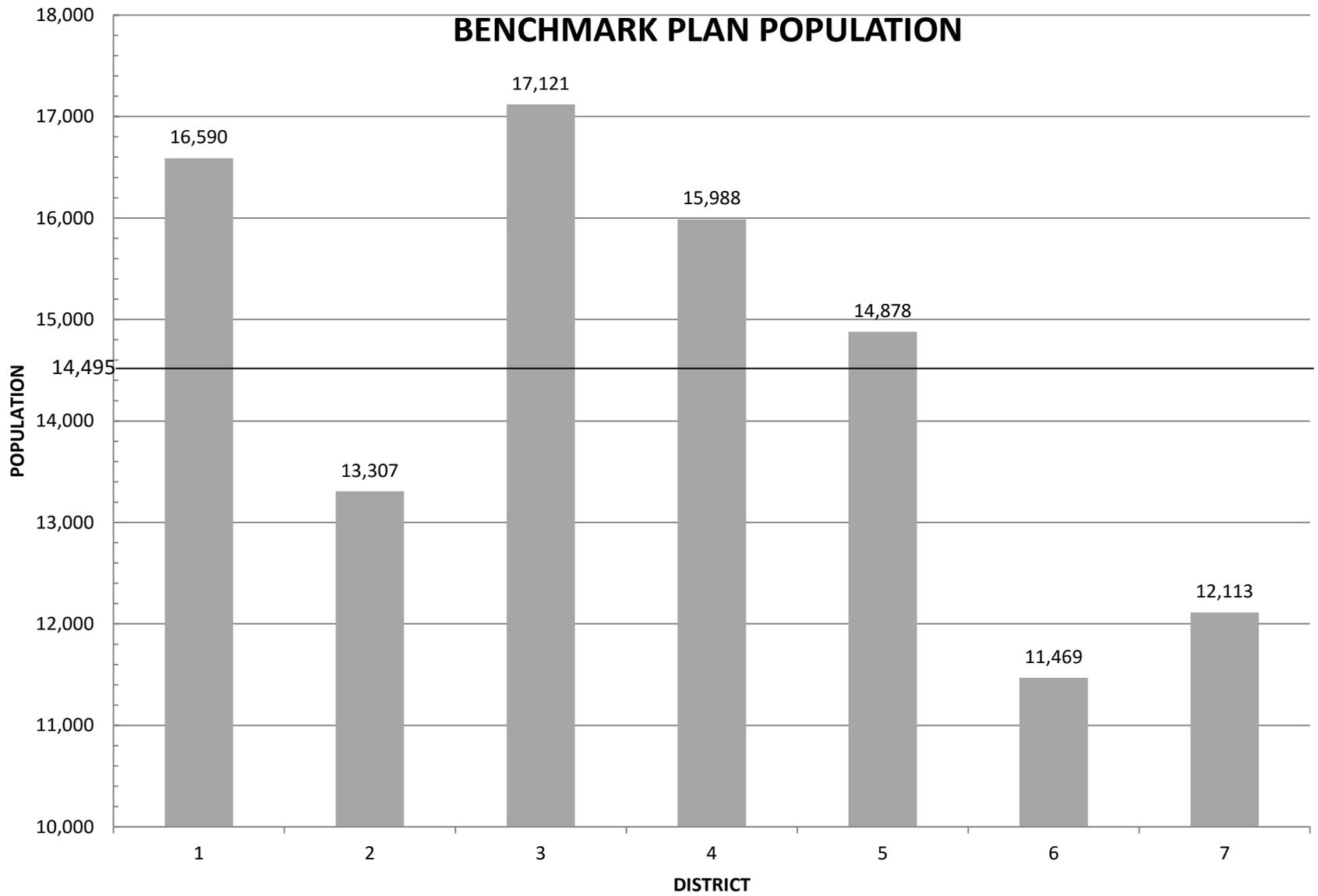
Midlands County Current Districts

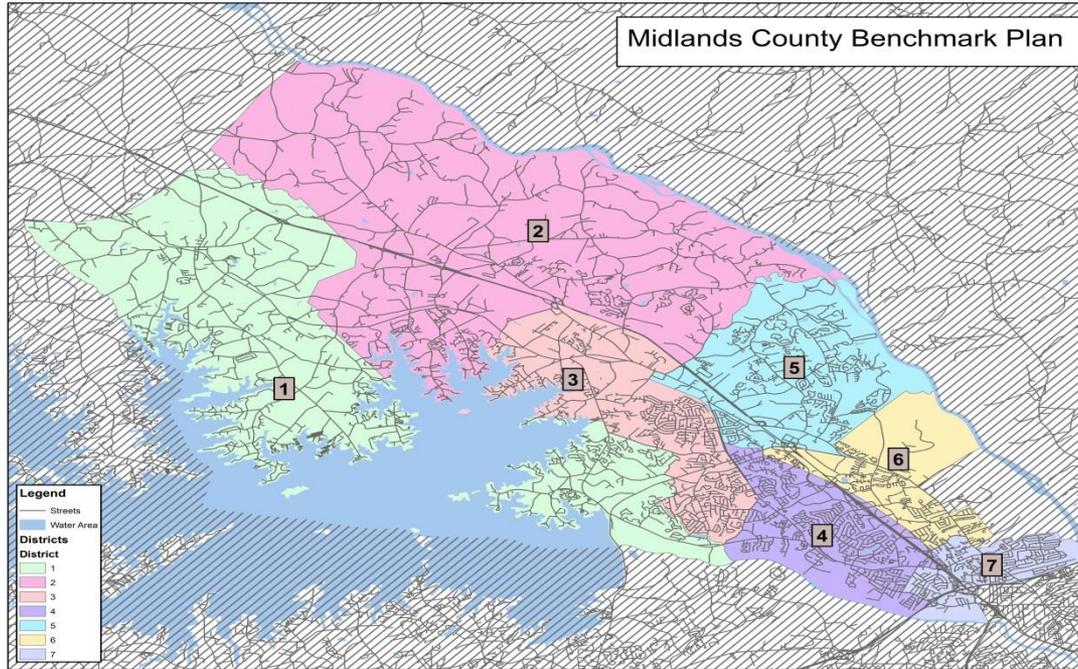


Midlands County Benchmark Plan



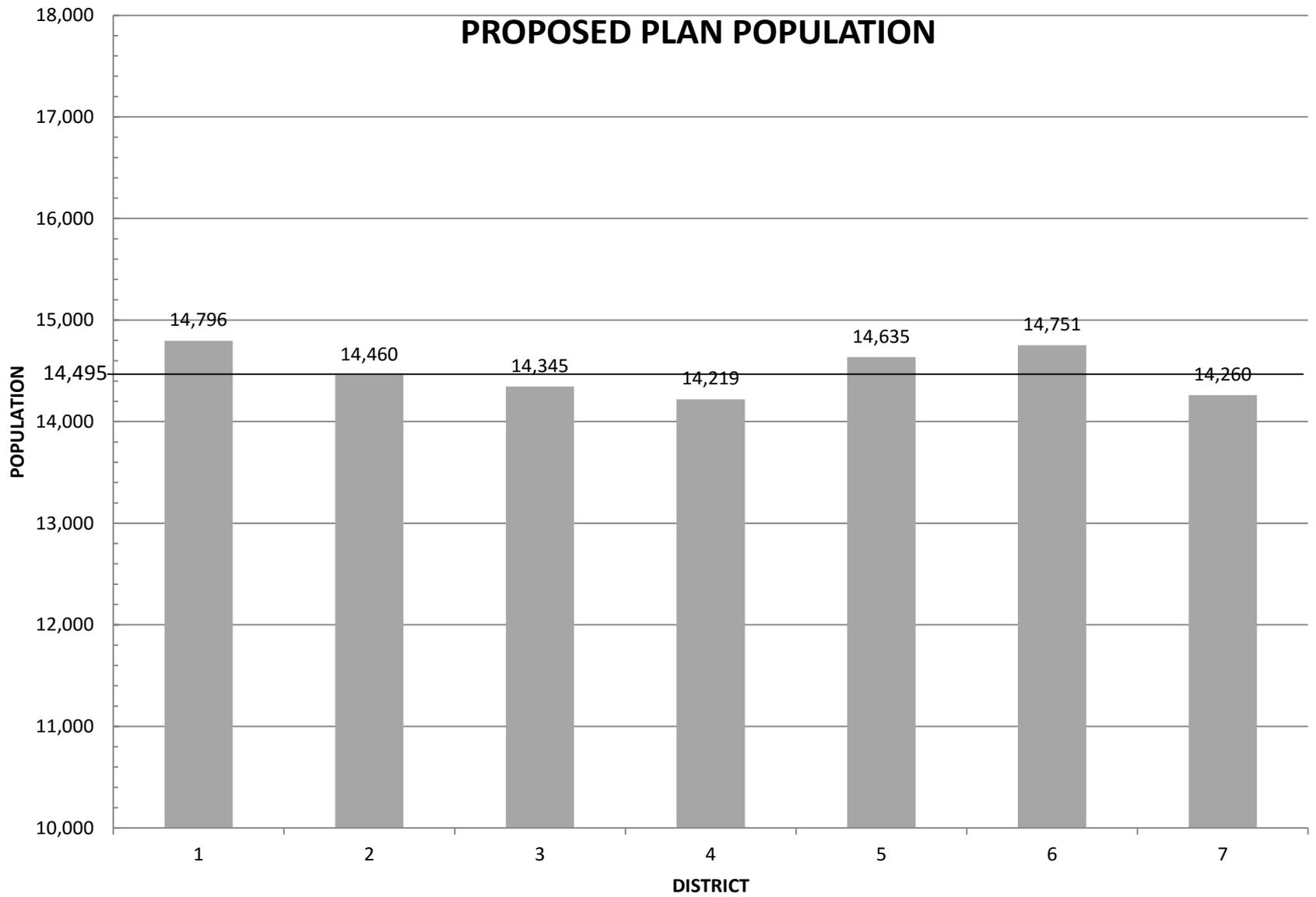
BENCHMARK PLAN POPULATION

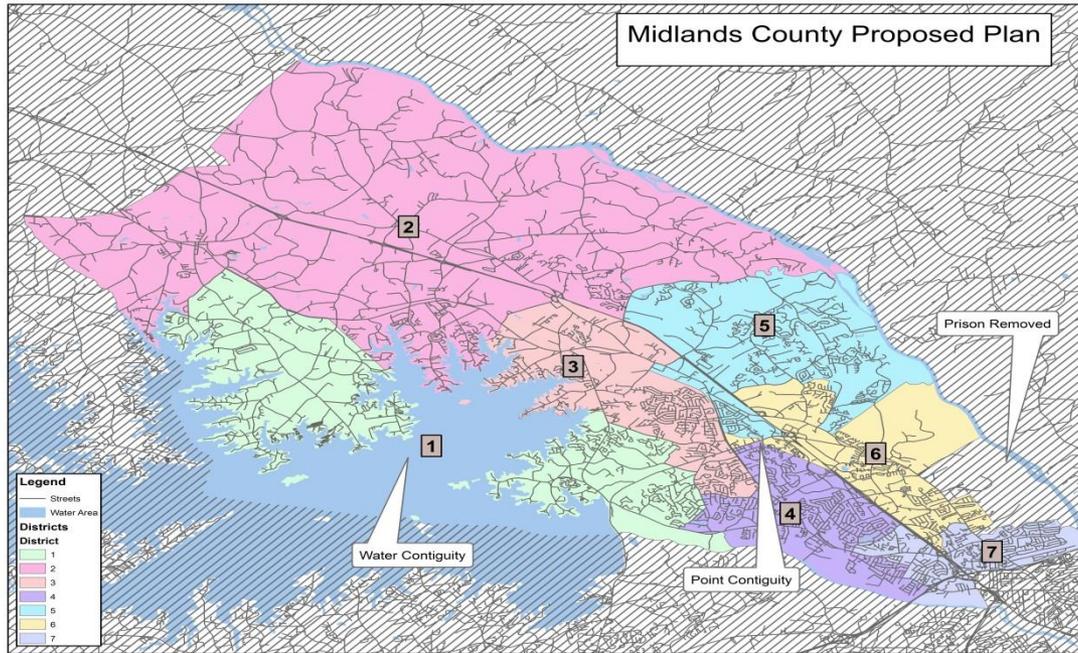




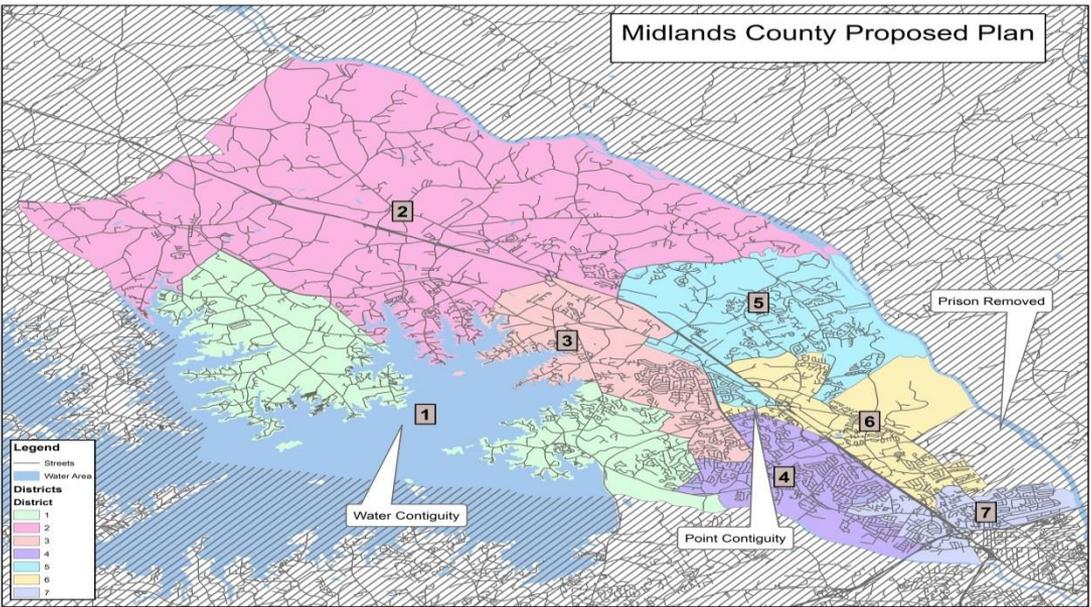
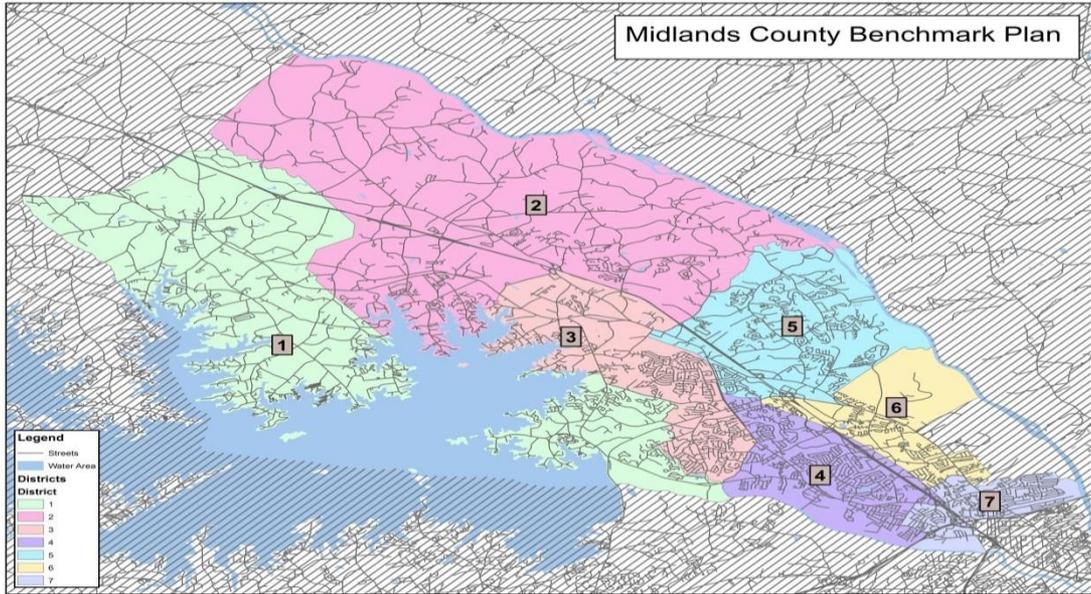
| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | %VAP | NHWPVAP | %NHWPVAP | NHBPVAP | %NHBPVAP | AllOth | AllOthVAP |
|----------|----------------|--------|---------|--------|---------|--------|---------|--------|--------|---------|----------|---------|----------|--------|-----------|
| 1 | 16,590 | 2,095 | 14.45% | 14,177 | 85.46% | 1,557 | 9.39% | 12,575 | 75.80% | 10,974 | 87.27% | 1,031 | 8.20% | 856 | 570 |
| 2 | 13,307 | -1,188 | -8.20% | 11,734 | 88.18% | 981 | 7.37% | 9,466 | 71.14% | 8,479 | 89.57% | 633 | 6.69% | 592 | 354 |
| 3 | 17,121 | 2,626 | 18.12% | 12,297 | 71.82% | 3,627 | 21.18% | 12,774 | 74.61% | 9,656 | 75.59% | 2,322 | 18.18% | 1197 | 796 |
| 4 | 15,988 | 1,493 | 10.30% | 10,251 | 64.12% | 4,441 | 27.78% | 12,567 | 78.60% | 8,609 | 68.50% | 3,043 | 24.21% | 1296 | 915 |
| 5 | 14,878 | 383 | 2.64% | 9,562 | 64.27% | 4,227 | 28.41% | 10,555 | 70.94% | 7,013 | 66.44% | 2,870 | 27.19% | 1089 | 672 |
| 6 | 11,469 | -3,026 | -20.88% | 4,241 | 36.98% | 6,270 | 54.67% | 8,930 | 77.86% | 3,764 | 42.15% | 4,503 | 50.43% | 958 | 663 |
| 7 | 12,113 | -2,382 | -16.43% | 2,789 | 23.02% | 8,319 | 68.68% | 9,195 | 75.91% | 2,516 | 27.36% | 5,983 | 65.07% | 1005 | 696 |
| Total | 101,466 | | | 65,051 | 64.11% | 29,422 | 29.00% | 76,062 | | 51,011 | 67.07% | 20,385 | 26.80% | 6993 | 4666 |
| Target | 14495 | | | | | | | | | | | | | | |
| Dev. | High 3@18.12% | | | | | | | | | | | | | | |
| | Low 6 @-20.88% | | | | | | | | | | | | | | |
| | Total: 39.00% | | | | | | | | | | | | | | |

PROPOSED PLAN POPULATION





| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | %VAP | NHWPVAP | %NHWPVAP | NHBPVAP | %NHBPVAP | AllOth | AllOthVAP |
|----------|---------------|------|--------|--------|---------|--------|---------|--------|--------|---------|----------|---------|----------|--------|-----------|
| 1 | 14,796 | 301 | 2.08% | 12,732 | 86.05% | 1,285 | 8.68% | 11,236 | 75.94% | 9,911 | 88.21% | 813 | 7.24% | 779 | 512 |
| 2 | 14,460 | -35 | -0.24% | 12,640 | 87.41% | 1,230 | 8.51% | 10,474 | 72.43% | 9,257 | 88.38% | 847 | 8.09% | 590 | 370 |
| 3 | 14,345 | -150 | -1.03% | 10,062 | 70.14% | 3,298 | 22.99% | 10,563 | 73.64% | 7,818 | 74.01% | 2,096 | 19.84% | 985 | 649 |
| 4 | 14,219 | -276 | -1.90% | 9,928 | 69.82% | 3,189 | 22.43% | 11,220 | 78.91% | 8,296 | 73.94% | 2,144 | 19.11% | 1102 | 780 |
| 5 | 14,635 | 140 | 0.97% | 10,103 | 69.03% | 3,441 | 23.51% | 10,320 | 70.52% | 7,329 | 71.02% | 2,314 | 22.42% | 1091 | 677 |
| 6 | 14,751 | 256 | 1.77% | 5,385 | 36.51% | 8,155 | 55.28% | 11,389 | 77.21% | 4,697 | 41.24% | 5,870 | 51.54% | 1211 | 822 |
| 7 | 14,260 | -235 | -1.62% | 4,201 | 29.46% | 8,824 | 61.88% | 10,860 | 76.16% | 3,703 | 34.10% | 6,301 | 58.02% | 1235 | 856 |
| Total | 101,466 | | | 65,051 | 64.11% | 29,422 | 29.00% | 76,062 | | 51,011 | 67.07% | 20,385 | 26.80% | 6993 | 4666 |
| Target | 14495 | | | | | | | | | | | | | | |
| Dev. | High 1@2.08% | | | | | | | | | | | | | | |
| | Low 4 @-1.90% | | | | | | | | | | | | | | |
| | Total: 3.98% | | | | | | | | | | | | | | |



Benchmark

| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | %VAP | NHWWAP | %NHWWAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP |
|----------|----------------|--------|---------|--------|---------|--------|---------|--------|--------|--------|---------|--------|---------|--------|-----------|
| 1 | 16,590 | 2,095 | 14.45% | 14,177 | 85.46% | 1,557 | 9.39% | 12,575 | 75.80% | 10,974 | 87.27% | 1,031 | 8.20% | 856 | 570 |
| 2 | 13,307 | -1,188 | -8.20% | 11,734 | 88.18% | 981 | 7.37% | 9,466 | 71.14% | 8,479 | 89.57% | 633 | 6.69% | 592 | 354 |
| 3 | 17,121 | 2,626 | 18.12% | 12,297 | 71.82% | 3,627 | 21.18% | 12,774 | 74.61% | 9,656 | 75.59% | 2,322 | 18.18% | 1197 | 796 |
| 4 | 15,988 | 1,493 | 10.30% | 10,251 | 64.12% | 4,441 | 27.78% | 12,567 | 78.60% | 8,609 | 68.50% | 3,043 | 24.21% | 1296 | 915 |
| 5 | 14,878 | 383 | 2.64% | 9,562 | 64.27% | 4,227 | 28.41% | 10,555 | 70.94% | 7,013 | 66.44% | 2,870 | 27.19% | 1089 | 672 |
| 6 | 11,469 | -3,026 | -20.88% | 4,241 | 36.98% | 6,270 | 54.67% | 8,930 | 77.86% | 3,764 | 42.15% | 4,503 | 50.43% | 958 | 663 |
| 7 | 12,113 | -2,382 | -16.43% | 2,789 | 23.02% | 8,319 | 68.68% | 9,195 | 75.91% | 2,516 | 27.36% | 5,983 | 65.07% | 1005 | 696 |
| Total | 101,466 | | | 65,051 | 64.11% | 29,422 | 29.00% | 76,062 | | 51,011 | 67.07% | 20,385 | 26.80% | 6993 | 4666 |
| Target | 14495 | | | | | | | | | | | | | | |
| Dev. | High 3@18.12% | | | | | | | | | | | | | | |
| | Low 6 @-20.88% | | | | | | | | | | | | | | |
| | Total: 39.00% | | | | | | | | | | | | | | |

Proposed Plan

| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | %VAP | NHWWAP | %NHWWAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP |
|----------|---------------|------|--------|--------|---------|--------|---------|--------|--------|--------|---------|--------|---------|--------|-----------|
| 1 | 14,796 | 301 | 2.08% | 12,732 | 86.05% | 1,285 | 8.68% | 11,236 | 75.94% | 9,911 | 88.21% | 813 | 7.24% | 779 | 512 |
| 2 | 14,460 | -35 | -0.24% | 12,640 | 87.41% | 1,230 | 8.51% | 10,474 | 72.43% | 9,257 | 88.38% | 847 | 8.09% | 590 | 370 |
| 3 | 14,345 | -150 | -1.03% | 10,062 | 70.14% | 3,298 | 22.99% | 10,563 | 73.64% | 7,818 | 74.01% | 2,096 | 19.84% | 985 | 649 |
| 4 | 14,219 | -276 | -1.90% | 9,928 | 69.82% | 3,189 | 22.43% | 11,220 | 78.91% | 8,296 | 73.94% | 2,144 | 19.11% | 1102 | 780 |
| 5 | 14,635 | 140 | 0.97% | 10,103 | 69.03% | 3,441 | 23.51% | 10,320 | 70.52% | 7,329 | 71.02% | 2,314 | 22.42% | 1091 | 677 |
| 6 | 14,751 | 256 | 1.77% | 5,385 | 36.51% | 8,155 | 55.28% | 11,389 | 77.21% | 4,697 | 41.24% | 5,870 | 51.54% | 1211 | 822 |
| 7 | 14,260 | -235 | -1.62% | 4,201 | 29.46% | 8,824 | 61.88% | 10,860 | 76.16% | 3,703 | 34.10% | 6,301 | 58.02% | 1235 | 856 |
| Total | 101,466 | | | 65,051 | 64.11% | 29,422 | 29.00% | 76,062 | | 51,011 | 67.07% | 20,385 | 26.80% | 6993 | 4666 |
| Target | 14495 | | | | | | | | | | | | | | |
| Dev. | High 1@2.08% | | | | | | | | | | | | | | |
| | Low 4 @-1.90% | | | | | | | | | | | | | | |
| | Total: 3.98% | | | | | | | | | | | | | | |

Pass Ordinance



Ratification
Number: 2011-38

AN ORDINANCE

TO PROVIDE FOR THE ADOPTION OF A TWELVE SINGLE MEMBER DISTRICT REAPPORTIONMENT PLAN FOR THE CITY OF CHARLESTON, SUCH PLAN PROVIDING FOR A COUNCILMEMBER TO BE ELECTED FROM EACH DISTRICT, THE METHOD OF ELECTION, AND FOR THE SUBMISSION OF SUCH PLAN TO THE ATTORNEY GENERAL OF THE UNITED STATES FOR REVIEW.

WHEREAS, by ordinance ratified on November 13, 2001, the City Council of Charleston adopted a redistricting plan for the City of Charleston; and

WHEREAS, 2010 Census Bureau statistics reveal disproportionate variances among certain districts; and

WHEREAS, in keeping with the requirements of the Constitutions of the United States and the State of South Carolina, the City Council of Charleston has resolved it to be in the public interest to reapportion; and

WHEREAS, the Department of Planning, Preservation and Sustainability for the City of Charleston, with the assistance of the South Carolina State Budget and Control Board, Office of Research and Statistics, has submitted a plan reapportioning the council districts of the City of Charleston, and the City Council of Charleston finds such plan to be a proper one for the City of Charleston and in accord with the public interest.

2

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE CITY OF CHARLESTON IN THE CITY COUNCIL ASSEMBLED:

Section 1. The twelve (12) single member district reappointment plan for the redistricting of the City of Charleston, such plan being attached to this ordinance and designated as Exhibit 1, together with a copy of the map showing district lines, attached to this ordinance and designated as Exhibit 2, is hereby adopted.

Section 2. The Clerk of Council of the City of Charleston is directed to submit to the Attorney General of the United States the reapportionment plan embodied in Exhibits 1 and 2 and shall request review of such plan for the redistricting of the City of Charleston.

Section 3. Unless objected to by the Attorney General of the United States, or alternatively, if approved by a court of competent jurisdiction, the redistricting plan shall be effective for any City Council election held after the effective date hereof.

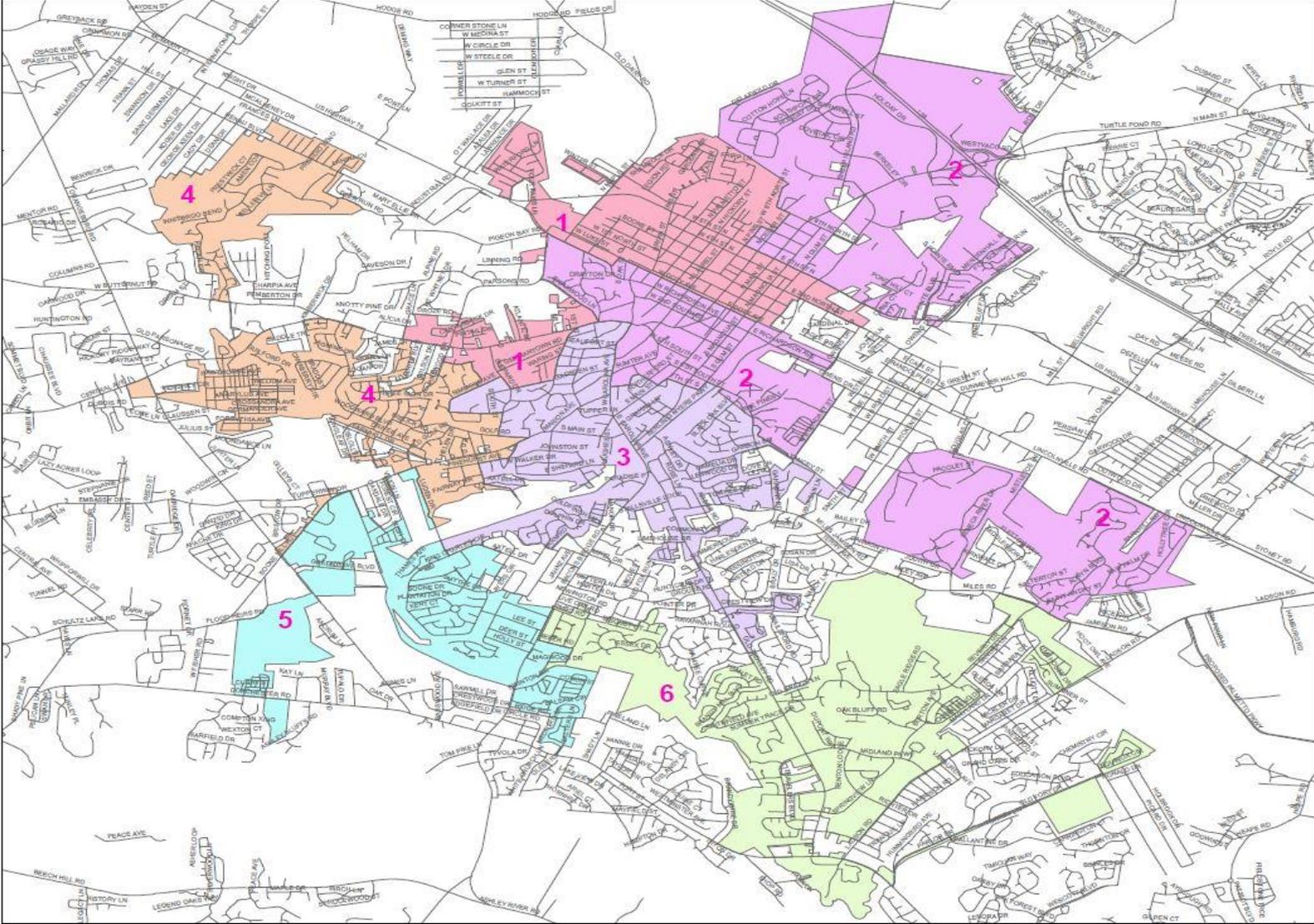
Section 4. This ordinance in no way affects the current system for the election of a mayor or the current staggered system of electing councilmembers from respective districts.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion, and such wording shall not affect the validity of the remaining portions hereof.

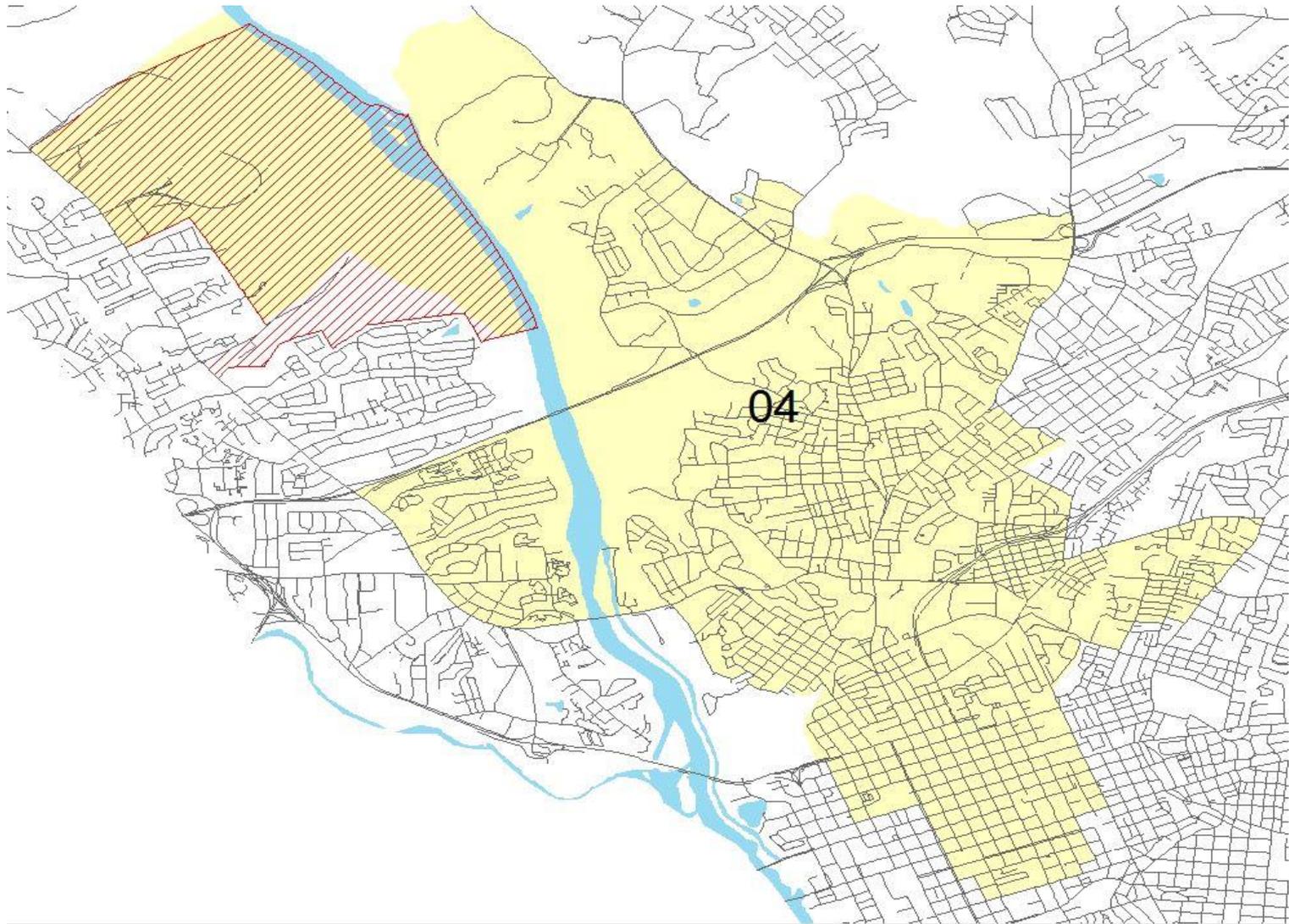
Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. This ordinance shall become effective upon ratification.

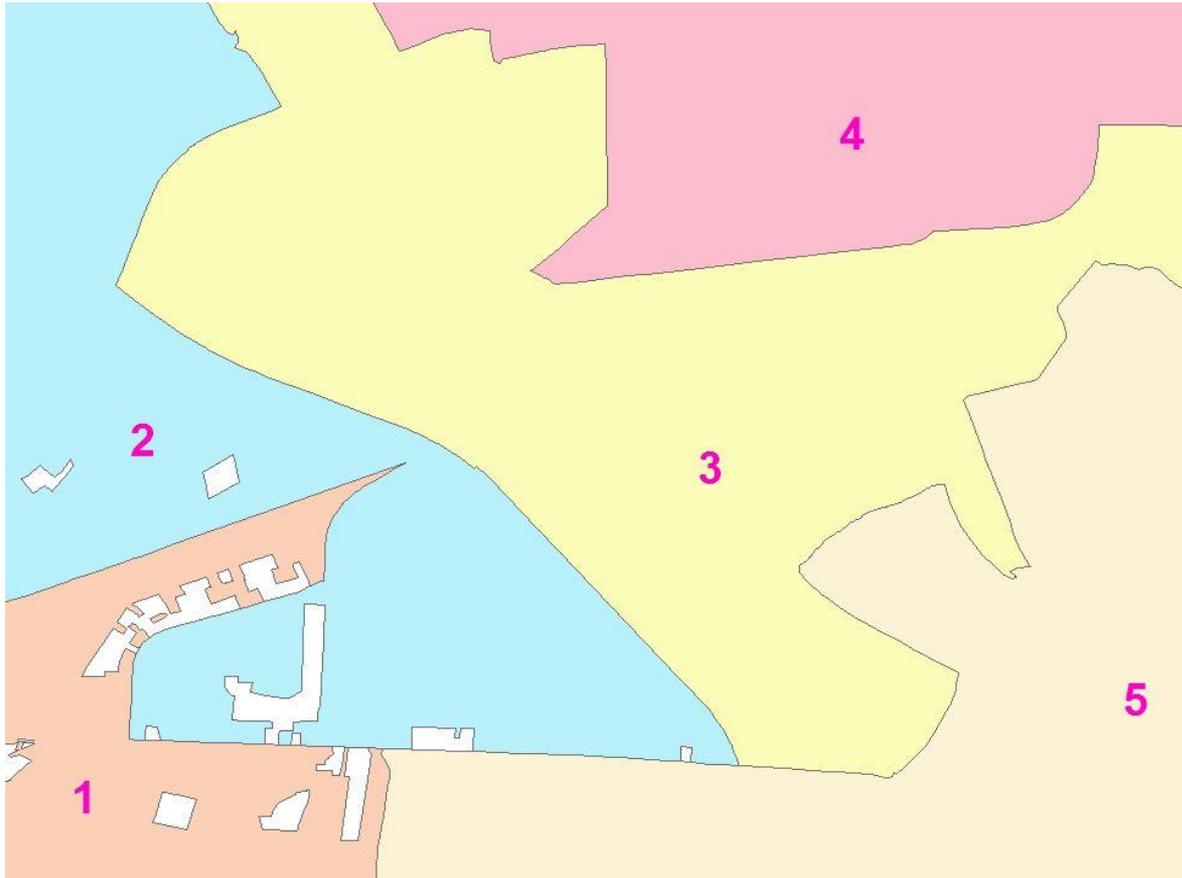
Contiguous??



Prison Gerrymandering??



Packing??



| District | Pop | Dev. | %Dev. | Hisp | %Hisp | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | H18 | %H18 | NHWWAP | %NHWWAP | NH BVAP | %NH BVAP | AllOth | AllOthVAP |
|----------|-------|------|--------|-------|--------|--------|---------|--------|---------|-------|-------|--------|--------|---------|---------|----------|--------|-----------|
| 1 | 9,917 | 170 | 1.74% | 1,169 | 11.79% | 2,941 | 29.66% | 5,480 | 55.26% | 7,171 | 792 | 11.04% | 2,477 | 34.54% | 3,655 | 50.97% | 327 | 247 |
| 2 | 9,828 | 81 | 0.83% | 1,957 | 19.91% | 3,323 | 33.81% | 4,121 | 41.93% | 7,264 | 1,274 | 17.54% | 2,826 | 38.90% | 2,831 | 38.97% | 427 | 333 |
| 3 | 9,541 | -206 | -2.11% | 479 | 5.02% | 5,286 | 55.40% | 3,221 | 33.76% | 7,539 | 308 | 4.09% | 4,684 | 62.13% | 2,119 | 28.11% | 555 | 428 |
| 4 | 9,432 | -315 | -3.23% | 891 | 9.45% | 6,144 | 65.14% | 1,916 | 20.31% | 6,826 | 540 | 7.91% | 4,681 | 68.58% | 1,279 | 18.74% | 481 | 326 |
| 5 | 9,474 | -273 | -2.80% | 255 | 2.69% | 643 | 6.79% | 8,437 | 89.05% | 6,889 | 171 | 2.48% | 599 | 8.70% | 6,002 | 87.12% | 139 | 117 |



What Do You See?



What Do You See?



What Do You See?



Questions?

Referenced Laws and Court Cases

- **Article 1 Section 2 U.S. Constitution** – Sets apportionment of Congressional seats based on decennial census numbers.
- **S.C. Code §5-3-90** – Annexation information must be provided to 3 state agencies; DOT, Secretary of State, and DPS.
- **Act #88 of 2015** - RFA must be notified of annexations 30 days after an ordinance is passed.
- **Article 1 Section 2 Clause 3 U.S. Constitution** – Calls for Census in 1790 and every ten years thereafter.
- **Home Rule Act of 1975, Act #282, 1975** – Gave counties and municipalities “Home Rule” authority of self-governance. It requires County Council redistricting after decennial census.
- **14th Amendment to the U.S. Constitution** – Equal Protection.
- **Evenwel v. Abbott 578 U.S. ___ (2016)** – Total population can be used for satisfying one person, one vote criteria.
- **Wesberry v. Sanders, 376 U.S. 1 (1964)** – Congressional districts must be drawn as nearly equal in population as practicable.
- **Reynolds v. Sims, 377 U.S. 533 (1964)** – Allows more population variance in legislative redistricting than congressional redistricting.
- **Gaffney v. Cummings, 412 U.S. 735 (1973)** – The 10% population variance is not a safe haven for a one person, one vote claim.
- **Fraser v. Jasper County School District, Civil Action No.9:14-cv-2578-SB** – South Carolina example of one person, one vote lawsuit.
- **1965 Voting Rights Act Section 5** – requires jurisdictions covered under the VRA to submit to the U.S. Department of Justice any changes in law impacting voting.
- **Shelby v. Holder (2013)** – 570 U.S. ___ (2013) – South Carolina is no longer under Section 5 of the VRA according to the historical formula requiring compliance
- **1965 Voting Rights Act Section 4(b)** – formula for covering jurisdictions under Section 5 DOJ submission requirement.
- **1965 Voting Rights Act Section 2** – Prohibits implementing voting practices or procedures that discriminate against a person on the basis of race, color, or language.
- **Thornburg v. Gingles 478 U.S. 30 (1986)** – 3 prong test for vote dilution claim.
- **U.S. v Georgetown County School District Civil Action No. 2:08-889 DCN,** – South Carolina example of Section 2 lawsuit in South Carolina.
- **Shaw v. Reno, 509 U.S. 630 (1993)**– First racial gerrymandering case to reach the Supreme Court. Racial gerrymandering is a violation of Equal Protection.
- **Bush v. Vera, 517 U.S. 952 (1996)** – Strict scrutiny of redistricting plan if determined race was the predominate factor of redistricting.
- **Alabama Legislative Black Caucus v. Alabama 135 S. Ct. 1257, 1263 (2015)** – “A racial gerrymandering claim, however, applies to the boundaries of individual districts.” Alabama’s criteria to try to maintain benchmark minority percentages in minority majority districts was an incorrect interpretation of retrogression under Section 5.
- **S.C. Code §1-11-360** – RFA has authority over precinct maps. RFA is responsible for coordinating precinct changes with members of the General Assembly.
- **Elliot v. Richland County, 472 S.E.2d 256 (1996)** – There is only one shot per decade to redistrict
- **Moye v. Caughman 217 S.E.2d36 (1975)** – S.C. Legislature has authority over school district redistricting plans.
- **Vander Linden v. Hodges, 193 F.3d268 (1999)** – Weighted vote is used for legislative delegation voting.
- **Calvin v. Jefferson County Board of Commissioners, Case No.4:15vc131-MW/CAS**– prison population must have a “representational nexus” with the community to be included in a redistricting plan.

