

CENSUS AND REDISTRICTING

Presented To

SCCCMA

January 22, 2021

by

Frank A. Rainwater and Victor Frontroth



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RFA

- SC Revenue and Fiscal Affairs Office
- Official State Contact with Census



**SOUTH CAROLINA
REVENUE AND FISCAL AFFAIRS OFFICE**

CHAD WALLDORF, Chairman
HOWELL CLYBORNE, JR.
EMERSON F. GOWER, JR.

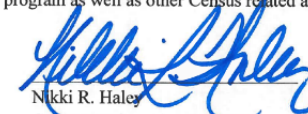
FRANK A. RAINWATER
Executive Director


January 27, 2015


Mr. John Thompson
U.S. Census Bureau
Washington, DC 20233-0001

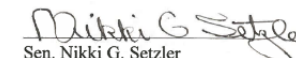
Dear Mr. Thompson,


Our state is looking forward to participating in the planning for the 2020 Census. We are establishing the staff at the S.C. Revenue and Fiscal Affairs Office as our non-partisan liaison to work on the geographic programs of the 2020 Census Redistricting Data Program. This office was previously part of the Budget and Control Board as the Office of Research and Statistics and has a lengthy history of working with the Census Bureau on the Redistricting Data Program. South Carolina participated in all phases of the Redistricting Data Program for the 2010 Census and we expect to do the same for the 2020 Census. The primary contact for the program will be Mr. Will Roberts (Will.Roberts@rfa.sc.gov, 803-734-8923). We look forward in working with the Census Bureau on this program as well as other Census related activities.


Nikki R. Haley
Governor of South Carolina


Sen. Harvey S. Peeler, Jr.
Senate Majority Leader


Rep. Bruce Bannister
House Majority Leader


Sen. Nikki G. Setzler
Senate Minority Leader


Rep. J. Todd Rutherford
House Minority Leader

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RFA Legislative Mandates and Services

- Maintain official precinct maps (SC Code of Laws §7-7-30 et al.)
 - Legislative and local assistance
- Coordination with other mapping programs
 - Jury Areas (SC Code of Laws §22-2-30)
 - Transportation Network Company (SC Code of Laws §58-23-1610)
 - Incorporation (SC Code of Regs 113-200(A))
- Coordination with the Census
 - Prep Work - experience with developing the details
 - Group Quarters estimates
- Historical experience and training

Prep Work - Local Update of Census Addresses (LUCA)

- Census address list updated by local government
- RFA provides 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



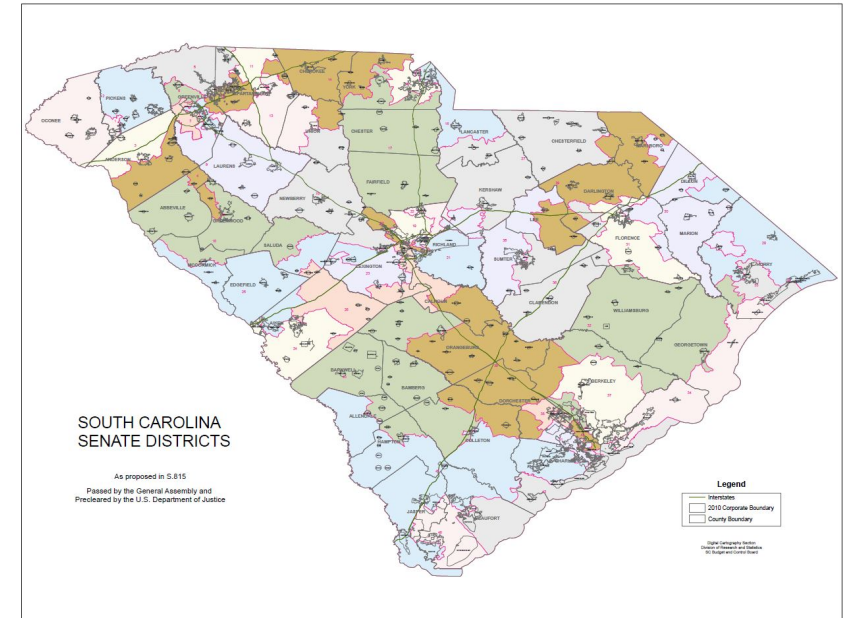
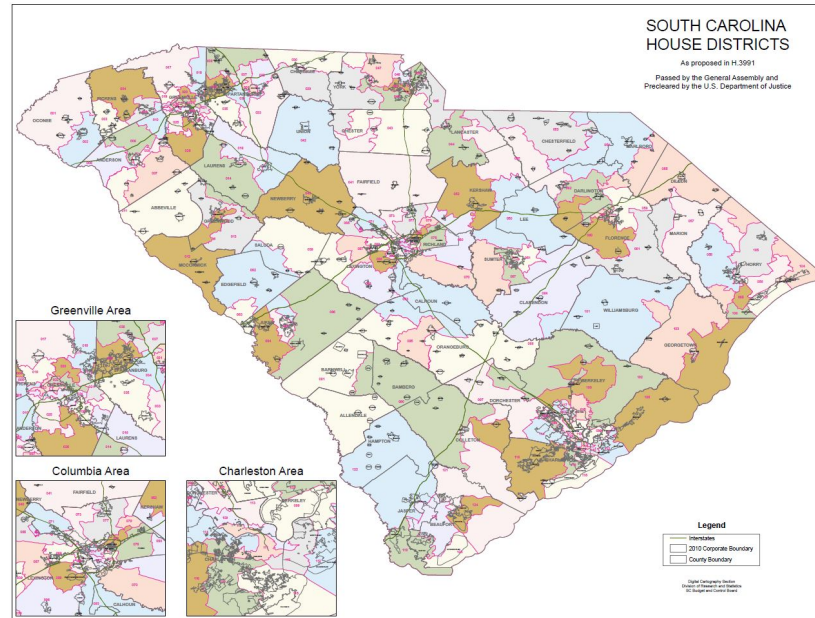
Prep Work - Boundary and Annexation Program

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



RFA Redistricting Services

- RFA is providing a service and not legal advice or representation
- RFA services performed in accordance with redistricting law and principles



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.



One Person, One Vote – SC Example

- 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.

WHAT IS REDISTRICTING?



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.
 - U.S. Const. art. I, §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.



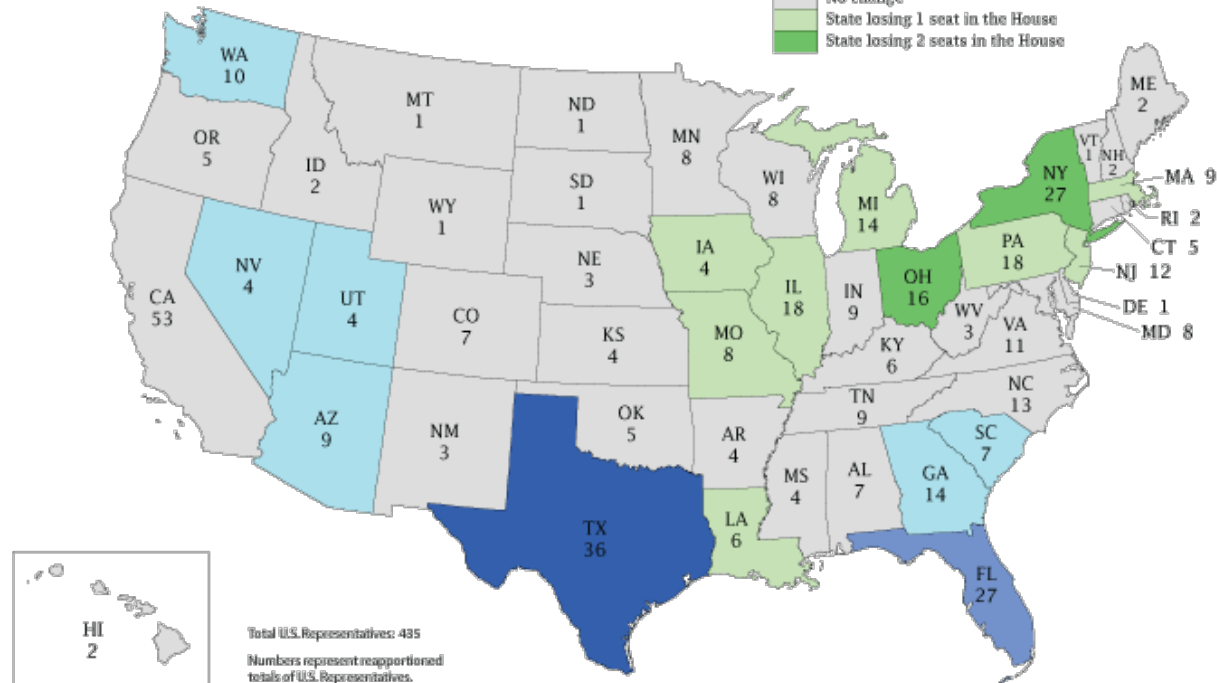
2010 Reapportionment Changes



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

Change from 2000 to 2010

- State gaining 4 seats in the House
- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House



U.S. Department of Commerce

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

U.S. CENSUS BUREAU
Making the Most of Census 2010



Basic Responsibilities for Redistricting

- What: U.S. Congress
 - Why: Required by the U.S. Constitution
 - Who: Drawn by the S.C. General Assembly
 - How: 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: S.C. House of Representative and Senate
 - Why: Required by the S.C. Constitution
 - Who: Drawn by each of the individual bodies.
 - How: 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
 - How: 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



Basic Responsibilities for Redistricting

- What: City Council
 - Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
 - Who: Drawn by council
 - How: 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
 - How: 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.
 - How: Requires three readings with map and/or description passed by ordinance
 - When: Redistricting can happen at anytime.



HOW DO WE REDISTRIBUTE?

Tools and Principles



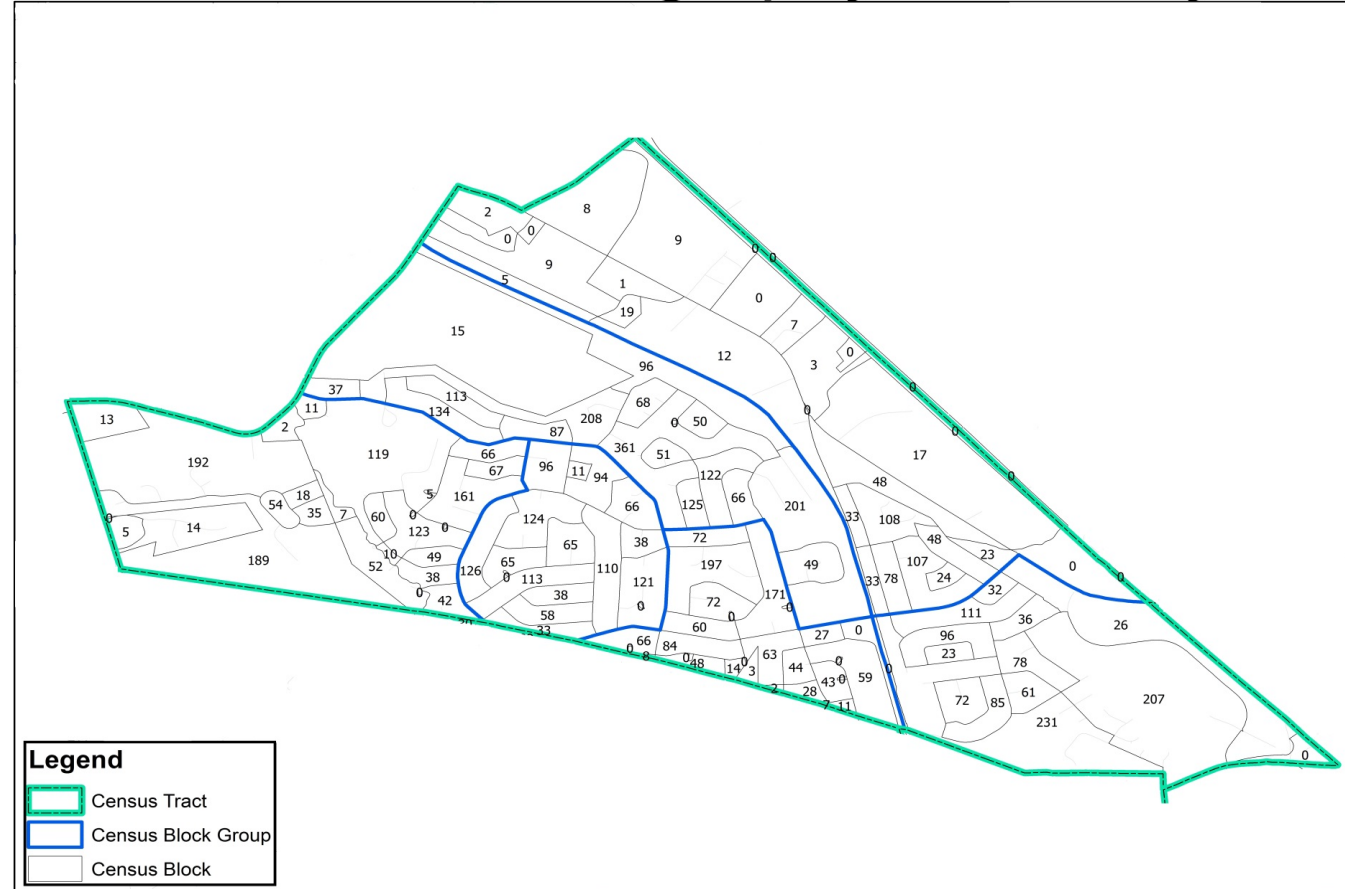
The Census

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.

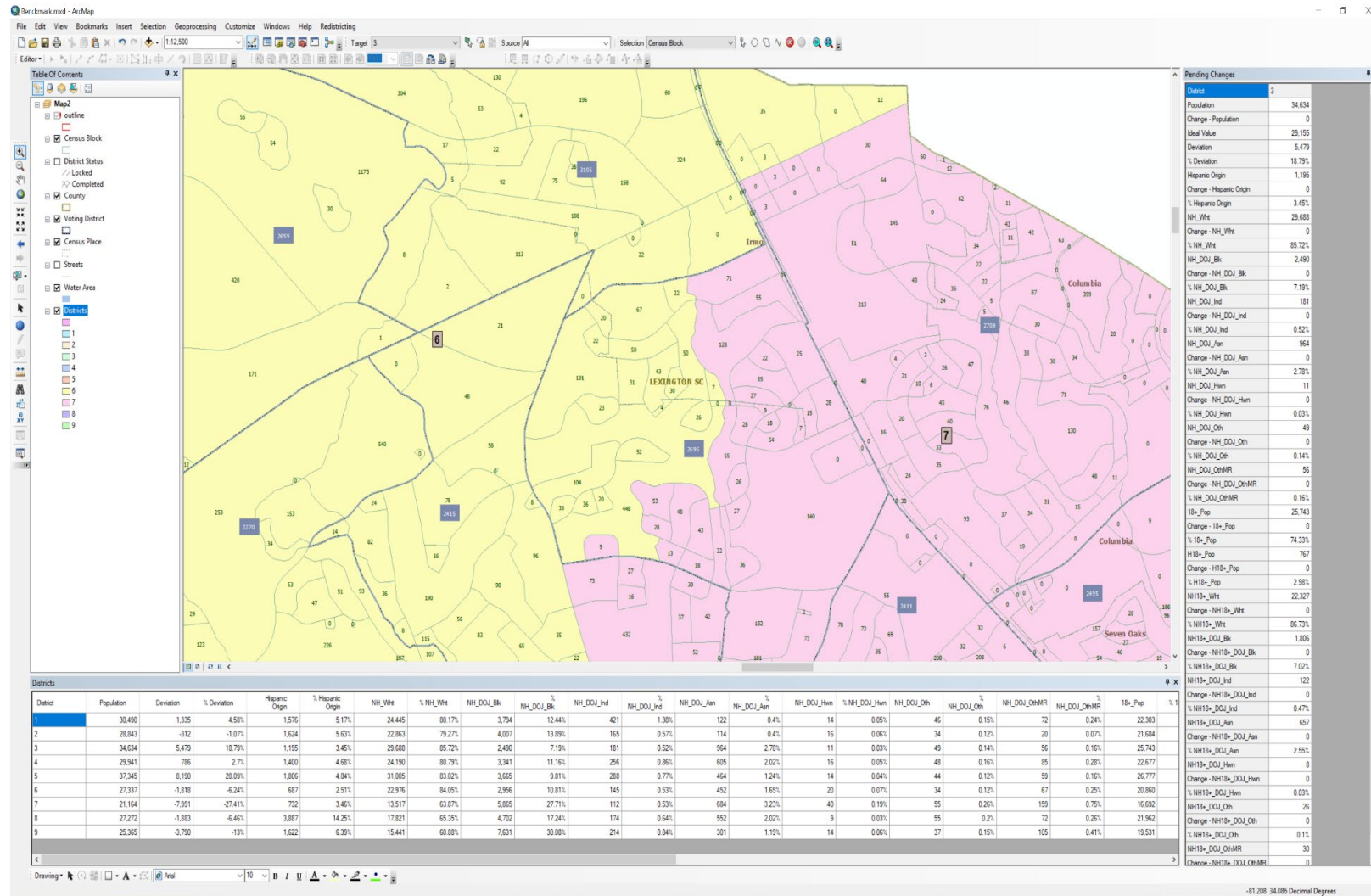
| Field | Details | Formula |
|------------|---|--|
| Hispanic_O | Hispanic | |
| NH_WHT | Non-Hispanic White | |
| NH_DOJ_BLK | Non-Hispanic Black | Non-Hispanic Black + Non-Hispanic WhiteBlack |
| NH_DOJ_IND | Non-Hispanic American Indian and Alaska Native | Non-Hispanic Indian + Non-Hispanic WhiteIndian |
| 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_WhiteAsian-NH_WhiteHawaiian-NH_WhiteOther |

Census Tract, Block Group, and Block

Census Geography Hierarchy



Tools We Use to Draw Maps

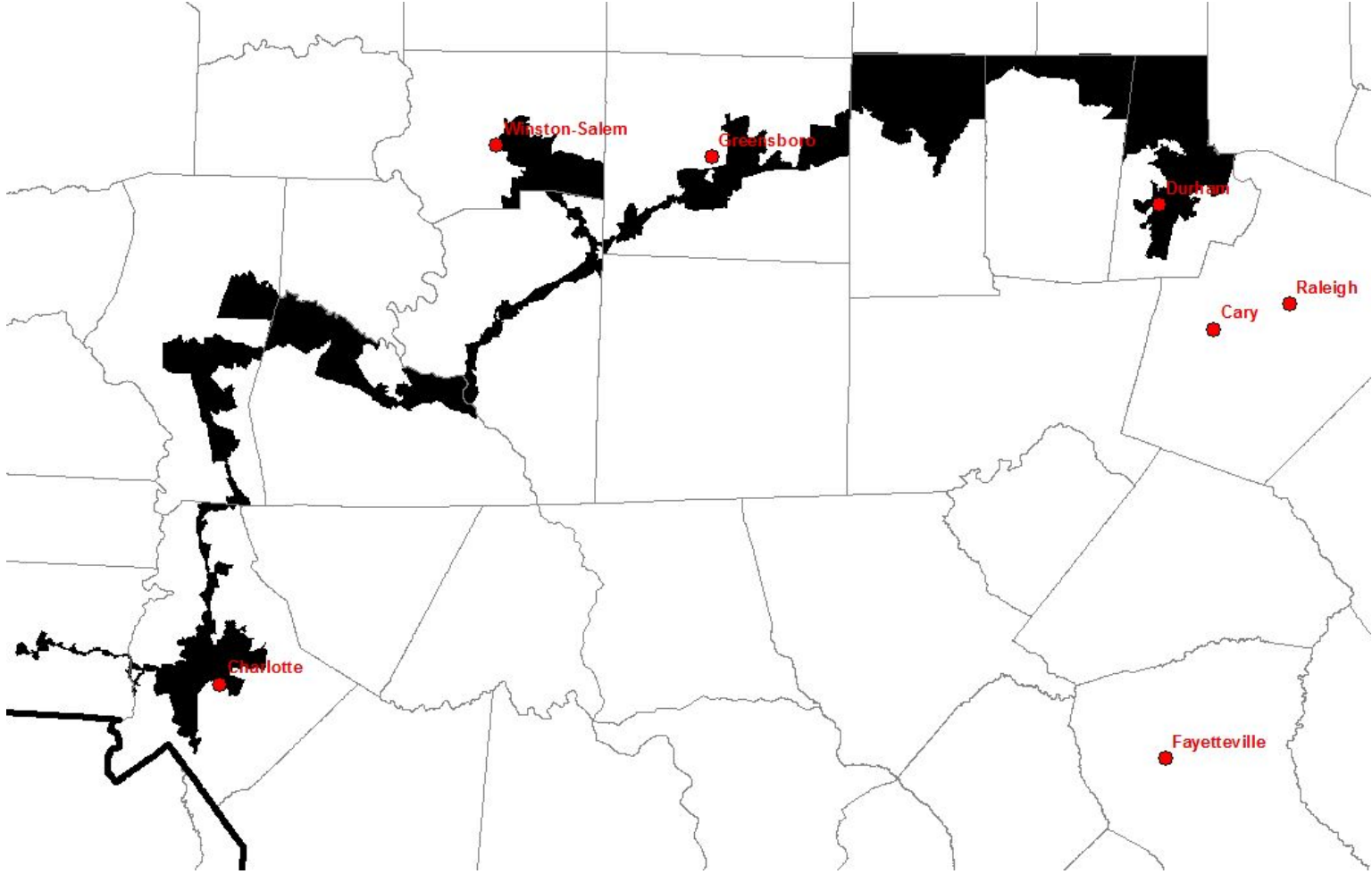


Key Issues – Racial Gerrymandering



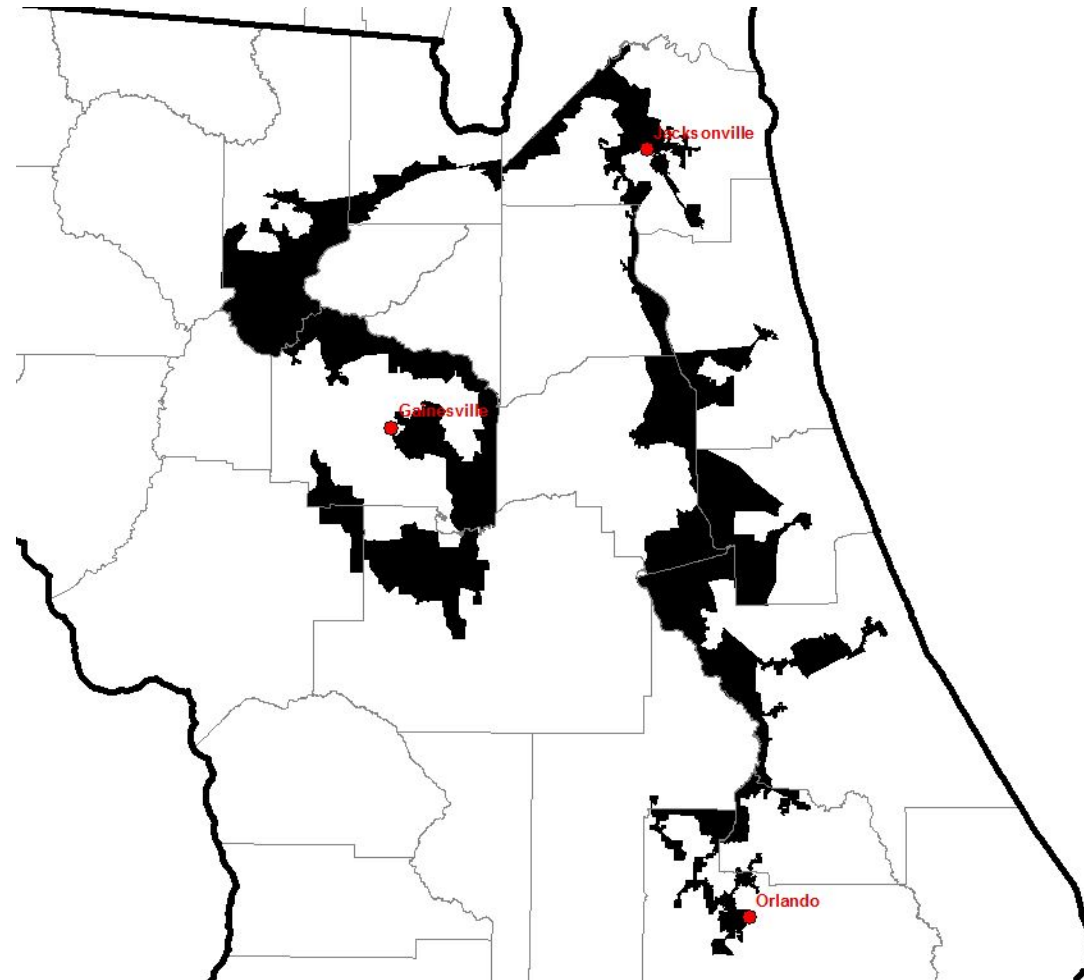
- Shaw v. Reno (1993) – First racial gerrymandering case to reach the Supreme Court. Court ruled racial gerrymandering was a violation of Equal Protection.
- Bush v. Vera (1996) – Race should not be a predominate factor in drawing plans. Race can be a factor, but must be subordinate to traditional redistricting 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



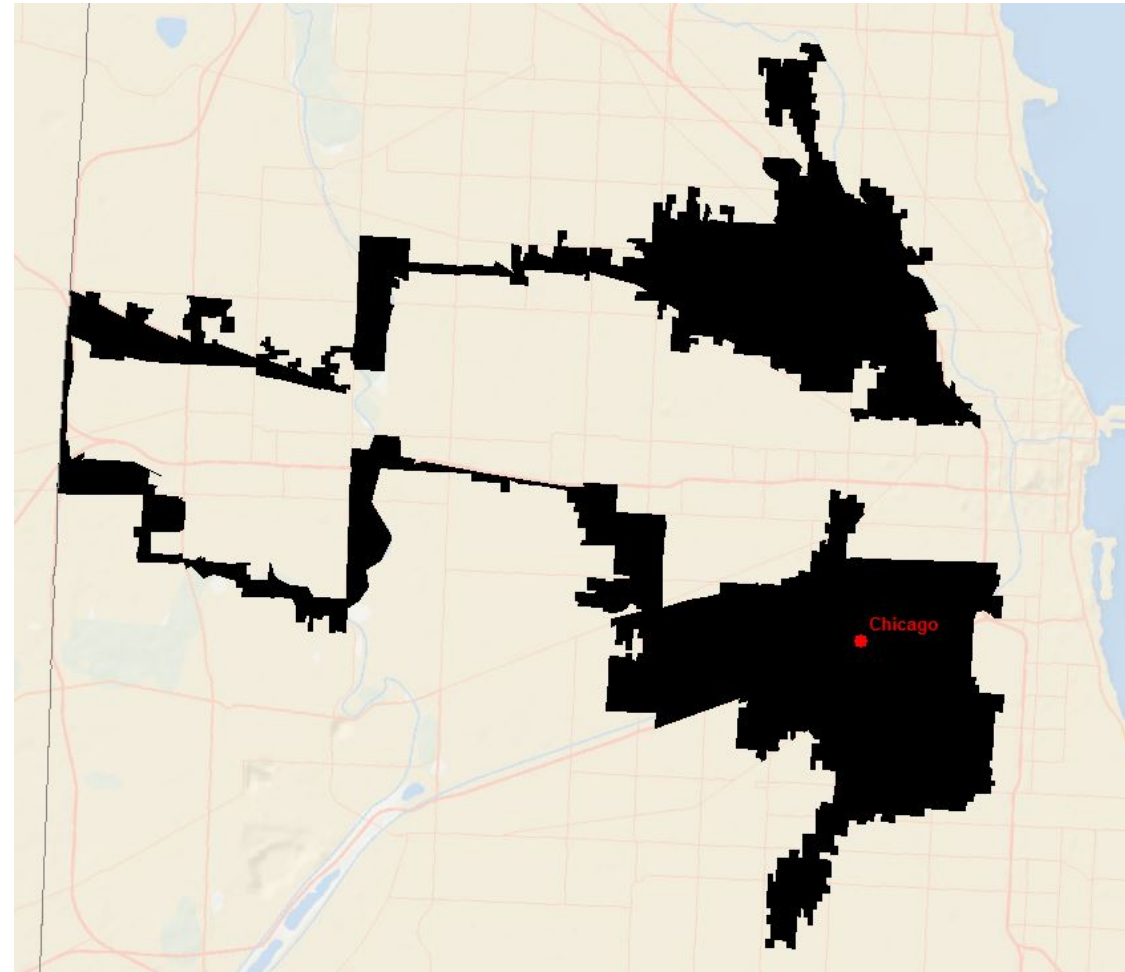
Other Crazy Shapes

Florida Congressional District 3

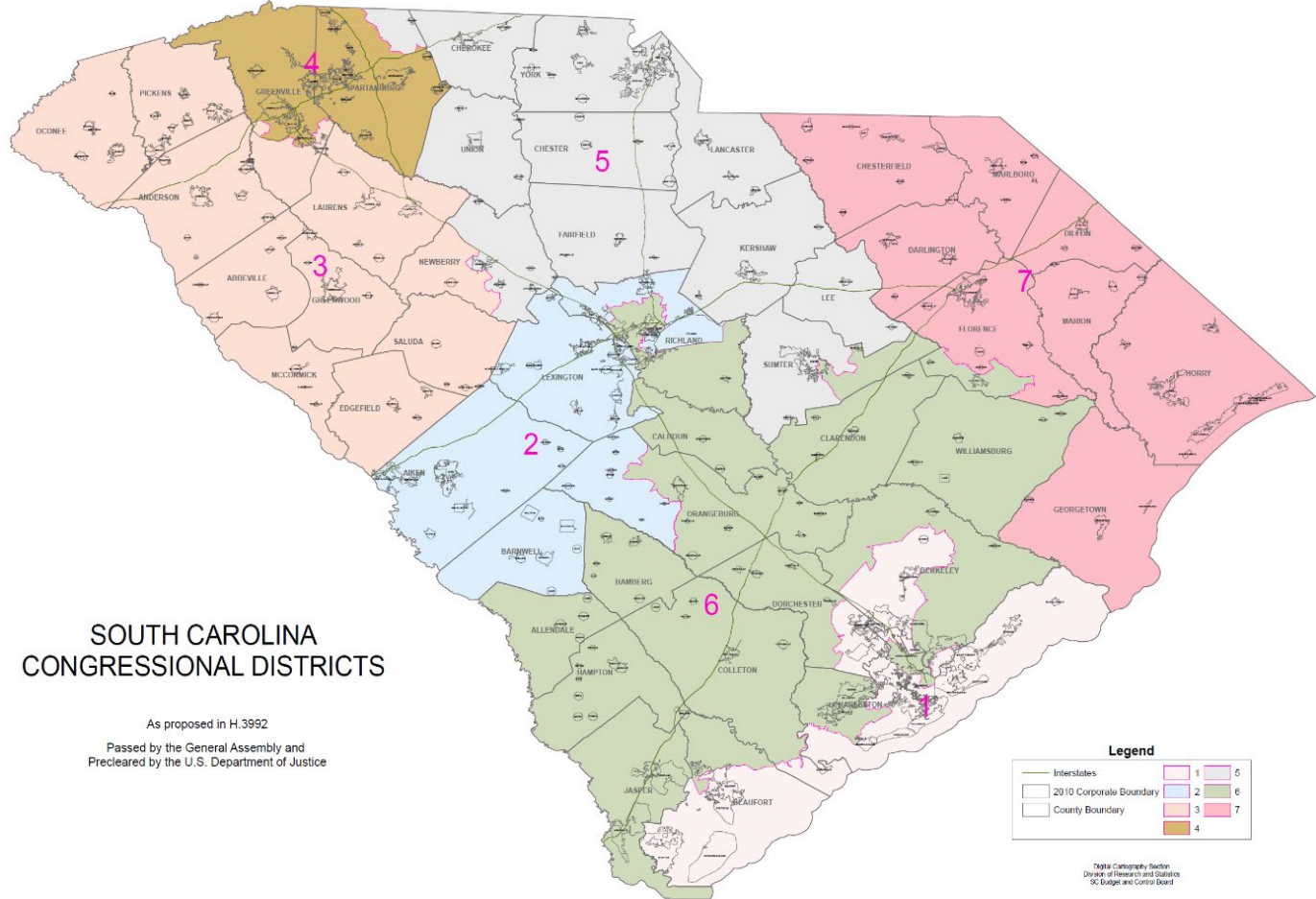


Other Crazy Shapes

Illinois Congressional District 4



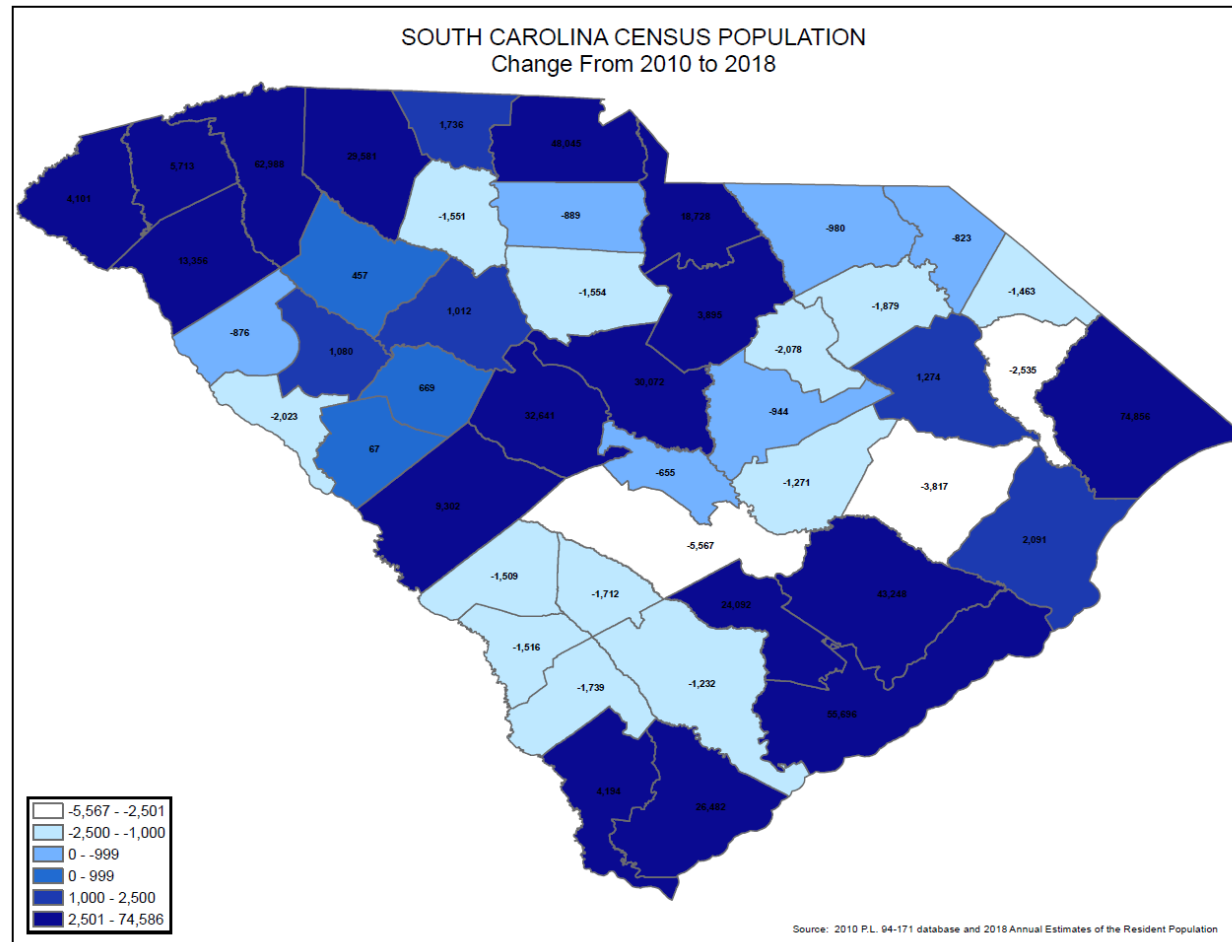
South Carolina Congressional Districts



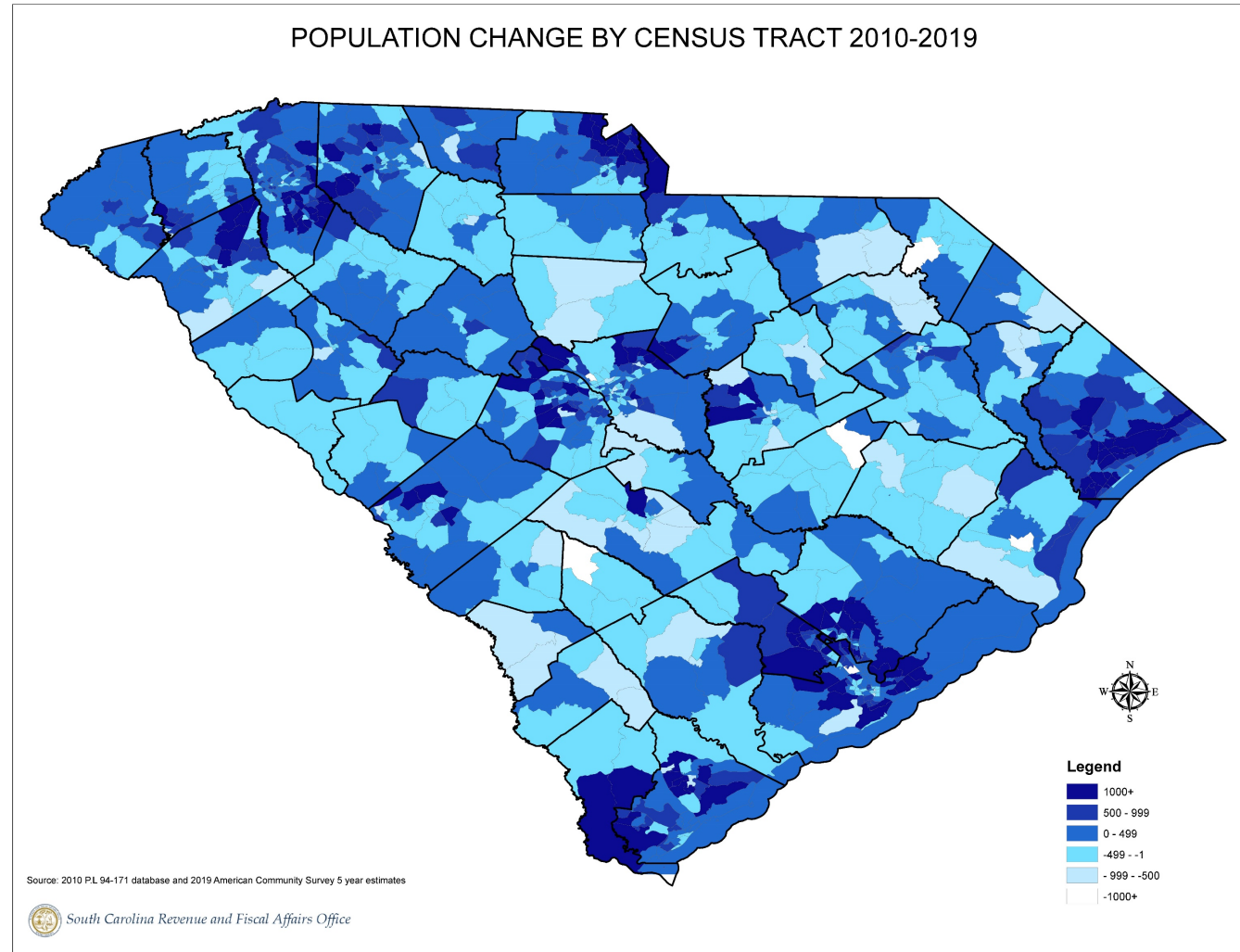
SOUTH CAROLINA CONGRESSIONAL DISTRICTS

As proposed in H. 3992
Passed by the General Assembly and
Precleared by the U.S. Department of Justice

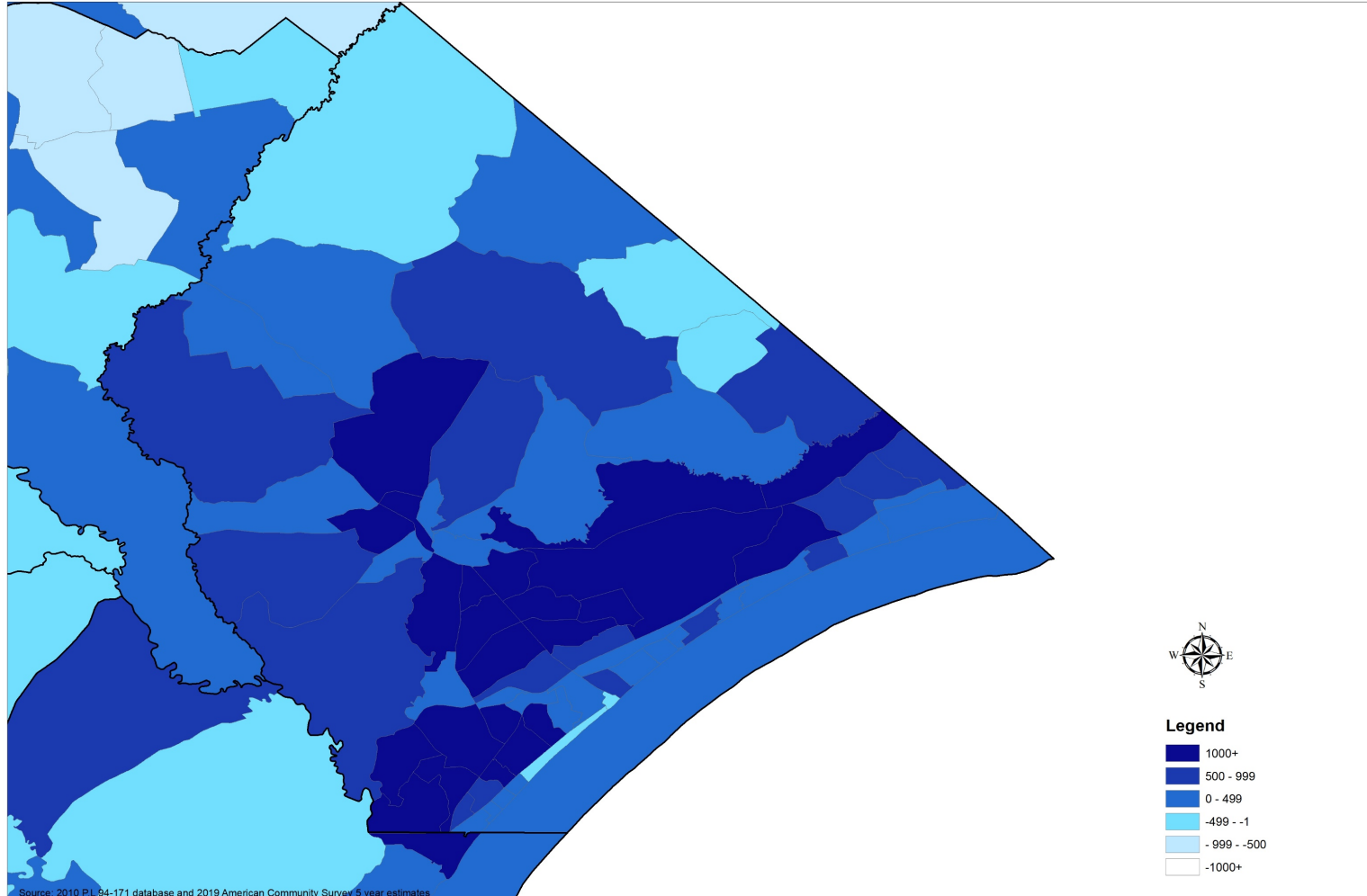
Population Changes



Population Changes

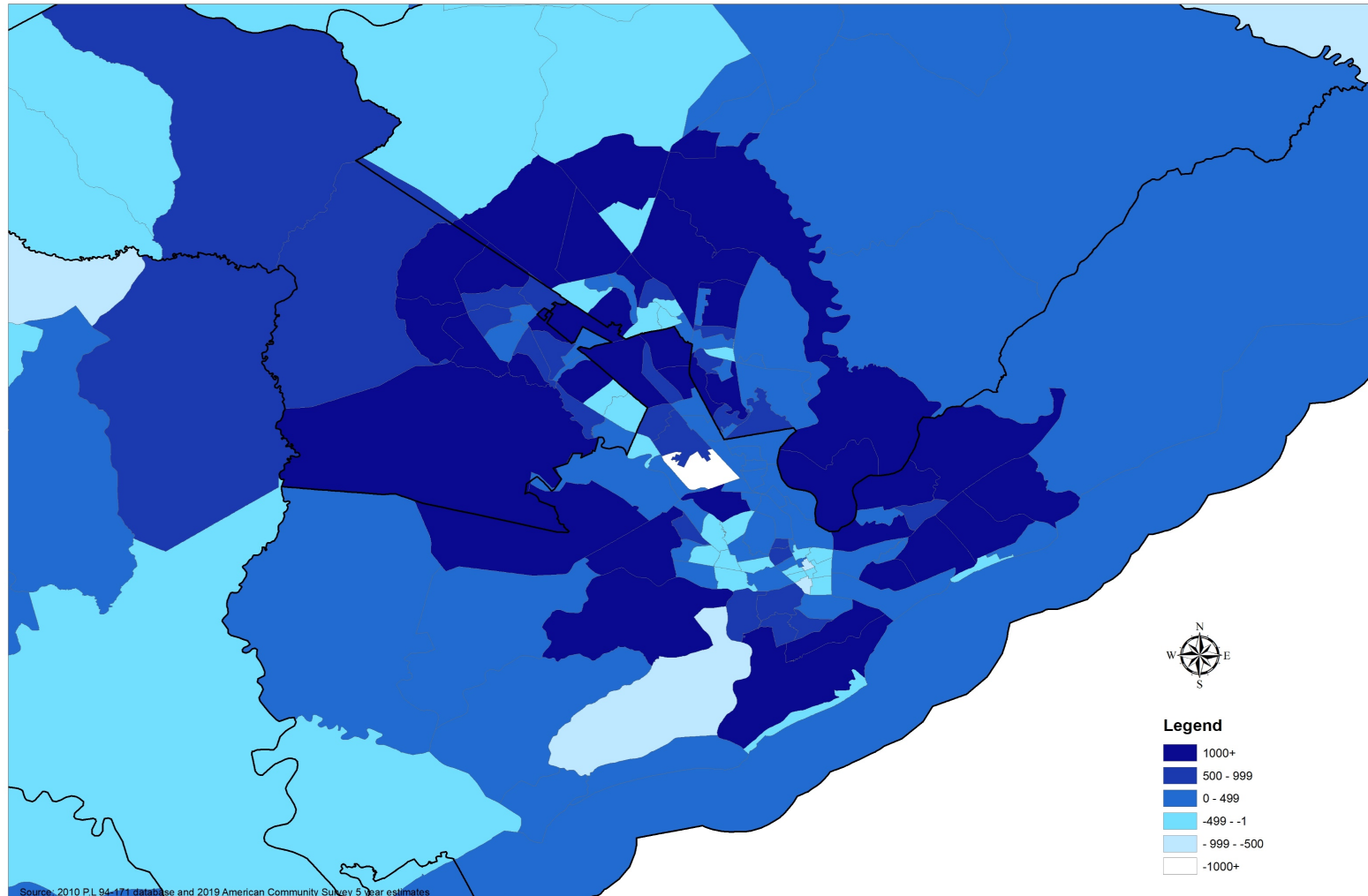


HORRY COUNTY POPULATION CHANGE BY CENSUS TRACT 2010-2019



 South Carolina Revenue and Fiscal Affairs Office

CHARELSTON COUNTY POPULATION CHANGE BY CENSUS TRACT 2010-2019



Source: 2010 P.L. 94-171 database and 2019 American Community Survey 5-year estimates

Determining Deviation from One Person One Vote

- Ideal Population = Total Population/# of Districts
 - Example: 5,000,000/10 = 500,000
- Absolute Deviation – Number of persons above or below the ideal population for a district
 - Example: District 1 – 425,000, Ideal 500,000 = -75,000 Persons
- Relative Deviation – percentage of population a district is over or under the ideal population for a district
 - Formula: $((Population - ideal population)/ideal population) \times 100$
- Overall Range Deviation – Total combined range of deviation for a redistricting plan.
 - Formula: $Largest\ positive + |largest\ negative| = overall\ range\ deviation$

| District | Pop | Dev. | %Dev. | Hispanic | %Hisp | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | H18 | %H18 | NHWVAP | %NHWVAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP | |
|----------|--------|-------|-----------------|----------|--------|--------|---------|--------|---------|--------|-------|--------|--------|---------|--------|---------|--------|-----------|--|
| 1 | 1,959 | -648 | -24.86% | 39 | 1.99% | 931 | 47.52% | 978 | 49.92% | 1,472 | 28 | 1.90% | 713 | 48.44% | 722 | 49.05% | 11 | 9 | |
| 2 | 2,056 | -551 | -21.14% | 57 | 2.77% | 610 | 29.67% | 1,381 | 67.17% | 1,576 | 29 | 1.84% | 489 | 31.03% | 1,050 | 66.62% | 8 | 8 | |
| 3 | 2,985 | 378 | 14.50% | 493 | 16.52% | 905 | 30.32% | 1,557 | 52.16% | 2,117 | 275 | 12.99% | 740 | 34.96% | 1,082 | 51.11% | 30 | 20 | |
| 4 | 2,509 | -98 | -3.76% | 355 | 14.15% | 1,474 | 58.75% | 655 | 26.11% | 1,877 | 217 | 11.56% | 1,162 | 61.91% | 482 | 25.68% | 25 | 16 | |
| 5 | 2,380 | -227 | -8.71% | 356 | 14.96% | 873 | 36.68% | 1,124 | 47.23% | 1,708 | 242 | 14.17% | 699 | 40.93% | 745 | 43.62% | 27 | 22 | |
| 6 | 2,550 | -57 | -2.19% | 709 | 27.80% | 756 | 29.65% | 1,041 | 40.82% | 1,832 | 452 | 24.67% | 613 | 33.46% | 742 | 40.50% | 44 | 25 | |
| 7 | 3,676 | 1,069 | 41.00% | 284 | 7.73% | 1,735 | 47.20% | 1,582 | 43.04% | 2,869 | 194 | 6.76% | 1,453 | 50.64% | 1,160 | 40.43% | 75 | 62 | |
| 8 | 2,474 | -133 | -5.10% | 938 | 37.91% | 631 | 25.51% | 829 | 33.51% | 1,755 | 625 | 35.61% | 514 | 29.29% | 566 | 32.25% | 76 | 50 | |
| 9 | 2,878 | 271 | 10.40% | 453 | 15.74% | 1,007 | 34.99% | 1,363 | 47.36% | 2,123 | 284 | 13.38% | 797 | 37.54% | 1,004 | 47.29% | 55 | 38 | |
| Total | 23,467 | | | 3,684 | 15.70% | 8,922 | 38.02% | 10,510 | 44.79% | 17,329 | 2,346 | 13.54% | 7,180 | 41.43% | 7,553 | 43.59% | 351 | 250 | |
| Target | 2,607 | | | | | | | | | | | | | | | | | | |
| Dev. | | | High 7 @ 41.00% | | | | | | | | | | | | | | | | |
| | | | Low 1 @ -24.86% | | | | | | | | | | | | | | | | |
| | | | Total: 65.86% | | | | | | | | | | | | | | | | |

Benchmark

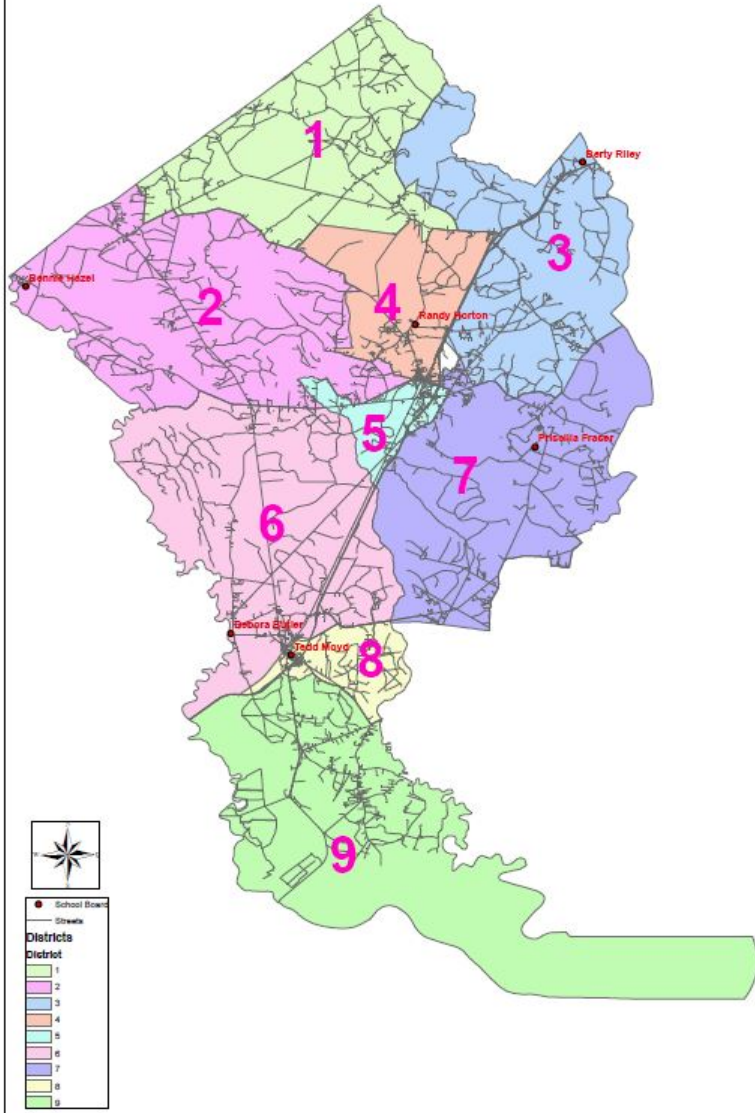
| District | Pop | Dev. | %Dev. | Hisp | %Hisp | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | H18 | %H18 | NHWWAP | %NHWWAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP | |
|----------|-----------------|-------|---------|-------|--------|--------|---------|--------|---------|--------|-------|--------|--------|---------|--------|---------|--------|-----------|--|
| 1 | 1,959 | -648 | -24.86% | 39 | 1.99% | 931 | 47.52% | 978 | 49.92% | 1,472 | 28 | 1.90% | 713 | 48.44% | 722 | 49.05% | 11 | 9 | |
| 2 | 2,056 | -551 | -21.14% | 57 | 2.77% | 610 | 29.67% | 1,381 | 67.17% | 1,576 | 29 | 1.84% | 489 | 31.03% | 1,050 | 66.62% | 8 | 8 | |
| 3 | 2,985 | 378 | 14.50% | 493 | 16.52% | 905 | 30.32% | 1,557 | 52.16% | 2,117 | 275 | 12.99% | 740 | 34.96% | 1,082 | 51.11% | 30 | 20 | |
| 4 | 2,509 | -98 | -3.76% | 355 | 14.15% | 1,474 | 58.75% | 655 | 26.11% | 1,877 | 217 | 11.56% | 1,162 | 61.91% | 482 | 25.68% | 25 | 16 | |
| 5 | 2,380 | -227 | -8.71% | 356 | 14.96% | 873 | 36.68% | 1,124 | 47.23% | 1,708 | 242 | 14.17% | 699 | 40.93% | 745 | 43.62% | 27 | 22 | |
| 6 | 2,550 | -57 | -2.19% | 709 | 27.80% | 756 | 29.65% | 1,041 | 40.82% | 1,832 | 452 | 24.67% | 613 | 33.46% | 742 | 40.50% | 44 | 25 | |
| 7 | 3,676 | 1,069 | 41.00% | 284 | 7.73% | 1,735 | 47.20% | 1,582 | 43.04% | 2,869 | 194 | 6.76% | 1,453 | 50.64% | 1,160 | 40.43% | 75 | 62 | |
| 8 | 2,474 | -133 | -5.10% | 938 | 37.91% | 631 | 25.51% | 829 | 33.51% | 1,755 | 625 | 35.61% | 514 | 29.29% | 566 | 32.25% | 76 | 50 | |
| 9 | 2,878 | 271 | 10.40% | 453 | 15.74% | 1,007 | 34.99% | 1,363 | 47.36% | 2,123 | 284 | 13.38% | 797 | 37.54% | 1,004 | 47.29% | 55 | 38 | |
| Total | 23,467 | | | 3,684 | 15.70% | 8,922 | 38.02% | 10,510 | 44.79% | 17,329 | 2,346 | 13.54% | 7,180 | 41.43% | 7,553 | 43.59% | 351 | 250 | |
| Target | 2,607 | | | | | | | | | | | | | | | | | | |
| Dev. | High 7 @ 41.00% | | | | | | | | | | | | | | | | | | |
| | Low 1 @ -24.86% | | | | | | | | | | | | | | | | | | |
| | Total: 65.86% | | | | | | | | | | | | | | | | | | |

Court Plan

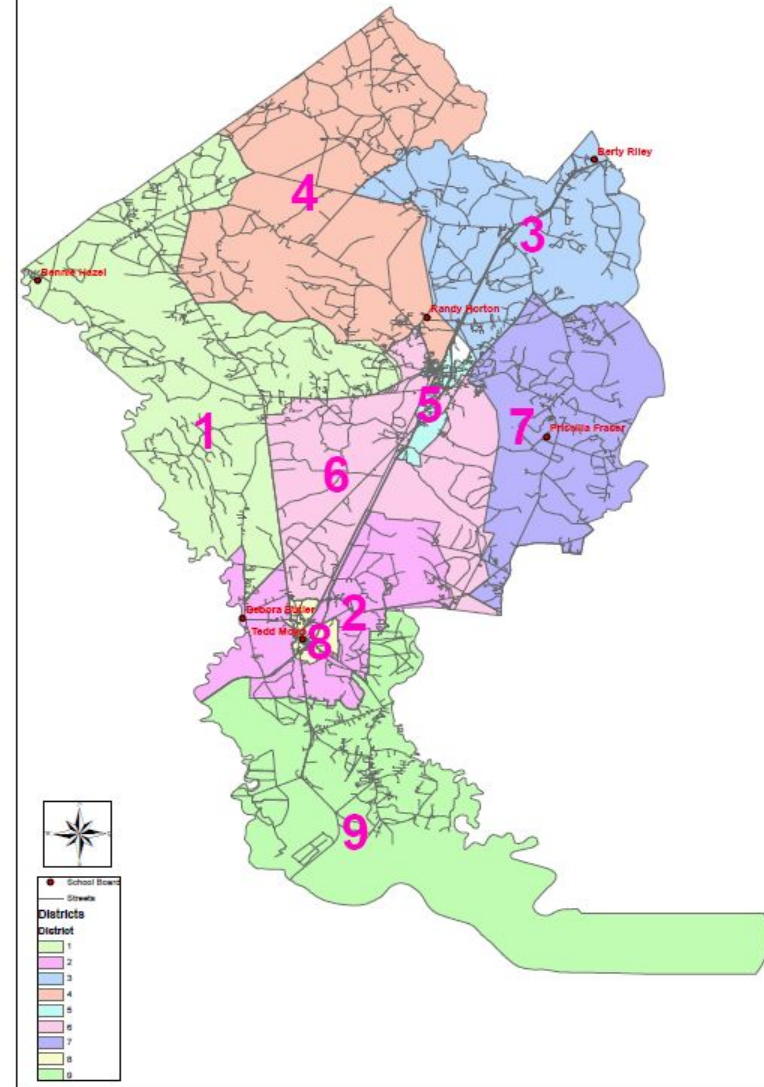
| District | Pop | Dev. | %Dev. | Hisp | %Hisp | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | H18 | %H18 | NHWWAP | %NHWWAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP | |
|----------|---------------|------|-------|-------|--------|--------|---------|--------|---------|--------|-------|--------|--------|---------|--------|---------|--------|-----------|--|
| 1 | 2,608 | 1 | 0.04% | 127 | 4.87% | 767 | 29.41% | 1,702 | 65.26% | 1,985 | 73 | 3.68% | 617 | 31.08% | 1,286 | 64.79% | 12 | 9 | |
| 2 | 2,607 | 0 | 0% | 902 | 34.60% | 969 | 37.17% | 688 | 26.39% | 1,953 | 590 | 30.21% | 824 | 42.19% | 501 | 25.65% | 48 | 38 | |
| 3 | 2,607 | 0 | 0% | 434 | 16.65% | 689 | 26.43% | 1,467 | 56.27% | 1,866 | 245 | 13.13% | 556 | 29.80% | 1,052 | 56.38% | 17 | 13 | |
| 4 | 2,607 | 0 | 0% | 251 | 9.63% | 1,494 | 57.31% | 844 | 32.37% | 1,945 | 150 | 7.71% | 1,152 | 59.23% | 627 | 32.24% | 18 | 16 | |
| 5 | 2,608 | 1 | 0.04% | 276 | 10.58% | 761 | 29.18% | 1,540 | 59.05% | 1,911 | 189 | 9.89% | 618 | 32.34% | 1,079 | 56.46% | 31 | 25 | |
| 6 | 2,608 | 1 | 0.04% | 297 | 11.39% | 1,751 | 67.14% | 500 | 19.17% | 1,966 | 193 | 9.82% | 1,405 | 71.46% | 326 | 16.58% | 60 | 42 | |
| 7 | 2,608 | 1 | 0.04% | 197 | 7.55% | 1,003 | 38.46% | 1,379 | 52.88% | 1,924 | 124 | 6.44% | 811 | 42.15% | 972 | 50.52% | 29 | 17 | |
| 8 | 2,607 | 0 | 0% | 828 | 31.76% | 546 | 20.94% | 1,151 | 44.15% | 1,854 | 552 | 29.77% | 449 | 24.22% | 800 | 43.15% | 82 | 53 | |
| 9 | 2,607 | 0 | 0% | 372 | 14.27% | 942 | 36.13% | 1,239 | 47.53% | 1,925 | 230 | 11.95% | 748 | 38.86% | 910 | 47.27% | 54 | 37 | |
| Total | 23,467 | | | 3,684 | 15.70% | 8,922 | 38.02% | 10,510 | 44.79% | 17,329 | 2,346 | 13.54% | 7,180 | 41.43% | 7,553 | 43.59% | 351 | 250 | |
| Target | 2,607 | | | | | | | | | | | | | | | | | | |
| Dev. | High 1 @ .04% | | | | | | | | | | | | | | | | | | |
| | Low 2 @ 0% | | | | | | | | | | | | | | | | | | |
| | Total: .04% | | | | | | | | | | | | | | | | | | |



Jasper School District Benchmark Plan



Jasper School District Federal Court Plan



Key Issues - Voting Rights Act, Section 5

- Applied to 9 States as a whole and parts of 6 other states.
- Administrative or Judicial review of plans to comply with Section 5.
 - Any change in election law must be precleared by the U.S. Department of Justice or through a declaratory judgement filed in the United States District Court for the District of Columbia.
- 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.
- Shelby does not apply to jurisdictions covered by Section 3(C) of the VRA.



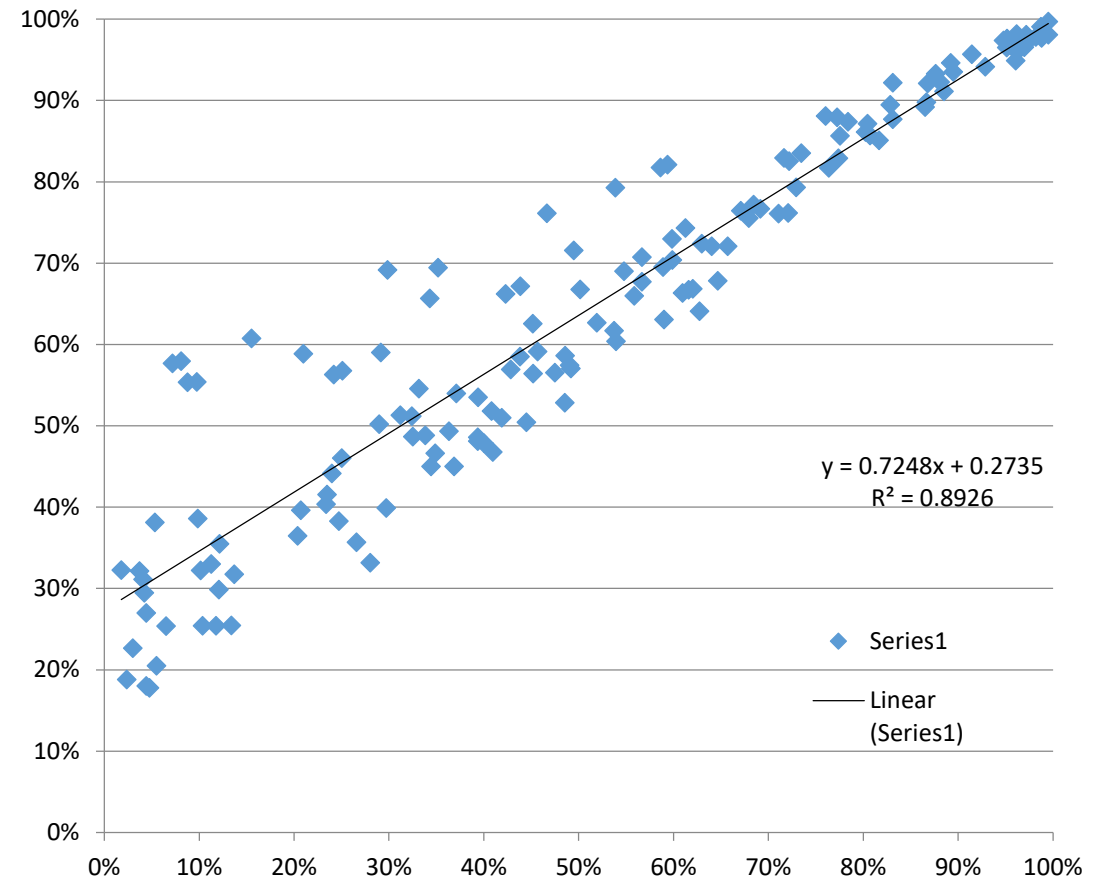
Key Issues - Voting Rights Act, Section 2



- 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 – 3-prong Test

- 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 – SC Example

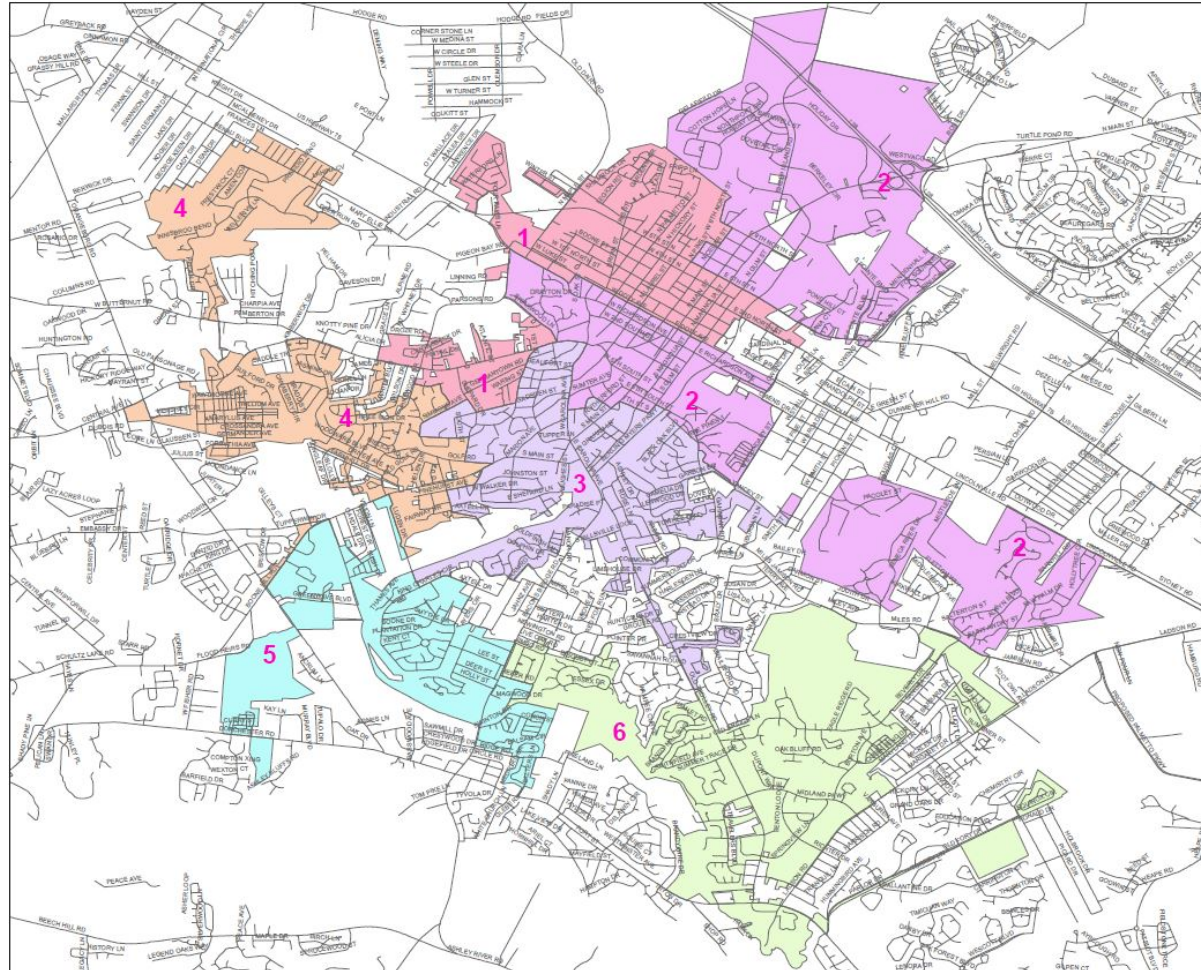
- U.S. v. Georgetown County School District (2008)
 - 9 Members elected at-large in partisan contest.
 - Chairperson elected at large in partisan county-wide election.
 - Population 55,797 - 21,541 (38.6%) black and 33,307 (59.7%) white.
 - VAP (voting age population) 41,753 - 14,235 (34.1%) black and 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



Traditional Redistricting Principles

- 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 per SC Code of Laws §1-11-360

Contiguous?



HOW DOES A LOCAL GOVERNMENT ATTORNEY HELP?



Key Tasks

- Advise the council members of this potential requirement as soon as possible
- Know when the next general election is after the release of the Census
- Contact our office or other professional for assistance
- Designate one lead contact to coordinate with our office
- Help verify record of local boundary and election districts
- Notify others affected entities of process and timeline
 - County Elections Office (need time to process changes)
 - School Board or other entities that may follow same district lines
- Draft necessary ordinances, help with scheduling timeline
- Plan on public hearing
- Ensure proper documentation and retention of records
- Consider pending annexations



Key Goals – Resolutions

- 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



Final Thoughts

- Proactive vs Reactive
- Transparent



Referenced Laws and Court Cases

- **U.S. Constitution art. I, §2** – 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.
- **U.S. Constitution art. I, §2, Clause 3**– 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. 54 (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.
- **Dukes v. Redmond, 357 S.C. 454 (2004)** – a person’s residence is the part of his property on which the dwelling is actually located.
- **Application of Davy, 281 A.D. 137 (1952)** – a persons domicile is where a person carries on the main activities of the home.
- **Op. Atty. Gen. dated July 27, 1987** – in close cases the location of the sleeping accommodations in the residence is used to determine where one resides.



Referenced Laws and Court Cases

- **Shelby v. Holder (2013) – 570 U.S. 529 (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 (2015)**– prison population must have a “representational nexus” with the community to be included in a redistricting plan.
- **Rucho et al. v Common Cause et al. 139 S. Ct. 2484 (2019)** - Partisan gerrymandering presents political questions beyond the reach of the federal courts



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 472 S.E.2d 256 (1996)** – one shot at redistricting per decade.
- **Moye v. Caughman 217 S.E.2d 36 (1975)** – Legislature has authority over redistricting of school districts. School districts are creatures of the General Assembly.
- **Vander Linden v. Hodges 193 F.3d 268 (1999)** – Weighted voting for legislative delegation.



Questions?

Thank You!

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