

REDISTRICTING IN SOUTH CAROLINA

Q: WHAT IS REDISTRICTING AND HOW DOES IT DIFFER FROM REAPPORTIONMENT?

Redistricting is the process of redrawing the lines of districts from which public officials are elected. It typically takes place after each census to accommodate population changes over the previous decade. Redistricting affects all jurisdictions that have single-member elections, whether for members of Congress, state legislatures, county councils, city councils, school boards, etc. and seeks to equalize population among districts.

Reapportionment is the reallocation of congressional seats in the U.S. House of Representatives based on total state population. Like with redistricting, it is performed after the release of the state population totals based on the latest decennial census, which was the 2020 Census.

Q: WHY SHOULD I CARE ABOUT REDISTRICTING?

Simply put: It's about your vote having the same impact as others.

One of the greatest rights the people of South Carolina have is to elect their own representatives to conduct the business of their government. Redistricting is the process to maximize that right. By engaging in the redistricting process, communities may have a better opportunity to express their interests in establishing districts for the next ten years.

Q: WHEN SHOULD REDISTRICTING BE COMPLETED?

S.C. Code of Laws §4-9-90 requires counties to redistrict within a reasonable time prior to the next general election following the federal decennial census. There is no corresponding statute for other political subdivisions but similar constitutional principles apply.

Ordinarily, redistricting is to be accomplished before the start of the next election's filing period. If the redistricting simply cannot be accomplished before the start of the next election's filing period, the federal courts have generally allowed those elections to go forward using the prior maps - provided that the government has a "reasonably conceived plan" for timely completion of the new maps. The delay of the release of the 2020 census may impact the ability to accomplish this before November 2022.

Q: HOW IS REDISTRICTING COMPLETED?

Generally, redistricting is an action just like a bill or ordinance and follows the same legislative process. Council must adopt the criteria that describes the key factors to be considered in the plan and discuss the plan at two or more meetings.

Q: WHO IS RESPONSIBLE FOR REDRAWING THE LINES OF THE VARIOUS ELECTORAL DISTRICTS?

The responsibility varies for electoral districts at the federal, state and local levels. The following lists examples of common electoral districts and the entities responsible for redrawing the boundaries:

- U.S. Congress – Districts are drawn by the S.C. General Assembly.
- S.C. House of Representatives and Senate – Each legislative body draws its own districts.
- County Council – Districts are drawn by the County Council.
- City Council – Districts are drawn by the City Council.
- School Districts – Districts are drawn by the S.C. General Assembly.

Q: WHY DO WE REDRAW THE LINES?

The U.S. Constitution, the S.C. Constitution and state law, among other authorities, require South Carolina to redraw electoral lines. Redistricting also is the fair and equitable thing to do to ensure people have effective representation in the various levels of government as populations change and communities grow and shrink. Ideally, redistricting enhances participation and representation in our democracy.

Q: WHAT CRITERIA ARE USED TO REDRAW ELECTION DISTRICT LINES?

The criteria used for redistricting include:

- Districts must be of equal population, or as nearly as practical, to comply with the Equal Protection Clause of the 14th Amendment and the principle of “one person, one vote.”
- Districts must comply with the federal Voting Rights Act to ensure that minorities have an equal opportunity to elect representatives of their choice.
- Districts must be drawn contiguously, so that all parts of the district are connected to each other.
- Districts must minimize the division of voting precincts, cities, counties, neighborhoods, and communities of interest to the extent possible.
- Districts should be geographically compact so that nearby areas of population are not bypassed for a more distant population.
- Districts must comply with other applicable court decisions and federal and state laws.

Q: WHAT ARE “COMMUNITIES OF INTEREST”?

A community of interest is not a set standard for defining districts but is considered as part of the traditional redistricting principles. A community of interest could be a neighborhood, community, or group of people that has common policy concerns, as well as social and economic interests, and would benefit from being maintained in a single district. Another way of understanding a community of interest is that it is simply a way

for a community to tell its own story about what residents share in common, and what makes it unique when compared to surrounding communities. Many times, multiple communities may exist in an area or cross traditional boundaries like schools and voting precincts. Keeping communities of interest together is an important principle in redistricting and participating in a public hearing helps to ensure that communities are not left out of the political process.

Q: WHAT IS THE ROLE OF THE S.C. REVENUE AND FISCAL AFFAIRS OFFICE (RFA) IN REDISTRICTING?

RFA provides state and local governments with services performed in accordance with redistricting laws and principles. However, RFA does not provide legal advice or representation.

Q: HOW CAN I GET INVOLVED?

As part of the legislative process, public hearings are a key part of the process and redistricting is no exception. Public hearings are often held to allow for a more informal but detailed explanation of the proposed changes. Attending and participating in these events or contacting your representatives about redistricting are key ways to be informed and involved.

In the S.C. General Assembly, redistricting bills go through the legislative process, which typically allows for public testimony. County and city councils are required to have public hearings before final approval of redistricting measures.

Q: WHERE CAN I FIND MORE INFORMATION ON REDISTRICTING?

For more information on redistricting in South Carolina, please visit our website: rfa.sc.gov.