

Town of Hilton Head Island

TOWN COUNCIL MEETING Tuesday, November 2, 2021, 1:00 PM AGENDA

The Town Council Workshop will be conducted virtually and can be viewed on the Town of Hilton Head Island Public Meetings Facebook Page, the Town of Hilton Head Island website, Beaufort County Channel and Spectrum Channel 1304.

- 1. Call to Order
- 2. **FOIA Compliance** Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Pledge of Allegiance
- 4. Roll Call
- 5. Approval of the Agenda
- 6. New Business
 - a. Presentation and Discussion of the Hilton Head Island Redistricting Process from Frank Rainwater, Executive Director of the South Carolina Revenue and Fiscal Affairs Office

7. Appearance by Citizens

Citizens who wish to address the Mayor and Town Council during Appearance by Citizens or the agenda item must contact the Town Clerk at 843.341.4701 no later than 12:00 p.m. the day of the meeting. Citizens should be prepared to provide (i) full spelling of first and last name, (ii) phone number and email address, and (iii) topic or item you will be addressing.

Citizens may also submit written comments via the Town's Open Town Hall Portal. The portal will also close at 12:00 p.m. the day of the meeting. Comments submitted through the portal will be shared with Town Council and made part of the official record.

8. Adjournment

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.



RFA REDISTRICTING PROCESS WITH LOCAL GOVERNMENTS

GENERAL EXPECTATIONS:

- Process, data, and plans are to be transparent
- RFA to provide clear and detailed documentation to Council and the public

1. Project Initiation

- Local Government requests consultation or redistricting services from RFA
- RFA sends Local Government a confirmation letter
- Council may adopt a resolution engaging RFA (optional)
- 2. Prior to release of the 2020 Census data and before project is started, Local Government will provide to RFA:
 - A designated liaison
 - Notice of potential issues that may affect project timeline (filing deadline, next election)
 - Names and residential street addresses of incumbents
 - Council will coordinate and verify that RFA has the GIS data accurately reflecting current districts
- 3. COUNCIL HAS THREE OPTIONS FOR MOVING FORWARD DEPENDING OF THE LEVEL OF RFA INVOLVEMENT AND THE SPEED AT WHICH COUNCIL WOULD LIKE TO PROCEED:
 - OPTION 1: Council may conduct its own redistricting and use RFA in a consulting role as appropriate.
 - OPTION 2: RFA can create a Benchmark Report, criteria, and council can then draft its own plan.
 - OPTION 3: Council may first review the Benchmark Report created by RFA then adopt a set of criteria and request RFA to create a preliminary redistricting plan based on these criteria. This option has the largest time commitment.
- 4. RFA WILL COORDINATE A TENTATIVE ACTION PLAN AND PROJECT TIMELINE BASED ON THE OPTION SELECTED.

FURTHER STEPS ARE DETERMINED BASED ON THE PLAN SELECTED; THE STEPS OUTLINED BELOW ARE BASED ON OPTION 3.

- 5. At the request of Council and within thirty days after the 2020 Census data is released RFA will:
 - Create a Benchmark Report showing the new population in the current districts and notating the population adjustments needed in each district to achieve the one person, one vote standard and an appropriate acceptable deviation standard



- Provide statistical analyses and guidelines to consider to comply with the Voting Rights Act, specifically Section 2
- Provide a proposed set of traditional redistricting principles

6. BENCHMARK PLAN RELEASE:

- RFA will share the Benchmark Report with Council for review prior to the public meeting.

7. AT THE FIRST PUBLIC MEETING

- RFA will provide a briefing for Council and the public on redistricting
 - Traditional Redistricting Principles
 - Constitutional and Statutory Requirements
- RFA will provide a report to include:
 - A proposed set of criteria determined by either Council or RFA
 - An analysis (Benchmark Report) of existing districts with 2020 Census data
- RFA will solicit feedback from Council and the public on key issues, including communities of interest

8. AFTER THE FIRST PUBLIC MEETING

- Local Government liaison will notify RFA of key issues to consider when drafting the preliminary plan.
- RFA will provide the liaison with the preliminary plan
- Liaison will share solicited feedback from Council
- RFA will amend the plan to best achieve the constitutional requirements and local preferences.

9. AT THE SECOND OR SUBSEQUENT MEETING(S)

- Council can decide when the plan should be presented at a public meeting
- Final plan presented for Council to adopt (RFA may or may not need to attend)

10. AFTER ADOPTION

- Council will provide a letter notifying RFA of adoption of the plan
- Council will notify local voter registration office and other affected entities



CENSUS AND REDISTRICTING Summer 2021



SC Revenue and Fiscal Affairs Office

- Official State Contact with Census
- Maintain official precinct maps (SC Code of Laws §7-7-30 et seq.)
- 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))
- Prep Work
 - Local Update of Census Addresses (LUCA)
 - Boundary and Annexation Program
- Served as technical advisors to the Federal Courts
- Redistricting Services
 - Provide redistricting services in accordance with redistricting law and principles
 - RFA is not providing legal advice



SOUTH CAROLINA
REVENUE AND FISCAL AFFAIRS OFFICE

RANK A. RAINWATER

January 27, 2015

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

Dear Mr. Thompson,

CHAD WALLDORF, Chairman

HOWELL CLYBORNE, JR. EMERSON F. GOWER, JR.

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.

Governor of South Carolina

Sen. Harvey S. Peeler, Jr.

Sen. Nikki G. Setzler Senate Minority Leader Rep. Bruce Bannister House Majority Leader

Rep. J. Todd Rutherford House Minority Leader

1000 ASSEMBLY STREET, SUITE 425 * COLUMBIA, SOUTH CAROLINA 29201 * (803) 734-3793 * RFA.SC.GO

Responsibility for Redistricting

Basic Responsibilities for Redistricting

Entity: County Council

Why: Meet Constitutional requirement of one person, one vote

Who: Drawn by council (Home Rule)

How: Follow constitutional and statutory principals, and traditional

redistricting principles;

Requires three readings with map and/or description passed by

ordinance

When: Before next general election (§4-9-90)

UPDATE - Data release set for September 30, 2021

Tools, Laws, and Principles

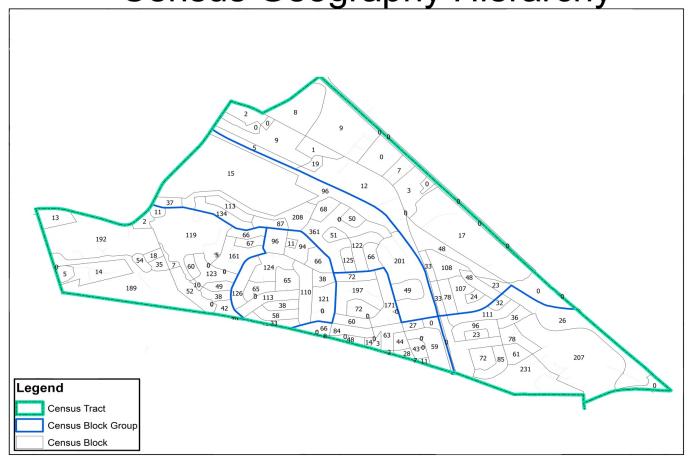
Tools - The Census

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.

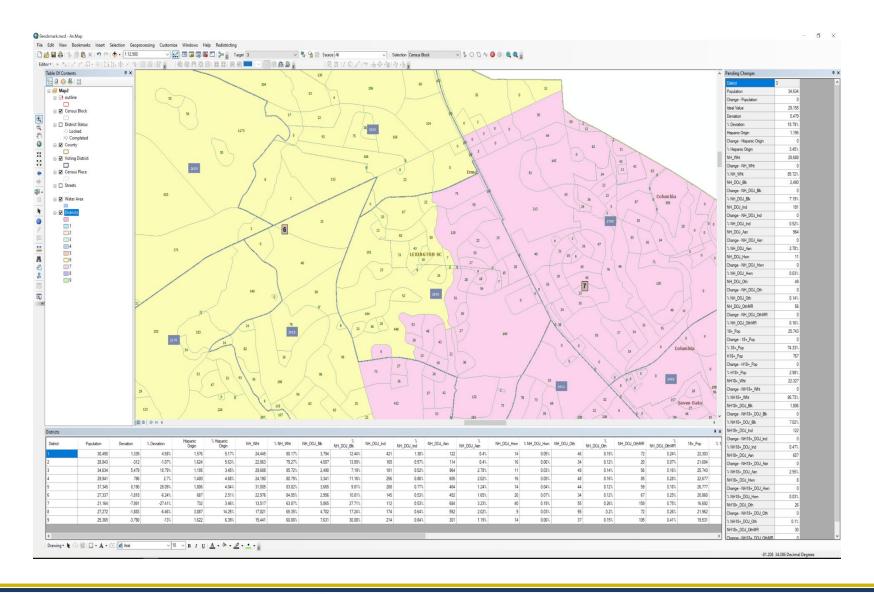
Field	Details	Formula
Hispanic_O	Hispanic	
NH_WHT	Non-Hispanic White	
NH_DOJ_BLK	Non-Hispanic Black	Non-Hispanic Black + Non- Hispanic WhiteBlack
NH_DOJ_IND	Non-Hispanic American Indian and Alaska Native	Non-Hispanic Indian + Non- Hispanic WhiteIndian
NH_DOJ_ASN	Non-Hispanic Asian	Non-Hispanic Asian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

Tools - Census Tract, Block Group, and Block

Census Geography Hierarchy



Tools - Software and Statistics



Key Principles - One Person, One Vote

- 14th Amendment U.S. Constitution Equal Protection
- Race cannot be used as the predominate factor
- Evenwel v. Abbott (2016) Total population can be used for satisfying one person, one vote criteria.

Deviating from One Person One Vote

- Deviation
 - Congressional Strict Standard (one person variance)
 - State and Local Deviations of less than ten percent are prima facie valid, but ...
- 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) x 100
- Overall Range Deviation Total combined range of deviation for a redistricting plan.

Low 1 @ -24.86% Total: 65.86%

• Formula: Largest positive + |largest negative| = overall range deviation

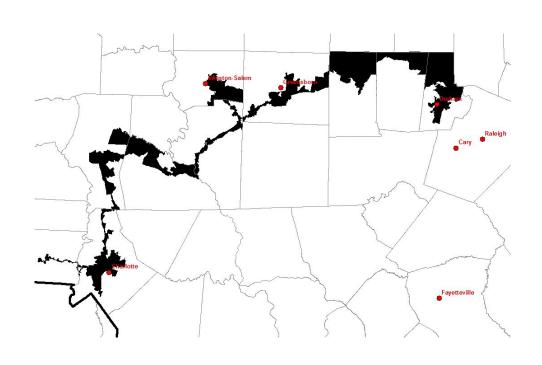
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District	Pop	Dev.	%Dev.	Hisp	%Hisp	NH_WHT	%NH_WHT	NH_BLK	%NH_BLK	VAP	H18	%H18	NHWVAP	%NHWVAP	NHBVAP	%NHBVAP	AllOth	AllOthVAP
1	1,959	-648	<mark>-24.86%</mark>	39	1.99%	931	47.52%	978	49.92%	1,472	28	1.90%	713	48.44%	722	49.05%	11	9
2	2,056	-551	-21.14%	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%	5 1,124	47.23%	1,708	242	14.17%	699	40.93%	745	43.62%	27	22
ϵ	2,550	-57	-2.19%	709	27.80%	756	29.65%	5 1,041	40.82%	1,832	452	24.67%	613	33.46%	742	40.50%	44	25
7	3,676	1,069	<mark>41.00%</mark>	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%	5 10.510	44 79%	. 17 329	2 346	13.54%	7,180	41.43%	7,553	43.59%	351	250
Target	2,607			3,304	13.7070	3,322	30.027	10,510	14.7570	1,323	2,540	13.3470	7,100	11.43/0	7,555	13.3370	. 331	250
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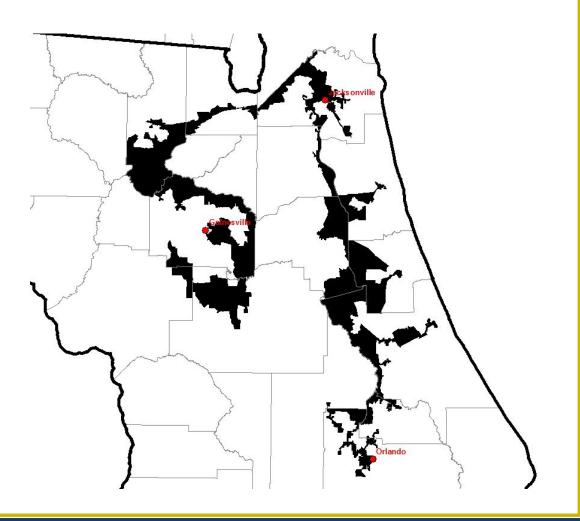
Key Issues – Racial Gerrymandering



- •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."

Examples of Racial Gerrymandering





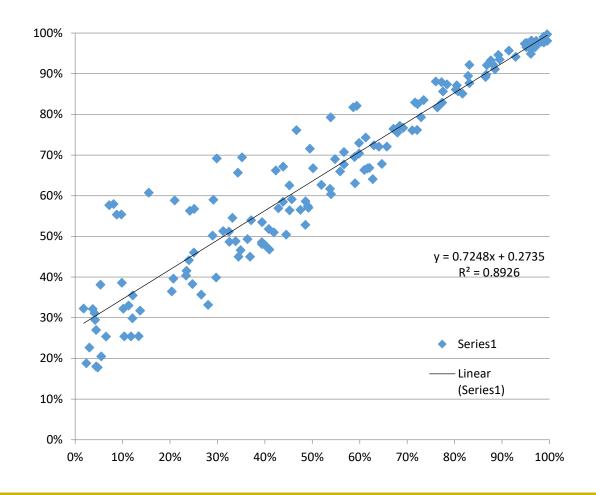
Key Issues - Voting Rights Act, Section 2



- Section 2 protects the interest of the racial minority population.
- City of Mobile v. Bolden (1980) while the plan did not have the intent of discrimination it had the effect.
- Section 2 amendment in 1982 by Congress.
- Typically, applies to multi-member district plans and at-large voting plans, but can also apply to single member district plans.
- 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".
 - Block voting by the majority usually defeats the minority's candidate of choice.



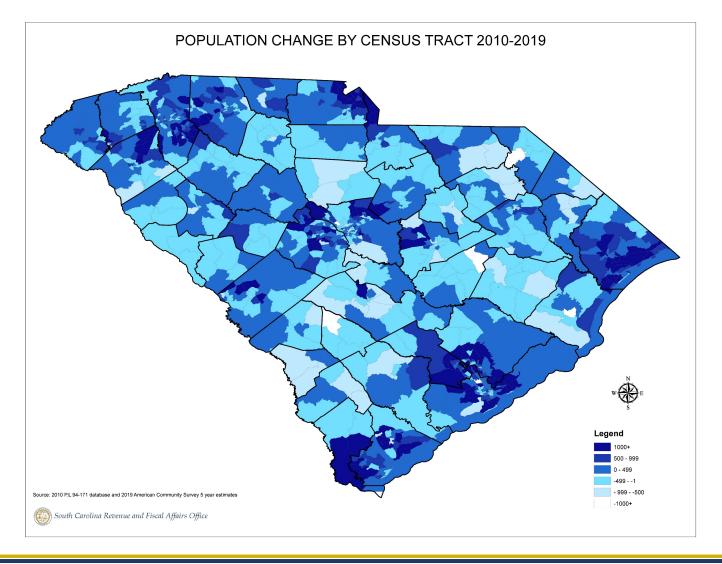
Key Issues - Voting Rights Act, Section 5

- Administrative or Judicial review of plans
 - 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.
- Applied to 9 states as a whole and parts of 6 other states.
- 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.

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 respecting incumbents.
- Communities of Interest Examples are school districts or attendance zones, neighborhoods.
- Voting Precincts Avoid splitting 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 maintaining office maps for voting precincts (§1-11-360).

South Carolina – Estimated Population Change by Census Tract



Key Steps

- Educate and prepare as soon as possible
- Look at timeline between release of data and next election and consider all the logistics (data release, drafting a plan, meeting schedule, public hearing, updating voter registration, filing periods) – RELEASE SCHEDULED FOR SEPTEMBER 30, 2021
- Contact our office or other professional for assistance
- Help verify record of local boundary and election districts
- Notify other affected entities of process and timeline
 - County Elections Office (needs time to process changes)
 - School Board or other entities that may follow same district lines
- Draft necessary ordinances, help with scheduling timeline
- Hold 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
 - o 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



Questions?

Thank You!

For Further Information, Contact -

Victor Frontroth 803-734-0969 victor.frontroth@rfa.sc.gov Frank Rainwater 803-734-3786 <u>frank.rainwater@rfa.sc.gov</u>

Relevant Laws and Court Decisions

- 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.

Relevant Laws and Court Decisions

- 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.
- 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 Decisions

- Act 283 of 1975 Home Rule Act
 - o 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.
- 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.

Appendix

- 1. South Carolina Revenue and Fiscal Affairs Office
 - jurisdictions they are assisting
 - A. First wave:
- Fountain Inn
- Greenville (consulting only)
- Greenwood
- Hartsville
- Hilton Head (Josh reached out some time ago and got the ball rolling)
- Lancaster
- Simpsonville
- Laurens
- Rock Hill (consulting only)
- York
- B. Second wave:
- Florence (potentially consulting only)
- Kershaw
- Bennettsville
- Greer
- Newberry
- Gaffney
- jurisdictions they have assisted (Georgetown County)

http://www.georgetowncountysc.org/DocumentCenter/View/1355/RFA-Redistricting-Report

Materials available:

https://rfa.sc.gov/sites/default/files/SCCCMA%20Presentation.pdf

- 2. Other SC jurisdictions, information from Staff Attorney's and MASC
 - A. Eric Shytle General Council, MASC
 - B. Charleston, Julia Copeland, Chief Staff Attorney
 Charleston will handle entirely in house. They have a staff member who handled
 re-districting in 2010 who has the expertise to handle the project.
 - C. Greenville, Mike Pitts, City Attorney Greenville's approach is hybrid.

NEXT STEPS OUTLINE FOR REDISTRICTING

Broad Overview - No Statutory timetable: however, each centennial, after the census, redistricting must be completed prior to the next general election. For the Town of Hilton Head Island, this means that it should be accomplished no later than July 31, 2022. In practical terms, best practices dictate review, approval, and enactment well prior to July of 2022.

Proposed Next Steps:

- 1. November 2, 2021, at 1pm Town Council workshop meeting with presentation by Frank Rainwater, South Carolina Revenue and Fiscal Affairs (SCRFA).
- 2. Obtain benchmark census numbers from SCRFA and review population/demographic changes.
- 3. Baseline Map drawn by SCRFA in preparation for adoption of a Resolution which must include a commitment by the Town of the following:
 - a) Adherence to the court ordered constitutional requirement of one person, one vote.
 - b) Adherence to South Carolina law of population variance under 10%.
 - c) Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions.
 - (1) 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.

- (d) Attempt to keep compact districts.
- (e) Attempt to maintain constituent consistency.
- (f) Attempt to preserve cores of existing districts.
- (g) Respects identified Communities of Interest.
- (h) Avoids splitting voting precincts.
- (i) Solicit public input as part of the adoption process.
 - (1) Town staff is proposing to conduct a series of public workshops on redistricting process to include review of the RFA baseline map and solicit comment/feedback, over an approximate 6-week time. Suggested meeting locations include Town Hall, Beaufort County Library, and USCB.
- 4. Meet individually with Town Council members to review GIS maps and explore changes/alterations to the baseline map.
- 5. Bring forward all alternative options created as a result of the individual meetings with Town Council members along with all public comments received as part of the public workshops for review at the February 15, 2022, Finance and Administration Committee.
 - a. Develop Committee recommendation of preferred map.
- 6. Target March 15, 2022, for Frist Reading of an Ordinance to Amend the Town Council Boundaries.
 - a. Attach preferred map as an Exhibit to the draft Ordinance.

Throughout the process, document everything!

- Public meeting comments
- Email comments
- Public meeting minutes/videos

- Draft alternative maps
- Preferred map

Share work with the community and the SCRFA throughout the process.

Once adopted, submit to Beaufort County Board of Elections and Voter Registration.