



STATE OF SOUTH CAROLINA
THE SENATE
COLUMBIA

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July 27, 2011

T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254 – NWB
1800 G Street, NW
Washington, DC 20006

Re: Submission under Section 5 of the Voting Rights Act: Request for Preclearance,
South Carolina Senate Districts, S. 815, Act 71 of 2011

Dear Mr. Herren:

On behalf of the South Carolina Senate, and pursuant to Section 4 of S. 815, Act 71 of 2011 ("S. 815," "Act 71," or the "2011 Plan"), we are submitting for preclearance the Senate redistricting plan contained in Section 2, Part II of Act 71, an act ratified by the South Carolina General Assembly on June 22, 2011, and signed into law by the Governor of South Carolina on June 28, 2011. The Act, which will take effect in the regularly scheduled 2012 primary and general elections, provides for the decennial redistricting of South Carolina's forty-six State Senate districts.

The changes embodied in the Act comply with the United States Constitution's one-person-one-vote requirements and preserve minority voting strength to the extent possible given demographic changes since the last decennial census and redistricting.

Pursuant to 42 U.S.C. § 1973c and 28 C.F.R. §§ 51.27 & 51.28, as amended, the South Carolina Senate submits the following information:

§ 51.27 (a) A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which Section 5 preclearance is being requested.

A certified copy of S. 815, Act 71 of 2011, is included as **Exhibit 1**. This Act, which is the South Carolina Senate redistricting plan, received overwhelming bi-partisan support from

African-American and white members. The changes from the previous Senate redistricting plan in Act 71 were made following consultations with individual senators and with the benefit of knowledge gleaned during an extensive public hearing process. The plan received the support of eight of nine African-American members of the Senate, as evidenced by those voting in favor of the bill on third reading, by those who placed a statement in the Senate Journal that they would have voted for the bill if they had been in the chamber on second reading, or by those who spoke favorably of the bill on the Senate floor. See **Exhibit 25**, Comments by Senator Malloy, member of the Senate's Redistricting Subcommittee, who stressed the fair, open, and inclusive nature of the process, which resulted in a Senate redistricting plan that he could urge others to support, and who thanked the President *Pro Tempore* and others for a "tremendous bipartisan approach" and a respect for "traditional redistricting principles"; Comments by Senator Jackson, who previously served on a Redistricting Subcommittee, which included a "special thank you" to the President *Pro Tempore*, the Senate Judiciary Committee members, and the Judiciary Committee staff for the preparation and process followed by the Senate in adopting the Senate Redistricting Plan.

The Act passed the Senate with a unanimous bi-partisan vote of 33-0 on second reading and by a vote of 37-1 on third reading. See **Exhibit 28**, Senate Journal, June 15, 2011, pp. 220-221, and **Exhibit 29**, Senate Journal, June 16, 2011, pg. 129. Only one senator voted against the plan on third reading. Senator Ralph Anderson, who represents Senate District 7, explained he opposed the plan because the Senate did not extend the deviation for Senate District 7 to minus nine percent (-9%), in order that his district could be drawn as a majority-minority district. See **Exhibit 25**, Comments by Senator Anderson, and **Exhibit 28**, Senate Journal, June 15, 2011, pg. 221. A block equivalency file for the S. 815 Senate plan is included as **Exhibit 2**, and maps illustrating the plan are included as **Exhibit 3**.

Act 71 is the result of an extensive process undertaken by the South Carolina Senate Judiciary Committee's bi-partisan Redistricting Subcommittee. The subcommittee held ten public hearings in Orangeburg, Sumter, Beaufort, Graniteville, Rock Hill, Greenville, Conway, Columbia, Florence, and North Charleston, where interested parties could voice their opinions. Next, the subcommittee adopted guidelines consistent with governing law and input obtained during those public hearings. These guidelines are included as **Exhibit 4**. The Redistricting Subcommittee then provided an open period during which interested parties could submit plan proposals, and the subcommittee held additional public hearings on the submitted plans. The American Civil Liberties Union (ACLU) and the South Carolina Republican Party both submitted Senate redistricting plans. See **Exhibit 36** (the "ACLU Plan") and **Exhibit 37** (the "S.C. Republican Party Plan"). Maps and Plan Components of these submissions were posted on the Senate redistricting website.

Throughout this process, the Redistricting Subcommittee has maintained a public website. Among other things, the website provides the public with: (1) information on the current districts; (2) a history of redistricting in South Carolina since 2000; (3) answers to frequently asked questions; (4) instructions on how to submit comments or proposals; (5) calendars, agendas, locations, and transcripts of public hearings; and (6) outside resources on redistricting. In addition, the website promptly informed the public where and when public hearings and other meetings were scheduled, notified the public when plan proposals were

submitted, and provided relevant materials explaining each proposal. The website may be accessed at: <http://redistricting.scsenate.gov>.

After considering the submitted proposals, along with the views expressed by the public and senators, the Redistricting Subcommittee unanimously adopted a plan that complied with its established guidelines and with applicable constitutional and statutory requirements. The Senate Judiciary Committee adopted two amendments—to which each affected Senator had previously agreed—and reported that plan to the full Senate. Two perfecting amendments to the Judiciary Committee report were adopted, and the full Senate adopted the Judiciary Committee report, as amended, by voice vote. As mentioned previously, the bill received second reading by a unanimous vote of 33-0, with four Senators inserting a statement in the journal that they would have voted for the bill on second reading if they had been present in the chamber. *See Exhibit 28*, Senate Journal, June 15, 2011, pp. 220-221. On third reading, one amendment was adopted, and the Senate voted 37-1 to pass S. 815. *See Exhibit 29*, Senate Journal, June 16, 2011, pp. 128-129.

§ 51.27 (b) A copy of any ordinance, enactment, order, or regulation embodying the voting standard, practice, or procedure that is proposed to be repealed, amended, or otherwise changed.

The current plan under which members of the South Carolina Senate have been elected, S. 591, Act 55 of 2003 (“2003 Plan”), was passed by the South Carolina General Assembly, signed into law by the Governor, and precleared by the Attorney General in 2003. A copy of this law, Act 55 of 2003, is included as **Exhibit 5**. A block equivalency file of the 2003 Plan is included as **Exhibit 6**. Maps of the 2003 Plan are also included as **Exhibit 7**.

The 2003 Plan replaced an interim plan ordered by a three-judge federal panel following impasse litigation (“2002 Court Plan”). *See Colleton County Council v. McConnell*, 201 F. Supp. 2d 618 (D.S.C. 2002), which is included as **Exhibit 8**. A block equivalency file of the 2002 Court Plan is included as **Exhibit 9**, and maps of the 2002 Court Plan are included as **Exhibit 10**. The regularly scheduled elections in 2004 and 2008, and the following five special elections were held under the 2003 Plan: (1) for Senate District 27, on February 3, 2004, due to the death of Senator Holland; (2) for Senate District 46, on June 19, 2007, due to Senator Richardson’s resignation coinciding with his appointment as Director of the Department of Insurance; (3) for Senate District 44, on August 7, 2007, due to the death of Senator Mescher; (4) for Senate District 25, on November 6, 2007, due to the resignation of Senator Moore; and (5) for Senate District 16, on April 12, 2011, due to the resignation of Senator Mulvaney upon his election to the United States Congress. *See Exhibit 17* for election returns data for the regularly scheduled and special elections.

§ 51.27 (c) A statement that identifies with specificity each change affecting voting for which Section 5 preclearance is being requested and that explains the difference between the submitted change and the prior law or practice.

The following reports summarize the changes between the current districts under the 2003 Plan, enacted in Act 55 of 2003, and the districts under the 2011 Plan, enacted in Act 71 of 2011.

1. A Plan Components Report for the 2003 Plan, providing a population summary for each district, including the district's Black Voting Age Population ("BVAP"), as well as the precincts in each district. This report is included as **Exhibit 11**.
2. A Plan Components Report for the 2011 Plan, providing a population summary for each district, including the BVAP, as well as the precincts in each district. This report is included as **Exhibit 12**.
3. A BVAP Comparison Chart showing the BVAP percentages in each Senate district under the 2002 Court Plan, the 2003 Plan, the 2003 Plan with the 2010 Census Populations, and the 2011 Plan. This chart is included as **Exhibit 13**.

§ 51.27 (d) The name, title, mailing address, and telephone number of the person making the submission. Where available, a telefacsimile number and an email address for the person making the submission also should be provided.

The Honorable Glenn F. McConnell,
President *Pro Tempore* of the South Carolina Senate
c/o Michael A. Carvin
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-7643
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Email: macarvin@jonesday.com

§ 51.27 (e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

The State of South Carolina is the submitting authority for this change, and Section 4, Part II of Act 71 of 2011 designates the President *Pro Tempore* of the South Carolina Senate as the official responsible for making this submission.

§ 51.25 (f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

The submission is from the State of South Carolina.

§ 51.27 (g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

Act 71 of 2011 was duly enacted by the South Carolina General Assembly and signed into law by the Governor of South Carolina.

§ 51.27 (h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

The South Carolina Senate enacted Act 71 of 2011 in compliance with its duty to carry out decennial reapportionment and in accordance with the Fourteenth Amendment to the United States Constitution, as interpreted by the United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964), as well as other Supreme Court and lower federal court decisions applicable to South Carolina. Act 71 of 2011 became law after a majority in both houses of the South Carolina General Assembly voted to pass the bill and the Governor signed it into law.

§ 51.27 (i) The date of adoption of the change affecting voting.

The South Carolina General Assembly ratified S. 815 on June 22, 2011, and the Governor signed it into law on June 28, 2011.

§ 51.27 (j) The date on which the change is to take effect.

The Senate redistricting plan in Act 71 will take effect for the regularly scheduled primary and general elections in 2012. See Act 71 of 2011, Section 3, Part II. The schedule for those elections is as follows:

1. State Senate candidates must file notices of their candidacies between noon on March 16, 2012, and noon on March 30, 2012. S.C. Code Ann. § 7-11-15 and S.C. Code Ann. § 7-11-210.
2. Primary elections will be held on June 12, 2012. S.C. Code Ann. § 7-13-15.
3. The general election will be held on November 6, 2012. S.C. Code Ann. § 7-13-10.

§ 51.27 (k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

The changes embodied in S. 815, Act 71 of 2011, have not yet been enforced or administered.

§ 51.27 (l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

The changes submitted for preclearance will affect the entire South Carolina Senate.

§ 51.27 (m) A statement of the reasons for the change.

Please see the answer to § 51.27 (h) above. The changes embodied in Act 71 were enacted to comply with the Fourteenth Amendment to the United States Constitution.

§ 51.27 (n) A statement of the anticipated effect of the change on members of racial or language minority groups.

As demonstrated below, Act 71 of 2011 “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color.” 42 U.S.C. § 1973c(a). Under Section 5 of the Voting Rights Act, a redistricting plan impermissibly “denies or abridges the right to vote” if it “has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color . . . to elect their preferred candidates of choice.” 42 U.S.C. § 1973c(b). In its 2006 reauthorization of the Voting Rights Act, Congress specified that “[t]he term ‘purpose’ . . . shall include any discriminatory purpose.” 42 U.S.C. § 1973c(c). Congress further explained that Section 5’s aim “is to protect the ability of [minority] citizens to elect their preferred candidates of choice.” 42 U.S.C. § 1973c(d); *see also Beer v. United States*, 425 U.S. 130, 141 (1976) (holding that a redistricting plan violates Section 5 if it “would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise”).

“The ‘benchmark’ against which a new plan is compared is the last legally enforceable redistricting plan in force or effect.” *Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*, 76 Fed. Reg. 7470 (Feb. 9, 2011) (*DOJ Guidance*) (citing *Riley v. Kennedy*, 553 U.S. 406 (2008)); *see also* 28 C.F.R. § 51.54(c)(1). The “comparison of the benchmark and proposed plans at issue” is based on “updated census data in each.” *DOJ Guidance*, 76 Fed. Reg. at 7471. In these plans, the “ability of [minority] citizens to elect their preferred candidates of choice” in a district—which is protected by Section 5’s anti-retrogression requirement—“either exists or it does not.” *Id.*

Dr. Richard Engstrom conducted a thorough analysis of the changes embodied in Act 71 and concluded that “the state did an impressive job of avoiding retrogressive results.” A copy of this report is included as **Exhibit 14**. Although Act 71 results in a small reduction of BVAP in some districts where minorities have an ability to elect their preferred candidates of choice, these reductions are not retrogressive. Most importantly, in all of these districts, the minority populations are still able to elect their candidates of choice under Act 71. In addition, the small reductions that occur are unavoidable due to demographic changes since the last reapportionment. The 2010 census revealed that nearly all of these districts are severely underpopulated under the benchmark plan, as demonstrated in the chart included as **Exhibit 15**. Indeed, eleven of the minority-opportunity districts are underpopulated—and so much so that the population in those eleven districts is no longer enough to fill even ten districts. Thus, in order to comply with constitutional one-person-one-vote requirements, Act 71 expanded the geography of the underpopulated districts, which unavoidably lowered the BVAP in some of those districts.

There are eight districts with a majority BVAP under the benchmark plan. These are Districts 19, 21, 30, 32, 36, 39, 40, and 42. Act 71 of 2011 preserves majority-black status in

all eight of these districts and restores majority-black status in a ninth—District 45, which dropped below 50% BVAP under the benchmark plan.

Three of these majority-black districts—Districts 32, 36, and 40—are currently represented by white incumbents. These three districts were represented by the same white incumbents when the *Colleton County* court set their district lines in 2002 and when the Attorney General precleared South Carolina’s current district lines in 2003. With respect to these districts, the 2011 Plan is non-retrogressive for many of the same reasons that the judicial and legislative plans following the 2000 census were non-retrogressive:

- In District 32, the 2011 Plan achieves nearly the same BVAP as the current benchmark and the plan drawn by the court in *Colleton County*. The three-judge court found this BVAP level sufficient—despite a higher BVAP in the then-benchmark plan—due to population losses in the district and the fact that minority voters retained the opportunity to elect their candidate of choice. 201 F. Supp. 2d at 661. The twenty-two-year incumbent in District 32, Senator McGill, received approximately 42.1% of the minority vote in the 2004 primary against a black challenger. See **Exhibit 14** at Table 3. In the 2008 primary, Senator McGill again received substantial support from minority voters—this time 37.5%—against two black challengers. See *id.* While Senator McGill prevailed in these two elections without a majority of African-American votes, it is clear that, at 55% BVAP, District 32’s African-American community is able to elect an African-American candidate that it cohesively supports and, more to the point, that the community’s ability to elect is not diminished compared to the benchmark plan.
- In District 36, the 2011 Plan reduces BVAP by only about 1%, and that slight reduction does not affect the minority community’s ability to elect its candidate of choice. See **Exhibit 14**. As the *Colleton County* court found, reduction of BVAP due to underpopulation in District 36 is appropriate even if the white incumbent is likely to continue winning re-election. Senator Land’s re-election in the 1990s showed that “blacks [we]re crossing over in sufficient numbers” to elect him, due to “the years of faithful constituent service by the long-serving white Democratic senator.” 201 F. Supp. 2d at 662. In these circumstances, it was “sufficient to make this an opportunity district for minorities *in an open election*,” *id.* (emphasis added), and District 36 certainly continues to provide that opportunity under S. 815. In the meantime, the African-American community’s support for Senator Land was confirmed in 2004 and 2008 by his re-election as that community’s candidate of choice and without an African-American challenger. Thus, minority voters will continue to be able to elect their candidate of choice in District 36.
- In District 40, the 2011 Plan achieves roughly the same BVAP as the plan drawn by the court in *Colleton County* and the subsequent plan precleared by the Attorney General. The white incumbent who continued to be elected under the precleared plan, Senator Hutto, is the African-American community’s candidate of choice. Because District 40 and the adjacent majority-minority districts (Districts 36, 39, and 45) are grossly underpopulated under the benchmark plan, it was not feasible to

achieve even a marginally higher BVAP in this district without sacrificing traditional redistricting principles.

In addition, there are three other districts—Districts 7, 10, and 29—that are not majority-black but currently have African-American incumbents. In District 7, the 2011 Plan achieves a BVAP as close to the benchmark plan as possible—given demographic changes—and maintains the minority population’s ability to elect its candidate of choice in that district. The current situation in District 7 is effectively the same as the situation ten years ago when the three-judge court adopted an impasse plan and the Attorney General precleared a subsequently enacted plan. Specifically, District 7 had “lost so much population” that all agreed it could “no longer be drawn with” the same BVAP as the then-benchmark plan “without improper racial gerrymandering,” but all also agreed a reduced “BVAP in District 7 [was] still high enough for it to be an equal opportunity district.” *Colleton County*, 201 F. Supp. 2d at 660. In District 10, the 2011 Plan provides a higher BVAP than the benchmark plan. Likewise, in District 29, the 2011 Plan surpasses the benchmark plan’s BVAP. In addition, District 29’s minority incumbent, Senator Malloy, supported the 2011 Plan over an alternative plan that would have disrupted the core of the district to artificially inflate its BVAP. See **Exhibit 25**, Comments by Senator Malloy for June 16, 2011.

One other district—District 17—has a BVAP over 40% and a white incumbent. However, because District 17’s minority population is not able to elect its candidate of choice under the benchmark plan, Section 5 does not mandate that the district be “maintained” to avoid retrogression.¹ Once again, the situation is similar to that of ten years ago. The three-judge panel in *Colleton County* concluded that although District 17 in the then-benchmark plan was over 50% BVAP, it could “no longer be drawn with a BVAP over 50% or as one of equal opportunity without unconstitutionally gerrymandering the district.” 201 F. Supp. 2d at 660. The court’s plan set the district’s BVAP at 48.41%, and South Carolina’s 2003 Plan, which was precleared by the Attorney General, lowered the district’s BVAP to 47.60%. District 17 was not a performing minority district under either of those plans, and it was not presented as performing in either the court’s opinion or the preclearance submission. District 17 also is not performing for minority voters under the current benchmark plan, as confirmed by white candidates’ defeat of African-American candidates in both the 2004 and the 2008 primary elections—the latter of which was a contest for an open seat. Consequently, Section 5 does not require that District 17 be maintained at the same non-performing level under the 2011 Plan.

§ 51.27 (o) A statement identifying any past or pending litigation concerning the change or related voting practices.

There is no pending litigation involving Act 71 of 2011. For an account of litigation involving South Carolina’s redistricting after the 2000 census, please see § 51.27 (b) above, **Exhibit 8**, *Colleton County Council v. McConnell*, 201 F. Supp. 2d 618 (D.S.C. 2002), and

¹ This is particularly true because, as in 2002, District 17 cannot be drawn to provide an arguable ability to elect for minority voters without violating traditional redistricting principles and jeopardizing the re-election of minority-supported incumbents in other districts. The only such plan even presented in the redistricting process, which came from outside the State, would have disrupted the cores of neighboring districts, and was not supported by any minority incumbents or by any group of minority voters within the State.

§ 51.27 (a) above, for the address of the Senate redistricting website, which features a history of redistricting in South Carolina since 2000.

§ 51.27 (p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation why such statements cannot be made.

The South Carolina Senate submitted the 2003 Plan for preclearance on June 27, 2003. The Attorney General made no objection and notified the State of preclearance on August 21, 2003. The procedure employed to adopt Act 71 of 2011 was the process constitutionally required for all legislation in South Carolina and is not subject to preclearance.

§ 51.27 (q) For redistrictings and annexations: the items listed under § 51.28(a)(1) and (b)(1); for annexations only: the items listed under § 51.28(c)(3).

(a) Demographic information.

(1) Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.

Please see Exhibits 2, 6, 9, 11, 12, 13, and 15.

(b) Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:

(1) The prior and new boundaries of the voting unit or units.

Please see Exhibits 3, 7, and 10.

§ 51.27 (r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in § 51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in § 51.37.

ADDITIONAL INFORMATION PURSUANT TO 28 C.F.R. § 51.28

§ 51.28 (a)(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.

Please see the information for 2004, 2006, 2008 and 2010, provided in **Exhibit 16**. No significant concentration of persons representing a language minority has been identified in South Carolina.

§ 51.28 (a)(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

No such estimates were prepared. Please see **Exhibits 11 and 12** for Plan Component Reports for S. 591, Act 55 of 2003, and S. 815, Act 71 of 2011.

§ 51.28 (b) Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information: (1) The prior and new boundaries of the voting unit or units; (2) The prior and new boundaries of voting precincts; (3) The location of racial and language minority groups; (4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units; (5) The location of prior and new polling places; (6) The location of prior and new voter registration sites.

Please see the information provided above in **Exhibits 3, 7, and 10**. Otherwise, not applicable.

§ 51.28 (c) Annexations.

Not applicable.

§ 51.28 (d) Election returns. Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information: (1) The name of each candidate; (2) The race or language group of each candidate, if known; (3) The position sought by each candidate; (4) The number of votes received by each candidate, by voting precinct; (5) The outcome of each contest; (6) The number of registered voters, by race and language group, for each voting precinct for which election returns are furnished. Information with respect to elections held during the last ten years will normally be sufficient; (7) Election related data containing any of the information described above that are provided on magnetic media shall conform to the requirements of § 51.20(b) through (e). Election related data that cannot be accurately presented in terms of census blocks may be identified by county and by precinct.

For election information from the past ten years, please see **Exhibit 17**. This exhibit provides election data by precinct for each election contest held during the 2008 and 2010 primaries, runoffs, and general elections. It also contains election data by precinct for the 2006 primaries and general elections, as well as data for the 2002 and 2004 general elections. Information on primary races for 2002 and 2004, organized by primary race and county, may be accessed at the South Carolina Election Commission website at:

www.scvotes.org/statistics/election_returns_from_primaries_and_general_elections_statewide. Election data for the five special Senate elections held under the 2003 Plan are also included. A list of election races with the party and race of each candidate and vote totals, which could be used for a racial bloc voting analysis, and which was compiled through a cooperative effort between the Senate Judiciary Committee and Dr. John Ruoff of South Carolina Fair Share is included. This list was made available to the public. Also included in this exhibit is information, which was included in the Senate's 2003 submission, on special Senate elections held prior to the 2003 Plan and on the 2000 Senate Districts' primaries and general elections.

For additional information on South Carolina elections, please see the Research and Statistics information from the S.C. Election Commission website at: www.scvotes.org.

No significant concentration of persons representing a language minority has been identified in South Carolina. Registered voters by race and precinct for 2004, 2006, 2008 and 2010 are included in **Exhibit 16**.

§ 51.28 (e) Language usage. Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Act is contained in **Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR Part 55**.

Not applicable.

§ 51.28 (f) Publicity and participation. For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place. Examples of materials demonstrating public notice or participation include:

(1) Copies of newspaper articles discussing the proposed change.

Please see **Exhibit 18**, which contains media articles dating from the beginning of the Senate Redistricting process in 2011 to the enactment of the Senate Redistricting legislation, Act 71 of 2011. Please also see **Exhibit 19**, a media contact list that was used to send information out to different media.

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

Please see **Exhibit 20**, which contains copies of all public notices and **Exhibit 21**, which contains all press releases sent to media contacts.

(3) Minutes or accounts of public hearings concerning the proposed change.

Please see **Exhibit 22**, which contains minutes of all statewide public hearings, **Exhibit 23**, which contains transcripts of all statewide public hearings, and **Exhibit 24**, which contains transcripts of proceedings before the Senate Judiciary Redistricting Subcommittee and the Senate Judiciary Committee.

(4) Statements, speeches, and other public communications concerning the proposed change.

Please see **Exhibit 25**, which contains comments made by Senator McConnell and other Senators concerning Senate Redistricting and the Senate Redistricting Plan.

(5) Copies of comments from the general public.

For comments from the general public that were received at the ten statewide public hearings, please see **Exhibits 23** and **Exhibit 24**. For comments from people who could not attend the public hearings or who wanted to submit additional information, please see **Exhibit 26**. Additionally, the ACLU and the South Carolina Republican Party submitted and commented on Senate redistricting plans, which are included as **Exhibit 36** and **Exhibit 37**.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

For discussions from the Senate Journal please see **Exhibit 27**, Senate Journal, June 14, 2011, pp. 21-22; **Exhibit 28**, Senate Journal, June 15, 2011, pp. 6-221; and **Exhibit 29**, Senate Journal, June 16, 2011, pp. 9-129. For discussions from the House Journal, please see **Exhibit 30**, House Journal, June 16, 2011, pp. 1-2, June 21, 2011, pp. 18-20, and June 22, 2011, pg. 10. For digital video recordings of the Senate sessions on June 14, 2011, June 15, 2011, and June 16, 2011, please see the separate DVDs included as **Exhibit 31**.

§ 51.28 (g) Availability of the submission.

(1) Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney General and statements regarding where such public notices appeared.

Simultaneous with this filing, a press release is being issued and a public notice sent to all interested parties containing the information in **Exhibit 32**, which informs the public that the South Carolina Senate has submitted its Senate Redistricting Plan to the United States Attorney General for preclearance and that a duplicate copy of the Senate's submission is available for public inspection at the offices of the South Carolina Senate Judiciary Committee and on the South Carolina Senate's Redistricting website at: <http://redistricting.scsenate.gov>. This notice also informs the public that any comments on the Senate redistricting plan should be labeled on the first page and envelope with the notation "Comment under Section 5 of the Voting Rights Act" and sent to:

Chief, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 – NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

(2) Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied.

Please see **Exhibit 33**, which contains copies of the Senate Redistricting website, <http://redistricting.scsenate.gov>, and a list of the data available to the public throughout the redistricting process. Throughout the redistricting process, the South Carolina Senate made available to the public the following data for current districts and proposed districts: block equivalency files, plan component reports, maps, including Google Earth maps, and group quarters data. Additional data on the website included 2010 TIGER Geography Line files, 2008 and 2010 Statewide Election Results by precinct, and 2010 Census data by Voter Tabulation District per Senate District. The website made available calendars of all meetings and hearings, transcripts of these meetings and hearings, and contents of notebooks of the subcommittee members for each meeting. *See also Exhibit 23*, North Charleston public hearing transcript, pp. 11-12, and pg. 20, for favorable comments from the public about the Senate redistricting website.

Exhibit 34 contains copies of the Policy for Public Participation and the Policy for Public Submission, adopted by the Senate Judiciary Redistricting Subcommittee on April 13, 2011, which explained the processes for public participation and submissions.

§ 51.28 (h) Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

Please see **Exhibit 35**, which contains the names and contact information for the South Carolina Senate Black Caucus, the South Carolina NAACP, the ACLU contacts in South

Carolina and Atlanta, and the South Carolina Fair Share contact.

The Senate wishes to complete the preclearance process as expeditiously as possible. Please let me know if you should require any additional information or if you have any concerns that we need to address.

With best wishes, I am,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Glenn F. McConnell". The signature is written in a cursive style with a large, stylized initial "G".

Glenn F. McConnell
President *Pro Tempore*

cc: Michael A. Carvin, Esquire