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4 FULL JUDICIARY COMMITTEE MEETING

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6

7 PUBLIC SESSION

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10

11 Tuesday, June 21, 2011

12

13 3:27 p.m.

14

15 Room 105, Gressette Building

16

17 Columbia, South Carolina

18

19 REPORTED BY: Janni S. Jardine
Court Reporter

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1 MEMBERS IN ATTENDANCE:

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3 SENATOR GLENN F. McCONNELL, CHAIRMAN
SENATOR LEE BRIGHT
4 SENATOR PAUL G. CAMPBELL, JR.
SENATOR GEORGE E. "CHIP" CAMPSEN, III
5 SENATOR RAYMOND E. CLEARY, III
SENATOR CREIGHTON B. COLEMAN
6 SENATOR TOM DAVIS
SENATOR ROBERT FORD
7 SENATOR CHAUNCEY K. GREGORY
SENATOR C. BRADLEY HUTTO
8 SENATOR JOHN M. "JAKE" KNOTTS, JR.
SENATOR JOEL LOURIE
9 SENATOR GERALD MALLOY
SENATOR LARRY A. MARTIN
10 SENATOR SHANE R. MARTIN
SENATOR A. SHANE MASSEY
11 SENATOR FLOYD NICHOLSON
SENATOR LUKE A. RANKIN
12 SENATOR MICHAEL T. ROSE
SENATOR JOHN L. SCOTT, JR.
13 SENATOR VINCENT A. SHEHEEN
SENATOR PHILLIP W. SHOOPMAN
14 SENATOR KENT M. WILLIAMS

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16
STAFF PRESENT:
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18 CHARLES TERRENI, CHIEF COUNSEL

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2 SENATOR McCONNELL: All right. I'm going
3 to call the meeting of the Senate Judiciary Committee to
4 order at this time.
5 And, first of all, I'm going to announce
6 that we're having a special meeting of the Judiciary
7 Committee tomorrow morning at 9:30 in the third-floor
8 conference room next to the Senate chambers to take up
9 the confirmation hearing on the new director of SLED. So
10 all members are duly advised the hearing for that will be
11 tomorrow.
12 We're here this afternoon to discuss and
13 vote on a congressional redistricting plan. What you
14 have before you is a favorable report that's amended on
15 S-814 from the Redistricting Subcommittee. This is the
16 Staff Senate Congressional Redistricting Plan 3, which
17 will be in bill form when the Judiciary Committee report
18 is placed on the Senate calendar.
19 For right now, in consideration by the
20 Judiciary Committee, the plan is given to you in map form
21 with district statistics, which is more easily understood
22 than a list of the precincts in each district.
23 As you all know, pursuant to the
24 Redistricting Subcommittee's instructions, the staff
25 posted on the website two different congressional plans

1 last week, a north-oriented one and a south-oriented one,
2 so the Redistricting Subcommittee and the public could
3 have different concepts to review and consider.
4 The subcommittee held a public hearing last
5 night on these plans, and we heard a great deal of
6 testimony. As a result of that testimony, we asked staff
7 to come up with a third plan, which is the one before you
8 today.
9 This plan was unanimously adopted by the
10 subcommittee this morning. It takes into account much of
11 what we heard at the public hearing. It connects the Pee
12 Dee area with Horry County and restores much of the old
13 sixth district into the new seventh congressional
14 district, keeping many of these counties, including
15 Florence County, whole. It keeps much of the existing
16 fifth district intact, although some lines had to change
17 because of the large growth in populations along the
18 North Carolina border.
19 This plan acknowledges the concerns
20 expressed by people from the Greenville area about the
21 need to keep Greenville County whole and to maintain the
22 I-85 corridor as a core of the fourth congressional
23 district and not to split the county along that corridor.
24 It keeps the traditional third
25 congressional district intact and continues a split of

1 Aiken County, as requested by several speakers, so that
2 the county is represented by both the third and the
3 second congressional districts. It makes the second
4 district much more compact than it had been. It places
5 Beaufort County within the first congressional district
6 as it has historically been.
7 The plan does split part of Charleston
8 County into the sixth congressional district but in a way
9 that makes much more sense than other plans by keeping
10 the nucleus of the tri-county areas with the urban areas
11 of Charleston County within the first congressional
12 district.
13 The sixth congressional district maintains
14 much of its existing core but is much more compact due to
15 the new seventh congressional district and the growth of
16 population in some areas.
17 The plan has a rational basis. It reflects
18 the history of our congressional districts. However, it
19 also acknowledges the changes this state faces, such as
20 the huge migration of population to the coastal areas, by
21 giving the coast three congressional districts. It
22 responds to what we heard from public testimony and
23 written comments, but at the same time, it complies with
24 the redistricting guidelines in the federal and state
25 laws that govern this process.

1 Perhaps it is not perfect, but please
2 remember, when considering changes you would like to see,
3 that for congressional districts, deviation can only be
4 plus or minus one person, not one percent. Also, any
5 amendments to the congressional plan must be made
6 statewide because the deviations must be so
7 mathematically precise that you can't change one area in
8 a district without changing each congressional district.
9 Please keep in mind that as we go through a
10 discussion of this plan, unless there are questions or
11 comments from the committee members at this time, what
12 I'm going to do is ask Mr. Terreni to proceed to explain
13 the congressional plan in more detail to the committee.
14 I'll ask him to explain that we have three before us and
15 then go to the Plan 3 so that you can see where the
16 subcommittee came from.
17 We will also be taking up the House bill
18 today, and whatever we adopt on the Senate bill, we will
19 be putting on the House bill. There is a reason for
20 sending two, and those of you who may have had some
21 experience in this know that, in the event that we have a
22 conference committee, we may need two vehicles.
23 If we do not reach agreement with the House
24 and we reach an impasse, then, of course, the federal
25 courts will draw the difference.

1 So in our effort to reach a consensus and
2 to move forward in a deliberative manner, I'll ask
3 Mr. Terreni to kind of brief you all on where we came
4 from to where we are today with the recommendations from
5 the subcommittee, which will then be the amendment before
6 us because the Senate bill is a shell bill. We have to
7 have a working document. And then we would, of course,
8 do the same thing for the House.
9 It's my further understanding that if, as a
10 result of this, you see amendments that you want to make
11 on the floor, the staff is available to assist you. And
12 we would urge you after this hearing to get with the
13 staff and tell them what amendments you want.
14 We also received other plans in the record,
15 and they are already in the record. We received a plan
16 from the State Democratic Party. We received a plan from
17 the ACLU. We received -- I think some called it the
18 Gilda Cobb-Hunter plan. We took notice of that, so to
19 let you know, in case there's a question, those are
20 already into the record, and the committee did have the
21 benefit -- subcommittee did have the benefit of all of
22 that.
23 Lastly, I would encourage you so that we
24 do have time -- I suspect there may be some amendments to
25 this plan, that some of you may have a strike-and-insert

1 for the floor or whatever, but we have got to get these
2 bills out to the floor to be in position to try to pass
3 them next week.
4 Yes, sir, senator from Orangeburg.
5 SENATOR HUTTO: Mr. Chairman, I spoke to
6 the presenter of the Democratic Party plan from last
7 night, and they had a deviation higher than the one.
8 They've corrected that, and they've resubmitted. Anyway,
9 before the staff invested any time in vetting the one
10 that was presented last night, they have reworked it and
11 sent back the one with the title deviation, so they've
12 asked to substitute that.
13 SENATOR McCONNELL: All right. And without
14 objection, then, we will make that substitution. Well,
15 we will just put it in as part of the record that we have
16 it now. And that hasn't been done, and the staff will no
17 longer do any more work today. So that way -- thank you,
18 sir.
19 With that, I'll ask Mr. Terreni to give you
20 all kind of an overview and introduce you to the complex
21 problems of congressional reapportionment.
22 MR. TERRENI: Thank you, Mr. Chairman.
23 As we did when we spoke of Senate
24 redistricting, I would like to just begin this overview
25 by taking a quick look at the growth experienced by the

1 state and distribution of that growth in the 2010 census.

2 What you see in front of you, Mr. Chairman,

3 is a slide showing the relative growth. That means the

4 growth of each county relative to the statewide growth

5 rate in South Carolina after the 2010 census results were

6 received.

7 The counties in dark green have relative

8 growth in excess of 20 percent. The counties in red were

9 actually the counties that did not grow.

10 MR. JONES: Is it relative or absolute?

11 MR. TERRENI: Thank you, Dwight.

12 And so what we see is that we had pockets

13 of concentrated growth in South Carolina. We had pockets

14 of concentrated growth.

15 As we heard in our public hearings, as we

16 have discussed in various meetings, there was growth in

17 Horry County. Horry County grew 72,000 people -- by

18 72,000 people -- more than 72,000 people, but by the same

19 token, Beaufort County grew by 41,294 people. And the

20 tri-county area, Mr. Chairman, grew 40,229 people in

21 Charleston, 40,153 in Dorchester, 35,192 in Berkeley. So

22 the tri-county area in Charleston grew 115,574 people.

23 So what you see in the various plans that

24 have been presented to you, whether it's Staff Plan 1,

25 Staff Plan 2, Staff Plan 3, even the ACLU plans, the --

1 are all efforts on how to handle this relative growth.

2 There's growth in York as well, as you can

3 see. What you also see is bands of red where the --

4 where we had relative negative growth, that is growth in

5 counties that was either absolutely negative or at least

6 less than the state average.

7 So there is a balancing of this. What we

8 arrived at in Staff Plan 3 -- Dwight, can you put that up

9 for us?

10 In response to public testimony and in

11 response to the correction of members in the

12 subcommittee, staff took a second look at the plans that

13 it had put forth before the public and the subcommittee

14 last week and devised plan that sought to keep the Pee

15 Dee area as whole as possible, in terms of whole counties

16 and in terms of reuniting counties that were -- that were

17 testified as forming part of the communities of interest

18 in the Pee Dee area, but as well as recognizing that

19 reuniting the sixth district as previously constituted is

20 a numerically impossible exercise.

21 That is to say that you can't put all of

22 the counties that used to be in the old sixth district,

23 that is the sixth district before the federal court order

24 of 1990, and remain -- and have a district that is within

25 the legally prescribed size of 660,000 or so. There are

1 just simply too many people to add Berkeley back in there
2 at that, Georgetown, Williamsburg back in there as well,
3 and Chesterfield.
4 So what we have here is a plan that keeps
5 Horry County whole. That was something we heard from the
6 public yesterday. As the committee knows, one of the
7 plans that was put forward by the staff had proposed a
8 division of Horry County between -- on the coast between
9 Myrtle Beach and North Myrtle Beach.
10 There was testimony that, at least in the
11 context of congressional redistricting, the public wanted
12 to see if this could -- if this could be whole. So in
13 Staff Plan Number 3 -- if we could put that back up --
14 that's what we've done.
15 We've also been able to keep Florence
16 County whole, something which -- the House plan had
17 carved out a little section around Lake City and
18 Timmonsville, which does have connections to Williamsburg
19 County, but it is -- we reunited that, and so you have
20 two whole anchor counties at least in this district of
21 Florence and Horry County.
22 Marion County is whole. Dillon County is
23 whole. Marlboro, Darlington, Lee, and then a partial cut
24 into Sumter County, which has -- has the sixth district
25 portion of Sumter similar as well.

1 By the same token, reflecting the growth on
2 the coast, Mr. Chairman, the sixth district now comes
3 into Georgetown County, bringing together the corridor of
4 Clarendon, Williamsburg, and Georgetown counties, which
5 have been historically linked either in the old sixth or
6 currently linked in the NESA district, as we heard in
7 testimony, bringing a second congressional district, two
8 out of three.
9 In other words, we would go from having two
10 congressional districts on the coast of South Carolina to
11 having three under this plan in the sixth district
12 currently represented by Congressman Clyburn, who would
13 now represent Georgetown County as well as parts of
14 Georgetown.
15 And then the first district would run
16 from -- excuse me -- from the Charleston/Georgetown
17 border down through Charleston and through Beaufort
18 County.
19 As you pointed out, Mr. Chairman, the entry
20 into Charleston for the sixth district is essentially the
21 entry that the federal court drew in 2002 running through
22 Berkeley County, Daniel Island, and then into North
23 Charleston. So we take some comfort in that the federal
24 court has already expressed approval at that path into
25 Charleston County.

1 The sixth district, as compared to at least
2 Staff Plan 1, remains much more Midlands centered in this
3 plan. It remains more like it is currently configured in
4 the sense that there is a split in Aiken County. It is
5 somewhat different than the current split that the second
6 district has in Aiken County with the third in that, as
7 configured in this plan, the second district would
8 encompass the city of Aiken, while the third district
9 would encompass the city of North Augusta. The current
10 split between second and third actually divides the city
11 of Aiken, so we've been able to unite the city of Aiken
12 into the second district in this plan.
13 Lexington County is whole in the district,
14 and the entry into Richland is very much similar to the
15 configuration that the second district currently has.
16 One difference is that Calhoun is whole in this plan, and
17 there is a slightly bigger portion of Orangeburg County
18 in the second district.
19 The fifth district retains much of its
20 current configuration other than yielding Sumter and Lee
21 counties to the seventh. It divides Spartanburg County
22 with the fourth district, which is anchored by Greenville
23 County, which is whole in this plan.
24 The third district runs from Oconee,
25 Pickens, Anderson, Abbeville, Laurens, down to Edgefield,

1 and, of course, into that half of Aiken County where it
2 takes North Augusta, the kind of North Augusta/Beach
3 Island area, which has some commonality of interest with
4 the SRS plant that is represented by the third district.
5 This plan, overall, splits 11 counties,
6 which is similar -- similar to the House plan which was
7 submitted to us. It split 11. I don't think we had any
8 plans submitted to the Judiciary Committee that split
9 fewer than 11 counties. One of the staff plans split
10 eight, I believe.
11 The BVAP in the sixth district is, I
12 believe, 51.25 percent, which we believe should be
13 adequate to ensure preclearance with the Department of
14 Justice. The BVAP in the newly-created seventh district
15 is 30.88 percent non-Hispanic/black voting-age
16 population.
17 SENATOR McCONNELL: Do you have the --
18 well, that's the one -- that is the plan that the
19 committee, subcommittee, proposed. There were three.
20 One had a north/south route. Other -- can you show those
21 very quickly so they can see the problems that we
22 encountered in the testimony?
23 MR. TERRENI: Absolutely.
24 Staff Plan Number 1, which you're looking
25 at now, as I mentioned before, runs the second district

1 down to Beaufort County where it currently is. The thing
2 is that the growth that we saw before in the second
3 district was too large to accommodate the entire second
4 district as currently configured. So the second district
5 withdraws from Richland County and runs to Beaufort
6 County. While the fifth district would have come into
7 what was formerly a portion of Richland County occupied
8 by the second district. That's approximately 180,000
9 people.
10 The first district ran from the
11 Dorchester/Charleston area up through Georgetown County
12 into -- as I said earlier, the dividing line, I think,
13 was North Myrtle Beach, between the Dunes 1 and Dunes 2
14 precincts.
15 The seventh district is slightly more
16 westward in its orientation in this plan, and the sixth
17 is not too dissimilar from its current configuration in
18 that it's in Colleton, Dorchester, Calhoun, so it's
19 centrally located.
20 Staff Plan Number 2 took a different tack
21 on things in that it placed the new district -- as we
22 mentioned, it did grow from 115,000 people in the
23 tri-county area and then 41 in the Beaufort area, so
24 you've got 150,000 new people in this seventh district.
25 And it anchors the seventh district in the

1 Beaufort/Jasper area going up through Berkeley and
2 through Georgetown with the first district that began in
3 Charleston and ran through -- up the coast to take in the
4 whole of Horry County.
5 The sixth district in this configuration
6 would retain its base in Richland, in Orangeburg, but
7 would be oriented in a more northeastern orientation
8 going through the Pee Dee, much of the Pee Dee, and leave
9 Darlington, Marlboro, Dillon, and Florence with the --
10 perhaps a disadvantage of Darlington would be divided in
11 this plan between the fifth and the sixth. However, I
12 would say I believe this is the plan that split the
13 fewest counties that was in front of the committee.
14 As you see, there is a configuration of
15 Greenville/Spartanburg in which both counties are split
16 in this plan, and the third district does not have
17 Edgefield County in it, in this draw. It stops short in
18 McCormick. So you have Edgefield, Aiken, Barnwell,
19 Lexington, Richland, a second district configuration
20 going through there. In terms of the demographics of
21 this plan, they were very similar.
22 We also, Mr. Chairman, had a plan submitted
23 to us from the ACLU which would have created two
24 black-majority voting-age population districts, a seventh
25 district that is oriented in sort of a "V" shape from the

1 city of Spartanburg running down through the Midlands
2 into Richland County, finally down to Clarendon, and then
3 back up through Florence and Marlboro and Chesterfield.
4 The sixth district, which would be the new
5 district in the sense that Congressman Clyburn lives in
6 Richland County and would be in what they term the
7 seventh district -- their new sixth district would begin
8 in Jasper and essentially run up to Marion County.
9 While this plan did create two
10 black-majority districts -- with slight black majorities,
11 but it created two black-majority districts --
12 Mr. Chairman, I have concerns that it raises some of the
13 same issues that were raised about the sixth district in
14 prior years, in that it has fingers and irregular draws
15 that look like -- that could be interpreted as being
16 drawn with the -- with race as their primary purpose.
17 I think there are some concerns raised by
18 this plan in terms of a racial gerrymandering -- in terms
19 of racial gerrymandering liability. It is also, I would
20 note, not the configuration that has been recommended by
21 Congressman Clyburn either to the House or to the Senate.
22 We finally have the House plan as amended,
23 H-3992. This is the House plan adopted on June 15th,
24 2001, in some respects similar to the Senate plan, and in
25 some respects different. You will notice that Georgetown

1 County is in this -- that Georgetown County is in the
2 seventh district in this plan. There is a cut in
3 Florence County in the Lake City area. Chesterfield
4 County is in the seventh district, whereas it's in the
5 fifth under the staff plan.
6 Also, in the Lowcountry, the entry into
7 Charleston is through the Dorchester/West Ashley area for
8 the sixth district to then go into North Charleston
9 instead of through Berkeley County, as it's currently
10 configured.
11 Again, Mr. Chairman, I take some comfort in
12 the fact that this is the current configuration, this
13 configuration that's been upheld. To the extent the
14 subcommittee has a choice, I would recommend that you go
15 with the existing cut of the sixth district. I think
16 it's been thought over and tried and true, so to speak,
17 over 20 years now, and to the extent that we can hew
18 those lines, there's a safety net.
19 The second district you see has also
20 Barnwell, part of Orangeburg. In that respect, it's very
21 similar to what you have before you that the
22 subcommittee, in the staff plan, approved, proposed, and
23 adopted by the subcommittee except that Aiken County is
24 whole in this plan instead of the division between Aiken
25 and North Augusta, as we discussed. And, again, you have

1 a Greenville/Spartanburg split up here in the fourth
2 district area, Mr. Chairman.
3 SENATOR McCONNELL: All right. And I
4 believe that Sumter is treated -- is put up into the
5 fifth district in this one.
6 MR. TERRENI: That is correct. Sumter and
7 Lee Counties are in the fifth district, as they currently
8 are in the current plan and in this plan as well, while
9 the plan adopted in the subcommittee has Sumter and Lee,
10 at least part of Sumter, that upper part of Sumter and
11 all of Lee County in the new seventh district.
12 SENATOR McCONNELL: And so the committee
13 will also understand the problems that we discovered in
14 the public hearing last night, in the fourth district.
15 We had some testimony about that split up there. Would
16 you tell the committee --
17 MR. TERRENI: Yes, sir.
18 SENATOR McCONNELL: -- what we heard and
19 why we became troubled by it.
20 MR. TERRENI: Reverend Ennis Fant from
21 Greenville testified before the subcommittee last night
22 regarding the seventh district as configured in the House
23 plan. It may not be easy to see on this screen, but
24 along the western border of Greenville County, you will
25 see where the third district goes up. I believe that's

1 along the Reedy River.

2 The reverend's concern was that, as

3 configured in this plan, the fourth district cuts across

4 existing districts Senate 7 and the proposed district

5 Senate 7. That would be the district with a high

6 majority -- minority population represented by Senator

7 Anderson. He recommended that whatever congressional

8 plan is enacted by the Senate should encompass all of

9 District 7 into District 4 -- into Congressional District

10 4.

11 In other words, all Senate District 7 into

12 Congressional District 4 in order to maximize the

13 influence of the minority of the Greenville -- of

14 Greenville County's minority community in congressional

15 representation.

16 The Senate Plan, which incorporates all of

17 Greenville County into the fourth district and forms a

18 division of Spartanburg along the I-385 corridor, would

19 accomplish this goal.

20 SENATOR HUTTO: Mr. Chairman?

21 SENATOR McCONNELL: Yes, sir, senator from

22 Orangeburg.

23 SENATOR HUTTO: Thank you, Mr. Chairman.

24 All of the staff plans as well as the House plan split

25 Orangeburg County, which I will tell you kind of suits

1 Orangeburg, I think. We get good constituent service
2 from Congressman Wilson and Congressman Clyburn, and
3 people have sort of become use to -- we've been split for
4 a while between the second and sixth, and both
5 congressmen have presence in the county, and they both
6 pay attention to us. I mean, sometimes people say when
7 you split, you don't get attention from either one.
8 Well, I think we get attention from both of them.
9 But, having said that, the traditional
10 split has had things east of I-26 in the sixth and west
11 of I-26 in the second, and this new split in Staff Plan 3
12 has some precincts, as you can see, along the Calhoun
13 County line and the Clarendon Lake/Marion border in the
14 second, which have traditionally always been in the
15 sixth, where there's some counties along the Bamberg line
16 that have normally been in the second and are now in the
17 sixth. And I've talked to Senator Matthews about this
18 too, and those counties that are east of I-26 would be
19 counties that are in his Senate district.
20 And we're going to ask staff to prepare an
21 amendment. I'm not sure exactly how many people are in
22 that basically three -- three or four precincts that are
23 east of I-26. We would like to see if we could move
24 those back into the sixth, where they are now, and swap
25 them out with the other ones. We're trying to do all

1 inside of Orangeburg County and put some other precincts
2 that have initially been in the second back in second,
3 and you may have to split a precinct in there to fix it.
4 I guess, assuming that you got to get to one person,
5 we've had to split some precincts already.
6 So all I'm going to suggest to Mr. Terreni
7 is that Senator Matthews and I would like you all to look
8 at an amendment to take that little, pink sliver that's
9 to the east of I-26, which I think is probably four
10 precincts, move those back into the sixth, where they are
11 now, take some of the counties along the
12 Orangeburg/Bamberg line that are now in second, put them
13 back into the second. I think that leaves everybody sort
14 of where they are and not asking to affect any other
15 counties with that.
16 SENATOR S. MARTIN: Mr. Chairman?
17 SENATOR RANKIN: Mr. Chairman?
18 SENATOR McCONNELL: One by one. Senator
19 from Spartanburg.
20 SENATOR S. MARTIN: Thank you,
21 Mr. Chairman. I have a question. You mentioned that the
22 seventh -- the Senate District 7, the part of this plan
23 that had to be included in the Staff Plan 3, the
24 congressional district. Is Senate District 7 a
25 majority-minority district?

1 SENATOR MALLOY: It is not.

2 MR. TERRENI: Senator, District 7 is not.

3 It's 40 -- I believe in the staff plan as configured,

4 it's a little over 43 non-Hispanic, 43 percent

5 non-Hispanic/black voting-age population. It wasn't that

6 we had to do it. It was that it was -- a result of

7 keeping District 7 whole was that it did accommodate that

8 concern that was expressed at the public hearing.

9 SENATOR S. MARTIN: I thought I heard

10 somebody say that the concern was that it was a minority

11 district and keeping it whole.

12 SENATOR MALLOY: Senator?

13 SENATOR McCONNELL: Yes, sir, senator from

14 Darlington.

15 SENATOR MALLOY: Senator, he's talking

16 about the Senate District 7 that's currently occupied by

17 Senator Anderson. That district is approximately 43

18 percent African-American with about 9 percent of a Latino

19 vote. Obviously, there was a considerable amount of time

20 spent on trying to put that district together and try to

21 keep those communities of interest together. It has

22 never been a majority-minority district, so if that

23 answers the senator from Spartanburg's question.

24 Last night Reverend Ennis Fant came in and

25 testified that there was a segment of the population in

1 that Greenville area that he didn't see why we wanted to
2 divide that community of interest, and so that led the
3 staff to respond to the comments from the public.
4 And what I would just say is that,
5 obviously, even though I feel like some of the public
6 hearing was a bit orchestrated, there were significant
7 opportunities for the public hearing during this interim
8 process. And we've been all over the state. We had some
9 early public hearings.
10 We had one last night where I thought that
11 it was a little bit more singled out in a particular
12 area, particularly when you get together and bring a bus
13 up. But I do say that the staff did listen to the folks
14 that testified.
15 There was one of those that was
16 significant. The other one was that one -- on the Senate
17 Plan Number 1, there was a division of Horry County.
18 There was a lot of testimony regarding making Horry
19 County whole.
20 Obviously, we would make the argument that
21 it was already whole as it relates to the first district,
22 but trying to respond to what the public comments were to
23 the Senate to clean up these areas -- and keep in mind
24 that this process is very fragile and very fluid -- we
25 have to have -- the district's got to be equal plus one

1 person within it.

2 So we're not operating off of the ten

3 deviation, five down, five up, that we end up having on

4 our Senate plan. So any movement is going to require a

5 tremendous amount of change throughout the entire

6 process.

7 SENATOR S. MARTIN: Thank you, senator from

8 Darlington, but on the note -- of course, Mr. Chairman,

9 if I may finish --

10 SENATOR McCONNELL: Go ahead.

11 SENATOR S. MARTIN: -- as part of the

12 criteria to come up with a plan, are we looking more as

13 counties as a whole and economic engines in a whole in

14 terms of Spartanburg and Greenville, or are we trying to

15 satisfy one individual community within that? Can

16 somebody answer that question for me?

17 SENATOR McCONNELL: Mr. Terreni.

18 MR. TERRENI: Senator, staff, as it

19 understood the subcommittee's instructions regarding

20 criteria, was to balance the criteria in light of the

21 input that we got from members of the subcommittee,

22 members of the public, and members of the Senate At

23 Large.

24 I want to be clear that Greenville County

25 was not made whole in this staff plan in an effort -- for

1 the sole purpose of incorporating District 7 into
2 Greenville County. In fact, that's one of the
3 byproducts of -- that is one of the consequences of
4 Greenville County being whole is that it did address that
5 concern.
6 We had an earlier staff plan that addressed
7 that concern as well that had a split in Greenville
8 County. It was just a different split. So there -- and
9 I think the senator from Darlington explained it very
10 well.
11 Reverend Fant articulated and identified a
12 community of interest in Greenville County, and he wanted
13 to maximize that community -- it was a geographic
14 community, it was an ethic community. He wanted to
15 maximize their impact in the fourth district and did not
16 wish to see them divided, much in the same way that
17 somebody may not want to see the core community elsewhere
18 in the state divided.
19 Secondly, in terms of the fourth district,
20 obviously, there is more than one way to look at this,
21 and staff has proposed more than one way to look at this.
22 We've proposed -- the one thing that's for sure in
23 Spartanburg, Spartanburg County and Greenville cannot
24 both be whole in the fourth district. It won't fit. So
25 70,000 people or so have to come out of there and have to

1 go into other districts. And you've seen in other plans
2 that we had that made that division between the fifth and
3 the third, the fifth in Spartanburg and the third with
4 regard to Greenville.
5 What emerged yesterday in much of the
6 testimony was the sense that it might be useful to look
7 at a plan in terms of anchored counties. We heard a
8 whole lot about Horry County and population being divided
9 in Horry County and how Horry County anchored the
10 sixth -- I mean the seventh district along with Florence
11 in the sense that those were the two big counties in that
12 district.
13 And I think what you see in this
14 configuration of the fourth -- it's not the only way to
15 do it, but it is one way to do it -- is a district that
16 is anchored in Greenville County and extends along the
17 I-85/45 corridor into Spartanburg County through the city
18 of Spartanburg and incorporates it, and I don't pretend
19 that it's the only way to do that.
20 SENATOR S. MARTIN: Right. At the
21 appropriate time, though -- I'll discuss it with you --
22 I'm going to offer an amendment or get with you and make
23 an amendment at the appropriate time. Probably won't
24 have time to do it today.
25 But just for the record, I want everyone to

1 know that you talk about Greenville being the anchor
2 county. The congressman now -- and the current counties
3 are Greenville, Spartanburg, and Union and a little
4 portion of Laurens. The current congressman we have in
5 the fourth district is heavily anchored, and he is from
6 Spartanburg County. I just wanted to make that clear for
7 the record.
8 And, Mr. Chairman, at one point, we will
9 attempt a point where we move to adopt a certain plan in
10 here?
11 SENATOR McCONNELL: Yes, sir. And what our
12 plan --
13 SENATOR S. MARTIN: At that time -- at that
14 point, can I -- I would like to read a comment from
15 some -- I want to read a comment from some constituents
16 in Spartanburg county into the record, but that's
17 probably not the appropriate time now.
18 SENATOR McCONNELL: What I want to do is
19 get a comment, and if you want an amendment drawn to the
20 template, then, you know, what we'll do is I'll ask staff
21 to -- just like the senator from Orangeburg indicated he
22 wanted a change -- because we need some lead time to get
23 these amendments right for you.
24 SENATOR S. MARTIN: Okay. So at this time,
25 I'll go ahead and read it.

1 SENATOR McCONNELL: -- and it will be
2 considered by the full Senate.
3 SENATOR S. MARTIN: So can I go ahead and
4 read the short statement from some people?
5 SENATOR McCONNELL: Yes, sir, if it's
6 short.
7 SENATOR S. MARTIN: It's very short.
8 SENATOR McCONNELL: I want to hear from
9 them.
10 SENATOR S. MARTIN: I understand. It's
11 just a couple sentences.
12 This is from the president and CEO of the
13 Spartanburg Area Chamber of Commerce, Senator Shane
14 Martin.
15 The concept of assigning a major course of
16 the county of Spartanburg to a district anchored in
17 another community while assigning the remainder of
18 Spartanburg County to a different district anchored
19 somewhere else is politics at its worst.
20 Enormously important to the state of South
21 Carolina is the integrity of its economic units, meaning
22 those geographic areas where industry, jobs, and economic
23 growth can cluster and thrive. Their success is in
24 unity, both political and economic.
25 It is nonsensical to divide these economic

1 units into politically expedient pieces where the ability
2 of our elected officials to truly represent the unified
3 needs of the larger constituency is placed in jeopardy.
4 The business community in Spartanburg expects a far more
5 rational and realistic solution.
6 SENATOR McCONNELL: All right. Next I got
7 on the list of people the senator from Richland, Senator
8 Lourie.
9 SENATOR LOURIE: Thank you, Mr. Chairman.
10 Charlie, I have a question, and it's very
11 similar, perhaps, to the senator from Orangeburg. Can
12 you tell me a little bit more about the split in Richland
13 on this proposed plan as it relates to the way these two
14 districts, and particularly the second and sixth are
15 drawn today?
16 MR. TERRENI: Yes, Senator, I can. It is
17 similar but not identical in that, for population
18 reasons, the boundaries were going to shift. That is to
19 say the sixth, in general, I believe, has more
20 proportionally with Richland than the second does in the
21 current boundaries.
22 SENATOR LOURIE: In the current boundaries
23 as they exist today?
24 MR. TERRENI: Yes, sir.
25 SENATOR LOURIE: Okay. Because it shifts

1 the other way under this plan.

2 MR. TERRENI: Excuse me?

3 SENATOR LOURIE: If I'm looking at this

4 right, it looks like the second district will have

5 215,000 under this proposed plan, and the sixth would be

6 169.

7 MR. TERRENI: Right. But the county itself

8 has grown as well. I'm just saying, if we look

9 geographically and put -- I'm not able to do it in here,

10 but if we put the current boundaries up against the

11 boundary line, I think you will recognize it, Senator, as

12 being fairly similar.

13 It goes through the second district, wraps

14 around Richland County through northeastern Richland

15 County, through Blythewood 1, Blythewood 2, across the

16 top of the county, through your district, and then

17 towards the fort, and then into the Forest Acres

18 precincts and several downtown precincts in downtown

19 Columbia.

20 I don't believe -- and I may stand

21 corrected on this -- that there is much in the second

22 district in this draw. There are many precincts in the

23 second district in this draw that you would not find in

24 the second district today. I would be glad to go through

25 it with you in detail.

1 SENATOR LOURIE: Yeah, Mr. Chairman and
2 Charlie, I would like to spend some time with you before
3 we vote on this on the floor, perhaps with the assistance
4 of Senator Scott and his support. I'm concerned and
5 don't even know -- my map knowledge is not that great.
6 There's a funny-looking elbow that runs from the sixth
7 district that kind of squeezes its way into the second
8 district, and, geographically, I think that -- in fact, I
9 don't see a similar elbow anywhere else in the plan.
10 SENATOR SCOTT: Charleston.
11 SENATOR McCONNELL: Yeah, Charleston.
12 SENATOR LOURIE: Maybe with the exception
13 on the coast. There's all kinds of funny curves.
14 SENATOR SHOOPMAN: That's Charleston.
15 MR. TERRENI: Well, Charleston and Richland
16 both have the elbows, so to speak, and in large part,
17 what we have tried to do is stay close to the way the
18 courts did it, because these districts, the sixth
19 district in particular, when it's gone in as Charleston
20 and Richland, it has been the subject of some criticism.
21 Part of the elbow, though, is caused by the
22 fact that that big triangle on lower Richland County, of
23 course, as you know, is the fort.
24 SENATOR MALLOY: Yeah.
25 SENATOR COLEMAN: What about Senator

1 Lourie's --

2 SENATOR KNOTTS: (Inaudible.)

3 MR. TERRENI: I don't know if my aim is

4 true, Senator Knotts, but right there is Ward 26 and Fort

5 Jackson.

6 MR. MALLOY: Mr. Chairman?

7 SENATOR McCONNELL: Yes, sir, Senator

8 Malloy.

9 SENATOR MALLOY: If I may interject and

10 help, I will refer the senator to the Federal Court Plan

11 in 2002, which has the same elbow.

12 SENATOR SCOTT: Same thing, same elbow.

13 MR. TERRENI: It does.

14 SENATOR LOURIE: And just so I understand,

15 because you guys are the experts on this, are we trying

16 to adhere as much as possible to what the Federal Court

17 did then?

18 MR. TERRENI: Well, my view of it with the

19 Federal Court, especially with the sixth, is I don't

20 really want to reinvent the wheel on it. If three

21 federal judges said this is a good way, good approach to

22 it, I like it if there is no need to depart from it.

23 SENATOR LOURIE: It just creates great

24 confusion for the citizens of Richland County when we're

25 dealing with some of our infrastructure needs, and you

1 have this kind of funny elbow that curves across as to --
2 you know, in both congressmen.
3 I am sort of like the senator from
4 Orangeburg. Both Congressman Clyburn and Congressman
5 Wilson's office have been very accommodating. In fact, I
6 see Congressman Butch Wallace here today, too. He does
7 such a great job for us.
8 But if there is a way to avoid that,
9 particularly when you got this kind of funny piece of
10 geography there, we would like to at least examine that.
11 MR. TERRENI: I'll be glad to go through it
12 with you.
13 SENATOR HUTTO: Can I respond to Senator
14 from Richland? Can I respond to him?
15 SENATOR McCONNELL: You mean on --
16 SENATOR HUTTO: On this.
17 SENATOR McCONNELL: Yes, sir.
18 SENATOR HUTTO: Senator, you know, my fix
19 that I was asking for was totally within Orangeburg, but
20 maybe if we could fix these two together -- we're still
21 talking about between the second and the sixth and some
22 parts that have always been in the second. It looks like
23 we're picking up more here. We might be able to swap
24 them. It may be that your fix doesn't have to be totally
25 within your county, and mine doesn't have to be totally

1 within mine since it's all between the second and sixth.

2 SENATOR LOURIE: I was looking at that,

3 too. There is some -- both split counties, so maybe we

4 can work on something.

5 SENATOR McCONNELL: All right. And staff

6 says they'll get with you to show you those.

7 SENATOR LOURIE: And, Mr. Chairman, when

8 would -- I'm sorry, Senator from Lexington. When would

9 be -- are we going to try to do this next week?

10 SENATOR McCONNELL: Yes, sir, we've got to.

11 We'll run out of time if we don't do it next week.

12 SENATOR LOURIE: Okay.

13 SENATOR McCONNELL: So staff will be

14 available.

15 SENATOR LOURIE: Thank you.

16 SENATOR McCONNELL: Yes, sir. We're going

17 to have to ask everybody, please, by Friday so that we

18 can have your amendments prepared and make sure they're

19 accurate for the floor and get them done, because this

20 is -- the subcommittee has learned every time you make a

21 change on these maps, it causes rotations in all of the

22 districts because you -- they've got to be within one

23 person. So they'll be happy to do that.

24 All right. I've got, next, senator from

25 Horry, Senator Rankin.

1 SENATOR RANKIN: Thank you, Mr. Chairman.
2 The question that I have -- or, first, an observation and
3 a note of gratitude, I guess, in response to that busload
4 of communities of interest that came last night to put
5 Horry back, number one, in a whole fashion as compared to
6 the original staff plan and, likewise, to align us with
7 the Pee Dee counties, again, talking about the historic
8 sixth district that served us well in times past.
9 I do want to ask a couple of questions and,
10 one, in terms of the sixth district's composition now
11 with Georgetown in it in terms of the BVAP or
12 retrogression or, I guess, the criteria that the court
13 will look at.
14 Does, one -- my question -- Staff Plan 3
15 preserve or adhere to all the standards and, again,
16 appear to satisfy the court?
17 MR. TERRENI: Yes, Senator. We would --
18 District 6 as configured, and the plan as a whole, would
19 comply with the Voting Rights Act, and, otherwise, the
20 law of the courts.
21 SENATOR RANKIN: Okay. And the idea as the
22 House drew it, by aligning Horry and Georgetown, the
23 possibilities of that -- you guys considered that last
24 night as well -- in putting Lee into that seventh
25 congressional district. A little background on that, if

1 you will, how that came to be.

2 MR. TERRENI: Well, and as I said, Senator,

3 there's, perhaps, no perfect answer to this, and

4 ultimately the committee and the Senate will have to

5 decide how to approach this. There was no way to keep --

6 what was apparent last night was, while the House had

7 Georgetown in the seventh, it didn't have Williamsburg in

8 the seventh, and Williamsburg used to be in the seventh

9 as well.

10 SENATOR RANKIN: Right.

11 MR. TERRENI: There was going to be -- and

12 part of Berkeley. I mean, there was going to be an odd

13 man out, so to speak. But let's forget about Berkeley

14 for a second.

15 Georgetown -- we drew Georgetown out in an

16 effort to weight -- to bring the district in more of an

17 inland, Pee Dee, coastal, Grand Stand balance, and

18 balance the coastal interests of the district with the

19 inland interests of the district.

20 I'm not saying it's the only way to do it.

21 Obviously, the House had a different approach. You know,

22 they have Georgetown in the district, and they don't have

23 Sumter and Lee. I mean, there is substantial population

24 in Sumter and Lee as well.

25 I've seen draws where you could put

1 Georgetown and Williamsburg in there, but you lose
2 counties at the top of the state. It's just sort of a
3 matter of -- I'm not saying there's a right answer or a
4 wrong answer there. I think it is ultimately one that's
5 in this body's discretion.
6 SENATOR RANKIN: Well, and I just want to
7 add, again, not speaking for the senator from Georgetown,
8 but the message I've heard throughout is that Pee Dee
9 region, again, perhaps tenuous in some eyes, but in the
10 Horry County eyes, the NESA region includes many of these
11 varied counties that your plan adopted today, which began
12 a congressional district, so I want to tell you I
13 appreciate that.
14 MR. TERRENI: Thank you.
15 SENATOR McCONNELL: Next, I have the
16 senator from Lexington, Senator Knotts.
17 Yes, Senator, did you need to respond to
18 something?
19 SENATOR MALLOY: I was going to respond
20 further to the senator from Horry.
21 And there was significant testimony about
22 keeping those counties whole in Horry and Georgetown.
23 Obviously, some in a position that, one -- that they were
24 already -- they were already whole in the first district.
25 But, also, this plan here is very similar to the sixth

1 plan in Federal Court 2002, which included Georgetown and
2 Williamsburg in the sixth district in the Federal Court
3 Plan 2002, and that has been vetted tremendously.
4 As you go around and look at the amounts of
5 population, obviously, with Berkeley in, it made
6 Georgetown whole, and Williamsburg was whole, which was
7 similar to the court plan from 2002.
8 Obviously, with the population, you lost
9 the population in the upper part of the Pee Dee where you
10 had to end up growing the population area in this
11 district, and that's why you had to end up circling
12 around to getting that. You needed it additionally as
13 you would continue to have the forces coming down to keep
14 the communities of interest in solid counties in the
15 fifth district, and at the same time maintain what
16 senator from Richland called the elbow and coming around
17 from Richland. You've got to have at least a majority
18 district. It's 90 some-odd-thousand folks that come in
19 after -- with the Lee and Sumter area.
20 SENATOR McCONNELL: All right. Next,
21 senator from Lexington, Senator Knotts.
22 SENATOR KNOTTS: Thank you, Mr. Chairman.
23 I would just like to get out a couple questions about
24 Congressional District 2 in Richland County.
25 That little jut that you got up in there, I

1 need the number of people in that, and I need to know if
2 any of those people were shifted that are currently in
3 District 2.
4 MR. TERRENI: In Richland, Senator Knotts?
5 SENATOR KNOTTS: That's right.
6 MR. TERRENI: There are people in
7 district --
8 SENATOR KNOTTS: But see, all three of
9 them -- all three plans and the current plan also has a
10 current -- the current plan, I understand, also goes into
11 Richland.
12 MR. TERRENI: Yeah, absolutely.
13 SENATOR KNOTTS: Well, I just need to know
14 how many people is in there and if those people were
15 currently -- are currently in the second district when it
16 was being drawn out.
17 MR. TERRENI: Okay. To answer --
18 SENATOR KNOTTS: Plan Number 3.
19 MR. TERRENI: To answer the first question,
20 the number of people in Richland in District 2 under this
21 plan is 215,422, Senator Knotts.
22 SENATOR KNOTTS: That's in Plan 3, Staff
23 Plan 3?
24 MR. TERRENI: Yes, sir.
25 SENATOR KNOTTS: How many?

1 MR. TERRENI: 215,422.

2 Now, your second question regarding whether

3 or not -- as I understood it, whether all of these people

4 were previously in the second congressional district, I

5 don't want to represent that all of them were previously

6 under the second congressional district. I will tell you

7 that almost all of them were. I would have to double

8 check myself to be sure that all of them were. I don't

9 know the answer of that for sure off the top of my head.

10 The second district in Richland, a lot of

11 it shrunk. In other words, there are people in the sixth

12 district now that previously were in the second district,

13 but not so much the other way around.

14 SENATOR KNOTTS: Okay. What was the reason

15 for that change?

16 MR. TERRENI: The second district was

17 underpopulated as compared to -- I mean the sixth

18 district was underpopulated as compared to the second

19 district, Senator.

20 SENATOR KNOTTS: All right. Precincts -- I

21 believe on this plan, you tried to keep counties whole.

22 MR. TERRENI: Yes, sir.

23 SENATOR KNOTTS: Okay. How about

24 precincts?

25 MR. TERRENI: By and large, we have tried

1 to keep precincts whole. I believe the last count I saw
2 on this was something like 25 precincts were split
3 statewide. At a certain point, you have to split the
4 precincts if you're going to draw the plus or minus 1.
5 When we did it, we tried to do it as an unobtrusive,
6 least disruptive way possible.
7 SENATOR KNOTTS: Thank you.
8 SENATOR McCONNELL: Senator from Kershaw,
9 Senator Sheheen.
10 SENATOR SHEHEEN: Thank you, Mr. Chairman.
11 We've heard from big counties, Spartanburg,
12 Lexington, Charleston, Richland, even Orangeburg, but the
13 counties that tend to get run over are also in play here.
14 And one of my counties, Chesterfield County in
15 particular, is a Pee Dee County, that has shown a desire
16 to be included in the Pee Dee district through folks
17 coming to testify, I believe, over in the Florence
18 hearing that had -- I know our Representative Vick is
19 also here from Chesterfield County.
20 And I was not able to work completely with
21 staff, although they give it a mighty effort, to have an
22 amendment prepared for this meeting. But I do want the
23 committee to know, and I hope the members of the Senate
24 will understand, that many people in Chesterfield County
25 want to be a part of the Pee Dee District, District 7.

1 And while I'm sympathetic to the large
2 county contained within that district, there are other
3 counties as well who deserve and, perhaps, need even more
4 so than the large counties, which tend to get a great
5 amount of influence in state government and federal
6 congressional districts, need to be included to have
7 their voice heard.
8 And I will be preparing an amendment to
9 help Chesterfield County become part of that seventh
10 congressional district. And I hope that the members of
11 the committee with support me as we do that with the
12 least amount of turmoil possible.
13 I also have a letter here, which I won't
14 read, but I would like to submit it into the record -- I
15 will hand it to Chair -- from Mr. Lane Brown, who is here
16 in the audience, I believe, today, and who has some
17 comments that he wanted to be submitted and to be
18 considered in the record as we take that matter up.
19 I believe there are about 48,000 people in
20 Chesterfield County. It is a part of the Northeastern
21 Strategic Alliance along with Horry, Marion, Dillon,
22 Marlboro, Florence, other counties. It is on the banks
23 of the Pee Dee River. It has a huge commonality of
24 interest with Marlboro County and the Cheraw. And
25 Marlboro County is literally right across the river and

1 have many ties. It also has a commonality with
2 Darlington County, including sharing the front of
3 Chesterfield County and the Chesterfield County senator
4 and Darlington County senator, Senator Gerald Malloy.
5 So there are a lot of connections, a lot of
6 reasons why it should be included in that Pee Dee
7 district, and I will mount a vigorous effort, with the
8 help of many members of this Pee Dee, I'm quite sure, on
9 the floor to try to help to --
10 SENATOR McCONNELL: And you spoke to the
11 staff, so they'll be getting you an amendment?
12 SENATOR SHEHEEN: They have, and we'll be
13 working together, and I'll check with them. I do have
14 one question, Mr. Chairman --
15 SENATOR McCONNELL: Yes, sir.
16 SENATOR SHEHEEN: -- of the process, which
17 is when do you anticipate us taking this up on the floor?
18 SENATOR McCONNELL: We were optimistic that
19 it would be Thursday, but I suspect, depending on the
20 amount -- if we're not ready, then it's not ready. We'll
21 wait until Tuesday. It depends on getting everybody's
22 amendments done.
23 SENATOR SHEHEEN: Well, I plan to have mine
24 ready Thursday at the latest.
25 SENATOR McCONNELL: All right.

1 SENATOR SHEHEEN: Thank you.

2 SENATOR McCONNELL: At least get started on
3 Thursday and work on it on Tuesday. We've got to try to
4 finish it up next week.

5 SENATOR SHEHEEN: Yes, sir. Thank you.

6 SENATOR McCONNELL: All right. Then, next,
7 I've got the senator from Beaufort, Senator Davis.

8 SENATOR DAVIS: Thank you, Mr. Chairman.
9 Quick question. The Staff Plan Number 2 has the least
10 amount of split counties, and Staff Plan 3 has
11 considerably more split counties. I would also make the
12 observation that Beaufort, Jasper, Hampton, and Colleton
13 are recognized as a COG, as an economic development
14 region.

15 Just wondering why, if Staff Plan 2 has
16 less split counties and it still leaves Horry County
17 whole and Charleston County whole, why Staff Plan 3 is
18 preferable, if avoiding splits and counties is a material
19 consideration.

20 MR. TERRENI: I'm having to orient myself
21 between plans, Senator, if you will give me one second.

22 SENATOR DAVIS: Sure.

23 SENATOR CAMPBELL: Mr. Chairman, while he's
24 looking at that, I have a similar question because Staff
25 Plan Number 2 also keeps Berkeley and Dorchester whole

1 along the same lines as the senator from Beaufort is
2 talking about.
3 SENATOR McCONNELL: He'll attempt to answer
4 it, and then I'll let some of the subcommittee members
5 tell you why they preferred --
6 MR. TERRENI: Staff Plan -- Senate Staff
7 Plan 2 split eight counties. The Senate Staff Plan 3
8 split 11 counties. That's with seven districts compared
9 to 12 counties split in the current plan. So everybody
10 is improving.
11 There are fewer split counties. At the
12 same time, the configuration of Staff Plan 2 is
13 substantially different. It was the staff's sense that
14 the subcommittee wanted to see a plan which unified Horry
15 County with the rest of the Pee Dee region, Marion,
16 Dillon, Marlboro counties, and, of course, Staff Plan 2
17 does not do that.
18 Staff Plan 2 also reorients the sixth
19 substantially through the -- into the Pee Dee region,
20 shifting it out of the Lowcountry, Senator Davis.
21 Those are considerations. Again, Staff
22 Plan 2, Staff Plan 1, this plan, they're all good faith
23 efforts to deal and provide different approaches, I
24 think, to deal with population shifts in the state and
25 were offered in the public -- in the aftermath of the

1 public hearing. Staff was requested to come up with a
2 third alternative and one that addressed this issue of
3 Horry County and the Pee Dee region, and that is what you
4 have in Staff Plan 3.
5 And, ultimately, the two plans -- you know,
6 this Plan 2 and Plan 3, I'm afraid, cannot be reconciled.
7 I mean, the population shifts are such that you can't
8 draw a district such as District 7 anchored in Beaufort
9 County and Calhoun and going through Berkeley and at the
10 same time have the Pee Dee district and maintain a
11 minority-majority sixth district in the state, Senator.
12 So I don't know if that answers your
13 question. I just think there are just different
14 priorities that are considerations.
15 SENATOR DAVIS: I understand. But in terms
16 of drawing the maps, I think the guiding -- and I'm
17 asking the question, really, is it trying to preserve
18 community of interest? And, I guess, where I depart on
19 this is that the best indicator of a community interest
20 is a county boundary, because counties are the way we
21 distribute funds, the way we organize economic
22 development efforts, the way we do a lot of things in the
23 state. I mean, the county unit is the mechanism of how
24 we do that.
25 And it just seems to me that the plan that

1 has the least number of counties split is, by definition,
2 going to be the strongest indicator of a plan that aligns
3 communities of interest. And, although I appreciate the
4 fact that we're making progress in that there's only 11
5 counties split, you know, under Staff Plan 3, under Staff
6 Plan 2, you have only eight counties that are split.
7 And, again, if you're going to look at
8 community of interest, the best indicator of that from a
9 state policy perspective, from an economic development
10 perspective, from COGs, Counsel of Government
11 perspectives, it's going to be counties. And I'll just
12 make that observation to you, Senator.
13 SENATOR McCONNELL: All right. Next up is
14 senator from Richland, Senator Scott.
15 SENATOR SCOTT: I want to go back and
16 revisit what the other senator from Richland was talking
17 about in that little bottleneck.
18 Most of that bottleneck would cover a good
19 portion of the inner city all the way crossing I-20, then
20 going up toward Killian Road, Farrow Road, along with
21 Highway 21 that will come into that bottleneck, and then
22 moving over to the top would be Blythewood, like was
23 indicated earlier, only it comes around it where you've
24 had growth. But it's been basically where the second is
25 represented, that portion of the district, for quite a

1 period of time.

2 And then when you really take a look here,

3 the voting-age population of 215,000 drops down to

4 164,000. So with Fort Jackson and some of the other

5 institutions out there, it brings the number back down

6 compared to -- the other Richland County population would

7 be 169, and that's a pretty heavy minority portion of the

8 county with the inner city. But most of that is going to

9 be within the Senate District 19 coming back out a with

10 black population about 109, with a voting-age population

11 about 80,000.

12 And so that's where that bottleneck comes

13 into, I guess. Not really having the map in front of me,

14 I guess, 555 and Farrow Road would probably be the

15 dividing line on that, if that helps you any to kind of

16 understand what the bottleneck was all about.

17 Thank you, Mr. Chairman.

18 SENATOR McCONNELL: All right. Next, I've

19 got senator from Charleston, Senator Ford.

20 SENATOR FORD: Mr. Chairman, members of the

21 Judiciary, talking from experience on the split county,

22 Charleston, I think we are the third largest county in

23 the state. And we always had a split -- Charleston

24 always had a split county in relationship to a

25 congressional district.

1 For example, I live in both of Congressman
2 Clyburn's district, and, also, at the present time, my
3 congressman is Tim Scott. And all the years I've been in
4 Charleston under split counties, it never handicapped
5 anything. Matter of fact, it never came up at no kind of
6 meeting, whether it's local government meetings, whether
7 it's the Charleston, Berkeley, Dorchester County
8 government meeting. It just never came up. Nobody has
9 ever said, Well, you all got a split county. We've got a
10 problem. It never has posed a problem.
11 All the industry that's been relocating in
12 Charleston for the past, what, 35, 40 years, it never
13 came up that we've got a split county. It never
14 handicapped not one penny from the state. It never
15 handicapped not one penny from the federal government.
16 It just never was a major issue. As a matter of fact, it
17 never was an issue at all.
18 And if you talk to the people in the
19 streets of Charleston County, you know, they might --
20 they don't even know who their congressmen are. They're
21 going to say Tim Scott and Clyburn, or they're going to
22 say Clyburn and Brown, but they never -- it never was a
23 major problem like I've been hearing for the past three
24 or four months being a member of this committee.
25 In other words, you all are putting

1 something in your mind that don't really exist, as far as
2 a split county is concerned, for a congressional
3 district. It really don't matter, brothers and sisters.
4 It don't matter because, like I said, it hasn't
5 handicapped -- it hasn't handicapped Charleston County
6 not one bit having a split county.
7 And it seems to me the philosophy should be
8 that why have one when you can get five or six? For
9 example, you know, in Charleston, we've got -- at one
10 time, we had something like seven -- we had seven
11 senators representing the city of North Charleston. We
12 had five representing downtown Charleston.
13 And nobody ever heard Mayor Riley crying,
14 saying that he wasn't represented because he had five.
15 Mayor Summey is the same way. He never said anything
16 about he's not being properly represented. He had seven.
17 It seems to me seven is much greater than one, and two
18 congressmen is much greater than one, and it's not going
19 to handicap anything.
20 Now, a lot of folks in the public have the
21 same confusion, and maybe they have the confusion because
22 if you've never really had two congressmen, you might not
23 know. But believe me, it don't make one difference at
24 all, in state money, in federal money, or no other money.
25 So, I mean, I guess you all have to find

1 out for yourself, but, really, it hasn't made no
2 difference in Charleston County. Matter of fact, we've
3 got jobs to throw away.
4 SENATOR McCONNELL: All right. Next we'll
5 move to Senator Campbell from Berkeley.
6 SENATOR CAMPBELL: Yeah. Mr. Chairman, I
7 have, roughly, the same comments as the senator from
8 Beaufort had.
9 You know, Senate Plan 2, Staff Plan Number
10 2, keeps Dorchester and Berkeley all as one unit. It
11 does keep fewer counties split, as Charlie pointed out, 8
12 versus 11. It seems to me it's a better plan than Number
13 11. It does put Horry in the first congressional
14 district versus the Pee Dee region. But other than that,
15 you've got eight counties that are split versus 11 or 12
16 that we have today.
17 And I think Berkeley and Dorchester being
18 kept whole would make it a little bit easier to do some
19 of the things the senator from Beaufort's talking about,
20 such as economic development, some of those things.
21 So those are my comments, and I will work
22 with the senator from Beaufort to talk about some of the
23 issues along those lines.
24 SENATOR McCONNELL: All right. Next I've
25 got senator from Spartanburg, Senator Bright.

1 SENATOR BRIGHT: Thank you, Mr. Chairman.
2 One of the first terms that I heard you say
3 after I got elected to the Senate was about fundamental
4 affairs. And I do think that Staff Plan, when I look at
5 it and see the way it's drawn for Spartanburg and
6 Greenville County, the fact that Spartanburg is not
7 entirely in a district, Greenville is not entirely in a
8 district, and I think the representation is a lot more
9 fair -- and after listening to some of my colleagues on
10 the Judiciary about their congressional districts, I
11 believe that the Staff Plan 2 is a fairer plan, and I
12 wanted to ask staff if that was meeting with Reverend
13 Fant's approval. I know, with the district, the
14 senatorial district -- does that keep that intact?
15 SENATOR SHOOPMAN: No.
16 MR. TERRENI: Senator, I don't believe
17 Staff Plan --
18 SENATOR SHOOPMAN: Mr. Chairman?
19 MR. TERRENI: I'm sorry. I'm just trying
20 to keep track of my plans here.
21 I believe that Reverend Fant would have
22 wanted a more western orientation for the fourth district
23 in Greenville County. I may have misspoken regarding one
24 of the previous staff plans. Well, Staff Plan Number 1,
25 obviously, had Greenville whole, so it would have met his

1 expectations. As far of dividing Greenville, I think he
2 would have advocated a different division of Greenville
3 County.
4 SENATOR BRIGHT: But does Staff Plan 2 keep
5 that senate district whole?
6 MR. TERRENI: No, sir, I don't believe it
7 does.
8 SENATOR SHOOPMAN: No. Mr. Chairman?
9 MR. TERRENI: There's an overlap in the
10 south of the county.
11 SENATOR McCONNELL: Senator from
12 Greenville, can you answer that?
13 SENATOR SHOOPMAN: Yes, sir, I can. I can
14 tell you both the House Plan and the Senate Plan 2 cover,
15 Senator District 7 almost to the same extent of about
16 half.
17 SENATOR BRIGHT. Okay.
18 SENATOR SHOOPMAN: The House version
19 actually takes the third district on up north of I-85,
20 but in this version, it still -- both plans covered the
21 same proportion of Senate District 7, which was brought
22 to our attention just yesterday and made us aware of
23 that, and that is a -- was a significant concern to all
24 parties involved.
25 SENATOR BRIGHT: Well, was that not a

1 concern early on in the process? I mean, are we meeting
2 the Department of Justice guidelines, or are we trying to
3 meet an individual guideline?
4 MR. TERRENI: If I may, this is -- this is
5 not a preclearance issue. I want to be clear about that.
6 This is more of identifying an issue that's expressed by
7 a member of the public regarding a cohesive community in
8 Greenville County.
9 I think what Senator McConnell's
10 observation was and my observation was is that the whole
11 Greenville County addresses that concern, just as it
12 would address the concern of somebody who came here from
13 Spartanburg County and said, We think Converse and
14 Wofford College ought to be in the same district. I
15 mean, this is not -- it happens that there is a community
16 there that has an African-American composition. They
17 feel like there is a need to be united in a congressional
18 district.
19 But I don't see it so much as an issue in
20 terms of complying with the Voting Rights Act. It's more
21 of an issue as complying with the criteria of the
22 committee. So the decision to draw Greenville whole
23 coincides with that interest, but it's not motivated by
24 that interest.
25 SENATOR BRIGHT: So you don't think we're

1 going to have a court challenge issued on Plan 2 or 3?
2 You don't feel like that's going to be an issue? It's
3 just trying to --
4 MR. TERRENI: To accommodate a concern.
5 SENATOR BRIGHT: To accommodate a concern,
6 because Senator Martin read his e-mail earlier, and we've
7 got a lot of concerns we need to accommodate as well, so
8 I don't think this may go as smoothly as our Senate
9 redistricting.
10 SENATOR McCONNELL: And if you have
11 amendments, I would urge you to get in contact with the
12 staff.
13 SENATOR BRIGHT: The staff already has an
14 amendment for me.
15 SENATOR McCONNELL: All right. That's very
16 good.
17 Senator from Pickens, Senator Martin.
18 SENATOR L. MARTIN: Mr. Chairman, members
19 of the committee, I think what we've heard, particularly
20 some of the concerns -- and some are more fundamental,
21 but tweaking around the edges, that will come now that
22 the plan has been rolled out to the full committee from
23 the subcommittee. Obviously, it's going to take a little
24 time for the members to gather the statistical
25 information to propose amendments. We necessarily need

1 to do that on the floor.

2 And for that reason, I would move that we

3 adopt the subcommittee recommendation -- of course, every

4 member will have the right to offer amendments on the

5 floor -- that we adopt the subcommittee recommendation on

6 this bill, and, of course, the other bill as well.

7 SENATOR McCONNELL: We will send both

8 files.

9 SENATOR L. MARTIN: That is the

10 recommendation, the subcommittee recommendation.

11 SENATOR FORD: I second it.

12 SENATOR McCONNELL: All right. As I

13 understand your motion, all members are reserving their

14 right for amendments. It gives us a template to amend

15 to.

16 SENATOR BRIGHT: Mr. Chairman, are we

17 saying send out 2 and 3, or send out 3?

18 SENATOR McCONNELL: No, we're sounding out

19 the House and the Senate vehicles --

20 SENATOR SHOOPMAN: On congressional

21 reapportionment, yeah.

22 SENATOR McCONNELL: -- so that we have a

23 vehicle on the floor, but I would rather not explain all

24 of that in public, because I think we have House staff in

25 here.

1 SENATOR L. MARTIN: There wouldn't be any
2 ulterior motives on our part this time.
3 SENATOR DAVIS: Mr. President -- Mr. Chair,
4 I'm sorry.
5 SENATOR McCONNELL: Yes.
6 Oh, I'm sorry. What you're moving -- let
7 me make sure -- is that Plan 3 would be amended to the
8 two bills as the template --
9 SENATOR L. MARTIN: That's correct.
10 SENATOR McCONNELL: -- all members
11 reserving their rights.
12 All right. Do I hear a second? Senator
13 from Charleston seconded it. That is the item before the
14 body. If not, we'll go to a vote.
15 SENATOR DAVIS: Mr. Chairman?
16 SENATOR McCONNELL: All in favor, please
17 raise -- I'm sorry. I'm sorry, Senator.
18 SENATOR DAVIS: I'll just make this
19 comment. I'm going to reiterate a lot of what I said
20 earlier, but I think that Staff Plan 2 provides the much
21 better template, and I think we're making a mistake in
22 going forward with a plan that has a greater number of
23 county splits.
24 I mean, if you look at community interest,
25 the way we define them in South Carolina, from

1 distribution of school dollars, DSS, transportation, any
2 number of things, the unit that we look at in state
3 government to define communities of interest, it counts.
4 And I think that if we go forward and if we adopt a staff
5 plan that on its face has more county splits in it than
6 another staff plan, I think that we're setting up not as
7 good a foundation as we could, and so that's why I'll be
8 voting against Staff Plan 3 being the template.
9 SENATOR BRIGHT: Senator?
10 SENATOR McCONNELL: Yes, sir, Senator from
11 Spartanburg.
12 SENATOR BRIGHT: Mr. President, I want to
13 move to table this motion.
14 SENATOR McCONNELL: All right. A motion to
15 table the senator from Pickens' motion.
16 All in favor of tabling, please raise your
17 right hand.
18 (Judiciary Committee voting.)
19 SENATOR McCONNELL: Thank you. Opposed by
20 like sign.
21 Thank you. Proxies?
22 SENATOR MALLOY: Senator from Orangeburg,
23 Senator Hutto, votes not to table.
24 SENATOR McCONNELL: Senator from Lexington,
25 Senator Knotts.

1 SENATOR SCOTT: Senator from Greenwood,
2 Senator Nicholson, votes to table the motion.
3 SENATOR McCONNELL: To table?
4 SENATOR SCOTT: Not to table. I'm sorry.
5 SENATOR MALLOY: Mr. Chairman, I think the
6 court reporter did not hear. Senator from Orangeburg,
7 Senator Brad Hutto, votes not to table, his proxy.
8 SENATOR McCONNELL: All right. By a vote
9 of 5 to 17, the motion to table fails.
10 The matter before us is the senator from
11 Pickens' motion.
12 Yes, sir, senator from Horry.
13 SENATOR RANKIN: Unanimous consent request
14 that the same vote just taken apply to the motion by
15 Senator Martin.
16 SENATOR MALLOY: Object.
17 SENATOR McCONNELL: Objection.
18 All right. We'll go to a direct vote. All
19 in favor of the Senator from Pickens' motion, please
20 raise your right hand.
21 (Judiciary Committee voting.)
22 SENATOR McCONNELL: Thank you. Opposed by
23 like sign.
24 Proxies?
25 SENATOR SCOTT: Senator Nicholson in favor

1 of.

2 SENATOR McCONNELL: Senator Nicholson in

3 favor.

4 SENATOR MALLOY: Senator from Orangeburg,

5 Senator Brad Hutto, votes in favor.

6 SENATOR McCONNELL: Senator Hutto votes in

7 favor. Senator from Lexington, Senator Knotts, votes in

8 favor.

9 By a vote of 17 to 7 -- 5, I'm sorry -- 17

10 to 5, the bills -- the two bills are amended with the

11 staff plan and reported to the full Senate.

12 Let me remind you all we have a meeting in

13 the morning on the SLED director.

14 SENATOR LOURIE: That is going to be here,

15 Mr. Chairman?

16 SENATOR McCONNELL: No, sir, it will be on

17 the third floor above the Senate, at 9:30.

18 Wait a minute. We have one thing that we

19 need, a technical thing, that we probably need to get

20 agreements put on both bills. I'm going to ask counsel

21 to explain to you.

22 When we go to amend congressional

23 districts, we have complexities that come up regarding

24 people who are still in their terms for congressional

25 districts, and it has been the customary practice to put

1 this language in all of these congressional reapportion
2 plans, and I'm going to get him to read it to you very
3 quickly and tell you and just ask unanimous consent to
4 apply to it, because we're going to need to do it now.
5 Some of you have asked what's going to
6 happen to all these boards and commissions. I've had
7 staff already look at that. I have a memorandum on it.
8 There are 59 agency boards and commissions which will be
9 affected by going -- by the changes.
10 Most of these we can't do until these
11 district lines are settled, and that means either
12 preclearance and it happens, or we get a federal court
13 decision if we end up in court, so most of it can't be,
14 but this little bit can be done to keep order until such
15 time as we have the new plan in effect. So I would ask
16 you just to very quickly tell them what the boilerplate
17 is that we've used in the past.
18 MR. TERRENI: Senator, the effect of the
19 boilerplate is to allow existing members of boards and
20 commissions to serve out their terms until the new
21 districts are adopted.
22 Also, we're going from six districts to
23 seven districts, so some of these commissions are going
24 to have to be reconstituted because they have appointees
25 according to congressional districts, but they may have

1 limited numbers of members, so the General Assembly have
2 to make some decisions about their composition.
3 An example would be Public Service
4 Commission, which I am familiar with, which has,
5 currently, six members elected from congressional
6 districts and one member serving at large. You will face
7 some choices in that regard once you've adopted a
8 redistricting plan.
9 The language says, Notwithstanding any
10 other provision of law to the contrary, any person
11 elected or appointed to serve, or serving, as a member of
12 any board, commission, or committee to represent a
13 congressional district, whose residency is transferred to
14 another district by a change in the composition of the
15 district, may serve, or continue to serve, the term of
16 office for which he was elected or appointed.
17 However, the appointing or electing
18 authority shall appoint or elect an additional member on
19 that board, commission, or committee from the district,
20 which loses a resident member on it as a result of the
21 transfer to serve until the term of the transferred
22 member expires.
23 When a vacancy occurs in the district to
24 which a member has been transferred, the vacancy must not
25 be filled until the full term of the transferred member

1 expires.

2 SENATOR McCONNELL: This is the exact

3 language in 1994 and in 2001 that was put into the thing

4 once these congressional districts started changing.

5 Without objection, so ordered.

6 Thank you all for coming. Look forward to

7 your amendments.

8 (The proceeding was concluded at 4:46 p.m.)

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1 CERTIFICATE OF REPORTER

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3 I, Janni S. Jardine, Court Reporter and Notary Public for the State of South Carolina at Large,
4 do hereby certify:

5 That the foregoing proceeding was taken before me on the date and at the time and location stated
6 on Page 1 of this transcript; that the matters made at the time of the proceeding were recorded stenographically
7 by me and were thereafter transcribed, that the foregoing transcript as typed is a true, accurate and complete
8 record to the best of my ability.

9 I further certify that I am neither related to nor counsel for any party to the cause pending or
10 interested in the events thereof.

11 Witness my hand, I have hereunto affixed my official seal July 13, 2011, at Columbia, Richland
12 County, South Carolina.

13

14

15 Janni S. Jardine

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Janni S. Jardine
17 Court Reporter
My Commission expires
18 September 1, 2019

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