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REDISTRICTING SUBCOMMITTEE MEETING

STAFF SENATE REDISTRICTING PLAN

JUNE 8, 2011

10:25 a.m.

GRESSETTE BUILDING, ROOM 308

COLUMBIA, SOUTH CAROLINA

REPORTED BY: SHERI L. BYERS
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1 MEMBERS IN ATTENDANCE:

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3 SENATOR GLENN F. MCCONNELL, CHAIRMAN

4 SENATOR RAYMOND E. CLEARY

5 SENATOR ROBERT FORD

6 SENATOR C. BRADLEY HUTTO

7 SENATOR GERALD MALLOY

8 SENATOR LARRY A. MARTIN

9 SENATOR PHILLIP W. SHOOPMAN

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12 STAFF PRESENT:

13 CHARLES TERRENI, CHIEF COUNSEL

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1 SENATOR MCCONNELL: All right. I would like
2 to call this meeting of the Senate Judiciary
3 Subcommittee to order. Again, please let me thank all
4 of the subcommittee members for their diligence and the
5 personal time each of you have taken in attending the
6 subcommittee meetings and many public hearings and
7 meetings that we have had in the past. I know all of
8 you could be home today, but I appreciate you being here
9 in Columbia.

10 As you know, we are presently focused only on
11 the Senate Redistricting Plan. We asked staff to draft
12 a plan that complies with the law and the redistricting
13 guidelines we adopted. I believe the staff plan
14 reflects careful consideration of the law, the issues
15 presented by the public, and the concerns raised by the
16 members of the Senate.

17 Yesterday at the public hearing, we heard
18 from several citizens concerned about parts of the staff
19 plan. We also heard from the ACLU attorney, who
20 explained the basis for their proposed plan. We also
21 had presented to us a map from the South Carolina
22 Republican Party.

23 What I would suggest for the order of
24 business for this subcommittee is that first, we allow
25 Mr. Terreni to provide us with a discussion of the

1 proposed Staff Senate Plan. I would ask that the
2 subcommittee members wait to ask the questions of
3 Mr. Terreni until after he completes his presentation
4 unless something needs immediate clarification.

5 Next, we will hear from any senators who have
6 proposed amendments to the staff plan, and subcommittee
7 members will be able to ask questions about those
8 amendments. We will also ask Mr. Terreni to advise us
9 on how a proposed amendment fits or does not fit within
10 the redistricting guidelines adopted by the subcommittee
11 in the proposed Staff Senate Plan. At the appropriate
12 time, the subcommittee will vote on any proposed
13 amendments to the staff plan, and hopefully, we will be
14 able to vote out a report for the full Judiciary
15 Committee, which is scheduled to meet tomorrow.

16 Unless there are any questions or comments
17 from the subcommittee members at this time, I'm going to
18 ask Mr. Terreni to proceed forward on that basis.

19 Mr. Terreni.

20 MR. TERRENI: Thank you, Mr. Chairman.

21 Mr. Chairman, the staff plan, as we mentioned
22 last night, reflected the product of ten public
23 hearings, interviews with every senator, every member of
24 the Senate and comments, numerous comments we received
25 from the public over the past several months.

1 From that input, we -- the staff attempted to
2 develop a plan which conformed to the subcommittee's
3 criteria, which briefly I'll review.

4 First, that the plan achieved population
5 equality while taking into account traditional
6 redistricting principles. The committee articulated an
7 overall range of 10 percent and also adopted a criteria
8 that -- with a floor and ceiling of plus or minus five.
9 Again, our goal was total population equality; however,
10 it was to be balanced with traditional redistricting
11 principles within the precedents established by the
12 court.

13 The plan was to conform with federal law,
14 both Voting Rights Act as well as the case law of the
15 United States Supreme Court and the state courts
16 regarding gerrymandering. Our districts were to be
17 contiguous. They were to take into account the series
18 of additional considerations, as well, which were to be
19 balanced in no particular order of preference, involving
20 communities of interest, constituent consistency, not
21 dividing county boundaries and not dividing municipal
22 boundaries. The balancing being reflection as well as
23 predict boundaries and compactness.

24 I would add that these criteria the
25 subcommittee recognized would sometimes be in conflict

1 with one another and that might be applied differently
2 in different parts of the region based on the input from
3 members, from affected parties, and the local
4 demography.

5 Finally, we use the source of our data, 2010
6 census data as adopted or as issued by the Census Bureau
7 this year.

8 I would like to first show the committee the
9 backdrop against which the staff, the subcommittee, and,
10 indeed, every party that submitted a plan labored in
11 drafting a redistricting plan. We have a slide, number
12 2, Dwight, which illustrates the absolute growth by
13 county in the state of South Carolina under the 2010
14 census.

15 And what you can see -- Mr. Chairman, my
16 apologies to you for the color scheme -- but what you
17 can see is these pink counties, these red counties,
18 these are underpopulated counties. The green counties
19 are counties in shades of overpopulation.

20 This is a map of extremes, Mr. Chairman. We
21 have counties, such as York, which are substantially
22 overpopulated, 24 percent in York. We have Horry
23 County, for instance, that was overpopulated by
24 23 percent -- or overpopulated. I say "grew" because
25 we'll get to overpopulation in a minute, Mr. Chairman.

1 Beaufort 20.88.

2 At the same time, we had counties that
3 experienced little or no population growth. For
4 instance, Allendale, Bamberg, Barnwell, Williamsburg,
5 Lee. These bands of red counties in general.

6 This map showing county growth at this moment
7 presented a challenge to anyone who had to draw
8 districts in the state because it caused -- it causes
9 districts necessarily to move if they are based in these
10 counties. I would like to move on to the next slide,
11 which will show you the state's Senate districts whether
12 they have lost -- I'm sorry, could you go back to
13 relative county growth?

14 Okay. The next slide shows relative county
15 growth. And by relative county growth, we were looking
16 at absolute county growth. But the fact of the matter
17 is the state of South Carolina grew by 13.26 percent
18 according to the 2010 census. So if you're in a county
19 that didn't grow by 13.2 percent, in a sense you're
20 losing. And this is where the deviation starts to come
21 in on our Senate districts, and we will illustrate it by
22 districts in just a second.

23 So while we had many counties that
24 experienced absolute growth, we had -- when we start
25 talking about relative growth, we had far fewer counties

1 that grew faster than the state average. We see Horry,
2 we see York, we see Beaufort down here, but we also see
3 many, many counties in shades of red and pink on this
4 map, particularly in the Pee Dee and the lower part of
5 the state, Orangeburg, Barnwell, Jasper -- not Jasper
6 region, but the Orangeburg, Barnwell, Bamberg region.
7 On the western part of the state, starting up in Oconee,
8 there is relatively little population growth.

9 Now, let me illustrate the impact of what
10 this did to our Senate districts. This map shows Senate
11 districts by malapportionment. Meaning Senate districts
12 have either had to pick up population and were
13 underpopulated from the ideal population of 100,552 or
14 had to give up population, meaning they were
15 overpopulated, had a population in excess of 100,552.

16 You can see how many of our state Senate
17 districts were underpopulated. You can also see that
18 many of our state Senate districts were dramatically
19 underpopulated, and those are the very same Senate
20 districts which are in many cases our minority-majority
21 districts, which are protected by the Voting Rights Act.

22 Against this backdrop, anybody drawing was
23 faced with serious challenges in how to, A, observe the
24 Voting Rights Act; and B, achieve population equality;
25 and C, respect communities of interest and observe

1 traditional redistricting criteria. And it is this
2 tension that is reflected in each of the maps that has
3 been presented to the committee and in the different
4 approaches that have been presented to the committee.

5 Just some general observations about the
6 various -- about the three plans you've seen today. You
7 have a staff plan, which has a higher overall deviation,
8 as was pointed out by the ACLU yesterday, but is within
9 the committee's tolerance of plus or minus five. But I
10 would submit that it is so because of having to -- of
11 the staff plan's observance of communities of interest,
12 traditional redistricting principles and the input from
13 the public, which acted as doorstops, so to speak, on
14 population growth.

15 If you simply follow the growth on this map,
16 you can achieve ideal deviation. But in doing so,
17 you're going to put aside other criteria adopted by the
18 subcommittee and recognized by the state Senate over the
19 years. The staff plan has a higher deviation but pays
20 more attention to the other criteria, in my opinion.

21 The ACLU and the GOP, however, are to be
22 commended for presenting this subcommittee with plans
23 that are very tightly within deviation, more so than us.
24 They also, in many cases, did not split precincts. We
25 did split precincts. But where we did split precincts,

1 we did so on along recognizable boundaries and for
2 reasons dictated by local conditions.

3 With that, I would like to move on and
4 briefly -- well, not briefly. I would like to move on
5 and take a little bit of time to discuss the staff plan
6 in greater detail, but we will move to the next slide.

7 Mr. Chairman, this is a statewide map of the
8 staff plan, which I'll make some general observations
9 about right now. No incumbents were paired in this map,
10 which is not the case with at least one of the plans
11 that was presented to the committee. The map also
12 improves along the -- in our computer program, we have
13 six measures of compactness. And I'm happy to report
14 that this map improves on the existing plan, passes
15 S.591 in 2003 on all six measures of compactness.

16 I'm not going to get into the details of
17 measures of compactness, but they involve the relative
18 shape in land mass of a district in relation to a
19 circle. There are a couple of measurements that are
20 like that. There are measurements that are population
21 based. There are perimeter-based measurements involving
22 the overall perimeter of a district. There are also
23 length and width measurements. In other words, the
24 length -- the relative width and length for the
25 district, meaning is it elongated or wider?

1 On all six of these measures, again, we're
2 better. The happy news is we were presented with
3 another plan, as well, by the ACLU that was better than
4 S.591 on all six of those measures. When we compare
5 those measures, as well, though, in four out of six of
6 them, all but the ones that involve the circular test,
7 the staff plan is more compact than the ACLU plan.

8 We have not been able -- we haven't had
9 enough time to analyze the Republican Party plan in this
10 regard and with regard to any other things, so I'll
11 comment on it as I go.

12 I would like to take us just around the state
13 sequentially by region, Mr. Chairman, so you can get an
14 idea of what the staff plan did with regard to
15 individual areas. And I won't try to be exhaustive
16 about it, but I will highlight some differences between
17 plans that have been presented to the subcommittee.

18 If we could move to the northwestern corner
19 of the state where Districts 1 and 2 are, the staff plan
20 opted to observe the existing county boundaries of these
21 districts, maintaining Districts 1 and 2, wholly within
22 Oconee and Pickens, as they have been for the past
23 decade. We were able to balance the population between
24 the two districts simply by heeling some precincts along
25 the border. The population deviation could have been

1 minimized, as it was in the ACLU plan, but doing so
2 would have necessarily involved taking Districts 1 and 2
3 into other counties, a choice which in this case the
4 members felt wouldn't be helpful to their ability to
5 represent their constituents. So we deferred in favor
6 of observing county boundaries in this situation.

7 I think the ACLU plan takes District 2 in
8 Pickens, and I believe District 1 may move in the ACLU
9 plan.

10 SENATOR MARTIN: I would only add,
11 Mr. Chairman, in that respect, you mentioned it had been
12 this way for ten years. It actually has been within
13 Oconee and Pickens County boundary for the last 20
14 years, since the '92 apportionment, that we've been
15 within the variance. We were on the low side of the
16 variance the last time. And, of course, the court
17 order's plan in early '92, '93 was very similarly drawn.
18 So it pretty much respects that.

19 MR. TERRENI: Thank you, Senator Martin.

20 In Districts 3 and 4 below, District 3 is
21 wholly in Anderson County. We have District 4 in
22 Abbeville, Anderson and Greenwood counties as it
23 presently is. I believe there was substantial
24 differences between the plans that were presented to you
25 in regard to these districts. The staff plan takes

1 District 4 into the City of Anderson in order to pick up
2 population.

3 One of the significant aspects, going back to
4 the population growth issue, is along the western part
5 of the state, the only district with population growth
6 is District 3 represented by Senator Bryant. His
7 district grew by 8.94 percent, and that growth will have
8 a ripple effect down the western side of the state.

9 If we could take a look at District 5 now to
10 the east in Greenville County. I should be on slide 9.
11 Yeah. We'll look at the Greenville region. County
12 lines had different significance to different parts of
13 the state, we discovered. In some places, such as the
14 ones we just discussed, a county line had great
15 significance and maintaining a district within a county
16 line had great significance.

17 In other states, which in -- in other parts
18 of the state, which have experienced significant
19 suburban development in some cases and urban
20 development, the county lines start to become blurred.
21 We learned that in Greenville, really the divide between
22 the interstate there, I believe it's I-85,
23 Senator Shoopman, became more significant in terms of
24 maintaining the character of the existing districts than
25 the county line.

1 Senator Shoopman and Senator Bright,
2 representing Districts 5 and 12, and their constituents,
3 I think, agreed that there was a greater community of
4 interests for District 5 across the county line into
5 Spartanburg, and that Senator Bright's district, Senate
6 District 12, was better served migrating into Greenville
7 County below I-85 where it does. And so these districts
8 actually exchanged boxes to achieve that configuration.

9 SENATOR SHOOPMAN: Mr. Chairman, along those
10 lines, you know, for many years -- of course, you all
11 know one of my predecessors was the senator from Greer,
12 Greer straddles that line. Greer, the city, is in both
13 parts of the county, and that line truly is blurred by
14 the daily activity. There are people that live on one
15 side of that line that work in the other, go to school
16 in the other, that shop, go to dinner.

17 We also have major employment bases located
18 near that line, Michelin on one side, BMW on the other,
19 and there are employees from both counties that are
20 going back and forth across that line daily. And so I
21 would agree with staff's observations.

22 MR. TERRENI: Thank you, Senator. I think
23 this illustrates the balancing of the criteria that took
24 place throughout the drafting of the plan under the
25 direction of the members really.

1 With regard -- I'll talk about District 12 a
2 little bit more in a second because the ACLU takes a
3 different approach to District 12, which I would like to
4 highlight to the committee. But just staying within the
5 Greenville area for now, District 6 was able to --
6 between the boundary of District 6 and 7 were able to
7 unite the community of -- Furman University with
8 Travelers -- I mean 5 and 6, I'm sorry, with Travelers
9 Rest.

10 We heard about that at the public hearing,
11 that Furman University and Travelers Rest had common
12 access by way of roads and developed kind of a common
13 shopping district and maybe even a common cultural
14 center. And so in District 6, we were able to unite the
15 two communities. District 6 also yielded part of its
16 southern boundary in order to give population to
17 District 7, being predominantly an African-American
18 district in downtown Greenville, which I'll discuss in
19 just a minute.

20 District 7 presented a substantial challenge,
21 I believe, to anybody who was drawing because it was
22 underpopulated by 16 and a half percent. It's a
23 district which, as malapportioned, was 46 percent
24 African-American voting age population. Had a
25 substantial Hispanic population. But in terms of

1 underpopulation, it was hard to maintain that proportion
2 of population. We ended up drawing District 7 at
3 43.3 percent non-Hispanic, black voting age population,
4 and it has a Hispanic population of approximately 8 or
5 9 percent in it as well.

6 Our African-American population was a bit
7 higher than the ACLU's in this respect, which arrived at
8 42.72 percent but had a tighter deviation.

9 One of the things we did is we did split
10 precincts along the northern boundary of District 7.
11 But in doing so, we observed existing state roads.
12 Along the western boundary, though, I'm happy to report
13 we were able to largely maintain precincts whole going
14 down the western boundary and along the southern part of
15 the district which remains unchanged as well as along
16 the eastern boundary of the district.

17 So where we split precincts, I think we're
18 able to do it in an understandable fashion. And then
19 around the rest of the district, we were able to
20 maintain its core. We picked up additional precincts
21 in -- along the western boundary, right in the Mauldin
22 area, around there. The ACLU did the same thing.

23 Again, our deviation on this plan, though, is
24 negative 4.3. In picking up additional precincts, I
25 think the ACLU may have tightened the deviation to 2.5,

1 but had a district that was slightly more
2 irregular-looking and maybe not as coherent with the
3 existing character of the district, which I will
4 describe as urban and suburban Greenville.

5 Looking at Senate District 8, which is next
6 to 7, Senate District 8 has not changed much. It's
7 substantially similar. The ACLU plan differs in that it
8 moves the Simpsonville boxes west of I-85 to Senator
9 Verdin's district, but otherwise is also the same.

10 District 9, in Laurens County, represented by
11 Senator Verdin, we were able to make Laurens County
12 whole, but, otherwise, it's entirely within its existing
13 boundaries.

14 The ACLU claim was different in that it kept
15 Cross Hill in District 10, a single precinct on the
16 southern boundary, thereby not keeping Laurens County
17 whole.

18 District 11, represented by Senator Reese in
19 Spartanburg, is also very much true to its original
20 configuration. That should be slide 9, Dwight. I'm not
21 sure if we're on it.

22 The District picked up the Trinity Methodist
23 precinct allowing it to wholly represent the Converse
24 College area in downtown. It yielded some precincts to
25 District 14, bringing the Lake Blalock area --

1 consolidating the Lake Blalock communities and precincts
2 into District 14, where it already was.

3 The ACLU plan significantly changed District
4 11. It moved the City of Spartanburg boxes almost in
5 their entirety into District 12, Senator Bright's
6 district. As far as I know, the City of Spartanburg has
7 been in District 11 for at least the past two
8 redistricting cycles, so we did not make that wholesale
9 change in this district.

10 With regard to District 13, Senator Shane
11 Martin's -- represented by Senator Shane Martin at this
12 point, it's in Greenville, Spartanburg, and Union
13 counties, predominantly rural district in nature with no
14 real urban centers. Senator Martin was keen on uniting
15 the communities of Buffalo and East Buffalo on the
16 southeastern end of his District in Union County. We
17 were able to achieve that. The District also represents
18 most of the town of Union.

19 With regard to District 14, Cherokee County
20 is really a part of this district, has a majority of the
21 district. It's predominately rural in population and
22 some small population centers. That's even true in Rock
23 Hill, where it is really not in good high growth areas
24 of Fort Mill and the City of -- I mean in York County
25 and in the City of York. We were able to preserve the

1 nature of that district. Again, uniting the Lake
2 Blalock areas in Spartanburg County, keeping Cherokee
3 whole, bringing the district down into Union and where
4 it already was and yielding -- or rather taking on some
5 additional territory on the western side of Cherokee
6 County.

7 The ACLU instead opted to take District 14
8 out of Spartanburg and Union, which it had previously
9 been in the district, and extended the district into the
10 shore -- along the eastern shore of Lake Wylie.

11 District 15, currently represented by
12 Senator Hayes, which has Rock Hill and York in it, is --
13 was significantly overpopulated. It was 22 percent
14 overpopulated. It yielded most of its population in
15 District 17, which was already in York County, and grew
16 up along the western side of York. And it represents
17 now the outskirts of the City of Rock Hill and maintains
18 the largely rural character of York County that the
19 district had had before. It just increases its presence
20 in it.

21 District 15 was also able to unite the River
22 Hills community, which was previously in a split
23 precinct up on Lake Wylie. District 15 now represents
24 all of River Hills.

25 District 16, which is York and Lancaster

1 Counties, is also in York County. It now represents the
2 eastern side of Lake Wylie, including Tega Cay. And by
3 doing that, we are able to unite the City of -- Tega Cay
4 community and the City of Fort Mill into District 16.
5 Again, that was something we heard from residents at the
6 public hearings that they desired. They saw a community
7 of interest and shared economic interest between the
8 Fort Mill and Tega Cay area and desired to have them
9 united in a single Senate district. We were able to do
10 that and also maintain a large part of the core of the
11 district in Lancaster County where it's historically
12 been.

13 District 16 was also significantly
14 overpopulated when it began. The ACLU plan drew
15 District 16 further into York, I believe, and -- but did
16 not unite Tega Cay and Fort Mill.

17 The GOP plan, also by contrast, took a
18 different approach to the region creating a new
19 district, basically bringing District 17 wholly within
20 York County and wrapping it around District 15.

21 And that had the affect of collapsing Senator
22 Coleman's District 17, and pairing two incumbents,
23 Senator Coleman and Senator Sheheen.

24 I would like to go back to the western side
25 of the state, District 10, slide 13. This district is

1 currently represented by Senator Nicholson. It was part
2 of the underpopulation that we discussed. It was at
3 negative 15.77 percent under the census. We were able
4 to gain population for this district in Saluda County,
5 an area which shares common interest with Greenwood
6 County. It has all of Greenwood County, part of
7 McCormick in it, and as well as much of Abbeville. The
8 Cross Hill box, which had previously been in Laurens, as
9 I mentioned, was moved out. And we were able to repair
10 that county boundary.

11 District 25, right below District 10, is a
12 district that was underpopulated by 3 percent, but,
13 again, found itself underneath District 10, which was
14 significantly underpopulated by 16 percent. Didn't have
15 population growth below it in Aiken, so it was forced to
16 migrate. And indeed under any plan that was presented
17 to the subcommittee, District 25 moves to some extent,
18 it's just more a question of where.

19 In our plan, District 25 -- in our plan,
20 District 25, the staff plan did take District 25 through
21 Saluda into Lexington County along Highway 378 retaining
22 District 18 by contrast along the Lake Murray portions
23 of Lexington County.

24 There was some -- there were some comments at
25 yesterday's hearing about the distance between Edgefield

1 and Lexington. I went and reviewed it. It's an hour
2 and four minutes on Google Maps if you follow Highway 23
3 and Highway 1, which are almost entirely within the
4 district, except where they cross through Ridge Springs,
5 Monetta, and Batesburg-Leesville. If you opt for the
6 I-20 route, you shorten your trip by one minute to an
7 hour and three minutes. But you're outside of the
8 district.

9 So there is communication between this
10 district, and it is accessible and reasonably compact.
11 The character of the territory, it takes in Edgefield
12 and Saluda. It's similar to the character of the
13 territory that is currently represented in Edgefield.

14 There were different approaches to this. I
15 would also like to say something about resident senators
16 in Lexington County for a minute.

17 Under our plan, assuming the incumbents
18 remain where they are, there are two resident senators
19 in Lexington County, Senator Knotts and Senator Setzler.
20 They represent Districts 23 and 26. That wouldn't
21 change under the ACLU plan either. It maintains
22 Senator Knotts and Senator Setzler and Senator Cromer in
23 Lexington County.

24 The GOP plan would actually merge Senator
25 Setzler's District 26 with District 22 in Richland

1 County, moving substantial -- moving that district
2 substantially out of Lexington. So under the Republican
3 plan, I imagine at that point Lexington County could be
4 with one resident senator. So the status quo in terms
5 of resident senators is maintained.

6 The problem you've got in this region for
7 anybody bringing them out to you, is the only growth in
8 that -- in that area is, as I described, three districts
9 up in District 3 or in District 23, which grew by about
10 10 percent. District 26 didn't grow. We opted to keep
11 the character of District 26, which was presently in
12 Aiken County, and we kept it in Aiken County.

13 With regard to District 23, it grew up --

14 Yes, sir.

15 SENATOR HUTTO: Mr. Terreni, back on District
16 25, McCormick, Edgefield, Saluda and Lexington are all
17 in the same judicial circuit, have been for years.
18 Donnie Myers is the solicitor of all four of those
19 counties, to say that they don't have -- they do have
20 great connections because obviously many things were
21 elected based on circuitwide participation. And so
22 those counties have been connected for years.

23 MR. TERRENI: Thank you, Senator. That's a
24 good observation. As a lawyer, I should have thought of
25 that.

1 Turning to Lexington County, I believe that's
2 slide 12, Dwight.

3 Senator, District 23 was the only growth
4 district in Lexington County, so it was going to have to
5 shrink. And, indeed, what it did was it shrank largely
6 taking it south of I-20, preserving the rural nature of
7 this district, which while it has some urban boxes
8 around the Lexington County area, it is mostly based in
9 rural Lexington County. It did come into
10 Batesburg-Leesville in keeping with that. Senate
11 District 25 entered Lexington along Highway 378.

12 I think the ACLU plan is similar in its
13 approach to District 23, but it takes out much of the
14 rural -- it consolidates 26 into Lexington County,
15 withdrawing it from Aiken, taking out much of the rural
16 territory in 23 in the South Congaree area and giving it
17 to District 26.

18 With regard to District 26, we're able to
19 keep it in Lexington, Saluda, and Aiken area. It's only
20 in Saluda and communities of Ridge Springs and Monetta,
21 it's one box in the Saluda County line and that bears
22 some explanation. Ridge Springs, Monetta straddles the
23 Lexington, Saluda line. They have a common school
24 district, common elementary schools. They have a common
25 high school. The home of the Mighty Trojans.

1 Based on discussions with Senator Setzler, he
2 articulated that they would benefit from common
3 representation, that he had represented them in the past
4 and thought that in terms of his ability to serve these
5 constituents, he would be better served by having both
6 communities regardless of whether they were on each side
7 of the line. So we did cross the county line in that
8 respect.

9 Again, the GOP plan would alter 26
10 significantly, moving it across the river through much
11 of Senator Courson's district and then taking it into
12 District 22, which is Senator Lourie's district.

13 And the ACLU plan brings it back into
14 Lexington County instead.

15 The Midlands districts in Columbia are
16 largely unchanged. District 20 picks up some territory
17 in the Coldstream area in Lexington County. It gives
18 the territory on the back end of the district in Lower
19 Richland to Senator -- to Senate District 21 that
20 achieves population equality. That way Senate District
21 21 does much of the same thing. It takes, I believe, a
22 box more forward in downtown Columbia from District 20.
23 These districts were fairly well apportioned with the
24 exception of District 22, which we'll get to in just one
25 second.

1 District 22 was overpopulated substantially.
2 It had a deviation of 25.4 percent, and it's based in
3 Richland and Kershaw counties. That would be northeast
4 Richland County and southern Kershaw County in the
5 Elgin, Lugoff area. The staff plan achieves population
6 equality in this district by bringing District 35 in
7 neighboring Sumter County, which was underpopulated --
8 you can see this purple area -- to pick up the
9 population in Kershaw County and also in a couple of
10 precincts in northeastern Richland County where the
11 county line is largely indistinguishable. Otherwise,
12 District 22 retains its core in the Forest Acres
13 neighborhoods of Columbia and moves over and picks up a
14 Blythewood precinct from District 19.

15 The ACLU plan, on the other hand, would alter
16 District 22 significantly to create the
17 minority-majority district. They have presented to the
18 committee in District 17, they bring District 17 into
19 Richland County, where I don't think it's been before,
20 and take it just north of the Spring Valley communities.
21 About where that laser pointer is marking. I think it's
22 about 17,000 people in Senator Lourie's district.

23 Moving to Senator Sheheen's district in
24 District 27. That's slide 11, I believe. District 27
25 largely maintains its current boundaries with District

1 22 with the exception of Lugoff-Elgin area, which we
2 described. It adds some population in Kershaw and the
3 Rabons Crossroads area and taking the Lugoff one box.
4 It also grows in lower Lancaster County where it picks
5 up some population and unit -- but yields or rather it
6 takes back the Cash precinct in Chesterfield County,
7 which was previously in District 29 uniting Chesterfield
8 County into the district.

9 The ACLU plan would dramatically alter the
10 configuration of this district. Largely taking Kershaw
11 County -- taking much of Kershaw County out of District
12 27, including large parts of the City of Camden that
13 Senator Sheheen currently represents, and it would
14 preside just north of line in Camden under the ACLU
15 plan. It would also extend District 22 further in
16 Kershaw County.

17 With regard to District 35 in the Pee Dee,
18 District 35 is substantially underpopulated. It's
19 12.9 percent, negative 12.9 percent deviation. A
20 situation made doubly difficult by the fact that they're
21 surrounded by other districts that were underpopulated.
22 Many of them majority African-American districts that
23 were protected by the Voting Rights Act. We solved the
24 underpopulation by bringing it into Richland County.

25 The ACLU plan would take it into Kershaw

1 County along the western boundary of District 22 and
2 follow it up into Fairfield.

3 As for District 29, 29 is -- it was
4 underpopulated by 18 percent. It's in Chesterfield,
5 Darlington, Lee and Marlboro counties. This is a
6 district which we were able to keep in Lee, Darlington
7 and Marlboro counties in the staff plan. Maintaining
8 its deviation at negative 3.8.

9 The ACLU alternative was to make this a
10 majority-minority district at 50.76 percent, but in
11 doing so, they split the City of Hartsville with
12 District 35 fragmenting the community of interest that's
13 currently represented by District 29. And which would,
14 indeed, have almost all of Darlington County in the
15 current plan.

16 The GOP takes a similar approach in this
17 draw.

18 District 30, Senator Williams' district, just
19 hitting the highlights --

20 SENATOR MALLOY: Mr. Chair.

21 MR. TERRENI: Yes, sir.

22 SENATOR MALLOY: District 29 under the ACLU
23 plan sort of dissects the City of Hartsville, which is
24 the larger city in Darlington County. I think that is
25 in the interest of that community to preserve the city

1 by itself as a community of interest is paramount to the
2 elect-ant there. And I don't think they compromise the
3 ability to -- on the voting aspect of it to have
4 something alternatively. I strongly suggested to keep
5 the community of interest in the City of Hartsville,
6 which is the major city in that area, home of Sonoco
7 products, Coker College, governor's school. A great
8 community as it relates to downtown and the work area.

9 Go ahead.

10 MR. TERRENI: Thank you, Senator.

11 I will try to speed this up for everybody. I
12 know we've been taking a little longer than you would
13 like.

14 With regard to the Pee Dee district, if we go
15 to 15, that's right. District 30, we are able to unite
16 Marion County into District 30, avoiding retrogression.
17 It does go into Horry County in the Aynor and Galivants
18 Ferry communities, which Senator Williams particularly
19 had a common interest with Marion County and also common
20 road, I think it's 501 that goes through there.

21 District 28 retreats from Marlboro county to
22 absorb population through District 33, which, as we
23 said, is one of the largest growing counties in the
24 state. It still preserves part of Dillon County in this
25 area. I believe Senator Elliott has a different

1 proposal for this district. We maintain the boundaries
2 of District 33 entirely within its current boundaries.
3 And obviously it will lose population, but it didn't
4 lose outside of its current boundaries maintaining a
5 linkage between Myrtle Beach and Conway as articulated
6 by the testimony at the public hearings.

7 With regard to doing District 32, represented
8 by Senator McGill, we were able to avoid retrogression
9 in this district. We did move into upper Berkeley
10 County, an approach taken also, I think, by the ACLU in
11 drawing the district.

12 The GOP plan is similar in some represents
13 except that it would take District 32 into Clarendon
14 County, which I don't believe it's been in before.

15 With regard to District 36, it was another
16 minority-majority district in which we are able to avoid
17 retrogression. It was underpopulated by 16 percent, and
18 it had to take on more of Sumter County in order to do
19 that. It also moves out of Calhoun County in order to
20 allow District 39 to pick up population that it needed.

21 District 37 in Berkeley is similar. Under
22 many of the plans that were presented to you, it
23 takes -- it comes into the City of Moncks Corner and
24 Pinopolis from District 44, which was overpopulated. In
25 the staff plan, it's in Berkeley and Charleston. Under

1 the current plan, as you may recall, it's in Berkeley
2 Charleston, Dorchester and Colleton County, wrapping
3 around Charleston. That's no longer the case.

4 District 44, represented by Senator Campbell,
5 retreated from the Moncks Corner area and stays on this
6 side in Dorchester County. There is an aspect to
7 District 44 and 38. There's a linkage where District 44
8 comes into Summerville linking the two counties.

9 There was testimony at the public hearing
10 from the residents of the tri-county area, indeed, but
11 especially Berkeley County and Dorchester County, viewed
12 themselves as having common economic interests, a common
13 community of interests, and needed common and interwoven
14 representation on their delegation and actually
15 requested that this linkage be established between the
16 two counties. Both incumbents agreed to it, as well,
17 and supported it for the same reasons. Except for this
18 aspect, overall, the ACLU plan and the Republican plan
19 are similar.

20 District 42. District 42, Senator Ford,
21 takes on much of North Charleston, as it was
22 underpopulated by 22 percent. But it took population
23 from District 43, which was previously in North
24 Charleston along the western side and was able to
25 maintain, avoid retrogression. Under the staff plan,

1 it's at 51.05 percent. But I would add that there is
2 significant institution of a white population in
3 District 42 giving it an effective black minority. The
4 white voting age population is probably somewhat higher.

5 SENATOR FORD: 10 percent?

6 MR. TERRENI: Roughly.

7 SENATOR FORD: Remind Senator Martin, the
8 10 percent.

9 MR. TERRENI: Mr. Chairman, the ACLU and the
10 GOP plans all take a similar approach to District 42.
11 There's some minor differences.

12 District 43, which yielded population to 42,
13 then comes down southward across the peninsula, as it
14 does now, through James Island, on the lower side of
15 James Island and Folly Beach, and then continues along
16 the coast through Kiawah, Seabrook, Edisto Island, and
17 into Beaufort where it indeed takes Lady's Island, Port
18 Royal, and St. Helena Island. But leaves intact the
19 downtown Beaufort area, which is maintained in District
20 46. And upper Beaufort, mostly those voting precincts
21 were represented by District 45.

22 Doing this allowed District 43 to take on the
23 significant population growth that was in District 46,
24 which could not be easily absorbed by 45 without
25 achieving retrogression.

1 District 45, on the other hand, the
2 minority-majority district down there, avoids
3 retrogression. It's at 50.8 percent BVAP. And is
4 largely configured in much the same manner as the
5 current district except that it extends more into
6 Allendale to pick up some population.

7 The other plans that were presented to you
8 took similar approaches to it, especially the ACLU's
9 plan. They didn't push up quite as far northward,
10 however, as they both took District 40 into Aiken County
11 for population.

12 With regard to District 46, we were able to
13 maintain a linkage between Beaufort and Hilton Head
14 Island across the river, some of which was articulated
15 at the public hearings. It's something that local
16 citizens desired. We followed roads and natural
17 boundaries out of Beaufort to link the two areas across
18 the river.

19 The GOP took a slightly different approach,
20 splitting Hilton Head Island. Also, the ACLU, I should
21 point out, in district -- in their district, which took
22 District 41 down, Senator McConnell, split Lady's Island
23 out from within it.

24 As for District 41, District 41 largely
25 retains its core in Charleston. It's in James Island

1 and West Ashley. It comes off of Johns Island to give
2 population to District 45. And then extends slightly
3 into Dorchester County. It takes some of the population
4 from District 38.

5 Again, this is where the ACLU, I think, took
6 a different approach to it, were moving significant
7 parts of James Island, which have traditionally been in
8 the district from District 41, and giving them, I
9 believe, District 43. And taking District 41 down to
10 Beaufort through Johns Island.

11 The difference between District 41 going to
12 Beaufort and 43 going to Beaufort, is we've already
13 established that 43, under any of these plans, has to
14 give up significant population to District 42 in order
15 for it to get within deviation and avoid retrogression.
16 So it's going to move somewhere. The other plans move
17 it northwards. We took that population deficit and used
18 it to go southward maintaining a community of interest
19 with coastal communities along the coast of South
20 Carolina.

21 District 40 and District 39 largely are
22 similar in the configuration in the staff plan.
23 District 40 was underpopulated by 14.3 percent. It was
24 also a district in the minority-majority district. It's
25 in Orangeburg, Bamberg, Allendale, Hampton and Colleton

1 counties under the staff plan. District 40, it also
2 avoided retrogression. District 39 similarly avoided
3 retrogression. It was underpopulated by 12 percent.
4 And it's in Orangeburg, Dorchester, Colleton, Berkeley
5 and Dorchester counties under the staff plan to pick up
6 population.

7 The approaches to these districts were not
8 dissimilar except both the Republican plan and the ACLU
9 plan took District 40 into Aiken County for population.
10 Instead, we opted to remain in the same general area.

11 Mr. Chairman, I should mention
12 Senator Ryberg's district, District 24, is largely
13 unchanged within its existing boundaries north. Again,
14 that's very much the same in all of the plans.

15 Mr. Chairman, that concludes my presentation
16 of the staff plan. The staff plan maintains some
17 minority-majority districts that were in the plan under
18 the 2010 census. Specifically with regard to District
19 17, I would note that it had a 48 percent non-Hispanic
20 BVAP under the 2010 census. Furthermore, District 17,
21 which was advocated by the ACLU in the previous --
22 yesterday, was ruled by the court in Colleton County
23 versus McConnell to have been a historically
24 nonperforming district when it was a minority-majority
25 district. So we are comfortable that we have maintained

1 the existing districts that have African-American
2 majorities in the performing of this plan and avoided
3 retrogression. And, furthermore, conformed with a
4 number of the applicable criteria.

5 Thank you for indulging me.

6 SENATOR MCCONNELL: Thank you, sir. It was a
7 very thorough presentation. A lot of work and a lot of
8 analysis.

9 I think our next order of business, then,
10 would be to see if there are any amendments at this
11 stage of the process.

12 You did an excellent job.

13 All right. Without any questions, then, you
14 want to advise us on the proposed amendments?

15 MR. TERRENI: Yes, Mr. Chairman. I am aware
16 that Senator Elliott has proposed an amendment for
17 District 28, which we do have on a map board over here.
18 And I think Senator Elliott can give the -- might be
19 prepared to present the gist of it to the subcommittee.

20 SENATOR MCCONNELL: Senator, why don't you
21 come on forward and take a seat there.

22 SENATOR ELLIOTT: Thank you very much,
23 Mr. Chairman, Members of the Committee, staff.

24 I noted several things of great interest in
25 the presentation, Charlie. You done a good job,

1 Charlie. Very thorough presentation.

2 One of the things that particularly caught my
3 attention was the District 34 that's currently occupied
4 by Senator Cleary, and District 43, that's Senator
5 Campsen's district, divided a vast portion of
6 South Carolina's coast into two districts. While in the
7 north area, we have the areas divided and about
8 20 percent of the coast divided into three Senate
9 districts. And that was particularly interesting to me.
10 That's one of the points I wanted to make today was the
11 fact that we are dividing some communities of great
12 interest, and that was why we have this amendment.

13 Mr. Chairman, what I would like to do with
14 this amendment today is just make a brief presentation,
15 carry the amendment over to the full committee for
16 consideration tomorrow morning.

17 The amendment that I propose preserves the
18 core districts, core parts of the district in District
19 28, as well as Senator Williams' district and
20 Senator Malloy's district.

21 It has primarily served for many years as the
22 primary core, the mostly rural traditional Pee Dee area
23 community with basic common interest.

24 The judiciary committee has reduced the
25 number of rural VTD boxes and significantly increased

1 the number of population along the coastal region, which
2 has radically shifted the constituent base and split the
3 core interest.

4 In Horry County, the communities of interest
5 have been given consideration. Everyone along the
6 coast, especially east of the Intercoastal Waterway,
7 have mutually aligned interests and should have their
8 representation grouped together. The more rural areas
9 west of the Intercoastal Waterway and into Dillon,
10 Marlboro and Marion counties have significantly
11 different interests than those along the coast. They
12 have been served very well with the traditional
13 boundaries of District 28.

14 The amendment that I propose to the Senate
15 Judiciary Committee will preserve the communities of
16 interest and maintain constituent consistencies which
17 are strong considerations in redistricting guidelines.
18 It keeps the coast more together and not split the rural
19 communities as deeply.

20 In Senator Clary's district, currently he has
21 about 84 miles of the coastal zone. Its goes from
22 generally the Surfside Beach area down to the area of
23 Mount Pleasant.

24 Senator Rankin currently has about 12 miles
25 of the coast. The Senate proposes to reduce that

1 coastal area to about 4.5 miles, again, splitting
2 communities of great interest where the only interest
3 along the Grand Strand is tourism.

4 Currently, I have about eight miles of the
5 coast in North Strand. Under the Senate plan, I have
6 about 16 miles of the coastal area. Again,
7 unnecessarily splitting a community of great common
8 interest.

9 The Grand Strand is generally about as
10 known -- as near known of about 50 miles. And the
11 single tourism industry -- the single industry is
12 tourism. The rural district in 28 have had a strong
13 voice in this district. And under the plan, not only
14 has that rural voice been diminished tremendously by
15 giving additional coastal population to District 28, but
16 coupled with minority votes, both in rural district,
17 rural folks and the minorities have lost some of their
18 voice. And I would propose, therefore, that this
19 amendment be given consideration because of the core
20 common interest that it currently represents.

21 And by the way, Senate District 28 for the
22 past ten years has grown to about the typical size
23 district in the precincts that it has in it now. All
24 the ripple effect and the cost of redistricting 28 and
25 the reason I'm here today has been because we've been

1 trying to help our neighboring senators. We worked with
2 Senator Malloy that we join on the northern end of this
3 district. We worked with Senator Williams. And both of
4 these senators, we believe we have things pretty well
5 worked out.

6 The only other senator involved that we're
7 still trying to make contact with is Senator Rankin.
8 And, hopefully, we can get with Senator Rankin and
9 resolve our differences along the coast. And then we
10 will have what I believe is a much better plan and that
11 we can move forward with it in the future.

12 Again, thank you so much for hearing me today
13 and carrying this amendment to the full committee. By
14 the way, with me on my right is George Gregory, III,
15 that works with us. And he's here today. He's helped
16 some of this redistricting process.

17 Thank you again, Members of the Committee.
18 Thanks for all your help.

19 SENATOR MCCONNELL: Thank you.

20 Yes, sir.

21 MR. GREGORY: I would like to thank you and
22 the committee for all the hard work that's gone in to
23 this.

24 One thing that I noted during Mr. Terreni's
25 presentation, which was very telling, going back to some

1 of those earlier slides, the one that showed the high
2 growth wherein the dark green, if you recall, the green
3 colors where it showed all of Horry --

4 SENATOR MCCONNELL: I'm colorblind, so I just
5 know the different shades there.

6 MR. GREGORY: Different shades. But it
7 showed all of Horry County as a 23.6, somewhere in that
8 area, growth percentage. But the very slide right
9 behind it, Charlie, I think it was called the
10 malapportionment deviation slide. It showed all that
11 growth, though, right down there on the coast, and
12 that's what's caused the problem and a shift in the --
13 you know, basically a split of the core interest.
14 Traditionally, 28 has been one with the rural interest
15 as the primary thing.

16 And the one that we have proposed has aligned
17 more closely the interest of the coast where that growth
18 has taken place to give a more unified representation of
19 those interests which are totally in an economic sense
20 different from those in the upper part of the county and
21 moving on into Marion, Dillon, and Marlboro County.

22 Thank you all very much, and I certainly
23 appreciate your consideration.

24 SENATOR MCCONNELL: Yes, sir.

25 Mr. Terreni.

1 MR. TERRENI: Mr. Chairman, I would like to
2 offer an apology to Senator Cleary for not discussing
3 District 34. But I would add that it's largely
4 unchanged except that it goes into Horry County.

5 SENATOR CLEARY: I thought you said it grew
6 in Horry Country. We actually --

7 MR. TERRENI: No, sir.

8 SENATOR CLEARY: We lost a precinct, but it
9 stayed about the same population.

10 MR. TERRENI: It stays about the same.

11 SENATOR MCCONNELL: All right. Let me see.
12 What are the wishes of the subcommittee? The Senator
13 has asked us if we carry the amendment over to the full
14 committee to -- all the affected senators have not been
15 consulted.

16 Senator from Orangeburg moves that we carry
17 over. It's a non-debatable motion. So all in favor
18 signify by saying aye.

19 (Committee members responded.)

20 SENATOR MCCONNELL: Opposed by nay.

21 (No responses.)

22 SENATOR MCCONNELL: Let the record show that
23 every single member of the subcommittee voted to carry
24 it over.

25 All right. Do we have any further

1 amendments, Mr. Terreni?

2 MR. TERRENI: No, Mr. Chairman.

3 SENATOR MCCONNELL: We need to -- Senator
4 from Orangeburg. I'm sorry, Senator.

5 SENATOR HUTTO: I just wanted to make
6 everybody aware and confirm, I guess, the process is
7 just because we don't take up an amendment today, of
8 course, doesn't preclude us from doing it at the full
9 committee or on the floor.

10 SENATOR MCCONNELL: That is correct.

11 SENATOR HUTTO: Nobody has been prejudiced by
12 us not reviewing any tweaks or changes. That this is
13 the template that we will use, but amendments will
14 always be on it.

15 SENATOR MCCONNELL: This is the template, and
16 we take up the amendments as they come. We have steps
17 in the process, and we try to get the amendments done
18 here, but there may be some more amendments up the road.

19 SENATOR HUTTO: So for those who might be
20 contemplating -- because I've heard several senators --
21 nobody that I've heard talk about any radical changes to
22 what's been proposed, but some tweaks here or there that
23 they think would improve and would be mutual amendments
24 between adjoining members.

25 My question is, is the process -- is best

1 process that they contact Mr. Terreni and have him draft
2 them so that they're drafted correctly, or are there
3 others that should be contacted for drafting purposes?

4 SENATOR MCCONNELL: Excellent question. I'm
5 going to ask Mr. Terreni to respond to you, please.

6 MR. TERRENI: Thank you, Mr. Chairman.

7 The best process for it and would be most
8 helpful to the staff and the subcommittee and the
9 committee for submitting amendments for drafting would
10 be to present them to me. I can be contacted through
11 Ms. Hammond at 212-6625.

12 We would also ask the amendments that are to
13 be presented to the full committee tomorrow be brought
14 to us no later than 4:00 today so that we may check them
15 for technical compliance, make sure that all the
16 geography is assigned properly and so forth and review
17 them so we can make recommendations to the committee.

18 As far as floor amendments, we also have
19 similar requests that amendments be brought to us no
20 later than 4:00 on Monday, Mr. Chairman, assuming we
21 maintain the schedule that you have outlined before.

22 SENATOR MARTIN: Mr. Chairman.

23 SENATOR MCCONNELL: Senator from Pickens.

24 SENATOR MARTIN: Mr. Chairman, I join you in
25 expressing appreciation to Charlie and to the staff, you

1 know, as we traveled around and heard from the public
2 around the state, and, of course, looked at the raw data
3 that we had as Charlie has gone through it today. We
4 obviously have had quite a challenge to put together a
5 plan, as staff has done, in order to address all of that
6 and balance as best as everyone could the interest --
7 the interest of that criteria and to bring us to where
8 we are today. With that in mind, I was going to move
9 for the adoption of the staff plan in order to get the
10 motion on the floor and move forward to the full
11 committee.

12 SENATOR FORD: Mr. Chairman.

13 SENATOR MCCONNELL: Yes, sir. Senator from
14 Charleston.

15 SENATOR FORD: I would like to second that
16 also and just add that a great thing about the staff
17 plan is that they didn't do no stacking and packing,
18 just like the NAACP requested that we not do that. And
19 that's why it's a great plan because I think it met all
20 the criteria of the senate, of the Voters Rights Act,
21 and the federal based the last time we had to go before
22 the court. So I think you all did a wonderful job, and
23 I'm real proud of you.

24 SENATOR MCCONNELL: Senator from Darlington.

25 All right. The motion before us is to, I

1 guess, amend the bill we have. Didn't really have
2 anything in it. So what we're doing is we're amending
3 the bill which creates, I think as the Senator from
4 Orangeburg said, the template. We put in place the
5 language that you would amend, too. That would be the
6 motion. S.815.

7 So the motion is that we amend 815 with the
8 staff plan and make a favorable report to the full
9 Judiciary Committee for further action.

10 Does everybody understand the motion? Being
11 so, so that all in favor, please raise your right hand.

12 Thank you.

13 Opposed by a like sign.

14 Abstentions?

15 All right. Let the record show that all of
16 us voted for it. The Senate Judiciary Committee is
17 scheduled to meet at 10:00 a.m. tomorrow in this room
18 and to take up the Senate Judiciary Committee action on
19 reapportionment.

20 We will, as we explained last night, try to
21 follow up on the congressional reapportionment. I've
22 already started looking at that work product, as they
23 call it, from the House. Any way that I saw, they
24 popped out with. I'm not very happy with it, Senator
25 from Orangeburg. You ought to be able to tell by my

1 remarks.

2 SENATOR HUTTO: I was going to tell you that
3 you're being overly generous by calling it a work
4 product.

5 SENATOR MCCONNELL: Thank you, sir.

6 Motion is that we adjourn. All in favor, say
7 aye.

8 Followed by nay.

9 The ayes have it.

10 See you all tomorrow at 10:00.

11 (The hearing concluded at 11:34 a.m.)

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CERTIFICATE OF REPORTER

I, Sheri L. Byers, Registered Professional Reporter and Notary Public of the State of South Carolina at Large, do hereby certify:

That the foregoing proceedings were taken before me on the date and at the time mentioned on page 1 and the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings to the best of my ability.

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

Witness my hand, I have hereunto affixed my official seal this 14th day of June, 2011, at Columbia, Richland County, South Carolina.



Sheri L. Byers

Sheri L. Byers,
Registered Professional Reporter,
Notary Public
State of South Carolina at Large
My Commission expires:
January 5, 2014