Meeting of the Election Laws Subcommittee

South Carolina House of Representatives

Judiciary Committee

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Columbia, SC

March 30, 2011
REP. CLEMMONS: Ladies and Gentlemen, I'd like to thank you for being here to join us in attending this, the first, redistricting hearing of this decade to be held here in Columbia, South Carolina, here for the midlands. Thank you so much for being here. This is a meeting of the election laws subcommittee of the Judiciary Committee of the South Carolina House of Representatives. This meeting has been advertised in newspapers, both directly and by press release to the press association. It's been advertised to all of the major and third parties, state and county parties. We have sent notices of this meeting to all interested civic organizations that we are aware of, and additionally we have sent out a hundred to 150 mailings and emails to folks who have indicated an interest in this process. We have endeavored to take every step possible to let the public here in the midlands know about this meeting. So, as a result, we have you here with us this evening. Thank you so much for being in attendance.
These hearings are only the first step in a long and involved process that must be followed to complete a workable redistricting plan. We hope that we will start tonight and at the other hearings that we'll be holding over the next two weeks by listening to extensive public input and then using that input to form the basis of how we will proceed. From that input, this subcommittee must create and submit to the full House Judiciary Committee a plan for how to draw the lines for the South Carolina House of Representatives, all 124 districts, and the United States Congress, including the new seventh district that South Carolina received in the latest reapportionment. The full committee must then submit a plan that may or may not be the same as the subcommittee's plan. That must be submitted to the full House for consideration. Any plan that gains approval of the House of Representatives and later the Senate must be submitted to the United States Justice Department pursuant to the voting rights act for what is called pre clearance. If it's determined by the Justice
Department or the courts that the plan does not comply, first with the constitutional mandates of one man, one vote and equal protection, and second, with the statutory requirements of the voting rights act, more work may still need to be done.

Tonight, our goal is to listen to each and every interested party tell us what they would like to see accomplished in the House's redrawing of district lines for both the South Carolina House of Representatives and the United States House of Representatives. We are here tonight to listen to your concerns and your recommendations as to what the subcommittee should consider in this process.

As the House undertakes the process of redrawing district lines, public input is indispensable. It helps us to shape a House that best represents the people of South Carolina. The House of Representatives is often called the people's House. It's called that in order to continue to earn, in order to continue to earn that distinction as the people's House, we must know how the people want their House to look, how the people wish
to be represented. That's the sole purpose of these hearings. To hear from those, the public, and take their guidance as we shape the House and Congressional districts for the coming decade. We welcome any input which helps us understand specific issues in your area in which identifies neighborhoods, political subdivisions, or other areas which you believe the subcommittee should take into consideration when drawing the district lines. Resulting from this series of hearings, this subcommittee plans to adopt a set of criteria drawn primarily from what we hear from the public. These criteria will be the guiding principals by which the House will redraw the district lines.

As you all know, the plan that is ultimately produced must, more than anything else, assure the principal of one man, one vote. Meaning that we are required to have as equal a population in each district as possible. But beyond those requirements, the subcommittee is particularly interested in what political subdivisions or smaller communities have in common or do not have in
common that would suggest that they should be placed into one or multiple districts. While this hearing is being conducted here in Columbia to allow residents of the immediate area an opportunity for input, the subcommittee is happy to hear testimony from anyone interested in any part of the state or the state as a whole.

Because tonight's hearing will become part of the record in this matter, this proceeding is being recorded and will be transcribed. To make sure that we have a clear record, I would ask that each witness come to the microphone, speak slowly and clearly, and state your name and address, and identify the district or districts that you are interested in. If you are appearing tonight on behalf of a group, such as a political party, a public interest group, or other organization, please let us know that information as well. I, and other members of this committee, wish to make comments and ask questions about particular areas, excuse me, we may make comments and ask questions about particular areas, which may not reflect the
intentions or recommendations of the committee or of the House. We will also be glad to answer general questions about the process if we can. However, because this is the first part of a long process of gathering information from around the state, we may not be able to answer specific questions at this time. I anticipate that this meeting will last approximately two hours. And while we want to hear everything that anyone has to offer, we do reserve the right to limit individual testimony to ten minutes if necessary. I would ask that each person, as they offer testimony, be considerate of others who are here to offer their opinions as well. We look forward to hearing from all who are here tonight. Thank you so much for being here and we will begin with our public -- I suppose I should probably first introduce the members of the subcommittee. I apologize. We have to my far left, Karl Allen, Representative Karl Allen. Next to me is Representative Jenny Horne. To my right is our staff attorney Patrick Dennis. And to his right Representative Bakari Sellers, and
Representative Tom Young to his right. With that introduction, I'd like to first ask Mr. R. G. Strawbridge to come to the podium and introduce himself. Mr. Strawbridge. Again, if you'd please state your full name and your address and any group that you may be affiliated with.

MR. STRAWBRIDGE: [Inaudible].

REP. CLEMMONS: You are Sir, that's what you get for being the first here tonight. Could you push the button to turn your microphone on, Mr. Strawbridge.

MR. R. G. STRAWBRIDGE: My name is Jerry Strawbridge. I live in Saluda County, I'm the chair of the republican party in Saluda County and I'm here to observe what you ladies and gentlemen are doing because I think that it is important for us in Saluda County in that the district that I live in is 39, represented by Marion Frye. And it's somewhat unique that Marion Frye represents all of Saluda County and a portion of Lexington County, but then again on the Senate side, we have three State Senators that the county has chopped up pretty bad. Marion being the only resident
legislator that we have is very important to us. And because of that, I'm here to see what is going on and how I might get involved a little bit later. But other than that, Sir, I have no other comments.

REP. CLEMMONS: Thank you. So I suppose what we're hearing is in your opinion it's important to keep Mr. Frye's district as a resident district in Saluda County.

MR. STRAWBRIDGE: To keep Saluda County itself as a whole. We're already chopped up on the Senate side, we certainly don't want to be chopped up on the House side.

REP. CLEMMONS: Thank you very much. Mr. Strawbridge, if you'd bear with me one second in case there are any questions from members of the subcommittee. Hearing none. Thank you for your testimony tonight, Mr. Strawbridge. Next, we've got Joyce Hearn with us. Ms. Hearn.

MS. HEARN: [Inaudible].

REP. CLEMMONS: Very good. Thank you, Ms. Hearn. We appreciate your presence. We have next, Ms. Brenda Bedenbaugh. Ms. Bedenbaugh who I have heard from before and is never at a loss
for words. Thank you for being here Ms. Bedenbaugh.

MS. BEDENBAUGH: I too am from Saluda County. I have --

REP. CLEMMONS: Could you give us your address, Ms. Bedenbaugh.

MS. BEDENBAUGH: Yes. I live near the lake at 3021 Prosperity Highway, Leesville.

REP. CLEMMONS: Thank you.

MS. BEDENBAUGH: I am the committee woman for the Saluda County republican party. I have served in many capacities as chairman in the past and I've been on the state executive committee for many, many years. I'm one of the longest serving continual representatives on your state executive committee at this time. I've been through a couple of these in the past and as Jerry said, Saluda County is a small, rural county and it's very important to us that we have at least one resident representative, since we are so divided. Representative, Senator Shane Massey serves part of our county, Senator Nikki Setzler serves part of us, and Senator Ronnie Cromer serves part of us. And they all do a fine job, but still,
the citizens of Saluda County feel that they
need someone locally that understands all the
issues more clearly than someone that
represents several different areas of the
state. And this is very important to us
because we are a small county, we are a rural
county, and we have some issues that are not
necessarily the same issues as other areas of
the state. And we feel very strongly that it
is to our benefit, the citizens of the county,
to retain our own representative for the House
of Representatives. And I hope that this will
be taken into serious consideration when
you're drawing your lines. And we would
appreciate anything that you can do to help us
in that respect. If you have any questions,
I'll answer them.

REP. CLEMMONS: Thank you, Ms. Bedenbaugh. Any
questions? Hearing none.

MS. BEDENBAUGH: Thank you.

REP. CLEMMONS: Thank you so much for being here,
Ms. Bedenbaugh. Next, we have Mr. Brett
Bursey here with us. Mr. Bursey, welcome.

MR. BURSEY: I'm Brett Bursey and I'm the director
of the South Carolina Progressive Network
which is a 16 year old statewide coalition, multi issue, multi racial group that concerns itself with matters of democracy in South Carolina. Our concerns as you go into this process are that we're not doing a good job practicing democracy. And that if you look at the participation at elections around the world, we're not number one, we're not in the top ten, we didn't even make the top 100. United States is number 139 below Armenia and slightly above Nigeria. There are places in the world people stand in line for days and get shot at that turn out more voters than we do. And the peoples participation in your, in our government, in your people's House it's critical and it's suffering. In a four-year cycle half the voting age population isn't participating. And the numbers are going down as the people get younger. We had a missing voter project to find the missing voters in Fairfield County in '08 and only 131 people under 21 had voted in the previous election. It was seven percent of the youth population, their parents voting around 40 percent of them. We have a real problem that young
people aren't participating. Now, you can't answer all those problems with your redistricting, but you can help not make them worse. In 2000 the plan resulted in too many what we call safe districts. I don't know if you're aware of the fact, but South Carolina has the fewest number of contested elections in the general elections of any state in the nation. Most of your seats in the House are won in the primary and what that does is it exacerbates political ideology, it makes it harder to find compromise, because you can run and you can win in your safe district by playing to a very small base of a certain party's faithful. And it doesn't yield good results in the end, it doesn't yield the art of compromise. And so our -- we would encourage you to look at the fact that we have so few contested elections and to figure out ways that we can have more competitive districts that would encourage more people to turn out and vote in November so we would end up with representatives that are representing a more diverse interest of the people as opposed to smaller and smaller constituencies.
And another issue that we hope that we'll see you deal with fairly and adequately is that the Seventh Congressional District in South Carolina, according to the math that I've been able to do, should be a black district. We believe that that is a prima facie conclusion as well one that is historically relevant. And I thank you for your time and wish you the best in this. And the South Carolina Progressive Network is standing by to serve you in any way we can. Thank you.

REP. CLEMMONS: Thank you very much, Mr. Bursey. Questions? Mr. Sellers.

REP. SELLERS: Thank you Mr. Chairman. Mr. Bursey, with your, I guess, research or conclusion that the Seventh District be a African American district or have a large population of African Americans, can you tell us kind of how you came to that thought process, some of the numbers maybe that you looked at, or why you think that should be the case?

MR. BURSEY: Well, they're just -- on it's face, the Sixth Districts and there's one that has been considered the black district and that's percentagewise that's 16.6 percent of the
congressional delegation and the black population in this state is right around 29 percent and the growing Hispanic population, the population of color is about a third. And so just on that simple matter, on that mathematics it would indicate that also that the growth is in those communities and that it's only democratic, small "D" democratic that the additional seat ensure that the voices of people of color in South Carolina are adequately and proportionately represented.

REP. SELLERS: Thank you.

MR. BURSEY: Thank you, Mr. Sellers. Thank you Mr. Clemmons.

REP. CLEMMONS: Thank you. Next we have Nikki Trawick. Ms. Trawick, thank you for being here tonight. Please introduce yourself to us and give us your address, please.

MS. TRAWICK: Yes, sir. My name is Nikki Trawick and my address is 103 Water Hickory Way.

REP. CLEMMONS: Thank you.

MS. TRAWICK: In Columbia. I'm in District 79, I live out in Lake Carolina.

REP. CLEMMONS: Are you here representing a group
or yourself?

MS. TRAWICK: I'm not necessarily here representing a group. I am active in the republican party in several different ways. But what I wanted to just briefly talk about, if I could, for just a moment -- And first of all before I do, thank you for doing this. I know you all tend to always get more criticism than kudos, but thank you for opening things up to the public and showing that sunshine is in fact the best disinfectant in progressing the transparency, so we do appreciate that of you all.

REP. CLEMMONS: Thank you.

MS. TRAWICK: I wanted just to talk a moment about District 79. I know that District 79 is now one of the largest State House districts in South Carolina. We out in the northeast Richland County have experienced phenomenal growth in the last several years. I've only lived here five years and even in that time we've grown by leaps and bounds. And the thing that I keep hearing when I read about the redistricting is the word natural community. District 79 the way it is drawn right now is not a natural community. So I
hope that when you go about doing that, about, you know, doing the redistricting and drawing the lines, you will look at that. You have people who live in places like The Summit and Lake Carolina in the same district as people who live in Lugoff which is in Kershaw County 40 minutes away. And while in rural counties a 40 minute drive might not be that long, for those of us who live in more of the suburban area, that's quite a distance. So we would appreciate it if you would look at that.

I also was looking at, you know, a potential of ways to redraw our district. It looks to me that the people of Blythewood, going back to the concept of natural community, upper northeast Richland County and the people of Blythewood are a natural community. And I know a lot of people that live in that area that are very concerned about the fact that they're in a district with people all the way down in Dentsville and even further down. So I pulled up a few maps and I did a little drawing. I don't know if I can leave that with somebody or not.

REP. CLEMMONS: You absolutely can. And I - just
to let everybody else know - if you have any written documentation you want to leave with us, we will make that a part of the record.

MS. TRAWICK: Okay, great. I appreciate that. I just ask that you look at things when you go to redo that district, because I know it's a very diverse district and if you could think about maybe keeping Kershaw County more into that section, if you would, and then even looking at doing upper northeast Richland and into Blythewood because we are a natural community, we go to church together, our kids play on ball teams together. And I know that might sound a little colloquial but it is the truth. We are a natural community, so if you could keep that in mind when you redraw we'd appreciate it.

REP. CLEMMONS: Thank you. That's information we need to hear.

MS. TRAWICK: Thank you.

REP. CLEMMONS: And if you would just step -- or hand the documentation over. If we could ask you to print your name and address on that documentation to leave with us.

MS. TRAWICK: Yes, sir. I will.
REP. CLEMMONS: Thank you very much.

MS. TRAWICK: Thank you very much.

REP. CLEMMONS: Well, that's everybody that has signed up to speak at the hearing. Is there anybody else that would like to speak? Representative Whipper just stepped in the room. Representative Whipper, good to have you with us. Please come forward. Would you like to speak, Representative Whipper?

REP. WHIPPER: [Inaudible].

REP. CLEMMONS: Well, please take the podium.

REP: WHIPPER: All right. May it please the court.

REP. CLEMMONS: It may.

REP. WHIPPER: Thank you so much for this opportunity to be heard and I know that, you know, we are fortunate at this time to be doing redistricting because of the coming together of so many resources and possibilities. I think when we did this back in 2002/2003 we still were doing a lot of stuff with elbow grease. Now, we are in a position to, after GIS, GPS, and the other kinds of resources that we have, it's a different deal. And we've come a long way in that regard. What I'm concerned about, of
course, is that you recognize that despite all of these improvements in this last decade, it's really just four decades since we had a lot of problems with participation in our voting process. And I think back about, just for instance say when schools desegregated some of the graduates at that time in school are probably just 37 years old, 47, 47 years old. And so we still have a young state when you talk about the sophistication of our voting processes and the way we decide our people participate in elections and participate in government. And that's important. I think the idea of redistricting not only is concerned about reapportionment, which is having a certain amount of appropriate numbers in a given district no matter how it's set up, but what's also important is how we decide where these lines go and why we decide where these lines go.

And I'm a little late because of the vote on the floor that's just taking place and hasn't taken place yet as a matter of fact. So I'm still, I'm going to have to miss that vote. But I really wanted to be here because
it was an awful history that we have come through. And we are just, at the most recent, 47 years out of it, just 47 years out of it. And so we still have people who are expected to participate, who have an opportunity to participate, who can, in fact, really remember what it's like to not be heard, to actually have a vote and have it knocked out. And so now we've come to this point where we have that history and we have that understanding, and we know about that history and we should be real concerned that that doesn't happen again, that people have a vote and the vote doesn't count.

Now, sure, you know, no matter where you draw a line it's always sort of funny. You draw a line and maybe two family members end up on the opposite side of that line, well, sometimes that will happen. But we do have some criteria, and we have some values that we're expected to employ in terms of drawing these lines. Now, I don't -- I'm a little late here Mr. Chairman, I'm sorry, and you may have announced some of those values, some of those criteria, and if you did I'm kind of
familiar with some of them generally. And I would say to you that it's important that we do whatever we can to make sure that, for the most part, if a person has a vote, that vote will have some effect. Now, you can't be perfect, I mean, every vote will not always do what somebody wants it to do, but certainly if we look at - in drawing these lines - if we look at these communities of interest, I think that's the overall touchstone. Because at some point we're going to get to where we may have more than two political parties that are functional and influential. And the reason we'll get there is because the issues that confront us as citizens in there most essential descriptions in character are not just a two party thing. I mean, I think all the time about how in Greenville when the speaker decided to become the ambassador and the election took place and by golly in the speaker's district there was a democratic candidate for his seat. Now, what was it that concerned these people in the speaker's district that a democrat thought that there was some issues around which they could run.
Well, whatever they were, they were real because that vote was really not that far apart in the end result. That means that there are issues that people are concerned about that will decide how they want to vote. And so if you look at issues then you have to be concerned about who the constituencies are, why they are, where they live, why they live where they live, what got them involved with those issues. And that's all a part of determining sometimes these communities of interest. And it also means that we must be sensitive to how these communities came about. And you can't avoid that, and like I said, I mean, we're just 40 years into this thing. And it wasn't just education, it was housing, it was jobs, it was the location of businesses and industries that often time determined where people lived. And so that means something, and it may mean how people react to what they're confronted by as citizens.

So as we go forward, and I would ask that this subcommittee delve into these reasons why people end up where they are and recognize that we need to be concerned about those
interests being represented on the House floor. And those interests being represented in the Congress as well as the Senate. But those interests need not be marginalized and they need to be recognized. Now, when we have a public hearing and you hear, I'm sure, the cry for having a particular district to be all in one county, all in one city and, you know, it's sort of, that's really neat and sometimes real neat and maybe it's an approach that's expeditious but it's not always accurate. Because again, look at what went on before we got there. What was it that made folks live where they live in certain parts of Anderson County or certain parts of Dorchester County, certain parts of Charleston? What was it and what were they concerned about? And should we expect them to be uprooted?

When we talk about certain kinds of rules, regulations, policies, ordinances, state laws, I often think about the development of Mount Pleasant in Charleston County. As people found and discovered Mount Pleasant, and they had some ideas about what they thought it should look like, one of those
ideas had to do with, well, perhaps these people who are on the side of the road selling these sweet-grass baskets, that they might need to be removed. There were sweet-grass baskets that had been there for hundreds of years. And there was a serious reaction to that. And as a result, people recognized the value of that practice, the culture of it, what all went on around it, language, diet, appearance, and now we see these sweet-grass baskets are still there, those vendors are still there on Highway 17. They are a part of the fabric of Mount Pleasant. And that's what can happen when we legislate and be conscious to all of these facets of community life. And I hope that, again, the committee will remember such instances of those kinds of occurrences. How important is it? Look how vibrant our State House is, for instance, because we have talented people like Jenny Horne, Lloyd Funderburk, we have the young Bakari Sellers, young Tom Young. We've got -- it makes a difference being able to have people with all kinds of backgrounds who are committed to this state, to come to the
general assembly and be able to present their positions in an effective way, to establish relationships, come to understanding of what government is and what it should be and how it should function, to share ideas on how to solve problems, it makes it so much more vibrant, it makes it so much more rewarding, the possibilities are greater and it makes us feel like we are at home. I'm one of the first people to acknowledge that despite the fact that I might be a lot different in my viewpoint than say the young Mr. Ryan from Horry County.

REP. CLEMMONS: Georgetown.

REP. WHIPPER: Georgetown, from Georgetown. But he is a part of the State House family, he is somebody that has spent time with me already in the trenches, sweating it out, beating on one another, and it's just like, almost like being on a wrestling team or something. And you establish relationships, I mean, if I saw George Ryan someplace I still would say hello, I'd be glad to see him. So this is a valuable aspect, that we have a diversion viewpoints and backgrounds and the people are able to
weigh in on the topics of the day. And so I'm saying that generally because I don't live in Richland County, but I know that, I think the rules will allow me to talk about the different places that are affected by what we do here today and I'll probably see you again on the 14th of April. But I wanted to say these -- I wanted to make these points, because these communities of interest are so important and we'll find that the lines will often make more sense when we can recognize these particular communities and provide for ability for people to be heard.

Now, you know, I know that we have to be concerned about the idea of having -- and maybe Mr. Chair, you can help me with the word, but we don't want to do what is essentially packing in any particular district, or a set district to the extent that it represents only one point of view, or it has only one racial component. And yet, we recognize that, you know, what should be also touched on is that we want people to be heard, want them to have an opportunity to have a vote count, opportunity to be represented.
And as these populations begin to shift, you know, we've got now growth in our Hispanic community as well as our Asian community, we've got more people from the continents of India, I mean, it's -- so we are seeing, at least in Charleston County. So we've seen substantial change in what a neighborhood looks like and this makes a difference. And so I'm saying to you that we have the ability now to look at this and to take all of these factors into consideration and we ought too. Now, you're faced with some of the -- these decisions in light of reapportionment, you're also faced with concerns about well, reapportionment means that we've got a certain number of citizens of every district. I'm saying to this committee that we shouldn't be so rigid about that particular requirement. We've got some very interesting things that have occurred in this state with the way populations have grown, and I hope that we would not be so rigid in that regard that we can't, we can only draw districts that look like boxes or look like circles, or look like triangles. And I ask that you take that into
consideration. I won't take up anymore of your time. If there are any questions, I'll be happy to answer.

REP. CLEMMONS: Thank you very much for your admonition and viewpoint. We appreciate your time being here Representative Whipper. Are there any questions of the Representative? Thank you so much.

REP. WHIPPER: All right. Thank you too.

REP. CLEMMONS: Perhaps you can still catch the vote.

REP. WHIPPER: [Inaudible].

REP. CLEMMONS: Perhaps you can still catch the vote.

REP. WHIPPER: [Inaudible].

REP. CLEMMONS: Is there anybody else in the audience that would like to share their viewpoint on redistricting while we're gathered together? Hearing none. I would like to make it clear that we have, we have -- this subcommittee has received leave from the Speaker of the House to hold this hearing during the session of the House of Representatives which is allowed pursuant to the rules of the House. Is there any further
business to come before the subcommittee at this time by the members of the subcommittee? Hearing nothing. And I'll ask again if there's any further viewpoint that the public would like to leave us with? Hearing nothing. We will stand -- Yes, sir. Mr. Allen?

REP. ALLEN: Mr. Chairman, I just want to make sure that I'm clear and that I understand that if, in fact, a member of the public in this jurisdiction wishes to offer additional testimony or evidence, that they are free to do so in any of the other public hearings in the other jurisdictions that we'll be traveling around the state in. And that, I heard you say and I just want to be clear, that if, in fact, they want to introduce written or prepared testimony, that we will accept that prepared testimony as well in another jurisdiction.

REP. CLEMMONS: Mr. Allen, thank you for the questions. You are correct on both counts. We will be holding another eight hearings across the state. This is the first of our nine hearings. We welcome input from any party from wherever they might live at any or
all of those hearings. We are asking for and
will certainly accept any documentation,
letters, proposed maps drawn on the back of
napkins or drawn by an official GPS
cartographer. We will accept any information
that you share, that you wish to share with us
that we can use as a basis from which to begin
our deliberations on drawing, on redistricting
the House and Congressional Districts in South
Carolina. Thank you for making that point.

I would direct folks to the website of
On the website you will find our physical
address to which you can mail documentation,
you can also find a direct email link to voice
your comments concerning redistricting by
email. And we encourage everybody, as you've
heard tonight, from Representative Whipper and
from my opening remarks. We want to be open,
we want to receive all of the information that
the public has to share with us. So please
take advantage of this opportunity early on in
this process and let your voice be heard.

Thank you. Are there any other comments by
members? Hearing none. This meeting of the
subcommittee of the, I want to say
redistricting subcommittee but that's not what
we are, we are the election subcommittee,
stands adjourned.