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## **VIDEO TRANSCRIPTION**

*November 10, 2021*

**SC House Judiciary Ad-Hoc Committee**

**Redistricting Hearings**

REPORTER: Kathryn Bostrom

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STATE OF SOUTH CAROLINA  
HOUSE JUDICIARY AD HOC COMMITTEE  
REDISTRICTING HEARINGS

The within hearings, before the South Carolina House  
Judiciary Committee, transcribed by Kathryn B Bostrom,  
Court Reporter and Notary Public in and for the State of  
South Carolina; said hearings were taken in Columbia, South  
Carolina, on Wednesday, the 10th day of November, 2021.

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APPEARANCES:

House Judiciary Committee:

- Wallace "Jay" Jordan, Chair
- Justin Bamberg
- Neal Collins
- Patricia Henegan
- Beth Bernstein
- Jason Elliot
- Weston Newton

Staff Present:

- Emma Dean

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EXHIBITS

There were no exhibits marked during these hearings.

Court Reporter's Legend:

dashes [--] Intentional or purposeful]

interruption

[ph] Denotes phonetically written

[sic] Written as said

1 P-R-O-C-E-E-D-I-N-G-S  
2 REPRESENTATIVE JORDAN: All right, ladies and  
3 gentlemen, we're going to get started. I think  
4 we have a quorum. I apologize for running a few  
5 minutes behind schedule. We have, as you have  
6 probably experienced if you are in the building  
7 here today, we're under renovation so we're down  
8 to a couple of elevators. So we wanted to make  
9 sure everybody could get a chance to get here.  
10 Of course, as I've said before, it's my pleasure  
11 and privilege to call this meeting to order. My  
12 name is Jay Jordan, for those of you who have not  
13 participated although I do see some familiar  
14 faces in the crowd. I'm from Florence and it's  
15 been my honor to chair this ad hoc redistricting  
16 committee. I want to thank you for joining us,  
17 both of those who could be here today in person  
18 as well as those who are participating or  
19 attending today virtually. And we have a list of  
20 those as well. As I have said many times before,  
21 the public's input continues to be a key  
22 consideration for what this committee is trying  
23 to prepare, as we get ready to present a plan to  
24 the House Judiciary Committee and work towards  
25 our ultimate goal of adopting a plan for

1 consideration by the full House of  
2 Representatives. I do, before I go any further,  
3 as I have done before, want to thank the  
4 membership of this committee, our staff, and  
5 everyone who has worked so very hard to get us  
6 where we are today. This is truly a bi-partisan  
7 committee who's membership comes from across the  
8 entire state of South Carolina. As I have many  
9 times before, I'll thank you personally.  
10 Representative Henegan, thank you so much for  
11 making the drive to be here and all the many  
12 times you've done that before. Representative  
13 Bernstein, you didn't have quite the drive -- the  
14 walk, but thank you. Representative Weston  
15 Newton, I calculated it up and I think you,  
16 despite Representative Collins, I think you might  
17 get the mileage award so thank you for all you've  
18 done. Representative Jason Elliott, thank you  
19 again as always. Representative Bamberg and  
20 lastly, Representative Collins. Again, this is a  
21 truly bipartisan and statewide committee and  
22 thank you for your -- for your service across --  
23 from driving all across the state but also for  
24 your participation and to get us to this meeting  
25 today as we have a plan to submit. Before we

1 turn to that -- that plan -- that draft working  
2 plan, I'd like to briefly outline some of the  
3 fundamental concepts and intentions that are the  
4 foundation of this redistricting process for  
5 those who may not have been able to take  
6 advantage of the prior opportunities to engage in  
7 the process up till now. As my colleagues, of  
8 course, in the House and on this committee, we  
9 have found out first hand that redrawing South  
10 Carolina's legislative and congressional lines is  
11 -- is far from an insubstantial task, and that  
12 the working plan here that we will address today  
13 may or may not be adopted by the House Judiciary  
14 Committee, and so too the full House of  
15 Representatives may or may not adopt that  
16 proposed plan. Unlike prior redistricting  
17 cycles, the plan that gains the approval of the  
18 House and later the Senate is, of course, no  
19 longer subject to advance clearing of the United  
20 States Justice Department. This is because in  
21 the decade since the last redistricting cycle,  
22 the law surrounding redistricting has continued  
23 to evolve and in 2013, the United States Supreme  
24 Court struck down a requirement of the Voting  
25 Rights Act that required some states to have

1 federal pre-approval of redistricting plans.  
2 Although we no longer have pre-clearance  
3 obligations, we do have the benefit of working  
4 from a redistricting plan that was both approved  
5 by the DOJ in 2011 and withstood challenge and  
6 scrutiny through federal litigation which, of  
7 course, resulted in the affirmance of the  
8 district lines as currently drawn. Another  
9 difference for prior redistricting cycles that  
10 warrant mentions, of course, is the disruption of  
11 the Corona virus pandemic that has, of course,  
12 complicated the 2020 census and continues to  
13 impact both our country as well as our state.  
14 Due to the difficulties associated with the  
15 pandemic, the Census Bureau was very delayed in  
16 the 2020 data and, of course, just releasing the  
17 final population data on September 15, 2021,  
18 instead of late March as has historically been --  
19 been done. This delay has, obviously, frustrated  
20 the House's ability to work on redistricting in  
21 South Carolina despite -- and that, of course, is  
22 obvious. Despite very challenging times, we were  
23 able to hold more public than in any prior  
24 redistricting cycles and we had more  
25 opportunities for virtual participation as well.

1 Both prior to and after the Census Bureau's  
2 release of the final 2020 census data, the  
3 committee held 11 public hearings throughout the  
4 state to gather input from the public as we  
5 prepared to redistrict. We had the privilege to  
6 meet with folks personally in Myrtle Beach, Rock  
7 Hill, Florence, Greenville, Aiken, North  
8 Charleston, Bluffton, Orangeburg, and Greenwood.  
9 We also held two hearings right here in the Blatt  
10 Building in Columbia that included virtual  
11 participation as well as in person testimony by a  
12 number of constituents and public interest  
13 groups. We appreciate each and every person who  
14 attended the hearings and who provided input on  
15 important social, cultural, and historical  
16 context that comprise of constituent's  
17 communities. We also thank those that have  
18 submitted written testimony and proposed  
19 redistricting plans to this committee through our  
20 House Redistricting website. I also want to  
21 recognize and acknowledge the importance of the  
22 efforts of your individual House members putting  
23 into -- the effort they put into reviewing the  
24 changes in South Carolina's population and  
25 offered their input into how the legislative

1 districts could be redrawn to account for changes  
2 and shifts in population. The House opened it's  
3 map room to the House membership on October 4th  
4 and I believe just about every individual elected  
5 by the South Carolina voters to serve in the  
6 House took advantage of the -- that opportunity  
7 and has provided his or input into that process.  
8 With this background of due diligence and  
9 collected concentration of time, collaboration  
10 effort, on Monday we published our working plan  
11 to the House Redistricting website. The working  
12 plan incorporates the process I just discussed  
13 including public input as well as input from the  
14 members of the House, and is informed by - and is  
15 informed by South Carolina's voting patterns,  
16 history, and other relevant data and information.  
17 We believe the working plan adheres to the  
18 fundamental goal of this committee and the House  
19 to adopt a plan that makes sure that South  
20 Carolina legislative districts provide for equal  
21 voting rights, traditionally, referred to as the  
22 one person one vote principle. As applied to the  
23 redistricting plan for the House, our districts  
24 should be substantially equal population. The  
25 ideal size being 41,278. As we see from the 2020

1 census data, while South Carolina grew  
2 significantly in size, that growth was not  
3 consistent across the state. We have experienced  
4 -- we have some areas that experienced explosive  
5 growth while other areas saw significant declines  
6 in populations, which means we have current  
7 districts that have many thousands more people  
8 than is ideal and other districts that have many  
9 thousands too few. Because the number of  
10 legislative districts is set by the South  
11 Carolina Constitution at 124, we must make  
12 changes to the district lines and, in some cases,  
13 create new districts in areas of significant new  
14 population while simultaneously combining  
15 multiple districts into a single district to  
16 ensure enough people to allow for substantially  
17 equal population. While the population is  
18 important, we have also considered the input of  
19 the public collected today in hopes to better  
20 understand the commonality and the connections  
21 that matter to our citizens. We believe the  
22 working plan realizes the fundamental,  
23 constitutional goal of equality in voting and,  
24 likewise, accords with the guidelines and  
25 criteria that this committee adopted back in

1 August. And that working plan complies with the  
2 United States Constitution, the South Carolina  
3 Constitution, federal and state law, and is  
4 contiguous, compact, and properly considers  
5 communities of interest and encompassing. In  
6 all, we received 11 proposed redistricting plans  
7 from the public, 7 state house plans, and 4  
8 congressional plans. All of the proposed  
9 redistricting plans that were submitted to this  
10 committee were reviewed and analyzed based on our  
11 redistricting guidelines and criteria, as well as  
12 public and member input. Today, we are here to  
13 take testimony on our working plan and the public  
14 plan submissions that we received through last  
15 week. This hearing is being recorded and it will  
16 be transcribed and made available to the public.  
17 For the sake of order and a clear record, I ask  
18 that anyone that wants to speak today to please  
19 first sign in, and I believe many of you have  
20 already done that. And when you are called,  
21 please come to the microphone, introduce  
22 yourself. As well if you are present today on  
23 behalf of a group, please identify the group on  
24 whose behalf you are appearing, be it a political  
25 party, public interest group or other

1 organization. As with our prior hearings, we are  
2 here to receive information and provide a forum  
3 for the public to inform the committee of any  
4 issues, concerns that you feel relates to  
5 redistricting. We anticipate this hear lasting  
6 several hours and while we want to hear  
7 everything that anyone has to offer, we may ask  
8 that individual testimony be limited in time,  
9 depending on the number of anticipated  
10 participants. I would ask that each person, as  
11 they offer testimony, keep in mind that the  
12 others in attendance that also came out to offer  
13 their thoughts and opinions. As we get further  
14 into the afternoon if some of or part of you --  
15 of your plan comments have already been well  
16 stated in the record, you need not repeat those  
17 comments. Instead, simply feel free to refer  
18 back to those previous comments as reflective of  
19 your testimony. In the event, of course, that  
20 we're unable to finish today, we have -- we will  
21 reconvene on Friday, November 12th at 10:00 back  
22 here in 110 of the Blatt Building and virtually  
23 at [www.scstatehouse.gov](http://www.scstatehouse.gov). If you intend to leave  
24 any written documentation with the committee,  
25 we'll be happy to include that in the permanent

1 record -- permanent public record. We do ask,  
2 however, that to ensure -- that to ensure that  
3 you identify yourself on the document as well as  
4 your mailing address. Sticky notes, of course,  
5 are provided or available with the submission box  
6 for your convenience. Testimony can also be  
7 emailed to [redistricting@schouse.gov](mailto:redistricting@schouse.gov) or mailed to  
8 House Judiciary at 512 Blatt Building. That's  
9 1105 Pendleton Street Columbia, SC 29201.

10 And I've, of course, said many times, we  
11 appreciate this opportunity to be with you and  
12 look forward to hearing from you during this,  
13 both in person and -- and virtually. To the  
14 members of the committee, I know you thought you  
15 were off the hook and you would not have to hear  
16 that speech, again. All I can say is you're  
17 closer to the end than the beginning. So and I  
18 hope you brought snacks. So we're looking  
19 forward to hearing from everybody. I believe  
20 we've got several signed up. My intention, if  
21 you've been here with us before, I like to go try  
22 to go back and forth with the in person and the  
23 virtual. I think we have 14 or so signed up  
24 virtually. But to kick us off, I believe, we  
25 have signed up Mr. Kevin Eckert in person. Mr.

1           Eckert, I don't know if you were first or if you  
2           just came through the right door. So I have  
3           several lists up here. So come on up.

4 MR. Eckert: Can you hear me?

5 REPRESENTATIVE JORDAN: Yes, sir. That red light  
6           means you're good to go.

7 MR. Eckert: Okay. So first of all, I want to thank  
8           everyone for hearing my testimony. My name is  
9           Kevin Eckert. I am the second vice president of  
10          the Young Democrats of South Carolina. So first,  
11          I would like to say I hope the committee will  
12          consider the adoption of my submitted plan. The  
13          benefits of my plan include that there are no  
14          precinct splits. It reduces a number of split  
15          counties. It keeps cities whole. And it stays  
16          within the deviation as you had mentioned. What  
17          I want to say is several noticeable differences  
18          between my map and the statewide map includes my  
19          home county of Sumter County, where in my  
20          submitted map the city of Sumter remains together  
21          and the districts take up no more than two  
22          different counties as opposed as the proposed map  
23          where it doesn't really do any of those things.  
24          For example, House District 50 covers three  
25          different counties. House District 93 covers

1 three different counties. And finally, there's  
2 my home district, District 67, which I think,  
3 quite frankly, looks like a child tried to draw a  
4 pterodactyl. So I understand that it's hard to  
5 draw lines -- draw district lines due to the  
6 rural nature of South Carolina but I feel like,  
7 you know, it's better for the state if we try --  
8 that like putting three different counties into a  
9 district creates unequal representation.

10 Especially if, you know, you're the county that's  
11 being kind of chopped up. And so the reason I  
12 say this is like I've talked to a lot of people  
13 across the state and like I always hear that like  
14 people don't really hear from their state --  
15 state representatives. They don't feel heard and  
16 I feel like when you're drawing very windy  
17 districts, it kind of like -- it hurts people's  
18 faith in democracy and it hurts people faith that  
19 they're being heard when, you know, the elected  
20 officials already know kind of what the results  
21 are going to be. So I just would like to -- so  
22 again, I want to thank everyone for hearing my  
23 testimony and I hope you -- you consider the  
24 adoption of my submission. Thank you.

25 REPRESENTATIVE JORDAN: Mr. Eckert, do -- I don't know

1           -- if you would like to field some questions,  
2           there may be a few questions from the committee  
3           but that is certainly up to.

4 MR. Eckert: Yes.

5 REPRESENTATIVE JORDAN: Mr. Newton.

6 REPRESENTATIVE NEWTON: Just a question, Mr. Eckert.

7           Just want to make sure the deviation that you've  
8           used in your plan is ten percent?

9 MR. Eckert: It should be within five percent.

10 REPRESENTATIVE NEWTON: Okay.

11 MR. Eckert: Ten percent.

12 REPRESENTATIVE NEWTON: Let me be clear. I want to  
13           make sure -- for the record, we need your answer  
14           to be clear. The deviation you've used is ten  
15           percent, is that correct?

16 MR. Eckert: Yes, that's correct.

17 REPRESENTATIVE NEWTON: Okay. All right. Thank you  
18           very much.

19 REPRESENTATIVE JORDAN: I did have a question when you  
20           were going through the -- the counties.

21 MR. Eckert: Yes.

22 REPRESENTATIVE JORDAN: So you're saying the goal --  
23           and thank you for submitting a plan, by the way.  
24           That -- I know that doesn't come without a lot of  
25           work that goes into that but the goal --

1 underlying goal in your mind is keeping as many  
2 counties together, is that -- is that what you're  
3 saying?

4 MR. Eckert: Yes, that's correct.

5 REPRESENTATIVE JORDAN: Okay. All right.

6 Representative Bernstein.

7 REPRESENTATIVE BERNSTEIN: Just to follow-up Chairman  
8 Jordan's question. So how many -- what's the  
9 breakdown of how many whole counties are being  
10 represented by members? Does that make sense? I  
11 mean, do you have that breakdown?

12 MR. Eckert: I don't have that breakdown off the top  
13 of my head. I mean, Mr. Green helped me kind of  
14 draw the map so maybe he would be able to answer  
15 that question.

16 REPRESENTATIVE BERNSTEIN: Okay.

17 REPRESENTATIVE JORDAN: State your name for the  
18 record, Mr. Green.

19 MR. GREEN: My name is Matt Green. I would just have  
20 to run a report and off-hand it's a little hard  
21 to break down. But I can run the report if you  
22 want that.

23 REPRESENTATIVE BERNSTEIN: Okay. So that's not  
24 information y'all have, all right.

25 MR. GREEN: Yeah.

1 REPRESENTATIVE BERNSTEIN: Thank you.

2 REPRESENTATIVE JORDAN: Representative Elliott.

3 REPRESENTATIVE ELLIOTT: Mr. Eckert, that is an  
4 important -- I appreciate in your plan you're  
5 attempting to keep counties whole because that's  
6 important, especially for smaller, rural  
7 counties, in my opinion. That's important to try  
8 to keep as many of them whole. I looked at them  
9 and I think your plan has 11 counties that are  
10 kept whole and y'all may need to check that, and  
11 our working plan has 13 counties that are kept  
12 whole. So I applaud your effort to keep those  
13 whole. I would just note that, if my math is  
14 right, the House working maps contain two more  
15 whole counties than your map does.

16 REPRESENTATIVE JORDAN: Again, thank y'all for your  
17 testimony and the work you put in as well.

18 MR. Eckert: Thank you very much.

19 REPRESENTATIVE JORDAN: All right, we're going to  
20 switch gears for just a second and I believe we  
21 have Representative King, who's prepared to join  
22 us virtually. Representative King, can you --  
23 can you hear us?

24 REPRESENTATIVE KING: I can. Can you all hear me?

25 REPRESENTATIVE JORDAN: We can hear and see you so you

1           are -- you are recognized.

2   REPRESENTATIVE KING: Thank you, Mr. Chairman and  
3           committee members, and thank you for coming to  
4           Rock Hill and hosting a hearing. I want to make  
5           a brief statement as well as I have a few  
6           questions in hopes that you will answer them for  
7           me at the end of my statement. With the start of  
8           a new decade, the Census Bureau sought to  
9           characterize or catalog, diversity of a growing  
10          South Carolina. A South Carolina that has added  
11          5.1 more percent citizens to it's population  
12          since 2010. York County, the county which I  
13          represent, has grown 23.9 since 2021. However,  
14          it is plausible to assert that the census count  
15          in South Carolina is and was deficient. The  
16          Trump administration sought to prevent and hinder  
17          every effort to ensure a balanced and fair census  
18          process by lodging dozens of lawsuits to derail  
19          and delay the count. Additionally, with the  
20          Covid-19 pandemic, as you have statement, Mr.  
21          Chairman, and the boundaries caused by our  
22          inadequate broadband and infrastructure, it is  
23          concerning that those who hold majority power in  
24          the South Carolina General Assembly wishes to go  
25          forward with the redistricting efforts without

1 adequately adjusting the deviation to account for  
2 our deficient census count. The five percent  
3 deviation set forth is arbitrary. Undergoing the  
4 redistricting process with our ways and the  
5 deviation is detrimental to our rural and racial  
6 minority communities ability to elect their  
7 preferred candidates of choice. Ten percent  
8 deviation is reasonable, standard, and acceptable  
9 under case law. For many rural counties, less  
10 than half of all residents could send -- could  
11 send in their responses at all -- could not send  
12 in their self-responses at all, either through  
13 household calls or the internet. Governor Henry  
14 McMaster himself has made it clear that one of  
15 South Carolina's biggest failures was to leave  
16 our most vulnerable communities in the dust when  
17 it comes to daily necessities, that is internet  
18 access in our age. Earlier this summer Governor  
19 Henry McMaster's office of regulatory staff  
20 stated that more than 189,000 household units in  
21 our state were without broadband access and  
22 nearly half a million South Carolinas -- South  
23 Carolinians do not have access to reliable, high-  
24 speed internet of any kind. The U.S. Census show  
25 that minority populations, more than a third of

1 our state, yet our legislature -- legislature  
2 does not reflect this growth. The census  
3 highlights the unrepresentation of those of  
4 Hispanic origins. According to the Census  
5 Bureau, 36 percent of non-respondents were  
6 Hispanic households. Never received a follow-up  
7 by a census counter. Supposed we are going to  
8 focus on reapportioning districts at every level  
9 of our state. In that case, first we need to  
10 acknowledge that 5 percent deviation is arbitrary  
11 and one that does not take -- take in state of  
12 what South Carolina is a diversified population  
13 that deserves equitable representation. We must  
14 establish a 10 percent deviation to adequately  
15 adjust, to make sure that all South Carolinians  
16 are represented. My questions to the committee  
17 is why was the map posted, and then taken down,  
18 and posted later? Were there any changes made to  
19 the map during the time that the link was down or  
20 the map was no longer available. If so, what  
21 were those changes? Our goal is to ensure a fair  
22 representation across the board by keeping  
23 communities whole. Why were 769 precincts split?  
24 The map as it stands right now weakens our rural  
25 and minority communities. If you all don't mind

1           answering those questions.

2   REPRESENTATIVE JORDAN: All right, Mr. King. Any  
3           comments or -- from the committee?

4           Representative King, I can tell you on the  
5           technical question you had, we did -- the day the  
6           map went up, we did have some technical issues.  
7           It was down for a brief period of time and then  
8           it was back up, and I do not believe there were  
9           any, at all, changes. There were no changes. We  
10          were also able to add the Google Earth issue in  
11          with that immediately prior to that. So you're  
12          absolutely correct there was a technical issue  
13          that -- that was -- we did have that afternoon.  
14          I believe it was around 4:00 or 5:00 that  
15          afternoon or early evening. The only other  
16          things I can tell you is, you know, this  
17          committee has worked very hard to present a  
18          product that complies, as I said, with, you know,  
19          federal, state laws as well as the criteria we  
20          adopted. Is it a finished product? Absolutely  
21          not. We're still -- it's a work in motion. It  
22          will eventually, sooner than later, it will end  
23          up in front of the committee on which you serve  
24          in judiciary. So we're doing the best we can to  
25          move the ball forward in compliance with the --

1 the parameters that govern us. But I do, as  
2 always, thank you for your testimony and I look  
3 forward to seeing you probably next week.

4 REPRESENTATIVE KING: I appreciate you all accepting  
5 my testimony. I previously submitted these  
6 statements and I would like to resubmit these  
7 same statements back to you all. And my other  
8 concern is as we have collapsed some four or five  
9 districts, and you stated earlier in your written  
10 statement that you read, that we had a blueprint  
11 to go by. That blueprint safeguarded our  
12 minority districts and in this map that you all  
13 have done that will be submitted to the full  
14 committee, has collapsed a few minority districts  
15 or combined those districts. And so I would hope  
16 you all would look at if that blueprint that you  
17 spoke of earlier, had we had to still go through  
18 pre-clearance, those districts would have not  
19 been combined or collapsed. And so I would like  
20 for you all to take that into consideration as  
21 you finalize this matter. Thank you.

22 REPRESENTATIVE JORDAN: Thank you, Representative  
23 King. Representative Newton wishes to speak.

24 REPRESENTATIVE NEWTON: Thank you, Representative  
25 King. Good to see you today. Just a comment as

1 it relates to your last point about  
2 minority/majority districts. Of the plans that  
3 were submitted, there are seven plans and the  
4 House working draft that's been referred to, the  
5 House working draft preserves more  
6 majority/minority districts than any of the other  
7 plans that have been submitted. I mean, it  
8 preserves and protects 20 minority/majority  
9 districts and 11 minority opportunity districts,  
10 and if you look at the other plans, those numbers  
11 are significantly different from those. So I  
12 just thought if you haven't been able to view  
13 these in a big enough size in trying to look at  
14 it on the computer, that's an observation that I  
15 -- that is directly tied to your other comments.  
16 Mr. Chairman, at a later point I'm sure we'll  
17 talk about deviation but, Representative King, I  
18 think you may be aware at our October 4th meeting  
19 we did talk at some length about the deviation  
20 and the requirements with the equal protections  
21 clause of the 14th amendment of the one person  
22 one vote, and that deviations are actually  
23 permissible when they are -- but have to be  
24 justified and so, I mean, the underlying  
25 constitutional principle remains one person one

1           vote, which is trying to be substantial or equal.  
2           But there'll be, you know, another opportunity  
3           I'm sure we'll get to talk about that. But I did  
4           think you would want to be aware of the  
5           minority/majority district numbers that are in  
6           the working plan as well. Thank you, sir.

7 REPRESENTATIVE KING: Thank you all. Thank you.

8 REPRESENTATIVE JORDAN: Thank you, Representative  
9           King. Look forward to seeing you next week. All  
10          right, we'll transition back to our audience.  
11          Mr. McClain, I can't read your last name but I  
12          remember you from prior testimony. Tell me your  
13          last name.

14 MR. MCLAIN: McLain, sir.

15 REPRESENTATIVE JORDAN: That's your first name,  
16          correct?

17 MR. MCLAIN: No. My last. My first name is Charlie.

18 REPRESENTATIVE JORDAN: Okay.

19 MR. MCLAIN: I've been called a lot worse.

20 REPRESENTATIVE JORDAN: Step up to the plate.

21 MR. MCLAIN: All right, sir, the last time I was here,  
22          I talked to you about gerrymandering and the  
23          Department of Justice getting a little bit too  
24          big for their britches and it seems like our  
25          rights are being taken away from us. I had

1 mentioned the Constitution before but the people  
2 in Washington don't know their own Constitution.  
3 Obviously, they're lawyers. They go to Yale Law  
4 School, Harvard, et cetera, et cetera, et cetera.  
5 I read the Constitution and the way these  
6 districts are drawn, and I mentioned Jim  
7 Clyburn's district the last time I was here. To  
8 Charleston County all -- and they split Richland  
9 County, 110 or 15 miles from here Charleston is.  
10 Nobody's district should be that long. And I told  
11 you the Department of Justice is going to come  
12 down here and say you can't draw lines this way.  
13 I say we can because we're citizens of the State  
14 of South Carolina. It doesn't say the Department  
15 of Justice has the rights. It says the citizens  
16 of the State of South Carolina has a right to  
17 choose their representative. And that's all I've  
18 said, Mr. Jordan and the members of committee,  
19 and they wonder why people don't vote. Now, if  
20 you favor this candidate over another candidate,  
21 well, he's got a guaranteed seat or she has a  
22 guaranteed seat. This was not the way the system  
23 was set up. If I wanted to vote for such and  
24 such that live 30 miles from my house, and I like  
25 what they say, and they work for me, fine. Well,

1 if they don't want to do nothing for you, you  
2 know, the politicians got they're not going to do  
3 anything for you anyway, why vote? I hear that  
4 all the time from the public. Even at grocery  
5 stores or I'm getting the car worked on, and all.  
6 I talk to people daily and all. And I'm praying  
7 for this country because we're going in the wrong  
8 direction. And, Mr. Jordan and members of  
9 committee, I don't know how many of you remember  
10 Nikita Khrushchev got up and said we'll bury  
11 America within without firing a shot. Nikita  
12 Khrushchev said this. And I know Joe Biden is  
13 letting people in across the border and they're  
14 going to be illegal borders coming over here and  
15 they're going to vote but it takes seven years to  
16 become an American citizen. They don't know  
17 they're own Constitution up there. I'm sure your  
18 state representatives do. But I'm telling y'all,  
19 Mr. Jordan, we have rights in the state of South  
20 Carolina, and it's like I told you before. State  
21 rights: what's happened to them? Department of  
22 Justice don't have any rights. It's a government  
23 bureaucracy that comes out and tell you  
24 representatives well, you got to do this. No,  
25 sir, I don't have to do it. You know, the United

1 States was a sovereign country until 1868.  
2 Sovereign Sovereign. Remember that word,  
3 sovereign. And that's what it was until 1868.  
4 Then they say we're going to make it the United  
5 States. I mean, they call it that but we're a  
6 sovereign nation. South Carolina was a sovereign  
7 nation. Arkansas was a sovereign nation and all  
8 that. But it's getting out of hand with the  
9 Department of Justice, I mean, telling you who to  
10 vote for and not who to vote for. This candidate  
11 don't get 80 percent of the vote. That little  
12 head of minority white or minority black gone get  
13 20 percent of the vote. That ain't the way the  
14 system works, Mr. Jordan. It's supposed to be  
15 vote for who you want to vote for. Remember they  
16 got outlawed gerrymandering in the early 20th  
17 century and we had the at large system. Vote for  
18 who you want to. There's Representative  
19 Bernstein. She ran against Joan Brady. Now,  
20 what if she didn't run against Joan Brady.  
21 People had a choice to re-elect Joan Brady or  
22 Beth Bernstein, so they elected Beth. I think  
23 Brady was six years, I think, Ms. Bernstein. I  
24 may be wrong. And you ran against her and  
25 defeated her. That's the way the system is set

1 up. Well, you've got to have this one over here  
2 because he's a minority or you've got to have  
3 this one over here because they're white  
4 or Caucasian. You know, the Caucasian words.  
5 Hispanic and all. You're favoring candidates  
6 and, if you ask me, the Department of Justice, I  
7 said it before, Mr. Jordan, is getting a little  
8 bit too big for their britches. They don't  
9 represent the state of South Carolina. You  
10 people on the panel do, not the Department of  
11 Justice. They live in high-falutin up in  
12 Washington, D.C. I'm struggling and I'm white.  
13 Look at gas prices, food prices, all that. I  
14 hate to say this, our predecessor president,  
15 whether you voted for him or not -- I did; I  
16 admit I did -- said it's a racket and it is. And  
17 I mean they have no business coming down here and  
18 telling you people, committee, you've got to  
19 make a choice. And a lot of them going to like  
20 it and a lot of them is not going to like it, but  
21 we don't have any more choices to vote for any  
22 incumbent or somebody who wants to run against a  
23 incumbent, you know, because a lot of you run  
24 unopposed. There's no competition because you  
25 got 80 percent of the vote, she's got 80 percent

1 of the vote, or you may have 80 percent. Who am  
2 I going to vote for? Nobody. They've got  
3 guaranteed seats and it's not the way it was set  
4 up in this country and the state of South  
5 Carolina. We have a choice to vote. You know,  
6 like the presidential election. Sometimes in my  
7 lifetime, three incumbents have got beat. Bush,  
8 Carter, and Trump. But somebody ran against them  
9 and people voted for them, whether they like it  
10 or not, Mr. Jordan. And I'm so glad you didn't  
11 send the Department of Justice to my house. I  
12 was worried about that, Mr. Jordan.

13 REPRESENTATIVE JORDAN: Well, I can -- I can promise  
14 you I don't have any control over the Department  
15 of Justice. And I -- I certainly enjoyed the  
16 history with Ms. Bernstein and her rise. Do you  
17 have anything else to tell us concerning --

18 MR. MCLAIN: I got a lot more to say but I know you've  
19 got a lot of other people wanting to speak.

20 REPRESENTATIVE JORDAN: We do.

21 MR. MCLAIN: I mean, if I was y'all, I'd say why don't  
22 y'all just go back to Washington, D.C. and let  
23 South Carolina take care of the citizens of South  
24 Carolina? I'm elected by the people of South  
25 Carolina, not Department of Justice. Tell them

1 to stay out of South Carolina, if you ask me,  
2 because they getting too big for you-know-what  
3 and dresses too. All right.

4 REPRESENTATIVE JORDAN: Thank you for being here  
5 today.

6 MR. MCLAIN: All right, Mr. Jordan, thank you for  
7 listening to me.

8 REPRESENTATIVE JORDAN: I know you've come a few  
9 times. Thank you for coming.

10 MR. MCLAIN: All right, thank you very much.

11 REPRESENTATIVE JORDAN: All right. Next up on the, I  
12 believe, virtually, we have Ms. Christine Devrys.

13 MS. DEVRYS: Yes.

14 REPRESENTATIVE JORDAN: All right, you are recognized.  
15 Thank you.

16 MS. DEVRYS: Oh, thank you. Chairman Jordan, members  
17 of the South Carolina House Subcommittee on  
18 Redistricting, thank you for the opportunity to  
19 submit testimony today on these issues  
20 and concerns around the process. My name is  
21 Christine Devrys. I'm a resident of Hilton Head,  
22 South Carolina, and I'm testifying today  
23 specifically about the proposed map for House  
24 District 123 which currently encompasses most but  
25 not all of Hilton Head. I certainly recognize

1 the drawings and the difficulties of drawing maps  
2 to fit the new population requirements. However,  
3 I have to say that the new proposed map for house  
4 district 123 is puzzling at best. Due to the  
5 population shifts in our area, our current house  
6 district did not meet the target population  
7 required for a South Carolina House district and  
8 so we needed to be enlarged geographically. I  
9 think the most obvious solution to this challenge  
10 to many people would have been to include the  
11 one-half precinct, which is Hilton Head Precinct  
12 1B that has been historically omitted from the  
13 123's jurisdiction, and then further expand the  
14 district, what we call over the bridge, to  
15 include some of the similar communities of  
16 interest that are within a less than 2 mile drive  
17 from -- from the Hilton Head Island. For  
18 example, the community of Moss Creek, which is  
19 immediately to the right as you cross the bridge.  
20 In fact, it's called Hilton Head and, in fact, we  
21 share a zip code as the postal system recognizes  
22 Moss Creek as part of Hilton Head. But the  
23 proposed map looks very different than the one  
24 that kind of makes the most sense and there's two  
25 issues of concern. The proposed map continues to

1 segregate a part of the Hilton Head Island in a  
2 separate house district from the rest of the  
3 community. Again, specifically Hilton Head  
4 Precinct 1B, which is, ironically, a precinct  
5 that has one of the largest minority populations  
6 in our area, and we don't have many of them to be  
7 honest. It includes many of the Gullah  
8 population. It's split between House district  
9 123 and 120. I don't see any rationale for this  
10 split. I think the redistricting process could  
11 have righted what, I think, many consider a  
12 historical wrong and make Hilton Head whole by  
13 ensuring that all of the island's precincts were  
14 in the same house district. My second concern  
15 about the proposed map is that you've added  
16 another precinct for the purposes of increasing  
17 the population to meet the target but you took a  
18 precinct that's not even connected to Hilton Head  
19 in any manner and, in fact, is in another county  
20 and is, in fact, a 45 minute drive from Hilton  
21 Head. So I have to ask what was the rationale  
22 for enlarging House district 123 by adding the  
23 Jasper County precinct of Levi -- Levy, a  
24 community, as I mentioned, is 20 miles away from  
25 Hilton Head. So oddly with the proposed map as

1           it currently is, you've violated your own  
2           criteria for redistricting by creating a  
3           noncontiguous district that shares few of the  
4           concerns and priorities of Hilton Head. So I  
5           would ask the representatives to correct these  
6           issues in the current proposed maps, as I believe  
7           they are both incongruent with the stated  
8           principles of redistricting and disadvantage the  
9           people of both Hilton Head and those residing in  
10          Levy, South Carolina. Thank you for  
11          consideration of my remarks. I'd like to submit  
12          my entire (inaudible) for the written record.

13        REPRESENTATIVE JORDAN: We much appreciate that. Is  
14          it Ms. Devry or Ms Devrys?

15        MS. DEVRYS: Devrys.

16        REPRESENTATIVE JORDAN: Ms. Dean got it right as  
17          usual. I know Representative Newton who  
18          represents your area would like to comment on a  
19          couple of the issues you raised so I'll recognize  
20          him at this time.

21        REPRESENTATIVE NEWTON: Thank you, Mr. Chairman. And,  
22          Ms. DeVrys, thank you for -- for being here and  
23          sharing your thoughts with us today. Just a  
24          couple of comments and observations. The area in  
25          question that you're talking about is actually

1 outside the municipal boundaries out of the town  
2 of Hilton Head. It's known as Jenkins Island and  
3 there was specific conversation during the  
4 redistricting process that there is a concern  
5 about the communities of interest. Obviously,  
6 one of the biggest projects going on right now  
7 are the new bridges to Hilton Head Island and it  
8 is well documented in the media that the interest  
9 of the northern tip, as some people like to call  
10 Hilton Head, but is actually Jenkins Island, that  
11 they're interests are dramatically different from  
12 that which the rest of the island has indicated  
13 that they want. So in terms of community of  
14 interest, I will just point out to you that it  
15 has been made clear that that area does not  
16 believe that they are part of Hilton Head Island.  
17 In fact, they have resisted the municipal  
18 boundary annexation and talked about it in the  
19 past. It does involve a precinct a split but, as  
20 you're aware, the precinct split is historical.  
21 So it was approved by the Justice Department  
22 under pre-clearance and -- when President Obama  
23 was in office and Eric Holder was our Attorney  
24 General as well as survived four federal lawsuits  
25 challenging it, and much of the map that -- at

1           least the working draft we have today started  
2           with those lines that we knew had been blessed  
3           and approved under the more rigorous approval --  
4           advance approval process from the past. You  
5           know, obviously, we are late getting to this  
6           because of late census numbers and so at risk  
7           adverse is not the right terminology, but, you  
8           know, we were mindful of the fact that these  
9           lines have been approved under the most rigorous  
10          standards that we have had and so respecting  
11          those lines, at least, has been -- has been a  
12          part of the conversation. So I just -- I want to  
13          make sure, you know, there's a recognition of the  
14          municipal boundary and the differences in the  
15          community of interest in that area being Jenkins  
16          Island, more properly, than -- than Hilton Head  
17          Island. But thank you for being here today and  
18          thank you for your interest and care and effort  
19          about the low country.

20       MS. DEVRYS: Thank you. Thank you. Can I respond  
21                   just briefly?

22       REPRESENTATIVE NEWTON: Sure.

23       MS. DEVRYS: Okay. I appreciate your remarks on that  
24                   and I don't disagree. I, actually, would suggest  
25                   that you pull Jenkins Island and Moss Creek into

1 the redistricting as one House district that, in  
2 fact, you might get more agreement on the bridge.  
3 Just an idea. And I believe that part of that  
4 precinct also -- that split precinct also has  
5 some of the areas north of Squire Pope Road and I  
6 will -- I can report firsthand that that split  
7 precinct caused some voting issues in our recent  
8 elections, especially for early absentee because  
9 there was great confusion by some where they are  
10 and actually, some people got an incorrect  
11 ballot. As we all know, split precincts just  
12 cause confusion during elections. So I would add  
13 that also.

14 REPRESENTATIVE NEWTON: Thank you. Let me just make  
15 one -- you know, I don't -- the challenge, of  
16 course, always is you can't split a census block  
17 and the county folks don't always get the  
18 precinct lines right because the precinct lines  
19 ought to probably more appropriately follow  
20 census blocks to the greatest extent they can  
21 based on -- on population. So voter confusion, I  
22 think, is an issue that we all are concerned  
23 about in every way. The last comment, the Moss  
24 Creek area being, obviously, unincorporated  
25 Beaufort County on the mainland and Jenkins

1 Island unincorporated Beaufort outside the  
2 boundaries of Hilton Head are in the -- in many  
3 of the plans submitted -- in fact, I think, the  
4 League of Women Voters plan, they're both in --  
5 in one district and that's in the House plan as  
6 well. The working draft that we have now that  
7 Moss Creek and Jenkins Island are -- are  
8 together. Thank you.

9 REPRESENTATIVE JORDAN: Thank you, Ms. DeVrys. I'll  
10 congratulate you as I do Representative Newton on  
11 getting to live in one of the most beautiful  
12 places in South Carolina. But thank you for  
13 taking time to be with us today.

14 MS. DEVRYS: Thank you.

15 REPRESENTATIVE JORDAN: All right, ladies and  
16 gentlemen, I believe next up is Mr. Matt Green.  
17 All right, Mr. Green, you're technically getting  
18 two bites at the apple here.

19 MR. GREEN: Can you hear me?

20 REPRESENTATIVE JORDAN: Yes, sir.

21 MR. GREEN: Okay. So my name is Matt Green. My  
22 expertise in redistricting comes from the 2010  
23 redistricting process in Idaho. I worked for the  
24 Independent Redistricting Commission there as a  
25 staffer for the commission. So I've been through

1 this process before and I'd like to testify  
2 against the proposed working plan. There are  
3 several flaws in it. It excessively splits the  
4 city of Anderson. It's split, I believe, into  
5 four or five districts. It's roughly about  
6 the size to actually have it's own district so I  
7 would just ask why that city was split so many  
8 times. Same thing could be said for Charleston,  
9 split between three districts. Orangeburg almost  
10 split up between, I believe, three or four. Lake  
11 City, which isn't even close enough to be it's  
12 own district, is split twice and it appears that  
13 it was census block cut for a specific incumbent.  
14 Walterboro's split multiple times when it's  
15 possible it could be just put in it's own  
16 district. There's also issues similar between  
17 Greenville and Spartanburg. I believe there's  
18 also excessive county splits in the map.  
19 Specifically, some counties could be kept fuller  
20 or whole. And then there are several odd shaped  
21 districts that, coincidentally, if you were to  
22 actually remove the census block cuts that were  
23 done, were to actually make some of this  
24 districts not contiguous, some of these odd  
25 shaped districts would include districts 10, 22,

1 23, 24, 25, 35, 46, 48, 110, 111, 114, and 119.  
2 And I would also just like to add to my testimony  
3 that there are no -- there's, essentially, about  
4 769 precincts that are split in this working map.  
5 I have produced multiple maps that show there is  
6 no need to split a single precinct and, often  
7 times, it's clear sometimes when you look at  
8 these census block cuts, they're  
9 done intentionally to make it either pair with  
10 places by just maybe cutting through certain  
11 areas to get certain voters, certain incumbents,  
12 and it really raises a lot of questions about  
13 what was the criteria meant there. I think, you  
14 know, a lot of people would like to keep their  
15 cities whole. Not be split up between multiple,  
16 three or four, districts. I think there was even  
17 some testimony in Anderson about one person  
18 complaining about the current configuration  
19 talking about if you looked out certain  
20 directions, you would see different districts and  
21 that district basically did the same thing.  
22 Those are my objections to the map. I just hope  
23 you would consider those and not voting for it.  
24 REPRESENTATIVE JORDAN: Thank you for your testimony.  
25 Any comments from the committee? I don't want to

1 go through a laundry list because there's a lot  
2 of, you know, issues that you raised but I can  
3 tell you that during the course of this meeting,  
4 I think, some of those issues have been addressed  
5 and will continue to be addressed such as -- I  
6 think we previously talked about the counties and  
7 I think when you look at the spectrum of plans  
8 submitted, I think our plan keeps together more  
9 counties than any other plan I've seen. But  
10 we'll get deeper into these issues as they come  
11 up during the course of the meeting. So thank  
12 you again for your testimony.

13 MR. GREEN: Thanks.

14 REPRESENTATIVE JORDAN: All right, I believe, we have  
15 Representative McDaniel with us virtually next  
16 up. All right, we're having some technical  
17 difficulties with Representative McDaniel so next  
18 up is Brenda Murphy, president of the South  
19 Carolina conference of the NAACP.

20 MS. MURPHY: I'm here. I'm here.

21 REPRESENTATIVE JORDAN: I love technology. It is  
22 really a wonderful thing.

23 MS. MURPHY: So is it Ms. McDaniel or Brenda Murphy?

24 REPRESENTATIVE JORDAN: Is this Ms. Murphy I can hear?

25 MS. MURPHY: Yes.

1 REPRESENTATIVE JORDAN: All right, Ms. Murphy, since  
2 we have you, let's go with you right -- we can't  
3 get Ms. McDaniel. The connection is apparently  
4 poor. So let's try --if you don't mind -- are  
5 you prepared to testify at this time?

6 MS. MURPHY: I'm ready.

7 REPRESENTATIVE JORDAN: All right. We can hear you  
8 but we can't see you.

9 MS. MURPHY: Let me see. I don't know why. Can you  
10 see me now?

11 REPRESENTATIVE JORDAN: Not yet. That's -- that's  
12 okay. If you -- if you -- we can -- I believe we  
13 have a map you submitted. We can put that on the  
14 screen if you -- if you would like and then you  
15 can communicate audibly.

16 MS. MURPHY: Okay. There are two other individuals  
17 with me that were listed. So I'll go through my  
18 testimony and then they will address some issues  
19 regarding the map, okay? So let me just go  
20 through my testimony that I have, if that's okay.  
21 And I don't know why I'm not on camera because my  
22 camera is on. I don't know what's happening.

23 REPRESENTATIVE JORDAN: Well, if you're ready to  
24 proceed, you're recognized.

25 MS. MURPHY: Okay. Thank you.

1 REPRESENTATIVE JORDAN: Yes, ma'am.

2 MS. MURPHY: Good afternoon, Chair -- Chair Jordan and  
3 members of the committee. My name is Brenda  
4 Murphy and I'm president of the South Carolina  
5 State Conference of the NAACP, which I will refer  
6 to as South Carolina -- let me correct that.  
7 President of the South Carolina State Conference  
8 National Association for the Advancement of  
9 Colored People and I will refer to that as  
10 SCNAACP. And I'm going. We are a state  
11 conference of 77 branches and over 13,000 NAACP  
12 members throughout South Carolina. I want to  
13 thank you for the opportunity to provide -- to  
14 provide information this morning about the  
15 proposed redistricting plans for the House, a  
16 body whose decision making has monumental impact  
17 on the lives of South Carolina NAACP members and  
18 other community members that we serve. I'm  
19 speaking on behalf of the association I lead as  
20 well as a redistricting coalition, which includes  
21 the South Carolina NAACP, the NAACP Legal Defense  
22 and Education Fund Incorporated, the American  
23 Civil Liberties Union which is ACLU, and ACLU of  
24 South Carolina, and others. Our coalition formed  
25 this spring to focus on redistricting at the

1 state and local level because these maps can stay  
2 at place at least a decade and determine access  
3 to representation and life changing policies.  
4 I'm pleased to be joined by Leah Aden of LDF and  
5 Somil Triviti of the ACLU. Both will be  
6 testifying later in this hearing to provide more  
7 details about our coalition opposed to State  
8 House redistricting plans and our very initial  
9 observations on the committee's proposal --  
10 proposed House redistricting plan. My testimony  
11 will focus on three points. The affirmative  
12 obligation this committee must consider as it  
13 assesses and approves the redistricting plans;  
14 second, a few high level points on the House  
15 redistricting plan that our coalition submitted,  
16 as well as observation on a plan that the  
17 committee made public less than two days ago, on  
18 November 8th. And, third, the importance of more  
19 transparency in all stages of redistricting. I  
20 see Representative McDaniel is on the screen now,  
21 okay.

22 REPRESENTATIVE JORDAN: I can't even begin to tell you  
23 how that's possible. As someone who needs my  
24 children to turn on the computer for me, I'm of  
25 no help, but it's good to see you, Representative

1           McDaniel, but I certainly don't want to cut off  
2           Ms. Murphy mid-stream here. So bear with us for  
3           just a second.

4   MS. MURPHY: Okay. First, this committee must ensure  
5           compliance with U.S. Constitution section two of  
6           the Voting Rights Act. As explained in our  
7           letters, this committee must ensure that any map  
8           it adopts complies with the Constitution's one  
9           person, one vote mandate, which requires balanced  
10          populations among districts in legislative maps  
11          and section two's nationwide ban on racial  
12          discrimination in voting. Fulfilling the one  
13          person one vote requirement, as we have made this  
14          body well aware in previous correspondence, on  
15          October 8th and August 9th, the 2020 U.S. Census  
16          results demonstrate that South Carolina has  
17          experienced significant population growth and  
18          shifts over the past decade. These changes  
19          require action to bring the districts of South  
20          Carolina House maps into compliance with the one  
21          to one -- with one person one vote principle.  
22          Equal district populations, as our leaders have  
23          explained, are necessary to ensure access to  
24          representation for all people and equal electoral  
25          power for all voters. That means that districts

1 must be close to the ideal district population,  
2 which is the total population of our state  
3 divided by the number of districts in a map.  
4 House districts populations can vary a small  
5 amount from the population ideal but not more  
6 than 10 percent. Based on the 2020 census data,  
7 numerous House districts exceed this range of  
8 population deviation. Some do so by substantial  
9 margins. Any map the committee adopts must  
10 correct for this malapportionment as the House  
11 redistricting map that we proposed does,  
12 complying with the U.S. Constitution and Voting  
13 Right Acts. According to the 2020 census,  
14 approximately, 27 percent of our state's --  
15 state's people are black and among South  
16 Carolinians who are old enough to vote, black  
17 voters make up, approximately, 29 percent. As we  
18 have explained in our previous correspondence  
19 with this body, to comply with the Voting Rights  
20 Acts, you must engage in the -- in a very fact  
21 intensive and robust analysis of whether the maps  
22 you propose consider and adopt to provide black  
23 voters with an equal opportunity to participate  
24 in the electoral process and to elect  
25 representatives of our choice. In short, this

1 body must do an analysis to ensure that House  
2 maps do not minimize our votes. In some cases,  
3 that will require developing single member  
4 districts in which black voters are majority to  
5 ensure the opportunity to elect black voters'  
6 preferred candidates. And in areas where black  
7 voters cannot form the majority in a district,  
8 this committee should consider whether it's  
9 possible to draw additional districts that give  
10 black voters an equal and effective opportunity  
11 to participate in the political process and elect  
12 candidates of their choice. Under the  
13 Constitution and VRA, as I understand it, the  
14 committee must not minimize our electoral  
15 strength by packing black voters in districts  
16 with unnecessarily high black populations or by  
17 cracking us into districts with populations that  
18 are too low to provide an opportunity to  
19 meaningfully participate in the political process  
20 and have a say in who is elected. Considerations  
21 relevant to proposed house maps, in turning to  
22 the maps before you for consideration, I will  
23 emphasize that developing a Constitutionally and  
24 legally compliant map requires more than a simple  
25 review of the population numbers in each

1 district. In preparing the map, we propose for  
2 the South Carolina House, our coalition  
3 considered not only population and demographic  
4 statistics but also recent statewide and  
5 countywide voting patterns, including racially  
6 polarized voting patterns, how fast the newly  
7 proposed districts may perform for voters,  
8 communities of interest and other redistricting  
9 principles like continuity, compactness, and any  
10 incumbents protection, and incorporation of  
11 community members' feedback. Our expectation we  
12 would like confirmation from this body is that in  
13 developing the maps that this body proposed, the  
14 committee carefully analyze all the relevant  
15 facts, circumstances, and data. Indeed, one T-  
16 form of analysis that this committee must  
17 consider and account for is racial block voting.  
18 This is a pattern of voting along racial lines in  
19 which voters of the same race tend to support the  
20 same candidate who is different from candidates  
21 supported by voters of a different race. Racial  
22 block voting continues to exist in South  
23 Carolina. For example, in the 2020 election for  
24 U.S. Senate, 98 percent of black voters cast  
25 their ballots for Jamie Harrison. However, only

1 25 percent of white voters cast their votes for  
2 Harrison. And he was defeated. We see a similar  
3 trend in other statewide elections and in local  
4 elections in many parts of the state. As this  
5 body must be aware, South Carolina has made some  
6 progress in remedying its systems of  
7 discrimination but we aren't there yet. In  
8 developing a House plan, we must acknowledge our  
9 history and present reality. This includes a  
10 record of racial discrimination in voting and  
11 continues into the present. Our letters to the -  
12 - I don't know why I'm getting a beeping.

13 REPRESENTATIVE JORDAN: I think that was coming from  
14 our timer on this end, Ms. Murphy, and I'm not  
15 cutting you off. That's just kind of a general  
16 reminder of, you know, we have a lot of folks to  
17 testify. It sounds like you're -- you're --

18 MS. MURPHY: I'm almost, yeah, wrapping up.

19 REPRESENTATIVE JORDAN: And bear in mind, I cut into  
20 some of your time on the -- on the front end as  
21 well with the technical issues.

22 MS. MURPHY: Okay. Okay. That includes a record of  
23 racial discrimination in voting and that  
24 continues in the present. Our letters to this  
25 committee have reminded you that this history

1 starts long -- started long ago and continues in  
2 the present. South Carolina -- South Carolina's  
3 1895 Constitution was a leader in the widespread  
4 movement to disenfranchise eligible black  
5 citizens. During the years when South Carolina  
6 voters were protected by federal pre-clearance,  
7 discriminatory changes and voting practices and  
8 procedures in South Carolina, they earned over  
9 120 DOJ objections, including, at least, 27  
10 objections in our 2 redistricting plans. The  
11 state consistently deployed discriminatory rules,  
12 practices, and redistricting schemes to  
13 disenfranchise black voters. This history is  
14 especially relevant now, the first redistricting  
15 cycle since 1960 in which section 5, pre-  
16 clearance, cannot protect black South Carolina  
17 voters. And with respect to redistricting  
18 litigation, which is the South Carolina NAACP has  
19 had to bring during redistricting cycles has  
20 required in each of the last several  
21 redistricting cycles, often taken months to  
22 resolve. In the 2010 redistricting cycle, for  
23 example, the Federal District Court for the  
24 District of South Carolina took nearly 4 months  
25 to adjudicate Constitutional claims related to

1 redistricting. Similarly, during the 1990 and  
2 2000 redistricting cycle, South Carolina Federal  
3 Court needed nearly 6 months to draw new plans  
4 after the state's political branches failed to  
5 enact new maps, leaving in place the old  
6 districts that violated principles of one person  
7 one vote. The map that we submitted addresses  
8 Constitutional and VRA obligations and is  
9 informed by South Carolina voting patterns,  
10 history, relevant data, and more. This care was  
11 necessary to develop maps that ensures all voters  
12 have access to representation and black voting  
13 power is not diluted. Now, with respect to this  
14 committee's proposed House map, I would -- I  
15 would be remiss if I did not emphasize that we,  
16 like the rest of the public, received your map  
17 only on Monday, less than 48 hours before this  
18 hearing began. Later that same day, you appear  
19 to have released a significantly revised version  
20 of that map. This gave our coalition analyst  
21 less than one full business day before the start  
22 of the hearing to attempt to study your proposal.  
23 That unreasonably rushed timeline, which this  
24 committee has chose to impose on its  
25 constituents, makes it impossible to provide you

1 with a kind comprehensive analysis this important  
2 map deserves. Thus, we plan to send you  
3 additional written comments on your proposed map  
4 in the coming days. We may also propose an  
5 alternative map correcting some of the problems  
6 our analysis continues to identify in your  
7 proposed plan. Speaking preliminarily,  
8 therefore, we are gravely concerned with what we  
9 see. Your plan appears to unnecessarily  
10 eliminate districts that formerly provided black  
11 voters a meaningful opportunity to participate in  
12 the political process. This includes both  
13 majority black districts and -- and effectively  
14 performing districts. It is not necessary to  
15 eliminate even one of these districts. Our maps  
16 make clear that each of them can be maintained  
17 whether as majority black district or as  
18 districts where black voters, while not a  
19 majority, can still be effective in electing  
20 candidates of choice based on the voting patterns  
21 and other facts. You have had our proposed map  
22 for over a month. Accordingly, any decisions to  
23 make and effecting any districts serving black  
24 voters raises serious concerns. We are also  
25 concerned that --

1 REPRESENTATIVE JORDAN: Ms. Murphy, can I -- can I --  
2 can I stop you for just a second? My audience  
3 here is getting a little upset with me because  
4 we're going on for a little bit longer than --  
5 than generally speaking. And, again, I want to  
6 make sure I get all the points you have and I  
7 know you've submitted some written testimony as  
8 well. But I would ask you -- and, again, I'm  
9 looking at a crowd of about 40 people here that  
10 are wanting to speak as well so if you wouldn't  
11 mind, wrap up for me. And I know I have some  
12 comments from the committee as well who also want  
13 to address some of the issues you've raised as  
14 well.

15 MS. MURPHY: Okay. Well, let me just sum up by saying  
16 this. The committee performed -- we would like  
17 to know if the committee performed any analysis  
18 of racially polarized voting practice and, if so,  
19 will the committee publicize the results of that  
20 analysis? And I know I'm breaking up so I  
21 apologize to those of you. I don't know what the  
22 problem is because it's not on my end. And so we  
23 would like to see that data. And secondly, did  
24 the committee consider history of discrimination  
25 against black voters and, if so, how does the map

1 reflect an awareness of that history? And third,  
2 how does the committee proposed map reflections -  
3 - reflect considerations of communities of  
4 interest? Because transparency is very important  
5 and I know you're saying I need to end but, as I  
6 said, Ms. Aden and Triviti will have further  
7 comments regarding South Carolina's mapping --  
8 the mapping by the House.

9 REPRESENTATIVE JORDAN: Okay. Thank you, Ms. Murphy.  
10 I think, Representative Collins, I'll recognize  
11 you.

12 REPRESENTATIVE COLLINS: Thank you, Chairman, and, Ms.  
13 Murphy, thank you for all of your comments. I  
14 actually think that everything you pointed out is  
15 one of our major strengths in our plan. And just  
16 so you know, the majority/minority districts, we  
17 have 20 of those. We have 11 that are  
18 opportunity districts. That makes 31. I think  
19 one strength that we have in our current General  
20 Assembly is that our black caucus members are  
21 above the state population and, at least, I was  
22 cognizant of that fact and I think a -- upon our  
23 plan, the black caucus will do just as well and  
24 probably above their weight statewide because of  
25 that. So I would say, actually from your points,

1           that we were cognizant of it and it is one of our  
2           strengths that we have.

3 REPRESENTATIVE JORDAN: Thank you, Representative  
4           Collins. Representative Elliott.

5 REPRESENTATIVE ELLIOTT: Briefly, Chairman. Ms.  
6           Murphy, thank you so much and we welcome your  
7           additional information that you'll provide.  
8           You'll have that opportunity now and until the  
9           full committee meets which will be, obviously,  
10          not this week. So there will be additional time  
11          for you to do that. I would say, and  
12          Representative Newton pointed this out earlier,  
13          it is correct. We don't have to go through pre-  
14          clearance but we use the same standards, and same  
15          Constitutional requirements, and same legal  
16          requirements, and the corpus of the -- the  
17          overwhelming majority of the districts are  
18          comprised of districts that were pre-cleared ten  
19          years ago. So that point needs to be made and,  
20          again, while we're not -- have to seek pre-  
21          clearance, the same rules and methods apply.  
22          And this map and the House working map -- the  
23          committee working map, I believe, just as in the  
24          past, has passed Constitutional and statutory  
25          muster and it will do that again. And just like

1 you -- you talked about the one person one vote.  
2 To the NAACP's -- the way you operated with your  
3 map of the rules, you also had a five percent  
4 deviation just like the House did. The other  
5 maps -- most of the other maps, or almost  
6 exclusively all of them that were proposed to us,  
7 had a ten percent deviation. I agree that the  
8 one person one vote principle is important and  
9 that's why I think our maps have the  
10 Constitutional safe harbor of the five percent.  
11 And to Mr. Collins's point -- I'll just put out  
12 the number there, the NAACP's proposed map, which  
13 we appreciate getting, had 15 majority/minority  
14 districts and the House working map has 20  
15 proposed majority/minority districts. You know,  
16 unfortunately, population increases and decreases  
17 and stagnation across South Carolina were not  
18 uniform and it leaves us with tough decisions.  
19 And it's -- you know, in my area -- in  
20 Greenville, we're fortunate that we're not facing  
21 the tough decisions. The tough decisions have to  
22 be made and, unfortunately, this general assembly  
23 or no one can control population growth patterns  
24 or where populations decreased, and that's just  
25 the reality of what we're facing here. But I do

1           thank you for all your comments and I look  
2           forward to receiving additional information from  
3           the NAACP.

4 REPRESENTATIVE JORDAN: Thank you, Representative  
5           Elliott. Representative Bamberg.

6 REPRESENTATIVE BAMBERG: Thank you, Mr. Chairman. I  
7           guess more so just to comment here. This has --  
8           it's been -- it's a process. It's an ongoing  
9           process but I would be remiss if I didn't say  
10          that at least with regards to this committee and  
11          the members serving on this committee -- and, you  
12          know, I understand the racial undertones in the  
13          state and things of that nature, but I personally  
14          am not aware of, you know, any specific intent to  
15          undermine or attack minorities with regards to  
16          the proposed plan. Again, speaking with the  
17          committee members that I serve with and I want  
18          to, you know, make that known on record. You  
19          know, it's been a process serving with everybody.  
20          There are disagreements on a lot of things but  
21          with regards to that piece, I don't want anybody  
22          thinking that there have been any purposeful  
23          efforts out of members of this committee, one way  
24          or the other to go on the offensive, so to speak,  
25          and attack -- attack minorities in the state.

1 I'm not aware of that. I don't anybody on this  
2 committee who is and I just wanted to note that.

3 REPRESENTATIVE JORDAN: Thank you, Representative  
4 Bamberg. Representative Henegan.

5 REPRESENTATIVE HENEGAN: Thank you, Mr. Chair, and  
6 thank you, Ms. Murphy, for your comments. I know  
7 that we, because of time limit we are not able to  
8 answer all fo the questions that you have.  
9 However, I would like to suggest you make sure  
10 you get those questions to us and allow us the  
11 opportunity to get back with you.

12 MS. MURPHY: I will.

13 REPRESENTATIVE JORDAN: Thank you. Thank you, Ms.  
14 Murphy. I know you've got another individual who  
15 needs to testify. I think y'all are on the same  
16 line but what I do need to do is I need to come  
17 back to the in-person audience and allow them an  
18 opportunity to participate, and then I will come  
19 back to my virtual list. So if y'all will just  
20 stay on standby and I got to go to Representative  
21 McDaniel. She's next on that virtual list. So  
22 just bear with me. We'll get to everybody.  
23 Before I do, I do need to go back. Ms. Dean does  
24 a great job of correcting me when I say something  
25 that's not 100 percent accurate. When I answered

1 the question, I think it was Representative King,  
2 about the website being down, let me briefly  
3 correct the record regarding our map postings on  
4 Monday, November 9th. And, again, as you can see  
5 from the notice at the top of the web page, and  
6 as we explained in our email blast sent Monday  
7 afternoon, the initial posting on Monday at,  
8 approximately, 3:00 p.m. did have minor  
9 technology issues with the upload and, as a  
10 result, did not load the final draft. At,  
11 approximately, 6:30 p.m. that same day, the  
12 correct plan was posted. The difference again  
13 were -- the differences again were minor in  
14 nature and they did not substantive changes but I  
15 wanted to make sure, and I'm thankful for Ms.  
16 Dean and many, many others that work with us to  
17 make sure we get it just right. So I want to  
18 make sure I technically correct that. All right,  
19 back to. Next up Naney Kemp-Watson -- Nancy.  
20 That looks like an E. Thank you, Ms. Watson.

21 MS. WATSON: Good afternoon. Hey. My name is Nancy  
22 Kemp Watson. I'm from Bamberg. Did I teach you,  
23 Justin? Okay, I wasn't sure if it was --

24 REPRESENTATIVE JORDAN: We're going to have to ask you  
25 some questions later based on that.

1 MS. WATSON: I know where the bodies are buried, yes.  
2 I would like to thank the committee for it's  
3 willingness to hear the questions and concerns of  
4 the Bamberg County citizens who have gathered  
5 before you today. We came as a group. I,  
6 myself, am not here to argue over the realignment  
7 too much but to ask who benefits from this  
8 rearrangement of South Carolina's District 90?  
9 Why after decades of being regionally associated  
10 with Barnwell and Colleton counties, should we  
11 suddenly be shoved in with Orangeburg County  
12 while Barnwell and Colleton are completely  
13 dropped from the district? Orangeburg is a huge  
14 county with a huge school district and it has  
15 lots of small businesses and large industries.  
16 On the other hand, Bamberg and Barnwell Counties  
17 are small with small school districts and both  
18 desperately need new businesses that would,  
19 ultimately, increase our tax basis and ease, at  
20 least, in Bamberg's case a very heavy tax burden.  
21 I have learned South Carolina's Representative  
22 districts need to include, approximately, 41,000  
23 residents and I am well aware that based on the  
24 2020 census, Bamberg County lost population. And  
25 I would dare to say that loss is directly linked

1 to our having the highest tax rate of all of  
2 South Carolina's 46 counties. However, instead  
3 of incorporating one-third of Orangeburg county,  
4 which is the city of Orangeburg basically, it's  
5 urban and we're fairly rural, so instead of  
6 incorporating a third of Orangeburg County into  
7 District 90, I believe the shortage of citizenry  
8 could and should be remedied by slightly  
9 increasing the district's area in Colleton  
10 County. This is a simple solution that I believe  
11 is much more amenable and sensible to the people  
12 of District 90 and also much more aligned with  
13 their wants and needs. I would like to stress  
14 once more that Bamberg County has basically  
15 nothing in common with Orangeburg County and I  
16 question the intentions of whoever purposed this  
17 gerrymandering of a district that has served us  
18 well, even since my father, Judge Bob Kemp, was  
19 it's representative for 12 years back in the '60s  
20 and '70s. I, for one, fail to see the reason or  
21 the wisdom of a plan that drops Barnwell and  
22 Colleton Counties while adding, basically, 30  
23 percent of the city of Orangeburg. So, again, I  
24 ask who benefits from this abrupt rearrangement  
25 of District 90? Thank you for your time.

1 REPRESENTATIVE JORDAN: Thank you for your testimony,  
2 Ms. Watson. All right, next up long awaited  
3 Representative McDaniel. We can hear and see you  
4 now so you're recognized.

5 REPRESENTATIVE MCDANIEL: Thank you so, so much. I'm  
6 getting feedback too. First, I just want to  
7 thank the committee again, as you well and know,  
8 I have been kind of following what's going on.  
9 It's my first time doing redistricting as a  
10 legislator and I tell you it is very interesting,  
11 and I don't envy you guys one bit in this  
12 fortuitous task that has been placed before you.  
13 But, again, I just want to say thank you and let  
14 you know that we appreciate all of the hard work  
15 that you guys have done, whether we agree with  
16 what you have done or not. Particularly to Ms.  
17 Emma Dean and to Linda and the members of the map  
18 room that have been so gracious to answer any  
19 questions that was posed whenever I visited the  
20 map room. When I came to you all before, I  
21 talked to you about -- well, let me back up a  
22 little bit. I am a member of the NAACP so I do  
23 agree most of what has been presented by them and  
24 I also I look forward to some of the responses to  
25 some of the questions that they have raised. But

1 I'm foremost here representing my district, which  
2 is House District 41, which encompasses a portion  
3 of Richland County, all of Fairfield County, and  
4 a portion of Chester County. When I looked at  
5 the first map, it still had the district pretty  
6 much in tact, you know, give or take because I  
7 did have to pick up some people, or my district  
8 did. But then there was a draft that came out  
9 and I think -- at least, I received some phone  
10 calls stating that Fairfield was being moved out  
11 of Richland County and that did call for concern.  
12 Even if you had to juggle the numbers and realign  
13 a portion of it, that's understood but you  
14 removed the entire county. It goes back to what  
15 I spoke about, initially, during the pre-release  
16 of your draft opportunities to speak. When we  
17 put all of our minorities packed into one  
18 district, it lends itself to give -- to make  
19 those districts at a huge economic disadvantage.  
20 The school districts, the -- the when it comes  
21 to grocery stores and all those kind of things  
22 come into play. And I give you a few examples  
23 just for my district. When Fairfield County was  
24 put with Richland County, there was a  
25 relationship with the hospital there. Richland

1 County managed that hospital for us for years  
2 and, as you know now, we do not have a hospital.  
3 Most of the people in -- residents of Fairfield  
4 County matriculate to Richland County for  
5 healthcare services. When Wal-Mart closed in  
6 Fairfield, most of the employees were sent to  
7 Killian Road, which is in Richland County. They  
8 didn't go to Newberry. They didn't go to  
9 Chester. They didn't go to Union. They didn't  
10 go to Kershaw. Most of them matriculated to  
11 Richland County. Fairfield places a humongous  
12 economic advantage for Richland County. The I-77  
13 corridor, which is being developed, a lot of that  
14 is being done in conjunction with Richland  
15 County. So to separate those two, which I hope  
16 you guys didn't do. Like I stated, I did not  
17 look at the other map. But I did want to share  
18 and express the -- the relationship that has been  
19 fostered and most of it under my leadership once  
20 being elected. Because the very first time I ran  
21 in that district, very few individuals in that  
22 community that's part of Fairfield and Chester  
23 House District 41, they did not -- they didn't  
24 even vote. So to now, after 10 years of  
25 fostering that relationship to tear it up, I

1 think would be at a huge, huge disadvantage. But  
2 they will be resilient because, as I stated  
3 earlier, I know you guys are working hard and you  
4 are trying to do the best that you can. There's  
5 a barren couple of miles between Fairfield and  
6 Chester but nonetheless, that relationship has  
7 also been fostered and people know who their  
8 representative is in Chester. It's a lot for me  
9 to travel through the three counties but we do  
10 what we have to do. But I do believe that  
11 Richland County is -- is -- is -- benefits and  
12 they should be -- yes. Were you talking to me?

13 REPRESENTATIVE JORDAN: Representative McDaniel, I  
14 don't -- I don't think anybody said -- I will  
15 interject there, though, since you paused for a  
16 second. I believe in the current House plan  
17 proposal, Richland is a -- there is a component  
18 of Richland that attaches to the district you  
19 represent.

20 REPRESENTATIVE MCDANIEL: With that being said then, I  
21 know you have a lot of people listening so I will  
22 end.

23 REPRESENTATIVE JORDAN: Thank you very much. I look  
24 forward -- look forward to seeing you soon.

25 REPRESENTATIVE MCDANIEL: And thank y'all for all

1 y'all hard work again.

2 REPRESENTATIVE JORDAN: Thank you.

3 REPRESENTATIVE MCDANIEL: Bye-bye.

4 REPRESENTATIVE JORDAN: All right. Next up, Sharon  
5 Carter.

6 MS. CARTER: Good afternoon. Thank you for the  
7 opportunity to share with the Redistricting  
8 Committee and understanding that you haven't --  
9 you have a task and we understand it is not an  
10 easy one. But I want to share my disappointment  
11 in the proposal lines for seat 90. I don't  
12 believe it's coincidental that the proposed lines  
13 negated both Barnwell and Colleton Counties when  
14 those were the counties -- sorry, Mr. Bamberg,  
15 that you lost in 2020 election. In fact, Mr.  
16 Posey, who was Mr. Bamberg's opponent, only lost  
17 by 57 votes. And Mr. Posey is from Colleton  
18 County and has been conveniently pushed out of  
19 the seat 90, Mr. Bamberg's district, which will  
20 most certainly make sure that Mr. Posey could not  
21 oppose you in the 2022 elections. So we're here  
22 asking the committee to please allow our district  
23 90 generally the same as it has been for 60  
24 years, basically, that transfiguration. I  
25 understand that our population has declined and

1 that the lines should be moved but it doesn't  
2 make sense to simply move lines a bit. It makes  
3 more sense to move lines a bit into the Colleton  
4 or the Barnwell counties that we already have  
5 rather than drastically changing the existing  
6 lines to entirely different counties that we've  
7 never been a part of. Those proposed changes it  
8 really only seems to benefit you personally. It  
9 doesn't seem to benefit us, the hardworking  
10 taxpayers of seat 90 in any way. So I'm -- I'm  
11 just wondering how that alignment happened that  
12 we negate two counties and then add two different  
13 counties to our existing situation. So I thank  
14 you for your time and the consideration that we  
15 would like our lines to be like they have been.  
16 Bamberg, Barnwell, and Colleton Counties and just  
17 expand those, not create entirely different  
18 counties.

19 REPRESENTATIVE JORDAN: Thank you. Thank you, Ms.  
20 Carter. I will tell you this. I've learned a  
21 lot during my time working on redistricting and  
22 one thing I can tell you, or a couple of things I  
23 can tell you. You know, when you're in an area  
24 of the state -- I think District 90 is the third  
25 most underpopulated area in the state --

1 MS. CARTER: It sure is.

2 REPRESENTATIVE JORDAN: -- and there's a truth in this  
3 process that you've got to go towards population  
4 in order to get to that one person one vote  
5 mandate that we have. So in some sense, and I've  
6 had a few people tell me, just leave it all the  
7 same. And then in one sense I'd say that's great  
8 because that would be a lot less work for the  
9 people involved in this process but,  
10 unfortunately, the law says we're required to run  
11 to that one person one vote. So your area of the  
12 state was one we just -- we -- there had to be  
13 significant changes in because of that under  
14 population. And as someone who's from the  
15 PeeDee, similarly, we had to make hard, difficult  
16 decisions based on that population, you know. As  
17 I said in the onset of this process, South  
18 Carolina grew in a way we had never seen before  
19 in volume and also in where it grew. You know,  
20 it grew -- essentially it exploded in a few areas  
21 of the state and that has led us to -- to -- to  
22 the -- the map you see. So just to give you a  
23 little background there.

24 MS. CARTER: Growing -- growing numbers could happen  
25 in Colleton County or moving towards more into

1 Colleton and Barnwell County because we don't  
2 really get that many numbers by adding Allendale  
3 County. It's not highly populated. So we could  
4 just continue with the counties that we already  
5 have and just expand into those counties. Maybe  
6 taking all of Barnwell instead of excluding  
7 Barnwell and adding Allendale. Allendale has  
8 never been associated with seat 90 before. And  
9 we -- and when I say we, there's a -- a large  
10 group of people who asked us to please somewhat  
11 be their representatives today. So we're not  
12 alone in the fact that our -- our -- the proposed  
13 map looked entirely different than what all of  
14 us, our entire lives, have -- have noticed. And  
15 I am sorry, Mr. Bamberg, that it certainly looked  
16 like the counties you lost are the counties that  
17 are no longer in our proposal and so it seemed  
18 personal. And if not, we're just looking at, we  
19 have more in common with Barnwell than we do  
20 Orangeburg. Someone mentioned that you want to  
21 keep counties together. Well, Orangeburg is now  
22 all split up adding us to it where we weren't a  
23 part of it at all at one time. So I just ask  
24 y'all to reconsider that seat 90. The folks in  
25 it, we like our Bamberg/Barnwell/Colleton

1           breakup. We don't want to go into Orangeburg.  
2           We don't think those are similar agricultural  
3           areas that what we're accustomed to and have a  
4           like mindedness -- in fact, where I live, my  
5           address in rural area, they give me a Lodge  
6           address but I live in Bamberg County. So Lodge  
7           is Colleton County. My home was slap dab in the  
8           middle of 90 and now my house is oh, just in  
9           90 with the new lines. So the agricultural area  
10          of Lodge into Highway 64 going towards I-95 and  
11          Walterboro is all agriculture that relates to all  
12          of our farmers, and the fine folks of Farm Bureau  
13          in Bamberg County. Those are people we have like  
14          mindedness with and we'd rather stay together  
15          with the people we've been accustomed to working  
16          with and being represented in seat 90 the way we  
17          have. So I understand your thoughts about  
18          population, as ours did decline, but adding  
19          Allendale doesn't add much population to us.

20        REPRESENTATIVE JORDAN: Well, we thank you for your  
21          testimony. Again, thank you as I've thanked  
22          everyone --

23        MS. CARTER: That's right.

24        REPRESENTATIVE JORDAN: -- who's taken the time to  
25          make this, you know, an important part of their

1 day. Thank you for coming and I can tell you  
2 this is a work in progress. But I can tell you  
3 that for every, you know, action there is a  
4 reaction --

5 MS. CARTER: That's right.

6 REPRESENTATIVE JORDAN: -- that reverberates across  
7 the entire map and we're trying our best to,  
8 again, comply with the rules and laws that we're  
9 -- that govern us and to come up with a product  
10 and a plan that is -- that is best for South  
11 Carolina. But again, thank you for being here  
12 and expressing --

13 MS. CARTER: Thank you for your time.

14 REPRESENTATIVE JORDAN: -- your -- your community's  
15 area. Thank you.

16 MS. CARTER: Appreciate it.

17 REPRESENTATIVE JORDAN: Yes, sir, Representative  
18 Bamberg.

19 REPRESENTATIVE BAMBERG: Thank you, Mr. Chair. Oh,  
20 and first, I'd like to thank you all for -- for  
21 coming up. So a couple of things, I think,  
22 that's important to note here is it is a work in  
23 progress, okay. I understand you -- you feel the  
24 way you feel about the lines and things of that  
25 nature, but I would like to note prior to 2010,

1 House District 90 was actually -- Orangeburg was  
2 actually in that prior to 2010. And you had  
3 Orangeburg, Barnwell, and Bamberg, okay. When  
4 you look at the population changes in our part of  
5 the state -- and I understand that people feel --  
6 and I will talk with y'all after the meeting as  
7 well, okay. But when you look at what's going on  
8 from the coast, starting down in Beaufort up  
9 through our area -- our neck of the woods in the  
10 state, there are population gaps. Different  
11 districts need population. We happen to live in  
12 a part of the state where that is reality,  
13 unfortunately. And I know that people may not  
14 feel as though Bamberg and Allendale have  
15 anything to do with each other. Y'all are  
16 familiar with Southern Carolina Alliance down  
17 there. Allendale County is in that along with  
18 other parts of other counties, okay. So it's not  
19 -- and, again, it's a work in progress. There's  
20 no guarantee that things won't -- won't change or  
21 be tweaked, okay, but there -- there are very  
22 valid justifications for why that part of the  
23 state is drawn up the way that it is and I'd be  
24 happy to talk with y'all after, as well, okay.  
25 Thank you.

1 REPRESENTATIVE JORDAN: Thank you, Representative  
2 Bamberg. So my count we've been going for about  
3 an hour and 40 minutes. Probably a good time  
4 just to take a quick restroom break. So let's  
5 reconvene in 5 minutes. Thank you.

6 (Off the record)

7 REPRESENTATIVE JORDAN: We're going to get back going  
8 again here. We're going to go virtual. I  
9 believe next up we're trying to get Ms. Aden.  
10 Ms. Aden, can you hear us? Ms. Aden, if you  
11 could hear us, if you would let us know.

12 MS. ADEN: I'm here. I just joined.

13 REPRESENTATIVE JORDAN: Okay, great. All right, you  
14 are next up as a virtual participant. There we  
15 go. We see you as well. So I'll recognize you  
16 to address the committee at this time.

17 MS. ADEN: Great. You can hear me okay?

18 REPRESENTATIVE JORDAN: I can hear you and we can see  
19 you.

20 MS. ADEN: Wonderful. Thank you. Good afternoon,  
21 Chair Jordan and committee members. My name is  
22 Leah Aden and I am a Deputy Director of  
23 Litigation at the NAACP Legal Defense and  
24 Educational Fund, or LDF. LDF has been a  
25 separate organization from the NAACP since 1957.

1 Thank you for the opportunity to participate in  
2 this afternoon's discussion about redistricting  
3 for the 124 members of the South Carolina House  
4 of Representatives. Section 5 of the Voting  
5 Rights Act, as has been referenced, has during  
6 previous redistricting cycles over 50 years  
7 ensured that South Carolina's legislative plans  
8 were not retrogressive. That is, officials did  
9 not implement plans that made the ability of  
10 black voters to participate politically worse off  
11 as compared to existing benchmark plans. Indeed,  
12 section 5 prevented the elimination of districts  
13 comprised of a majority of black voters where the  
14 conditions existed necessitating such districts  
15 or section 5 prohibited the stagnant quotas for  
16 particular districts. In addition to the loss of  
17 section 5 as discussed, this body is also  
18 embarking on redistricting in the face of the  
19 Supreme Court's refusal to establish a federal  
20 claim to challenge the manipulation of  
21 redistricting lines for partisan advantage. To  
22 be sure, even without pre-clearance, as we have  
23 conveyed to this committee in previous  
24 correspondence, this body has to continue to  
25 comply with the U.S. Constitution and another

1 provision of the Voting Rights Act, Section 2.  
2 Both of which realize the 14th and 15th  
3 Amendments prohibition on racial discrimination  
4 in redistricting. I'd note that there's been a  
5 reference to past plans and splits being approved  
6 by the section 5 process but you could have pre-  
7 cleared plans under section 5 that still ran  
8 afoul of section 2 and the Constitution because  
9 they involved different standards and they  
10 continue to do so. Also, even without a federal  
11 protection against partisan gerrymandering, the  
12 Constitution protects against the intentional  
13 manipulation of redistricting lines based on  
14 party affiliation if in so doing, black voters  
15 are harmed. As President Murphy explained,  
16 during this redistricting cycle, LDF is working  
17 with a coalition of groups and I'm pleased to  
18 supplement President Murphy's testimony by  
19 further explaining our coalition's proposed House  
20 Redistricting Plan which we jointly submitted to  
21 this committee on October 8th. I also will  
22 provide a few preliminary observations on the  
23 committee's proposed State House map, which you  
24 released this past Monday, less than 2 days ago.  
25 Indeed, giving the timing, we plan to provide

1 additional written comments on the House proposed  
2 plan in the coming days to supplement these  
3 remarks. I would be remiss to mention that LDF,  
4 the South Carolina NAACP, and the ACLU have the  
5 benefit of working with experts trained in  
6 developing maps. Even with these resources, it  
7 has been prohibitive to assess the full scope of  
8 the House proposed map and the 24 districts  
9 within it in under 2 days. With that, I will  
10 remind you that the process of developing  
11 redistricting maps is nuanced, in fact, intensive  
12 requiring the consideration of an abundant amount  
13 of information including how districts will  
14 perform for black voters. And it must be  
15 considered in the face of the history and current  
16 experiences of black people in the state. The  
17 cover letter we submitted with our House plan on  
18 October 8th shares some of the information we  
19 believe is necessary to consider in conducting  
20 the analysis that you are obliged to do and it's  
21 the information that we considered in the map  
22 that we proposed to the legislature. In that  
23 letter, we shared specifically that because of  
24 population changes over the last decade,  
25 including in areas where black voters live, it is

1 undisputed that this committee must adjust a  
2 number of House district boundaries to comply  
3 with both the text and the spirit of federal and  
4 state laws and principles like the one person one  
5 vote and non-dilution of black voting power. Our  
6 coalition map -- proposed map -- our coalition's  
7 proposed map presents one way to do so. Our plan  
8 corrects for population disparities across the  
9 state. At the same time, it also preserves  
10 districts that based on an analysis of voting  
11 patterns and other indicia, we understand will  
12 continue to enable black voters to elect their  
13 preferred candidates whether they are in the  
14 majority or less than a majority. So as I  
15 understand it, our proposed plan develops 19  
16 majority/minority districts and 16 more districts  
17 with black voting age populations between 40 and  
18 50 percent. That still should be effective for  
19 black voters. So I'm not sure of the numbers  
20 that we have heard here this morning but we're  
21 happy to keep talking and thinking about this.  
22 This is a critical point that shows this  
23 committee one way to comply with it's affirmative  
24 obligations under the Constitution and section 2.  
25 Like Ms. Murphy, I am unaware of how this

1 committee has considered, if at all, the  
2 continued patterns of racially polarized voting  
3 in statewide and other elections that we have  
4 analyzed. President Murphy shared the results of  
5 our analysis of racial block voting patterns in  
6 the 2020 elections for U.S. Senate. As you can  
7 understand, the voting patterns in that recent  
8 election are probative of voting patterns and  
9 areas encompassed in House districts. And our  
10 analysis shows that similar statewide patterns  
11 exist in other recent and relevant elections  
12 featuring black preferred candidates, such as in  
13 the 2018 election for the Secretary of State and  
14 the 2018 election for State Treasurer. For  
15 example, in the 2018 election for Secretary of  
16 State, our analysis showed that Melvin  
17 Whittenburg, the candidate of choice of black  
18 voters across South Carolina, received only 23  
19 percent of black voters support and was defeated  
20 despite receiving 95 percent of black voters  
21 support. In the 2018 election for State  
22 Treasurer, Rosalyn Glenn, the candidate of choice  
23 of black voters across South Carolina received  
24 only 21 percent of black voters support and was  
25 defeated despite receiving 95 percent of black

1 voters support. Based on our analysis, similar  
2 patterns also exist at the county level in most  
3 parts of the state for these elections. That is,  
4 black voter supported candidates have been  
5 defeated because of too little white voter  
6 support in counties across the state from  
7 Anderson and Greenville to York to Berkeley,  
8 Georgetown, and Charleston. And it's not our  
9 only analysis that documents these patterns.  
10 Decade after decade in previous redistricting  
11 cycles, federal courts have recognized this  
12 voting patterns along racial lines as members of  
13 this committee must be aware. Furthermore, in  
14 drawing effective districts across the state, the  
15 committee must not mechanically employ  
16 demographic thresholds or, as President Murphy  
17 mentioned, pack black voters into districts with  
18 unnecessary high black populations or crack them  
19 in districts where these populations will be  
20 insufficient to provide black voters to  
21 opportunity to elect their preferred candidates.  
22 Unfortunately, our very preliminary review of  
23 this committee's proposed House Redistricting Map  
24 suggest some concerns with your plan.  
25 Specifically, as President Murphy identified, we

1 are looking into whether the committee's plan  
2 cracks or packs -- and/or packs communities of  
3 interest to black voters in areas of the state.  
4 We are also looking into whether it needlessly  
5 eliminates any districts that are currently  
6 performing for black voters. This is troubling,  
7 if so, because those -- those potentially diluted  
8 changes are unlikely by necessity but by choice.  
9 As mentioned a moment ago, the House plan our  
10 coalition proposed makes sure that effective  
11 performing districts for black voters can be  
12 developed while correcting for the  
13 malapportionment concerns and other issues that  
14 do exist in the state. In closing, the House map  
15 we proposed, again, is not the only conceivable  
16 map that could satisfy the abundant criteria nor  
17 does it purport to incorporate all of the  
18 extensive community input that you continue to  
19 receive that is necessary for drafting and  
20 developing fair and non-discriminatory maps. It  
21 is an example of a map we believe merits this  
22 committee's due consideration and incorporates  
23 key analysis that should inform the assessment  
24 and modification of the committee's proposed map.  
25 We will provide written comments highlighting

1 specific areas of concern in the proposed map in  
2 the coming days. We also may propose an  
3 alternative map, time permitting, correcting for  
4 any of the problems that are analysis of the  
5 committee's proposed maps continue to identify.  
6 I appreciate the opportunity to provide these  
7 comments. My colleague, Somil Triviti, from the  
8 ACLU has some additional feedback and I thank you  
9 for the time.

10 REPRESENTATIVE JORDAN: Thank you, Ms. Aden. Thank  
11 you for your comments. If you don't mind, is Ms.  
12 Triviti with you?

13 MS. ADEN: He's on virtual so he should --

14 REPRESENTATIVE JORDAN: Okay. So what I'd like to do  
15 is come back to the live audience and then, I  
16 believe, he's next up on the virtual side. I  
17 didn't know -- I know y'all were sharing some  
18 topics so just bear with us just a minute.

19 MS. ADEN: I understand.

20 REPRESENTATIVE JORDAN: Next up in person,  
21 Representative Joe Jefferson.

22 REPRESENTATIVE JEFFERSON: First, I'd like to say good  
23 afternoon to all of you and thank you for all  
24 that you continue to do for the State of South  
25 Carolina. Mr. Chairman, members of this ad hoc

1 committee, you've certainly done a great job in  
2 representing us as legislators over these last  
3 several months and I applaud you for your  
4 efforts. I'm not going to take up much of your  
5 time. I simply want to make one request of you.  
6 This concerns Districts 101, I represent 102, and  
7 District 103. If you will allow us, these three  
8 legislators, me included, would like to come  
9 together and try to resolve one or two issues  
10 that we feel might be beneficial to the three of  
11 us. If you allow us to do that, we would  
12 certainly appreciate it and that would help us to  
13 resolve and to maintain the kind of district that  
14 we feel that we have been representing over the  
15 several years and we would like to continue that  
16 effort, if at all possible.

17 REPRESENTATIVE JORDAN: Representative Jefferson, as  
18 you may have heard me say, this is a work in  
19 progress, and the goal of this committee is to  
20 give a plan to the full House Judiciary which  
21 will meet soon upon receipt of that plan, and it  
22 is subject to amendment as any piece of  
23 legislation. Of course, you're extremely  
24 familiar with that process so what I would  
25 encourage, you know, all the membership who as we

1           move forward with this process to engage in, as  
2           we hopefully finish today or Friday, to continue  
3           to visit the map room over the next week and  
4           determine if there are potential amendments that  
5           -- that the Full Judiciary Committee can consider  
6           with going forward with the process.

7 REPRESENTATIVE JEFFERSON: That would be fine. Thank  
8           you very much.

9 REPRESENTATIVE JORDAN: Thank you very much.

10 REPRESENTATIVE JEFFERSON: That's all I've got.

11 REPRESENTATIVE JORDAN: Yes, sir, thank you. All  
12           right, I believe we have Mr. Triviti. And then  
13           for purposes of the audience, I believe, after  
14           that we have Ms. Teague and then I know  
15           Representative Govan is in the audience as well.  
16           So we have -- just to give you a coming up next.

17 MS. DEAN: Mr. Triviti, can you hear us?

18 MR. TRIVITI: Yes. I'm sorry about that. There was a  
19           little bit of a delay. I can hear you and can  
20           you hear me now?

21 REPRESENTATIVE JORDAN: We can hear and see you now.

22 MR. TRIVITI: Great. Thanks. Sorry about that.  
23           Shall I go ahead?

24 REPRESENTATIVE JORDAN: You are -- you are recognized.  
25           The committee is ready to hear from you.

1 MR. TRIVITI: Thank you, sir. Chair Jordan and  
2 members of the committee, good afternoon. My  
3 name is Somil Triviti. I am a senior staff  
4 attorney at the American Civil Liberties Union,  
5 which has worked since our founding over a  
6 hundred years ago to protect the sacred right to  
7 vote. I appreciate the opportunity to testify  
8 today with our coalition partners at the ACLU of  
9 South Carolina, the South Carolina NAACP, and the  
10 NAACP Legal Defense Fund. That said, on behalf  
11 of the tens of thousands of voters our  
12 organizations collectively represent in this  
13 state and our millions of members around the  
14 country, I'm a little disappointed in the  
15 approach that this committee and your legislative  
16 colleagues have taken to the redistricting  
17 process. Specifically, I loudly reiterate  
18 President Murphy's and Ms. Aden's concerns that  
19 the public is being sandbagged a bit by this  
20 hearing. The committee released it's proposed  
21 map and associated data less than 2 days ago.  
22 This is a map that redraws all 124 State House  
23 Districts, each with their own unique communities  
24 of interest and individual redistricting  
25 considerations. So while I commend and join the

1 preliminary analyses that LDF has provided, they  
2 join my assessment that this committee has made  
3 as hard as humanly possible to conduct those  
4 analyses in time for this hearing. And not for  
5 nothing, these are groups with the resources and  
6 expertise to even attempt analyzing the map on  
7 such short notice. Imagine what the average  
8 voter is thinking right now. Imagine being told  
9 that you're elected representatives think they  
10 value your opinion this little on a process that  
11 only happens once every decade and which impacts  
12 literally every aspect of political life in South  
13 Carolina. Two days notice. You know, I see that  
14 many folks have testified today and that's great  
15 to see but it's a vanishing minority of all South  
16 Carolinians. And the testimony today has also  
17 been largely focused on their own districts,  
18 which is totally understandable, but they do not  
19 address broader Constitutional issues across the  
20 state, which requires additional time and  
21 expertise. Now, there is no question that this  
22 committee must work diligently to pass a map into  
23 law in sufficient time to avoid voter confusion  
24 prior to the 2022 election season and  
25 specifically, we need this legislature to leave

1 enough time after it ultimately passes a map for  
2 additional public vetting and possible litigation  
3 to play out prior to the candidate declaration  
4 period starting in mid-March 2022. And yes, the  
5 ACLU, LDF, and others have, in fact, filed suit  
6 to ensure that this happens. However, there is a  
7 reasonable middle ground here that this committee  
8 can take up if it likes. Give us a little more  
9 time to analyze the proposed map and additional  
10 opportunities to testify, whether that's in  
11 person, over Zoom, or in writing to ensure  
12 greater transparency in a process that will seal  
13 the distribution of power in this state for the  
14 next decade. Maybe that's in another week or two  
15 from now. Maybe it's in a couple of days. That  
16 will give us time to complete our analysis,  
17 including digging into potential legal  
18 infirmities in the House's proposed map,  
19 including potential gerrymandering that Ms. Aden  
20 outlined in broad strokes. I will say that based  
21 on an extremely preliminary analysis, we at the  
22 ACLU also see evidence of certain districts being  
23 unpacked to a point that black voters in those  
24 districts may no longer be able to elect the  
25 candidates of their choice. This includes

1 districts who's BVAPs, have been reduced by 30,  
2 40, 50 percent. We also see fewer districts with  
3 BVAPs between 40 and 50 percent, as Ms. Aden  
4 noted, than in the map we submitted. This is all  
5 extremely concerning. Therefore, if we get a  
6 little extra time, this body can look into those  
7 issues and have time to answer questions like the  
8 ones Ms. Murphy posed today while we get some  
9 extra time to analyze the map. Then, after we've  
10 given the public a reasonable amount of time for  
11 input, you all can move expeditiously and  
12 transparently to incorporate our feedback and  
13 others in order to pass maps as soon as possible  
14 thereafter, so that additional scrutiny can begin  
15 and we can avoid voter confusion ahead of  
16 relevant dates in 2022. So in closing, once  
17 again, I thank this committee for the opportunity  
18 to testify. I appreciate the work you all are  
19 doing, but I strongly encourage the committee to  
20 reconsider, amend, and add to it's process for  
21 conducting that work, and I think there's still  
22 time to do so. I truly hope that this committee  
23 will take our concerns to heart. Those concerns  
24 reflect the concerns of thousands of your own  
25 constituents. And if additional opportunity for

1 input are, indeed, forthcoming, we'd love for you  
2 to make that public so everybody knows about it.  
3 Thank you again and we're happy to take  
4 questions.

5 REPRESENTATIVE JORDAN: I believe Representative  
6 Collins has a question or comment.

7 REPRESENTATIVE COLLINS: Thank you, Mr. Chairman.  
8 Thank you for the comments and I want to take a  
9 little issue with the sandbagging comment. You  
10 know, Covid occurred. We are -- the whole nation  
11 is 7, 8 months behind on this process and  
12 especially on this committee, I personally drove  
13 4,000 miles over a month to attend as many  
14 hearings as we could to hear the public input.  
15 And it's a little disingenuous to say yes, we've  
16 already filed suit against you because you're  
17 taking too long of a time but hey, buy us 2, 3  
18 more weeks to look at the proposed draft. And  
19 you know as well as I do that if we delay this  
20 anymore, we're going to go into holiday season to  
21 where we seriously are going to mess with voters  
22 coming up with a plan in January, February, March  
23 timeframe. In South Carolina, and I assume  
24 you're not in South Carolina, but in South  
25 Carolina we file in March. So we're under the

1 gun as far as the timeline process and that has  
2 nothing to do with our doing. In fact, we're  
3 trying to do it as quickly and as efficiently as  
4 possible. So I just wanted to point out that,  
5 you know, most of the issues that you're bringing  
6 up are nothing of our doing. It's primarily due  
7 to Covid.

8 MR. TRIVITI: Yes, sir, I -- I appreciate the  
9 feedback. I would note, first of all, that you  
10 understand that I can't comment on the pending  
11 litigation but I -- I tried to provide a sort of  
12 middle ground, reasonable compromise here where -  
13 - whereby these maps are going to be released on  
14 a particular day, we get an opportunity of more  
15 than a couple of days to -- to analyze it, even  
16 if that doesn't mean additional weeks or months,  
17 because we agree with you that things have to be  
18 passed soon. So I think there's a middle ground  
19 here of maybe a week or so as well if this isn't  
20 going to be the only opportunity for feedback,  
21 that would be great to know but the public did  
22 not know that. All we knew was that today was an  
23 opportunity and possibly Friday. So we'd just  
24 appreciate additional transparency on what  
25 opportunities we're going to have and then we

1           won't feel like this is our only bite at the  
2           apple.

3 REPRESENTATIVE JORDAN: Representative Elliott.

4 REPRESENTATIVE ELLIOTT: Thank you, Mr. Chairman.

5           Sir, I appreciate your -- your comments and your  
6           testimony. One thing I would take issue with,  
7           and if I heard you correctly, the -- the belief -  
8           - your belief that the committee and the proposed  
9           committee's working maps is engaged in  
10          intentional retrogression. I would take issue  
11          with that and ask for -- if you -- or make that  
12          allegation specifically that you give us examples  
13          of what you're talking about because I don't  
14          believe that's accurate.

15 MR. TRIVITI: Well, sir, I don't think that I used the  
16          word intentional. That's a legally charged word  
17          that will require more analysis. So I would  
18          actually appreciate more time to analyze the map  
19          such that we can better understand what's going  
20          on here. So I think we're on the same page.

21 REPRESENTATIVE ELLIOTT: Good. Because just the  
22          insinuation that the committee is engaged in acts  
23          that would intentionally dilute minority  
24          districts is offensive to me.

25 REPRESENTATIVE JORDAN: All right, I think

1 Representative Newton.

2 REPRESENTATIVE NEWTON: Thank you, Mr. Jordan. Just,  
3 you know, an observation to build on what  
4 Representative Collins said. You know, we've got  
5 a process that we have to follow just like with  
6 any other legislation. We've got a subcommittee,  
7 or this committee, after we do whatever we're  
8 doing with this, it then goes to a full committee  
9 yet for another group of legislators -- these --  
10 this group included but a larger, to consider --  
11 publicly discuss -- obviously, today's meeting is  
12 on -- is being carried live and virtual  
13 participation. It then goes to the full  
14 committee. Then it has to go to the entire House  
15 of Representatives. So, you know, this continues  
16 to be as every other piece of legislation that  
17 comes forward, along the way. So there are ample  
18 opportunity for suggestions and/or criticisms if  
19 determined to be appropriate but I do have to  
20 echo Representative Collins's comments that at  
21 the same time there is a suggestion that we have  
22 unduly delayed the process to then say yeah, but  
23 delay it some more before you even start the  
24 formal process so that we have a chance to  
25 analyze seems to put us at odds with our goal and

1 our requirement to get these maps and a plan  
2 approved in the context of Covid and the delayed  
3 census numbers. So, I guess, the observation for  
4 you is, you know, please understand today is not  
5 the beginning and the end of the process. It's  
6 been going on for a number of a months and will  
7 continue to go on, and it will continue to be an  
8 open and transparent process for there to be  
9 input received. Thanks very much. Appreciate  
10 your time today.

11 MR. TRIVITI: I appreciate yours as well. And if  
12 that's a commitment to have additional  
13 opportunities to provide feedback, that's good.

14 REPRESENTATIVE JORDAN: Thank you for your testimony,  
15 Mr. Triviti, and for making time today. We'll  
16 transition back. I believe, next up Ms. Lynn  
17 Teague.

18 MS. TEAGUE: Lynn Teague for the League of Women  
19 Voters of South Carolina and we submitted maps.  
20 And I'm only going to comment on our maps very  
21 briefly because we've talked our criteria in the  
22 past, we've testified on our approach. I don't  
23 need to repeat all of that for you. And I will  
24 just say we did not use any partisan voting  
25 history, data, or information on current

1 incumbents in drawing our maps. And we did not  
2 create artificially homogenous safe districts.  
3 And our intent was -- was not with the  
4 expectation that the House would replicate our  
5 map but we hoped that our approach would  
6 influence the plan drafted by the House. Moving  
7 on to the draft map proposed by the House Monday  
8 night, we haven't had time for full review. I  
9 will say that, you know, the Senate timeline  
10 which gave us over a week before testimony this  
11 Friday, was a lot easier to work with. But the  
12 League evaluates maps in a variety of ways  
13 including some complex mathematical analysis. We  
14 will submit a summary of the results of that  
15 analysis in writing at a later date. However, we  
16 do have some initial results of a Monte Carlo  
17 Markov Chain analysis of the House proposal  
18 compared to the League proposal and to current  
19 maps. Mathematician Anna Maria Vagnosi reported  
20 this morning, in fact pretty much as I was  
21 putting on my shoes to come down here, that out  
22 of about one billion simulated maps, only 1410  
23 maps were more unlikely to occur more extreme  
24 than the House proposal. At, by the way if  
25 you're a statistician, a P of 0.0016206 which is

1 to say we're pretty sure of that. This contrasts  
2 with 83,770,304 maps more extreme than our  
3 proposal and 627,004 maps more extreme -- no,  
4 excuse me. Lost my place here. 41,976,233 maps  
5 more biased than the House at P equals 0.27962  
6 for the current maps. As you can see, we haven't  
7 had a lot of time to assimilate or interpret  
8 these data. I don't intend to attempt to do so  
9 today. I will say that on the face of it, the  
10 House proposal appears to be an extreme  
11 gerrymander but why or how would be something  
12 that would be subject to further analysis. We  
13 simply can't prematurely try to address that. We  
14 have considered more basic things too like levels  
15 of competitiveness in this plan. We recognize  
16 that population in our state is not evenly  
17 distributed and that as a consequence, many  
18 districts will not be competitive in general  
19 elections. However, based on our data, the House  
20 draft map produces only 12 districts in which the  
21 partisan lean margin is 5 -- plus or minus 5  
22 percent which is generally the measure of  
23 competitiveness. We used a partisan lean  
24 indicator that is a composite of 2016 and 2020  
25 general election results, by the way. This is 4

1 districts fewer than in the current map and 7  
2 fewer than in the League proposal.  
3 Noncompetitive districts deprive citizens of a  
4 meaningful vote. Legislators pick their voters  
5 leaving nothing for voters to do. With more than  
6 41,000 voters in each House district, 7  
7 noncompetitive districts add up to more than a  
8 quarter million votes that effectively would have  
9 already been cast by legislators rather than  
10 voters. This unfortunate effect may have been  
11 achieved in part by splitting precincts. Three  
12 hundred seventy-one precincts are split in the  
13 House map versus 82 in the League map. While the  
14 smaller population range might account be argued  
15 to be responsible for this, we don't believe  
16 that's true. One hundred twenty-three precinct  
17 splits would effectively achieve an almost  
18 exactly equal population. The map also fails to  
19 respect genuine and important communities of  
20 interest. James Island, for example, is  
21 thoroughly fragmented. The districts that  
22 converge there oddly configured with H110 linking  
23 one James Island fragment with part of Mt.  
24 Pleasant. Now, we know that districts can be  
25 contiguous by water but the map submitted by the

1 League shows that it's possible to map this area  
2 with more compact districts and with greater  
3 adherence to political subdivisions and  
4 communities of interest. So that's basically our  
5 -- our commentary at this point in our analysis  
6 of this map. As I said, we will continue. When  
7 John Roof speaks, he will have some more comments  
8 reflecting League thinking on this. Any  
9 questions for me?

10 REPRESENTATIVE JORDAN: Representative Collins.

11 REPRESENTATIVE COLLINS: Thank you, Chairman, and  
12 thank you, Ms. Teague. And I think you know -- I  
13 hope you know I respect you and respect the  
14 League of Women Voters and we agree on many  
15 things. I -- just so you know, I studied your  
16 map yesterday and -- or not your -- I'm going to  
17 keep saying your because I know you to me are  
18 League of Women Voters. I hope that's a  
19 compliment. But some interesting things came out  
20 -- out of that compared with our map. Number  
21 one, and I understand the League's viewpoint of  
22 wanting competition and I think I agree with the  
23 League on that from a 30,000 foot view but  
24 combining 36 incumbents compared to our combining  
25 10 was just fascinating to me, for one. And I

1 think it's a policy decision by the League more  
2 than a census remapping. The policy decision  
3 seems to be we want fresh faces, which I sort of  
4 agree with you, and the policy decision is one of  
5 term limits. It is every recensus, we want new  
6 people. That's how we're going to draw this and  
7 I'll give examples. I mean, in my area, when I  
8 was looking at the map, we had Bill Chumley with  
9 Roger Nutt. We had Jonathan Hill with Bill  
10 Sandifer and then right next door to them on the  
11 League's map, we had open a brand new district --  
12 an open district. Which goes to the point of,  
13 yes, we'll be taking out incumbents, which I  
14 understand is some of the point but you will, at  
15 the end of the day, in those two districts that I  
16 know well, you're going to have a safe Republican  
17 replace those two people. And I guess looking  
18 logically down the road is in ten years from now,  
19 we'll redraw the lines to have the new guy face  
20 Roger Nutt and let's draw the open map where Bill  
21 Chumley used to be, and we'll have that little  
22 triangle going like that. So for me, I didn't  
23 think the League was a wise decision on policy  
24 first but second, when we're talking about  
25 competition, I don't think that it improved

1 competition looking statewide at all, and  
2 certainly not in my -- the third and fourth  
3 congressional district seats. It wouldn't  
4 improve competition at all. The other part to  
5 that that I was a little disappointed in with the  
6 League is the deviation part and I know y'all are  
7 about one person one vote. The deviation of  
8 multiplying -- or expanding ours by two  
9 practically what that means is instead of 40 to  
10 42 we're going to have districts 39 to 43  
11 thousand. That means my district, I could  
12 represent 4,000 more people than my neighbor,  
13 Davy Hyatt, which I think is both unfair both to  
14 me and to my people as well as to Davy and his  
15 people. So those were interesting things that I  
16 saw within the league that within our map, and I  
17 think you know I'm a college wrestling official.  
18 In fact, I'm leaving this meeting and I'm going  
19 to officiate at Newberry tonight. My job is to  
20 call it like I see it and I hope that I have the  
21 reputation down here that I do on political  
22 issues as well as the wrestling world. And just  
23 wanted to let you know that's where I'm coming  
24 from on the -- the league map. And just to let  
25 you know that I did look at the league's map and

1           those were my impressions.

2   MS. TEAGUE:   Okay, I really would like to respond to  
3           that. First of all, I'm not going to respond to  
4           the deviation question. John Roof can do that  
5           much better than I can. He was our actual map  
6           drawer. I will say we did not make a policy  
7           decision at all that we were gunning for  
8           incumbents. That is -- that's simply not true.  
9           What we did was ignore that variable and we knew  
10          that in ignoring that variable, we were drawing a  
11          map that the House would never adopt. But we  
12          wanted our approach to be considered, which is to  
13          focus very heavily on communities of interest,  
14          political subdivisions, and so forth. You know,  
15          I -- I don't know how to convince you when it's  
16          basically an inference you've drawn but I'm  
17          afraid it's not true. We did not set out to try  
18          to get fresh faces. We like a lot of you guys.  
19          I'm sorry, it's true. And, you know, we're not  
20          trying to create turnover. We like competition  
21          simply because when there's competition that  
22          means that voters get a say in November, and that  
23          is important. But we did not also -- we also did  
24          not design for competition. We didn't use any  
25          voting history data when we drew our map. We

1 evaluate those maps in terms of voting history  
2 data but we did not create it using voting  
3 history data. So we didn't design for  
4 competition. It was our assumption that  
5 competition would arise in cases naturally when  
6 it was possible using our criteria without  
7 intentional manipulation of the boundaries.

8 REPRESENTATIVE ELLIOT: Thank you. Ms. Teague, you  
9 know that you and I agree on a lot of things as  
10 it relates to redistricting but the rule that we  
11 have now -- the rules that we have and we all  
12 understand that. Let me ask you this. The  
13 League's map, how did you approach  
14 majority/minority districts? Do you know that?

15 MS. TEAGUE: Yeah, I do know that and I will speak to  
16 that generally and then John Roof can probably  
17 give you more detail. We had access to racial  
18 polarization data provided by ACLU and LDF and we  
19 included consideration of smaller minority groups  
20 as well as the black population in our analysis.  
21 We believe that we did protect minority voting  
22 rights. It's a very high priority for us and we  
23 did it using those considerations. But, again,  
24 John Roof can give you more detail.

25 REPRESENTATIVE JORDAN: The way I looked at it, the --

1 the League of Women Voters map secured 12  
2 majority/minority districts and the House working  
3 map has 20. So that's a pretty big difference --

4 MS. TEAGUE: Well, actually our count is higher.

5 Again, if you want the details, John can give  
6 them to you better than I can but, you know, just  
7 for an impartial thing like Dave's redistricting  
8 map gives us 30. I mean, not majority/minority  
9 but districts in which a minority would have the  
10 opportunity to elect someone of their choosing.  
11 And that might be 48 percent black instead of 50  
12 percent, given these other variables and how they  
13 play out.

14 REPRESENTATIVE JORDAN: All right, no other questions.

15 Thank you very much. I believe we have Mr. Eric  
16 Johnson.

17 MS. DEAN: Mr. Johnson, can you hear us?

18 REPRESENTATIVE JORDAN: Mr. Johnson, we can see you.

19 It looks like you're muted.

20 MR. JOHNSON: Can you hear me now?

21 REPRESENTATIVE JORDAN: I can hear you. You are  
22 recognized.

23 MR. JOHNSON: All right, thank you. My comments, you  
24 know, are regarding a few other factors that you  
25 guys may not have really talked about when it

1 comes to drawing the maps and the one thing I  
2 wanted to focus on is population count. And to  
3 me, population count is not an equal measurement.  
4 Meaning one and one are not exactly the same. In  
5 some of our districts in South Carolina, you can  
6 have 5,000 more residents into the equation that  
7 can't even vote. That's a problem. Persons  
8 living in poverty don't share the same interests  
9 as one person living a wealthy life. So until  
10 maps are drawn that take into consideration  
11 numbers that really matters such as income,  
12 access to local healthcare, and food  
13 sustainability, this madness of misrepresentation  
14 will continue to exist. Also, when it comes to  
15 representation, the current system does not even  
16 attempt to make things equal. Such as the  
17 proportion of judges reflecting the demographics  
18 of the areas they serve. This allows for those  
19 with legislative control to appoint judges with  
20 similar interests that may not necessarily be in  
21 the best interest of communities. Prison  
22 gerrymandering can also create a substantial  
23 imbalance and inmates need to be counted in their  
24 home district and not in the counties they are  
25 incarcerated in. Therefore, multiple factors

1 should be analyzed to birth solutions that create  
2 a fair balance of equal competitive districts.  
3 Solutions such as creating a weighting system  
4 that can factor in certain areas of interests,  
5 such as wages, employment, poverty, health  
6 disparities, and more, which needs to be the  
7 focus when it comes to redistricting. So it's  
8 high time for political games to stop feeding the  
9 special interest that don't align with the needs  
10 of constituents. Thank you.

11 REPRESENTATIVE JORDAN: Thank you, sir. All right,  
12 we're back in person. Mr. Roof.

13 MR. ROOF: Thank you, Mr. Chairman, members of the  
14 committee. My name is John Roof. This is the  
15 fourth decade in which I have been engaged in  
16 drawing state legislative maps in South Carolina.  
17 I started drawing legislative maps in the state  
18 for county councils in the '80s when we worked  
19 with paper maps, magic markers, and Lotus 1-2-3.  
20 And if you don't know what Lotus 1-2-3 was that  
21 just means I'm a lot older than you are. I drew  
22 my first House map in 1991. It has not gotten  
23 any more fun and I have great respect for people  
24 who attempt to draw South Carolina House maps.  
25 It's a terrible process. It is very difficult.

1 The Senate's demographer the other day complained  
2 about how difficult drawing a -- the Senate map  
3 was for him. He'd done local redistricting for  
4 20 years. House maps are harder. I recognize  
5 that if you look at any map that any one of us  
6 produces and you don't find something that really  
7 upsets you, you haven't looked far enough. It is  
8 just the process, the difficult process, of  
9 drawing maps. Representative, you asked about  
10 how we drew incumbents together. We didn't draw  
11 incumbents together. We had no data on  
12 incumbents' addresses when I was doing that  
13 drawing because we don't believe in incumbency  
14 protection in the League. I know where Beth  
15 Bernstein lives because it's around the corner  
16 from me and I walk past her house nearly every  
17 morning on my daily constitutional. But for the  
18 most part, I don't know where y'all live and you  
19 didn't post it. If you thought that was a value,  
20 why didn't you post the addresses? It is very  
21 difficult and, I mean, I've testified on both map  
22 drawing and racial polarization since the '80s  
23 and the time we've had to evaluate your maps is,  
24 simply, inadequate to do a competent professional  
25 job. And so in some ways, I'm not going to focus

1 on too many points about your map but I do want  
2 to point some things out. First I want to talk  
3 about the two and a half percent deviation. I  
4 think that Representative Newton misstates the  
5 law on deviations. There is essentially a safe  
6 harbor at up to ten percent. It is not that you  
7 have to justify. If you go beyond ten percent,  
8 you have to justify it. If you do funky things  
9 within that ten percent -- I can remember when  
10 Bobby Bowershop produced a map that had a plus  
11 nine percent black -- or plus nine percent white  
12 district and minus one -- or minus nine percent  
13 black district in order to create an opportunity  
14 district and a plus one percent white district in  
15 one jurisdiction. Courts would probably look at  
16 that. But the ten percent is a safe harbor. I  
17 think if you look at an Alabama statewide  
18 redistricting case from a couple, three years,  
19 you'll see that they kind of slapped the state of  
20 Alabama around for not using the full range of  
21 five percent and thus, not doing as good a job of  
22 drawing minority opportunity districts. First,  
23 you should understand there's a difference  
24 between precision and accuracy. I mean, we act  
25 like these numbers are real but one of the things

1 we know historically about the census is it  
2 undercounts minority populations especially.  
3 Undercounts children under six. It actually may  
4 surprise you to know that -- that it tends to  
5 over count white folks a bit. So when you're  
6 dealing with a two and a half percent deviation,  
7 you are beyond the range of error in many  
8 communities and the census has not yet produced  
9 it's estimates but the Urban Institute, which is  
10 a very good think tank, in D.C. recently produced  
11 estimates of the undercount which suggests we're  
12 talking about could be 3.5 percent underestimate  
13 of black residents nationwide. Now, that's their  
14 high end estimate but it's clearly well beyond a  
15 two and a half percent. When you do two and a  
16 half percent, you are forced to do a lot more  
17 split precincts. And, you know, we had like,  
18 what, 83 split precincts compared to your several  
19 hundred. There's a problem with -- there's  
20 several problems with splitting precincts from --  
21 from my perspective, one of which is it  
22 introduces more voter confusion. It also is  
23 particularly problematic with the 2020 census  
24 where when you are drawing at the block level,  
25 you are essentially wading in fiction. Because

1 of the differential privacy rules that the Census  
2 Bureau used this time at the block level so that  
3 I can't go look at a block and figure out whose  
4 on the block and what are they like and what --  
5 what information did they give to the -- to the  
6 census. So they fuzzed those numbers up.  
7 They've historically fuzzed them up some but they  
8 particularly fuzzed them up. They're accurate,  
9 you know, given the undercount, they are accurate  
10 at higher levels of aggregation. They're not  
11 accurate at the -- at the block level. So you  
12 should be very careful about relying upon numbers  
13 as if they were real when they are not real. I  
14 can give you an example of a place between -- in  
15 your plan between House districts 59 and 60 where  
16 the plan goes right through south Florence  
17 precinct 2 in the process splitting a black  
18 community in two. In addition in to looking at  
19 the number of majority/minority districts, one of  
20 the things you should be concerned about is other  
21 places where your map drawing undermines the  
22 ability of minority citizens to fully participate  
23 in the electoral process. Look at Anderson.  
24 Somebody else complained earlier about how it  
25 splits the city of Anderson. Well, what it

1 really does is you take district 7, 8, and 9 and  
2 you chop up a black community that is in the  
3 lower parts of the city of Anderson and in the  
4 county around there into three different  
5 districts, essentially eliminating the ability of  
6 those black residents to have the kind of -- of  
7 input on policy matters in the state that are of  
8 import to them. If you look at our map and you  
9 look at it from a distance, you can see what  
10 looks like a quarter dropped on the land because  
11 you can draw a very compact district right there.  
12 It's not a majority/minority district. The other  
13 problem with attempting to just measure maps by  
14 how many majority/minority districts you've drawn  
15 is you have to do a district by district analysis  
16 of that. You have to rely on racially polarized  
17 polling data so that -- so that you have enough  
18 minority voters in that district who will vote  
19 for a candidate of choice of minority voters but  
20 also so that you don't pack those districts,  
21 which can get you into trouble with racial  
22 polarization -- with racial gerrymandering  
23 challenges if you have not done those kinds of  
24 racial polarization analyses. The last -- the  
25 last time I testified to this subcommittee in

1 2000, I presented what's probably the -- the  
2 largest racial polarization analysis district by  
3 district that anybody's ever done in South  
4 Carolina, if not anywhere, and that I then  
5 presented to the Court. The Court relied on it  
6 in the 2000 cycle litigation. It's not just a  
7 question of non-retrogression. The last time  
8 around, y'all invoked a non-retrogression  
9 standard that I think was a violation of the 14th  
10 -- 14th Amendment. And that is you just used the  
11 BVAP in the benchmark plan as if that was what  
12 you had to draw to, resulting in many packed  
13 districts across the state. I think one of the  
14 questions I would ask of you is whether in doing  
15 your drawing, you just focused on the black  
16 population as much as possible or if you  
17 recognized the growing Latino, Asian, and other  
18 minority groups in the state, who generally can  
19 vote the same as black folks. They don't -- not  
20 quite as cohesive but they vote with black folks.  
21 I would like to point to some districts, and I'm  
22 glad Mr. Jefferson got up and sort of begged for  
23 mercy on his district and district 103 and 101.  
24 I don't know if you realize but district 103  
25 which is a -- a rural predominantly black

1 district is drawn into the city of Charleston.  
2 That's a little tough community of interest for  
3 me to figure out. And in doing that, you bring  
4 it into other parts of Berkeley County which may  
5 not have a lot of population today. I think, you  
6 know, there's one precinct in there that I think  
7 had zero -- in fact, there might have been two  
8 that had zero voters in the 2020 election.  
9 They've drawn precincts in that area because they  
10 know there's going to be a heap of voters in  
11 those areas but they had no votes in them. But  
12 they are going to explode with growth that is  
13 very much Charleston suburban and not like the  
14 rest of district 103. Some of the same issues  
15 apply on district 102 where the district goes  
16 into a King Bay, which is an area of great  
17 growth. And so districts that you might think  
18 are minority opportunity districts today will not  
19 be in the very near future. I was an expert in a  
20 case in Jasper County. School trustee challenged  
21 two malapportionment districts and we came down in  
22 that case to where we were fighting over three  
23 blocks. The census -- the 2010 census said there  
24 were 75 people living in those three blocks.  
25 Well, by 2015 when we were litigating, there were

1 2500 registered voters in there. Obviously, more  
2 than three people. So part of what you need to  
3 do is to not just say these are the numbers  
4 today. You need to be forward looking,  
5 particularly in those areas like Berkeley that  
6 are having explosive growth. As Ms. Teague said,  
7 we didn't look at competitiveness. We didn't  
8 want to make any districts less competitive. You  
9 know, I've got all that information on my  
10 computer but, believe me, I never once in drawing  
11 the House plan had partisan political data up on  
12 the screen. You know, we drew districts that we  
13 thought were fair districts.

14 REPRESENTATIVE JORDAN: Mr. Roof, let me -- let me  
15 intervene for just a second here. I know there  
16 are several members of the committee that would  
17 like to ask some questions based on some of the  
18 things --

19 MR. ROOF: Okay.

20 REPRESENTATIVE JORDAN: -- you said so if you don't  
21 mind, I'm going to -- I think Representative  
22 Newton has a question and the Representative  
23 Collins.

24 REPRESENTATIVE NEWTON: Mr. Roof, thank you for being  
25 here. It may surprise you as well but the time

1 that I spent in the map room and I was there with  
2 Justin Bamberg extensively, we didn't have any  
3 political data up on the screen either. So I  
4 applaud you for doing that because it does appear  
5 to those of us who have looked at you all's plan  
6 that there was an intentional effort to reach out  
7 and pull somebody in then stop the line just on  
8 the other side of the block of their house. So  
9 that's just an observation from -- from the plan.  
10 As it relates to our -- obviously, you and I have  
11 a disagreement as to appropriate deviation. So  
12 let me just -- to clarify and you suggested I  
13 perhaps misrepresented the law, let me just read  
14 a case -- read a statement from the Larios, the  
15 United States Supreme Court. It says in  
16 challenging the District Court's judgement,  
17 appellate invites us to weaken the one person one  
18 vote standard by creating a safe harbor for  
19 population deviations of less than ten percent  
20 within which districting decisions could be made  
21 for any reason whatsoever. The Court properly  
22 rejects that invitation. That's what I believe  
23 the law to be. So I will tell you that I'm  
24 comfortable that the Supreme Court has said that.  
25 I know you alluded to another district court that

1 may have said something else but I just want to  
2 clarify because I'm fairly cautious in making  
3 sure that I've not misrepresented the law in any  
4 way or that there's any component of this record  
5 that suggests I have done so. The -- I  
6 appreciate you all's comments about it should not  
7 just be a plan of non-retrogression and that we  
8 improperly, I wasn't here, but ten years ago  
9 looked only at BVAP. Again, it is noteworthy to  
10 point out that the Obama administration, Holder  
11 Attorney General, pre-clearance from the Justice  
12 Department, four federal lawsuits. All of those  
13 authorities disagreed with your analysis in  
14 giving us the lines and approving them that we  
15 have today. So, I mean, I just think that  
16 background's appropriate and finally, while I  
17 appreciate the League's position in saying you  
18 don't believe in incumbency protection and I,  
19 like Representative Collins, have traveled over  
20 4,000 miles to all the public hearings and  
21 appreciated hearing that common theme from  
22 members of the League and think it's appropriate.  
23 There have also been others that have suggested  
24 as the -- as the Federal District Courts in South  
25 Carolina have that rather than calling it

1 incumbency protection, the -- the Court viewed  
2 the principle as more accurately protecting the  
3 core constituency's interest in re-electing, if  
4 they choose, an incumbent representative in whom  
5 they have placed their trust. So, I mean, I  
6 think there's a choice of wording that can be put  
7 on it and spun. They're two sides of rights of -  
8 - of a interest to look at. Those within the  
9 constituents. And finally, it's just worthy to  
10 note when talking about minority/majority  
11 districts while I appreciate you all's maps, the  
12 body of law that exists today is not color blind.  
13 We do have a responsibility to protect against  
14 retrogression. I didn't interrupt you so please  
15 don't interrupt me. The intentional  
16 retrogression is wrong and we have an obligation  
17 and responsibility to avoid the effects of  
18 retrogression to the extent that we can. I  
19 believe it's better for our state, I believe it  
20 promotes the diversity in our state, and while we  
21 would all like to believe we live in a color  
22 blind world, the laws in which that we're doing  
23 this are not color blind. And so, I mean, it is  
24 significant to me that you all's maps, from a  
25 observation, appear to have intentionally grabbed

1 people -- literally the opposite side of the  
2 street just to pull them into an incumbent  
3 district and the numbers don't -- don't reflect  
4 the number of minority/majority that we have.  
5 But, again, I don't intend to resolve our issues  
6 here. I just -- you made a number of  
7 observations. I thought it fair and appropriate,  
8 as it relates to our processes, that I make an  
9 equal number of observations. You know, we got a  
10 lot of other people to testify so I'm going to  
11 send it back the chairman and let him look to  
12 others for questions.

13 MR. ROOF: If I can respond briefly on the question of  
14 retrogression. Retrogression was a standard  
15 under section five. That's all DOJ looked at  
16 when they looked at a submitted plan. Vote  
17 dilution was not a standard that the Courts  
18 allowed them to look at. That's what's covered  
19 by section two. And it is the vote dilution  
20 standard that you have to look out for, not the  
21 retrogression standard. Now, if you retrogress  
22 unnecessarily, there may be some inferences drawn  
23 about intent to dilute but it is vote dilution  
24 you need to be -- to care about. And again, I  
25 would have had to know where y'all lived to grab

1           you in and I didn't know where you lived other  
2           than Ms. Bernstein.

3 REPRESENTATIVE JORDAN: Thank you very much for your  
4           testimony today, Mr. Roof. I know you're --  
5           you're -- have a long history in this and you  
6           could probably talk about this for -- till  
7           tomorrow or the next day but we do appreciate  
8           the information provided and the -- in coming  
9           today for us. Thank you.

10 MR. ROOF: Yeah.

11 REPRESENTATIVE JORDAN: I believe we have Mr. Gaffney  
12           online. All right, Mr. Gaffney, thank you  
13           appearing before the committee today. You're  
14           recognized.

15 MR. GAFFNEY: Good afternoon. First of all, I want to  
16           thank the council for allowing me to speak on --  
17           on this subject of redistricting. In 1972 the  
18           legal process began in South Carolina and was put  
19           in place in 1974 for minorities to represent --  
20           be represented in the state of South Carolina  
21           State House. At that time, district 95, one of  
22           the first districts to be established, and to  
23           eliminate a minority district which your plan now  
24           does, it totally eliminates district 95 and  
25           splitting it up into four districts, leaving the

1 citizens of Orangeburg -- the city of Orangeburg  
2 without a representative that lives in the area.  
3 Your plan divides us with district 90 whose  
4 representative lives in Bamberg. Also, district  
5 91 the representative lives in Barnwell. 93 the  
6 representative lives in St. Matthews. And 66,  
7 which is in the lower part of Orangeburg County,  
8 that individual lives in the county of  
9 Orangeburg. So therefore, the city -- which  
10 Orangeburg County which is the third largest  
11 county in the state of South Carolina area wise,  
12 now citizens of Orangeburg do not have any  
13 representation. And to allude, take away  
14 district 95 or try to rename another district 95,  
15 does not give the people of Orangeburg and the  
16 people of Orangeburg County representation. You  
17 violated the four principles that you said that  
18 you're redistrict would take place, which are one  
19 to attempt to keep the compact district. Well,  
20 you're splitting up districts when you put  
21 district 93 and 91 together because I'm in -- I  
22 live in Orangeburg city. I will be represented  
23 by a representative from district 91, who lives  
24 in Barnwell, over 40 something miles from where I  
25 live. Now, also your second one. Respect to

1 maintain constituent consistency. That's not  
2 doing that either. When you've got four you  
3 brought in -- Orangeburg County into four  
4 districts where at 95 only represented the city  
5 and county of Orangeburg. So therefore, you're  
6 not even respecting and maintain consistency of  
7 the constituency. Respect to community of  
8 interests. How when you divide into -- into  
9 precincts, you're also moving -- we have two  
10 historical black colleges and a technical --  
11 Orangeburg Calhoun Technical College. You are  
12 now separating them out of Orangeburg and they  
13 have no representation here. It should be put  
14 into, where the representatives in St. Matthews  
15 and Calhoun County. And yet, you said community  
16 of interests -- and downtown city we have four  
17 different people we represent. So we don't know  
18 who we will have to go to on a concerned  
19 interest. And four splitting up voting precinct.  
20 Well, by you putting these four different  
21 districts and eliminating 95 altogether, a  
22 minority district where incumbent is the second  
23 leading Democratic in the House and you're taking  
24 his district from him altogether is not only not  
25 right, it's not fair, nor is it in the -- not

1 following your -- what you said you were -- your  
2 four concepts are for redistricting. So the  
3 people of Orangeburg now -- the city of  
4 Orangeburg will have no representation. They  
5 will have no one to contact because they don't  
6 know because you're splitting up their districts,  
7 precincts, everything. So how are you going to  
8 explain this to the people of Orangeburg and in  
9 Orangeburg County, now you're going to leave us  
10 with two people were hadn't elected at all. A  
11 person who lives in Orangeburg County  
12 representing district 66 and one Senator because  
13 with the proposed Senate map, we will only have  
14 two people, and nobody living in Orangeburg,  
15 which is the third largest county in the state.  
16 So thank you for giving my opportunity to express  
17 my concerns but we are -- we are aiming for  
18 equity and -- and fairness and to keep district  
19 95.

20 REPRESENTATIVE JORDAN: Thank you for your testimony  
21 today, Mr. Gaffney. Thank you for being with us.  
22 Next up is Ms. Rosa W. Kimmerly, Kimmerly. Thank  
23 you.

24 MS. KIMMERLY: Good afternoon. Thank you so much for  
25 hearing my testimony. It will be very brief

1 because you just heard from Mr. Gaffney and I'm  
2 from Orangeburg, and I feel exactly the same way  
3 that he does. We are basically being eliminated  
4 and the persons that we've always been able to go  
5 to to give us guidance and move us forward, we no  
6 longer have that representative. And I know that  
7 other people can answer our questions. That's  
8 not a question at all but I will tell you,  
9 together we stand and divided we fall.  
10 Orangeburg has always been a very strong county.  
11 We've always been serious about what we do. We  
12 do a lot of recruiting. We do a lot of getting  
13 people registered to vote and to participate in  
14 the political process and I think that this is  
15 being taken from us. We are not happy at all  
16 about the way the lines have been drawn and to  
17 completely obliterate our county. Thank you for  
18 your attention.

19 REPRESENTATIVE JORDAN: Thank you. Next up  
20 Representative Jerry Govan.

21 REPRESENTATIVE GOVAN: Mr. Chairman, members of the  
22 committee, I have other constituents here and out  
23 of respect for their time and whatnot, I'd like  
24 to give them time to testify and I'll come up  
25 after they're finished.

1 REPRESENTATIVE JORDAN: Okay.

2 REPRESENTATIVE GOVAN: Because they've come a great  
3 distance.

4 REPRESENTATIVE JORDAN: So next up then we have Mr.  
5 Alvin Jeffcoat.

6 MR. JEFFCOAT: Thank y'all. I'll be brief. I'm Alvin  
7 Jeffcoat from Bamberg County, and in 2010, our  
8 county was a little under 16,000 population.  
9 Last -- the last poll, census, we had 13,311.  
10 Bamberg County is seventh in the poverty list out  
11 of the 46 counties. We are highest and second in  
12 unemployment and taxes are terrible. And the  
13 problem that we have in Bamberg is we feel like  
14 we're drowning, okay, and we've been fighting  
15 this and fighting this so Bamberg is finally  
16 fighting back. We're trying to change the  
17 paradigm. We're trying to change the way we do  
18 things. And by looking at this new line y'all  
19 drew, if you attach Orangeburg County and  
20 Allendale County with us, as a voter, and I  
21 respect Justin and Sammy. I know them. I  
22 respect them. But I feel like we don't have a  
23 chance as a, I'm a Christian a man, a  
24 conservative, to go in and vote for a  
25 representative because Orangeburg has always

1 voted or seems to vote Democrat. And that's  
2 fine. We all can vote which way we want but  
3 Allendale, who is a -- they're second in the  
4 poorest county. They're the second poorest  
5 county out of the 46 and they have 8,000 in  
6 population. Barnwell County has 20,000 and  
7 Bamberg has a little over 15. So like they said  
8 -- like people said before from Bamberg, why we  
9 went from Colleton and Barnwell. I understand  
10 it's a hard task y'all have but to move us down  
11 into Allendale and to attach Orangeburg with us,  
12 I just don't see that as a voter, I just don't  
13 have any chance -- or we don't have any chance of  
14 voting someone in to represent our core values.  
15 And it -- it's just kind of -- it feels like what  
16 this line has done is attached an anchor to us.  
17 We're struggling as a small poor county and we're  
18 trying to fight back and it changed the way we  
19 live but by doing this, we want representation  
20 that agrees and matches with what we believe.  
21 And we just don't feel like we can vote and have  
22 that with the way y'all have drawn this line.  
23 And we're -- we're not happy. We don't feel like  
24 we have any representation. As much as I like  
25 Justin is a Democrat and I'm a Republican. I

1           just don't feel like that we're -- we're at  
2           opposite ends of the spectrum. So I just wish  
3           y'all could have left Barnwell attached to -- if  
4           y'all attached Orangeburg with us, if y'all could  
5           left us with Barnwell. I just don't understand  
6           why y'all had to put the 8,000 in Allendale with  
7           us if you're going to move us up to Orangeburg  
8           County. And I would just -- on behalf of Bamberg  
9           County, I would say please reconsider our little  
10          county because we're -- we're drowning. We  
11          really are. It's a struggle.

12        REPRESENTATIVE JORDAN: All right. Thank you for  
13          appearing today and presenting for us.

14        MR. JEFFCOAT: We do appreciate y'all. Thank you.

15        REPRESENTATIVE JORDAN: Thank you. Next, Brandon Cox.  
16          He had to leave, all right. Brett Bursey.

17        MR. BURSEY: Yeah, I am Brett Bursey. I am the  
18          executive director of the South Carolina  
19          Progressive Network. It's a 26-year-old social  
20          justice and civic engagement organization that  
21          Representative Kyle Hunter and Joe Neal, after  
22          their '92 election, helped form as we watched  
23          gerrymandering diminish the capacity of the  
24          citizens to be able to effect the laws and  
25          policies of South Carolina. I don't feel

1 comfortable calling us a non-partisan  
2 organization anymore. George Washington warned  
3 us about political parties. Paraphrasing him, he  
4 said if you start them, you're going to end with  
5 two that fight amongst themselves for money and  
6 power, and forget their mission. And I'm afraid  
7 that's where we are now because the lines that  
8 are being considered by this committee and by the  
9 legislature are for the benefit of the incumbents  
10 and the parties. And that that is actually  
11 undeniable by anybody that's been watching the  
12 process for the last 30 or 40 years that we now  
13 have, amongst the nation's least competitive  
14 elections with an average of 70 percent of the  
15 174 seats of the General Assembly being  
16 uncontested by any type of major opposition.  
17 That the -- we now have -- the percentages are on  
18 the little handout there. That we're running now  
19 5.7 percent competitive if you use a 5 point --  
20 people winning by less than 55 percent and the  
21 only two people on our panel today that won by  
22 that -- less than that is Representative Henegan  
23 and Representative Bamberg who lives in one of  
24 the most competitive districts in South Carolina.  
25 He won by 51 percent. And Representative Murphy

1 and Representative Collins and Representative  
2 Newton won between 95 and 98 percent. And the  
3 rest of the representatives on this panel won in  
4 the mid-60s. And that gives a diminution in  
5 terms of participation when people don't see  
6 competition between ideas and policies. And  
7 that's what we've done by putting -- making these  
8 safe seats that started in a big way in the 1994  
9 and the -- the -- what was spoken of earlier in  
10 terms of having majority/minority districts has  
11 been essentially part of the death knell that  
12 this body has gotten away with in decreasing the  
13 effectiveness of votes of color by putting more  
14 black people in a district than they need to be  
15 in there to be able to see that a candidate that  
16 they supported would win, you're reducing the  
17 effectiveness of those votes, diluting the value  
18 of those votes. We ran a number and came up with  
19 something that is interesting that all of you who  
20 studied South Carolina history would remember,  
21 perhaps, that in the original Constitution, the  
22 South Carolina delegation was -- had a hand in  
23 the three/fifths compromise to be about to count  
24 enslaved people as a three/fifths of a vote.  
25 Well, if you add up all the people of color, and

1 weigh it against the black vote and the white  
2 vote, the effectiveness of black votes in South  
3 Carolina today is three/fifths. Not enough has  
4 changed and I -- I'm -- I'm here not to try and  
5 convince you to make a bad system better. My  
6 colleagues in the League of Women Voters and the  
7 NAACP and the Legal Defense Fund, and the ACLU,  
8 they're working hard to get the best deal they  
9 can out of what you're going to do. What I want  
10 to do today is challenge you to have an  
11 opportunity to recognize we cannot continue this  
12 way. With most of you being elected in  
13 primaries, you know as well as I do or better  
14 than I do, that you have a block of constituents  
15 that accept no compromise. It's rare -- rare  
16 when more than 20 percent of the voters turn out  
17 in the primary. You split that in half and the  
18 Democrats get some and the Republicans get some,  
19 this tiny fraction of both parties most strident  
20 people are the ones that are driving the train  
21 here, and if the incumbents concern is drawing  
22 lines to get re-elected, that's what's setting  
23 the stage. The maps that we've -- we want to  
24 submit -- our maps were drawn by the group that  
25 Ms. Tate referred to, Dave's Maps, and I have it

1 on good advice from attorneys that argue in the  
2 Supreme Court that Dave does a pretty good job  
3 and some states are accepting these. We don't  
4 anticipate you adopting our map. We have a map  
5 here that's bigger that you may be able to see  
6 better. But these maps reflect what you could  
7 do. These maps don't pretend to be something  
8 that you would actually draw but they -- what  
9 we're trying to do is to get the consideration of  
10 competition being the vitality of democracy. If  
11 you had competitive districts, you would have to  
12 have people that run in a competitive district.  
13 To win, they would have to represent people that  
14 don't think and look just like them. That's what  
15 democracy should look like. With all -- with the  
16 average of -- most of our legislators winning  
17 with no opposition, they don't have to  
18 compromise. And so what we have here in these  
19 maps, indicate what we have now in the House. We  
20 have 80 safe Republican seats, 9 competitive  
21 seats, 35 Democratic seats that are safe and that  
22 adds up to your 124 seats. Now, taking just --  
23 and again, a little footnote here. What you're  
24 doing is incredibly difficult. It's very  
25 difficult to draw maps to have an outcome that is

1 allowed in the House rules and certainly there  
2 are no laws in South Carolina -- we are the only  
3 state in the nation with no laws governing what  
4 you're doing today. You have House rules that  
5 allow you to draw maps to protect incumbency and  
6 so if you were to overlook that and inject  
7 competition into it, you could create as many as  
8 -- you could create as many as 45 competitive  
9 seats as opposed to 9. You'd still have 17 safe  
10 Democratic seats and there would be an  
11 opportunity for the creation within the General  
12 Assembly, or within the House of Representatives,  
13 for a common sense middle that wouldn't fear  
14 losing their seat if they stood up for something  
15 we all need. Adequate education, pave the roads,  
16 adequate healthcare. There are things that most  
17 people want. And we further note because of a  
18 study that we paid the university \$3500 to do as  
19 a Ph.D. and this will be available through your  
20 online service that Ms. Dean will have. This is  
21 a state survey that the university did for us in  
22 2017 and it -- it had people in every county,  
23 nearly 900 people and then the results of their  
24 study, the bottom line was that 64.5 percent of  
25 everyone, and these people have self-identified

1 as Republican or Democrat or Independent, 64.5  
2 percent said you shouldn't draw the lines. Your  
3 constituents don't want you drawing the lines.  
4 At some point, that drum will continue to be  
5 beaten and you will lose. You can take an  
6 opportunity to get in front of that and look at  
7 the -- the amendment Representative Cobb-Hunter  
8 has introduced. It's in session now that you'll  
9 be seeing. It was filed last year. We haven't  
10 had a hearing on it but it's a resolution -- a  
11 joint resolution for you to put a citizen's  
12 redistricting commission on the general election  
13 ballot and let your constituents decide whether  
14 you should draw the lines or they get to draw the  
15 lines. And I challenge you to defend your -- you  
16 drawing -- your continuing to draw the lines.  
17 That Republicans 59.5 percent, I think, that you  
18 shouldn't draw the lines. Democrats 65.8  
19 percent. So that -- that's the extent of my --  
20 my lecture today. I don't expect you to adopt  
21 our maps but I do expect you to respect what I'm  
22 pointing out is a dead end -- is a dead end  
23 street, folks. Fewer and fewer people are voting  
24 because it doesn't do any good. It doesn't do  
25 any good because the decisions are made by fewer

1 and fewer of you. And so I will entertain any  
2 questions but would certainly hope that you would  
3 consider what we've said and read the submissions  
4 that we've made.

5 REPRESENTATIVE JORDAN: Thank you for your testimony.

6 REPRESENTATIVE ELLIOT: I want -- Mr. Chairman, just  
7 briefly.

8 REPRESENTATIVE JORDAN: Sure.

9 REPRESENTATIVE ELLIOT: I don't want to belabor this.  
10 And I'm someone who in prior sessions has  
11 supported and more of a bipartisan redistricting  
12 commission type situation. But I have noticed  
13 and this just for thought for later, I have  
14 noticed that the commissions -- the commission  
15 states around the country haven't turned out  
16 maybe as anticipated. They often deadlock. They  
17 brought the same political considerations into  
18 it. So that's just something to think about as  
19 we go forward. Not from this redistricting but  
20 in further redistrictings.

21 MR. BUSREY: Well, I would encourage you to look at  
22 the legislation that we presented. We worked  
23 with people that drew the Citizen Redistricting  
24 Commission in 2010. It's go it's problems. We  
25 do too. And that we worked with the people to

1 draw this plan up. We started in 2017. It was  
2 introduced in 2018. You have both the  
3 legislative act that we implemented and you have  
4 a joint resolution that this body would put on  
5 the ballot to let the citizens decide. We also  
6 have an option that you can't stop and the Courts  
7 can't stop, which is utilizing the statutory  
8 ability of citizens in your county to pass a  
9 resolution and ordinance in your county saying  
10 that your constituents demand to be able to vote  
11 on it. That's statutory. It doesn't make you do  
12 it but it's going to be continuing to put the  
13 pressure on you. If you want to remain an  
14 incumbent, you're going to have to convince your  
15 constituents that you should draw the lines  
16 instead of them. I think I'm on the winning side  
17 on this, ultimately. You may remember this  
18 state's never passed an equal rights amendment.  
19 I hope it doesn't take this long to straighten  
20 out our problems with the electoral system as it  
21 has for rights for women. So I agree with you  
22 there's difficulties in all systems. I think the  
23 one that we've designed took some of those into  
24 account. Democracy is -- is what -- it's not the  
25 worst, it's not the -- yeah. Any other

1 questions?

2 REPRESENTATIVE JORDAN: I think -- well, Mr. Collins.

3 And he's going to be our last question because  
4 we're past -- we're into the 3:00 hour and I know  
5 everyone would like a break so you'll get the  
6 final question.

7 REPRESENTATIVE COLLINS: Just real quickly, Mr.

8 Chairman. And thank you for this. With a  
9 political science degree, I'm fascinated --

10 MR. BURSEY: Mr. Collins, I'm hard of hearing. If you  
11 could speak up a little bit.

12 REPRESENTATIVE COLLINS: Thank you for this map and  
13 these ideas. As a political science major, I'm  
14 fascinated with these ideas. I come from, even  
15 in your map, the dark red areas. First, I can  
16 assure you I do not have a -- only a 2.2 percent  
17 disapproval rating. I can assure you of that.  
18 And in fact, --

19 REPRESENTATIVE JORDAN: I would agree with that as  
20 well.

21 REPRESENTATIVE COLLINS: -- even on this panel. And I  
22 think I may be the only one that has been through  
23 two run-offs so a huge fundamental flaw in the  
24 whole logic here is in this half of the state,  
25 the primaries, like you mentioned, are what

1 matters and that is -- that is where the  
2 competition is and that's where this idea would  
3 absolutely fail. Same idea with the league map  
4 is we're not increasing competition with -- at  
5 least on -- every area that I'm aware of. But I  
6 just want to -- maybe we need to have a drink one  
7 day on what can and can't be done and what's  
8 competitive and what's not, but I don't see this  
9 one as at least in my area.

10 MR. BURSEY: Representative Collins, in your primary,  
11 you were elected by a small percentage of the  
12 people --

13 REPRESENTATIVE COLLINS: Oh, I understand.

14 MR. BURSEY: -- registered to vote in your district.

15 REPRESENTATIVE COLLINS: Yes.

16 MR. BURSEY: That carried over to no opposition in the  
17 general so you got all the votes because you were  
18 the only name on the ticket. I think -- you're  
19 right. Buy me a beer. Let's talk about it.

20 REPRESENTATIVE COLLINS: Will do.

21 MR. BURSEY: Thank you, sir.

22 REPRESENTATIVE JORDAN: All right. With that, we'll  
23 take a ten minute break.

24 MR. BURSEY: Thank you, Representative Jordan.

25 (Off the record)

1 REPRESENTATIVE JORDAN: Thank you for everyone. For  
2 those of you who started with us. I'll let Mr.  
3 McClain finish his good-byes. All right, next up  
4 and thank you for waiting. Chief Michelle  
5 Mitchum. And just for planning purposes we have  
6 several more in person and at least one or two  
7 more virtual as well so we'll let Chief Mitchum  
8 go and then we'll press on.

9 CHIEF MITCHUM: The last time I was in one of these  
10 rooms, this was too tall so if you don't mind,  
11 I'm going to step to the side so you can see my  
12 pretty ribbon dress. I'm Chief Michelle Mitchum  
13 of the Pine Hill Indian Tribe and we are settled  
14 in western Orangeburg County. I'm also before  
15 you representing our state recognized tribal  
16 organization, the Pine Hill Indian Community  
17 Development Initiative. I stand before you in  
18 our House of Representatives and in our state  
19 capital, lifting the voices of my people and our  
20 area residents of western Orangeburg County. And  
21 I'm lifting those voices to you. In our state  
22 house, I formally announce that we reject any  
23 redistricting efforts that would eliminate state  
24 house district 95, currently represented by house  
25 representative, Jerry Govan Junior.

1 Representative Govan is in this current seat by  
2 election. His seat is by election, I want to  
3 repeat that. We put him in that seat by a vote.  
4 The proposed line of a map that I looked at, I  
5 noticed for our area it eliminates district 95  
6 and the new line goes all the way, it appeared to  
7 Justin Bamberg's new law firm in Orangeburg. We  
8 believe that the current redistricting measures  
9 are based on 2020 census data. I've heard that  
10 repeatedly today and the U.S. Census has admitted  
11 that information is compromised by Covid-19  
12 pandemic. Representative King, at the very  
13 beginning of the day, mentioned that Governor  
14 McMaster, and I'm paraphrasing, commented on  
15 vulnerable communities being left in the dust.  
16 Despite every effort made, every health security  
17 measure put in place as a result of Covid-19,  
18 prevented many forms of census data collection in  
19 rural communities such as our own and prevented  
20 my people from ensuring our own proper census  
21 count under our native vote initiative. In 2018,  
22 I stood in this House of Representatives about  
23 the South Carolina Commission for Minority  
24 Affairs. The issue then was that the commission  
25 was neglectful to Native American tribal

1 communities of South Carolina. Mr. Bamberg,  
2 could you please pay attention? Thank you.

3 REPRESENTATIVE BAMBERG: I'm taking notes on what you  
4 say like I have been for everyone who has  
5 testified over the last five hours.

6 CHIEF MITCHUM: It's helpful when I can see you.

7 REPRESENTATIVE JORDAN: Chief, if you don't mind,  
8 direct your comments to me so I can keep things  
9 on track.

10 CHIEF MITCHUM: The CMA has not made any tribal  
11 community aware of the redistricting issue and  
12 this is something that effects every tribal  
13 community in South Carolina. So to that end, has  
14 this committee reached out to the Commission for  
15 Minority Affairs to make tribal communities aware  
16 of redistricting issues that would compromise or  
17 in some form or fashion impact their tribal  
18 communities? I know that I was not contacted by  
19 the Commission of Minority Affairs. The pandemic  
20 has stolen so much from all of us and our society  
21 and the ramifications would generally descend  
22 from us. You do not have to and you are not  
23 required to join in the generational decline.  
24 This deadly virus is now threatening to steal our  
25 voices through your proposed redistricting plan,

1 by eliminating state house district 95 and our  
2 representation at the South Carolina State  
3 Capital. This is a planned and unnecessary  
4 premeditated historical trauma and it is being  
5 done under the color of the law, under the equal  
6 protection clause of the 14th amendment. It is  
7 predictable that this measure will have profound  
8 socioeconomic implications in our rural  
9 communities. It is widely known that our rural  
10 communities struggle and suffer from generational  
11 poverty. We do not support your redistricting  
12 proposed plan forcing our rural communities to  
13 become political victims to Covid-19. In the  
14 information that I was able to glean because I  
15 was not given much of an opportunity to look at  
16 the maps, I did not have enough time to study  
17 them very well but one of the things that stood  
18 out to me is that district 95 there were a number  
19 of areas that are predominantly Republican.  
20 I've heard a lot about black and white. I've  
21 heard a lot about population, racism, and  
22 discrimination and what stood out to me is that  
23 this redistricting district 95 -- eliminating  
24 district 95 and putting it with Bamberg and  
25 Allendale, is that the Republican voters will

1 automatically be outvoted. There are more  
2 Democrats in that span than Republicans.  
3 Additionally, we believe it is a conflict of  
4 interest for Representative Justin Bamberg to sit  
5 on this committee with the capacity to decide his  
6 own representation boundaries and request that he  
7 recuse himself from this committee due to obvious  
8 conflict of interest. Thank you for your time.

9 REPRESENTATIVE JORDAN: All right, I believe we have  
10 an online. I believe we have Representative  
11 Brawley connected.

12 REPRESENTATIVE BRAWLEY: Can you hear me?

13 REPRESENTATIVE JORDAN: I can hear you, Representative  
14 Brawley. I can't see you but I can hear you.

15 REPRESENTATIVE BRAWLEY: Okay. Well, I'm okay with  
16 that if that's okay. Am I echoing?

17 REPRESENTATIVE JORDAN: No. We're good to go.

18 REPRESENTATIVE BRAWLEY: Well, first of all I want to  
19 thank you, Mr. Chairman and the board (technical  
20 issues) went to every state. It's very important  
21 and we certainly appreciate that (technical  
22 issues). I've spoken before and expressed my  
23 concerns about certain aspects of redistricting  
24 so I don't intend to rehash those today. But I  
25 do want to echo some of the things that have been

1 said by some of the other speakers. I know that  
2 in rural parts of our state, there was a lot of  
3 loss in population and as a result, some of the  
4 districts were compressed or combined with other  
5 counties. And it seems as if the compression  
6 kind of met in the midlands and we lost a house  
7 seat in Richland County as well as the concerns  
8 that's you already heard raised about what's  
9 happening in Orangeburg, another midlands seat in  
10 the House that will be very much so different  
11 than it has been. You said earlier, Mr.  
12 Chairman, that the previous map that was put  
13 online was somewhat the same as what we are  
14 looking at now but it -- in the case of Richland  
15 County, it was quite different. The previous  
16 map, the draft, actually had district 80 which  
17 was a Richland County district moved into the  
18 tiny county of Kershaw, and it was the whole  
19 district was in Kershaw, which was to me very odd  
20 since it's such a small county by population.  
21 And ultimately that was changed and 80 was moved  
22 to the coast down in the Charleston area. I  
23 think Mt. Pleasant. But as a result, when you  
24 look at the raw numbers and see that Charleston  
25 has 408,000 residents roughly and Richland has

1 416,000, Charleston's house seats border on three  
2 other counties. I think Dorchester, Georgetown,  
3 and Berkeley. Richland now only borders on  
4 counties that are Fairfield and Lexington that  
5 share a Richland representative. And I'm  
6 wondering why it is that the midlands suffered  
7 such a great loss if we are looking at raw  
8 population and looking at how lines are drawn.  
9 And I think it goes back to the point of the  
10 gerrymandering, that many of the speakers have  
11 mentioned here today, that often finds itself  
12 impacting districts that are primarily Democratic  
13 and very often district seats that are held by  
14 African Americans. So I bring that point up as  
15 just a point of concern along with the other  
16 concerns that have been raised by my colleague,  
17 Representative King, on the deviation and the  
18 variant being -- not being increased to a higher  
19 level so that there would be more, I think,  
20 equity and more opportunity for those districts  
21 that typically vote in rural populations to have  
22 representation. Because right now, what will  
23 happen in Richland County, is that we will lose a  
24 seat in the rural part of our county, even though  
25 our population has increased even though the

1 population of Richland County is still higher  
2 than the population of Charleston County, they  
3 will gain that seat. So I just -- it's food for  
4 thought. I know that this is not the finalized  
5 draft, that there will be amendments. And  
6 hopefully those things that I'm mentioning as  
7 well as some of the other speakers have mentioned  
8 will be taken into consideration. Because it is  
9 important that voters get to pick their  
10 representatives and not representatives picking  
11 their voters. I thank you for the opportunity  
12 and that concludes my comments.

13 REPRESENTATIVE JORDAN: Thank you very much for those  
14 comments, Representative Brawley. As I've said  
15 earlier, this is a work in progress and we will  
16 continue down that path. But thank you very much  
17 for taking the time in your schedule to -- to  
18 join us and give us your comments. Next in the  
19 audience I believe we have Ann Conder.

20 MS. CONDER: Good afternoon. Thank you for allowing  
21 me to come -- come before you and speak. I know  
22 that your task is probably extremely relentless.  
23 I will tell you that I'm here on behalf of the  
24 Berkeley County GOP. As you know, Berkeley  
25 County is the largest county in the state and has

1 the most growth at this point in time. And I  
2 understand the logic behind the redistricting  
3 that you all have put forth in this -- in this  
4 map. However, as I have been told and I've been  
5 discussion off and on -- I just got word of this  
6 yesterday that our county is being split up into  
7 eight districts. Currently, it has six. But  
8 from my understanding, we feel that this is  
9 really very needless. Districts are not compact.  
10 There is no justification for Bonneau and  
11 Macedonia, who are part of Berkeley County, a  
12 huge part, I might add, to be included in the  
13 same district with Lake City and Florence, South  
14 Carolina. Or in Florence County. There's no  
15 justification to lock portions of Murrells Inlet  
16 and the city of Georgetown with the city of  
17 Charleston and Berkeley County. Communities of  
18 interest would be needlessly split. There's no  
19 justification to split the towns of St. Stephens,  
20 Moncks Corner, Hanahan, Goose Creek, and  
21 Summerville, which is what will happen if this  
22 new redistricting map is implemented. I thank  
23 you for your time.

24 REPRESENTATIVE JORDAN: Thank you very much for your  
25 testimony. I believe we have one more virtual

1 participant, Ms. Liz Keitt -- Keitt. Ms. Liz  
2 Keitt. Thank you, Representative Keitt. We can  
3 hear and see you now so we're good to go.

4 MS. KEITT: Okay. All right. I'm Liz Zimmerman  
5 Keitt, a native of Orangeburg, South Carolina, a  
6 city council member for more than -- can you hear  
7 me?

8 REPRESENTATIVE JORDAN: Yes, ma'am.

9 MS. KEITT: More than 20 years. I've been in and out  
10 of different organizations and voting rights act  
11 working for people in Orangeburg. It is quite  
12 disturbing to see the actions that's going on  
13 with this redistricting. I'm just appalled the  
14 way the lines have been drawn. We will not have  
15 a representative in Orangeburg, the second  
16 largest community or county in Orangeburg. I  
17 mean, in South Carolina. In 46 counties. So we  
18 just cannot understand why we're not -- we're not  
19 able to have a representative in this  
20 redistricting. Is it an attempt to keep compact  
21 districts? Districts should be able to pass an  
22 eye test as well as can be measured by  
23 statistical models. You know, an effort should  
24 be made to preserve cores of existing districts  
25 and separate incumbents where permissible. For

1           the last 50 years, we've been fighting to have  
2           someone to represent us and we have in Jerry  
3           Govan a great representative that gets all the  
4           information for us and bring back everything to  
5           us to let us know.

6 (technical difficulties - feedback)

7           REPRESENTATIVE JORDAN: I'd help you if I could, Ms.  
8           Keitt, but I'm -- I'm incapable.

9           MS. KEITT: Okay, well, I don't know where we stopped  
10          now. But I do know we should avoid splitting up  
11          this redrawing line as we have done. Are you  
12          hearing me?

13          REPRESENTATIVE JORDAN: Yes, ma'am. We can hear you.

14          MS. KEITT: Okay. To have the lines drawn the way we  
15          have them that I saw on the map yesterday, it is  
16          a sad mistake because we will not have a  
17          representative in Orangeburg. All of the persons  
18          that we have -- that will represent Orangeburg  
19          live just about outside except for Gilda Cobb-  
20          Hunter and her area will not be that close into  
21          Orangeburg. So we really will not have the  
22          representation that we need. Orangeburg is just  
23          too large and productive a county to say that we  
24          will not have a representative here. I'm hoping  
25          that the committee along with everyone else will

1 go back and take a big look at what you're doing  
2 because it just does not sit good with Orangeburg  
3 County. We are too, too important not to have a  
4 representative. Thank you so very much.

5 REPRESENTATIVE JORDAN: Thank you, Ms. Keitt, for  
6 being with us today and your comments. All  
7 right, that takes us to Mr. Trav Robertson.

8 MR. ROBERTSON: I'll be very brief, Mr. Chairman.  
9 Good afternoon. I originally had not planned on  
10 speaking today. However, I just have a couple of  
11 questions that I would like to ask you,  
12 obviously, on behalf of our Democratic members of  
13 the legislature but also the people of South  
14 Carolina. Some of them have been asked already  
15 but it is also in the norm that somewhat during  
16 this process that legislative privilege is not  
17 what it would normally be so that the methodology  
18 by which you came up with your map could be given  
19 to those of us who are citizens of this state.  
20 One, how many cities are split between multiple  
21 districts, which we've heard the argument dilutes  
22 communities of color. Specifically, we're  
23 talking about Anderson, Charleston, Orangeburg,  
24 Lake City, Walterboro, Mt. Pleasant, Greenville,  
25 and Spartanburg. What counties or how many

1 counties have been split between multiple  
2 districts specifically Cherokee, York, Colleton,  
3 Horry County, Kershaw, Lexington, and Orangeburg.  
4 Most important, what analysis and can you put it  
5 on the website so that we can see what analysis  
6 was done by the staff of this subcommittee and  
7 the Judiciary Committee, Mr. Chairman, to  
8 determine the representation each county should  
9 have in the legislature and by doing so, how did  
10 the staff analyze the 2020 census block data of  
11 each county and divide by the ideal state house  
12 number to come up with the number of people and  
13 the district population. The fourth question or  
14 the fifth question is how did you come up with  
15 some of the odd shaped districts that this  
16 subcommittee and the staff developed, Mr.  
17 Chairman? Specifically district 10, district 22,  
18 23, 24, 25, 35, 46, 48, 110, 111, 114, and 119?  
19 Did you split census block data which would  
20 contradict some of the members of this body's  
21 earlier comments in order to create those oddly  
22 shaped district maps? Number six, how many  
23 precincts did you split and why? We don't know  
24 the why in order to determine the answer to that  
25 question. I think there's roughly 769 split

1 precincts. The eighth question or the seventh is  
2 is it possible to draw a map without splitting  
3 counties and I think you'll find that the answer  
4 to that is yes. Number eight and one of the  
5 interesting questions is why is it that we  
6 didn't necessarily wait until after this  
7 testimony and then come back and present your  
8 map? I think I know the answer to that, quite  
9 frankly. But also I think to your point and  
10 comment in your interchange with Representative  
11 King earlier, is that were there changes made to  
12 the map that was posted originally and then the  
13 link goes down and then another map is posted.  
14 And most importantly, I think, you've attempted  
15 to answer that, Mr. Chairman, in all due  
16 diligence. But one of the things I think we  
17 could do in order to get to the transparency that  
18 Representative Newton so articulately argued for  
19 is to put the census block data that you used in  
20 the first map on your website and then the census  
21 block data that is in the second map on your  
22 website so that we, the people, can see the clear  
23 differences in how you went from map -- the first  
24 map that was posted to the second map. And then  
25 the -- and then the other questions, two more

1 questions, I think, should be asked and answered  
2 that particularly effect places like Marlboro  
3 County or Lee County or Williamsburg County is  
4 were prison populations, county jail populations,  
5 military institutions, or colleges were they  
6 counted in the census projections in determining  
7 the population or census block data that you used  
8 to develop your map? The simple answer is we  
9 don't know. We don't know because that's not  
10 been put on the website and that is legitimately  
11 a point that needs to be talked about when you're  
12 specifically talking about rural South Carolina.  
13 And then finally, I just really want to contend  
14 that maybe we need to go back and talk about the  
15 staff and whether or not they're directing -- not  
16 your staff specifically but those who are  
17 involved with census block data. Do we need to  
18 discuss or find out whether or not they've  
19 instructed any local elected officials in any  
20 rural counties that they don't have to count jail  
21 populations or prison institutions or colleges  
22 when determining or developing they're lines for  
23 their counties. And I would like to just respond  
24 that I do believe there are two very clear  
25 examples of retrogression. I think that if you

1 look at House District 15 and House District 117,  
2 you can clearly find that there are potential  
3 arguments that can be made as to the  
4 retrogression of those districts. And so with  
5 that, Mr. Chairman, I don't know that I can  
6 answer any question as I was specifically asking  
7 you all for information but I will stand at the -  
8 - the front to take it.

9 REPRESENTATIVE JORDAN: Seeing none, thank you for  
10 your testimony.

11 MR. ROBERTSON: Thank you, Mr. Chairman.

12 REPRESENTATIVE JORDAN: I slipped back into high  
13 school science class there for a minute.  
14 Question number 12.

15 MR. ROBERTSON: Like I said, I was not preparing to  
16 speak.

17 REPRESENTATIVE JORDAN: All right, ladies and  
18 gentlemen, brings us all the way back around to  
19 Representative Govan. Thank you for being here  
20 today, your patience, and I believe if there's  
21 someone I see that hasn't signed up and would  
22 like to speak that hasn't signed up, again, now  
23 is your opportunity. I see Representative Hosey  
24 out there. Good to see you, sir. And I know we  
25 have had people that have had to come and go

1 during the course of this, roughly, four hours  
2 plus but if you have not signed up and you wish  
3 to speak, going once, going twice, sold here in  
4 just a second. But before we do that,  
5 Representative Govan, you are recognized.

6 REPRESENTATIVE GOVAN: Thank you very much. Thank you  
7 very much Mr. Chairman and like a lot of you, I'm  
8 kind of technology challenged here. First of  
9 all, I want to thank you for this opportunity to  
10 come before the committee. I know it's been a  
11 long day in terms of hearing testimony. I have a  
12 great deal of respect, first of all, in terms of  
13 what you're doing and members of the committee,  
14 having sat in that chair. This is my fourth  
15 reapportionment. I think there are maybe one or  
16 two people maybe in the body who have sat through  
17 as many of these as I have and having served as a  
18 member of the redistricting committee, I  
19 understand the many challenges that you have in  
20 terms of trying to get this right. I've also  
21 served during a time and period in which we had  
22 had challenges and having had plans go to court.  
23 And so as was expressed by several others, it is  
24 indeed a -- a very challenging situation to try  
25 to operate in and to try to get this situation

1 right. Of course, today we do not have the full  
2 protection of section five, since five is no  
3 longer around and we got section two and the  
4 changes in terms under the Voting Rights Act.  
5 But the whole principle of this process is to  
6 ensure or guarantee that every citizen has the  
7 same kind of right and access to his or her  
8 government -- their government and the right to  
9 vote and fair representation. And so when we  
10 look at what was -- what has happened, indeed,  
11 there are some concerns. Now, like many of my  
12 colleagues, I took the time and I've been to the  
13 map room on multiple occasions. In fact, at  
14 least three -- perhaps four times in terms of  
15 trying to draw a map and be a team player and, of  
16 course, as requested submit maps in terms of  
17 recommendations for my House district. We were  
18 not allowed to go into other folk House districts  
19 in terms of seeing what they did but only to go -  
20 - go draw maps, sitting with staff in terms of  
21 proposals that we had. So there was some  
22 limitations. Of course, it was encouraged that  
23 delegations could get together and do some  
24 things. And, of course, we made ourselves  
25 available for that particular process. But I've

1 got to tell you that I was indeed very shocked  
2 when, after going through all of that process,  
3 when we returned on yesterday when the maps --  
4 day before yesterday when the maps actually came  
5 out that we found that district 95, which I have  
6 represented for a great number of years in this  
7 body, was not longer there. And, in fact, had to  
8 hear about it from a third party in terms of the  
9 fact that the district had been eliminated.  
10 There was no type of indication that this was in  
11 the works and just based on my years of  
12 experience in this body and familiarity with the  
13 redistricting guidelines and criteria, I've got  
14 to tell you I was completely shocked. So it was  
15 really with very deep concern and regret in which  
16 we found this out that this district, which  
17 existed along the original districts that were  
18 created, the first that provided for -- the first  
19 African Americans to be elected to the South  
20 Carolina General Assembly since Reconstruction in  
21 terms of single member district wise. There were  
22 a couple of people that were elected in '72.  
23 That this map, basically, eliminated one of the  
24 original districts. So with all due respect, you  
25 know, I think Representative Newton, my good

1 friend, alluded to earlier when he was addressing  
2 a question by one of the presenters here, was  
3 talking about that the draft that y'all had put  
4 on the table basically was approved under the  
5 most rigorous pass of criteria, et cetera, and  
6 guidelines. I just was taken aback by the fact  
7 that a district that was created and has been in  
8 existence since 1974 was completely removed off  
9 the map and assigned to the Mt.  
10 Pleasant/Charleston area of the state of South  
11 Carolina and that it had been divided --as  
12 community of interest had been divided amongst  
13 three rural areas -- actually, four rural areas  
14 and that Orangeburg County had been split up like  
15 a pie. Now, before I go further, let me just  
16 note also, the question came up in terms of  
17 changes because I also, to my surprise, late  
18 yesterday evening it was brought to my attention  
19 after a constituent who wanted to share some  
20 thoughts about today and I have two -- two  
21 letters that I would like to share with the  
22 group, very brief, from constituents who could  
23 not make it. Some had challenges in terms of  
24 navigating the -- the testimony -- the website in  
25 terms of giving virtual testimony or written

1 testimony because it appears that it had gone  
2 down or they couldn't get in. And so with due  
3 respect, I'd like to be sure that their thoughts,  
4 including from the County Development Commission,  
5 the executive director from there and also some -  
6 - one other leading constituent that -- that --  
7 that was with the hospital, TRMC, and other  
8 important entities in our communities that  
9 they're comments be put on record. But in terms  
10 of what happened last night between that brief  
11 period, I guess, when you were going through your  
12 technical difficulties, all of a sudden after our  
13 meeting in which we had about 20 to 25  
14 individuals on or various leaders in Orangeburg  
15 County representing the county, the city, and  
16 other important entities. And also might include  
17 -- this included Democrats, Republicans, black,  
18 white, a good -- because of the diverse nature of  
19 the district I represent that mysteriously  
20 district 95 reappeared from the Mt. Pleasant area  
21 and -- and appeared as district 66 in Orangeburg  
22 County. So the current map that is shown  
23 reflects today, if you pull it up, instead of --  
24 of 95 being down in Mt. Pleasant that it has  
25 mysteriously, we have reappeared as House

1 district 66 and I don't know where House district  
2 66 is today. I think you've heard enough in  
3 terms of some of the concerns that was shared but  
4 -- but I do want to note a few things here that  
5 are important about Orangeburg and the district  
6 that has been eliminated. Because from a  
7 historical standpoint, House district 95, and I  
8 believe the reason why it was created by those  
9 who -- whose -- whose shoulders we stand on  
10 serving this General Assembly, people like the  
11 late Earl Middleton, Ernest Finney, Gresettes,  
12 Blatts, Browns, and those individuals who were  
13 around during that period of time. The reason  
14 why when they did the redistricting and after  
15 going through this so called rigorous court  
16 process was to try to be fair to ensure that  
17 every person's vote counted regardless race,  
18 creed, or color in terms of this. And also that  
19 communities of interest would be fairly  
20 represented. Orangeburg County and particularly  
21 the area that up until the time of this map that  
22 I represent, basically is a -- originally started  
23 off as a inner city suburban district and so over  
24 the years, going back to individuals -- the first  
25 representative which is the late Earl Middleton

1 who served back in 1974 and was succeeded by  
2 Larry Mitchell, another Democrat who then served  
3 one term. He in turn was succeeded by a  
4 Republican by the name of Will McCain. And I  
5 think a few of you may remember Will, who served  
6 as a lobbyist for SCE&G and some other entities,  
7 who was a Republican. And later served with the  
8 governor's office under Carroll Campbell. And  
9 then he was succeeded by another Republican by  
10 the name of Brenda Council and after Brenda  
11 Council, in terms of one term, of course, I was -  
12 - I was elected and have been the representative  
13 since. I mention that because Orangeburg and  
14 this district, even though it may have been a  
15 majority/minority district created actually in a  
16 sense represent what I think we aspire to in the  
17 state of South Carolina. That people in the  
18 representation will represent folk regardless of  
19 their backgrounds and their social economic  
20 status or the color of their skin. But I think  
21 it shows in Orangeburg that despite political  
22 differences that we were able to rise to the  
23 occasion in which we could elect people based on  
24 merit. And people had to work hard and  
25 demonstrate that they represented all the people

1 and if you didn't do it, you didn't last. And we  
2 have been blessed, I think, to have had some very  
3 strong representation in the area and it has  
4 transcended in terms of -- to what we aspire to  
5 and which we have representation in this body  
6 that is able to come together and reach common  
7 ground and represent the people and not, of  
8 course, ourselves. This plan that has been put  
9 on the table, we believe, is a clear -- we  
10 understand it is a start. So I'm not here to  
11 beat up on you or -- or to put you down, you  
12 know, because, like I said, having been through  
13 this process four times -- for the fourth time  
14 now, I understand. But clearly the Courts  
15 through it's history have established certain  
16 guidelines and criteria to try to ensure, again,  
17 that all citizens are represented. And those  
18 criteria were protected for many years under  
19 section 2 and section 5 which things beyond our  
20 control because we are not members of Congress.  
21 They have to deal and address that in Washington  
22 and we've heard concern about the Justice  
23 Department and what they did or did not do. And  
24 that's -- those are fair arguments. You know,  
25 people have a right to be concerned about those

1 things but on the -- on -- from my perspective as  
2 one who has lived a very unique life having  
3 served during a period and growing up in a South  
4 Carolina in which we did experience segregation  
5 and seeing that transition from segregation and  
6 racism in which now, you know, I have four  
7 daughters and our children have moved and are now  
8 in a position or at a point to look beyond those  
9 things that some of us had to grow -- a few of us  
10 in this body have had to grow up through and now  
11 experience. And I guess that's why some of us  
12 are still here. That is why I've sacrificed and  
13 committed my life in terms of serving my  
14 community. That's why as a native Orangeburg  
15 growing up in the streets there in between the  
16 rural community of Roseville and Orangeburg  
17 proper and having lived all my life in  
18 Orangeburg, I think that it's important that you  
19 have representatives from your areas that  
20 understand from their experiences, their life  
21 experiences the different nuances of the  
22 districts that they represent. That's why I  
23 think that it is important -- that is why it was  
24 important that when the Courts looked at  
25 establishing criteria, they talked about the

1 issue of the importance of respect of communities  
2 of interest. And I think that I believe -- in  
3 fact, I strongly believe that that is one of the  
4 weaknesses in terms of the plan as presently  
5 presented and believe that should be changed. I  
6 also believe that it also should be a concern in  
7 terms of an -- the other criteria that needed to  
8 be addressed was to keep compact districts. We  
9 heard from Bamberg County in which their  
10 communities of interest they felt was violated  
11 they felt they had nothing in common with the  
12 inner city of the Orangeburg or the suburban  
13 areas. There are areas of Orangeburg County that  
14 they probably would have a community of interest.  
15 Representative Bamberg was exactly right.  
16 Nineteen and earlier during a couple of  
17 reapportionments, I think it was 2010, that area  
18 portion of Orangeburg was tied to Bamberg County.  
19 But it wasn't the inner city or suburban areas.  
20 It was in terms of the agricultural areas of  
21 Orangeburg bordering the Bamberg County line.  
22 I'm talking about places like Cordova or Edisto.  
23 And in terms of the plan that I submitted, in  
24 terms of to this body, which I really am  
25 beginning to question whether it was even

1 seriously looked at, it attempted to give some  
2 latitude to this committee when y'all went in to  
3 look at those lines that, perhaps, we could shift  
4 some of this. But again, communities of  
5 interests back over to -- to -- to district 90  
6 because they had something in common. So I do  
7 believe that -- that it's important from the  
8 perspective of communities of interest that there  
9 be some flexibility there. We knew going in and  
10 know going in based on the history that there had  
11 to be some shared interest. That's why in the  
12 previous reapportionment, a core constituency of  
13 mine in terms of the Great Branch community was  
14 conceded to Representative Hosey in an effort to  
15 provide for -- and by the way, when that district  
16 was created, it was created with the -- between  
17 the input from the South Carolina Legislative  
18 Black Caucus and the Justice Department because  
19 we had an under representation, Representative  
20 Collins, in terms of minorities in the state when  
21 it looked at representation in the House of  
22 Representatives. So as a result the caucus  
23 worked very closely with the Justice Department  
24 and the existing House leadership at the time and  
25 as result, Ms. Bernstein, of course, there were a

1 number of minority districts that were created.  
2 Some to the -- that basically had a negative  
3 ramification in some areas of the state but it  
4 ended up individuals like Representative Hosey's  
5 district then became a reality and at that time,  
6 was protected under section 2. District 90 where  
7 Representative Bamberg now represents was at that  
8 time represented by Representative Tom Rhodes and  
9 so that area was not protected. And so -- but  
10 even though it was still at that time a part of  
11 Orangeburg County but it represented a rural  
12 interest, a stretch from Bamberg, portions of  
13 Orangeburg, and it went down to -- it wasn't  
14 Allendale. It was Colleton -- Colleton. So if  
15 you look at it from a historical standpoint, and  
16 what I would encourage this committee to do, and  
17 what I tried to do in terms of the plans that I  
18 submitted was to look at the traditional basis  
19 for which these districts that went under that  
20 rigorous -- that rigorous indoctrination, if you  
21 would. Maybe that's not the best word. A  
22 rigorous inspection by the Courts because it did  
23 go through the Courts, Representative Newton, and  
24 whatnot that -- that those plans would show areas  
25 that would -- that show continuity, that were

1 contiguous, et cetera. Two other things and I'll  
2 be happy to open up for any questions. In the  
3 plan that we submitted when it came to Orangeburg  
4 County in which we had, again, limited access to  
5 all other members' districts, it was kind of hard  
6 to gauge exactly where district 66 which now you  
7 label as 95. That district was created under --  
8 under the purposes for the late John -- for  
9 former representative and former senator John  
10 Matthews. That particular district was always  
11 considered to represent the rural interests,  
12 particularly from the eastern portion of  
13 Orangeburg County, and was drawn through multiple  
14 counties down through in that area, including  
15 Dorchester. So if you go back and look at the  
16 data and the maps from 1974 when that district  
17 originated, then you will see that the  
18 communities of interest of that has always been  
19 rural agricultural in that area of the state.  
20 And -- and the heart of Orangeburg, which 60  
21 percent of the population lives within a 5 mile  
22 radius which is rural and suburban was created  
23 and that's why district 95 was created. So in  
24 essence, in sum, what you've done is basically  
25 obliterated a district that was created for the

1 very purpose of -- of serving a specific  
2 community of interest that represented a cross  
3 section and diversity of not only in terms of --  
4 based on socioeconomic status in terms of - of  
5 higher ed, K12, of suburban communities, of urban  
6 communities, and inner city. And of those  
7 interests both of black, white, private, public  
8 because Orangeburg is also in that district is  
9 the home of the largest private school -- one of  
10 the largest private schools in the state. Also  
11 one of the largest black public high schools of  
12 the state. It also has one of the most  
13 successful charter schools of the state. And of  
14 course, I mentioned South Carolina State  
15 University and Claflin University which have a  
16 very long and deep history that ties really back  
17 into this state, particularly in terms of the  
18 state capital and General Assembly going back to  
19 the Reconstruction period. So, ladies and  
20 gentlemen, you know, again, I know that the  
21 challenge is difficult. I see colleagues,  
22 including those that serve with me in the present  
23 delegation, those who are good, personal friends  
24 of mine, and -- and, I mean, you know, I wish --  
25 I wish that we would have had an oppotuntiy as a

1 delegation to work through this. I think that  
2 there should still be an opportunity for that.  
3 But that desire has to come from more than one  
4 direction. It has to come from folk -- everybody  
5 willing to commit to doing that. And --

6 REPRESENTATIVE JORDAN: We're going to --

7 Representative Govan, we're going to talk about  
8 that in just a second.

9 REPRESENTATIVE GOVAN: Okay.

10 REPRESENTATIVE JORDAN: I'm going to get --

11 REPRESENTATIVE GOVAN: And I think we do a disservice  
12 to the citizens that we represent because I will  
13 assure you that people in Orangeburg are very  
14 concerned about this. If I'm going to conclude,  
15 if I can, with this from the Orangeburg  
16 Development Commission and this comes from the  
17 executive director, if I might, Mr. Chairman, and  
18 I'd like to get it read into the record. This  
19 comes from the Orangeburg County Development  
20 Commission. It says to whom it may concern. We  
21 have been made aware that South Carolina House  
22 Redistricting Committee released it's draft plan  
23 for the South Carolina House of Representatives  
24 effective for the primary and general elections.  
25 District 95, which was originally a part of the

1 first single member redistricting plans for South  
2 Carolina in 1974 and existing for nearly 50  
3 years, has been eliminated and it's number  
4 reassigned to a new district. Again, that we  
5 stand to be corrected because that was changed in  
6 -- in the map room and is now been assigned to  
7 66. If approved, this would mean that the  
8 densely populated areas representing the city of  
9 Orangeburg, suburban, and rural areas would no  
10 longer be represented by a resident from  
11 Orangeburg but scattered to representation  
12 dominated by interests in Bamberg, Barnwell, and  
13 Calhoun counties. This would further divide the  
14 interest of the rural areas versus the suburban.  
15 In our opinion, this has a negative impact on one  
16 of the largest population centers in between the  
17 state's largest population areas of Columbia MSA  
18 and Charleston MSA. The importance of a strong  
19 rural legislative delegation is imperative to the  
20 development of our state. Though this is a  
21 draft, it is a working document upon which the  
22 special, sub, and full judiciary committee will  
23 produce and send a final document to the House  
24 floor during the week of December 6th for debate  
25 and for first passage. And as a result, we

1 strongly urge for you to reconsider the  
2 elimination of any district in Orangeburg County.  
3 As the largest tier 4 rural county in the -- in  
4 this great state, we need all the support and  
5 voice to continue to create jobs and improve the  
6 quality of the life for our citizens. Thank you  
7 for your attention. If you have any questions or  
8 concerns, I would welcome your call for  
9 clarification of our position. C. Gregory  
10 Robinson. South Carolina SCEED and executive  
11 director of the Orangeburg County Develop  
12 Commission. We also have a letter from Dr. Carl  
13 Carpenter, who is the former acting president of  
14 South Carolina State University, former president  
15 of Voorhees, and one of our leading assistants  
16 and chairman former -- a member of the board of  
17 TRMC. He says I am forwarding this --

18 REPRESENTATIVE JORDAN: Representative Govan, let me -  
19 - let me stop you for just a minute. What my  
20 plan is here that I'm going to talk about in just  
21 a minute will allow and provide opportunities for  
22 letters just like that that are important, very  
23 important. And this committee would very much  
24 like to see and read and have the opportunity to,  
25 and not just those -- I think you referenced

1 earlier that you have some more folks that would  
2 like to put -- put documentation by way of  
3 written testimony into the record. So what I  
4 would suggest is rather than reading that out now  
5 for the committee, if you wouldn't mind compiling  
6 all that and having it submitted to us and that  
7 way instead of going piece by piece --

8 REPRESENTATIVE GOVAN: That's -- that's fine. That's  
9 fine.

10 REPRESENTATIVE JORDAN: -- we could see it all in  
11 whole lump form, so to speak.

12 REPRESENTATIVE GOVAN: I appreciate that. I know time  
13 is of the essence. I'll just conclude by saying,  
14 again, thank you all for the opportunity. I do  
15 hope that this -- this committee, not only in  
16 terms of what was shared by myself but more  
17 importantly, in terms of the people that made  
18 this trip up here. I hope that you all are  
19 listening. I think it's important, particularly  
20 in terms of where this country is, where our  
21 state is, and what we see happening around us,  
22 and being sensitive to those needs. Now more  
23 than ever before, we do need to pay attention to  
24 communities of interests. We do need to pass  
25 legislation and do things that bring people

1 together as opposed to splitting them a part.  
2 And having said that again, thank you. It has  
3 been an honor to serve in this body. If we get -  
4 - regardless of whether we continue to serve and  
5 I don't have the opportunity to, it has been the  
6 greatest honor in my life and I am proud of that.  
7 I thank God for the opportunity and I thank God  
8 for the people of House District 95.

9 REPRESENTATIVE JORDAN: Thank you, Representative  
10 Govan. So members of the committee, now we have  
11 heard from many, many folks during the course of  
12 today, whether it be in person and virtually and  
13 again, I say thank you to those folks that took  
14 time out of their schedule to come here or be it  
15 virtually participate in this. I can promise  
16 you, you added to the process in a tremendous  
17 way. So housekeeping, so to speak. Where are we  
18 technically in this process? I'd like to talk  
19 about that for just a minute. We, of course,  
20 have a working map that we've taken testimony on.  
21 We've heard a lot -- a lot of information that I  
22 think would be appropriate for us to take into  
23 consideration over -- over a period of time. I  
24 think it would also be appropriate in allowing  
25 that time, folks to, as I told Representative

1 Govan, to -- anyone else that wishes to that  
2 couldn't be here today or wishes to have  
3 something added to be able to give us that  
4 written testimony that we -- we do -- to provide  
5 additional consideration for this committee. So  
6 in thinking through the practical sort of options  
7 on the table for us, it would seem to be like the  
8 most sensible thing to do would, you know, we've  
9 already -- we've taken testimony and we had today  
10 reserved and Friday if need be. It sounds like  
11 we've heard from everyone who signed up in  
12 person, virtually so I don't know that we need  
13 Friday. What I would suggest that we do let's  
14 leave that public -- public testimony -- written  
15 testimony period open until noon Monday. Allow  
16 folks to continue to submit via the  
17 [redistricting@schouse.gov](mailto:redistricting@schouse.gov) or by mail and the  
18 address I listed off previously. And then I can  
19 tell you, it is the intention, if we stay on  
20 track, for the full Judiciary Committee to meet  
21 next week. I would suggest that we come in two  
22 hours prior to that meeting so that we can then -  
23 - we'll have had time to take into consideration  
24 all the information that was presented to us  
25 today. So that would mean we would not give a

1 technical favorable report as we technically  
2 normally would for a piece of legislation that  
3 would be before a committee such as ours. We  
4 would simply today adopt this as a working  
5 document. I think we can -- I can entertain a  
6 motion to that effect with a second and voice  
7 vote and then I can do as I've said, leave that  
8 period open until noon Monday and reconvene us  
9 two -- two hours prior to the full Judiciary  
10 Committee -- Committee meeting. Which again,  
11 will be next week. Probably Tuesday. Yes,  
12 Representative Bernstein?

13 REPRESENTATIVE BERNSTEIN: Thank you, Chairman Jordan.  
14 Before we entertain a motion, I just wanted to  
15 ask a -- maybe not ask a few questions. Get some  
16 clarification. We've had a lot of people who  
17 have testified and thank you all for being here  
18 in person and virtually. Particularly, I tried  
19 to write down all those questions that Trav had  
20 asked. Are we going to have an opportunity to  
21 hear responses either to his questions or other  
22 people's questions that were posed? Not prior to  
23 this motion but before we convene in Judiciary  
24 Committee.

25 REPRESENTATIVE JORDAN: I know you didn't have enough

1 time to write down all of those questions.

2 REPRESENTATIVE BERNSTEIN: I know. I just was -- but  
3 honestly, some -- I've been trying to field  
4 questions --

5 REPRESENTATIVE JORDAN: Sure.

6 REPRESENTATIVE BERNSTEIN: -- that I can't necessarily  
7 answer --

8 REPRESENTATIVE JORDAN: Of course.

9 REPRESENTATIVE BERNSTEIN: -- at this time so I want  
10 to make sure that I have enough data that I can  
11 answer those questions confidently.

12 REPRESENTATIVE JORDAN: Certainly. And I would say  
13 provided in that litany of questions is a lot --  
14 a lot of information. I don't know that we're in  
15 a position to simply go down that list right at  
16 this moment. What I would say is if we  
17 reconvene, that would give us several days by  
18 which to do all the things that I just talked  
19 about, including, you know, come back to the  
20 table with some of those -- those questions. You  
21 know, that's not guaranteeing a favorable report  
22 upon meeting of this ad hoc Committee at that  
23 next meeting. I think what it does do -- we've  
24 heard from a lot of different folks, including  
25 members of this body and I think there's a desire

1 to take that information, including the  
2 membership information and allowing some of those  
3 members to reconvene with members of their  
4 delegation to sort of go back and look at some of  
5 the things that -- that were testified today.  
6 And this would give us -- and the membership a  
7 period of time by which to get in the map room  
8 and see about these things that have been brought  
9 to our attention as well as look at some of the  
10 other questions -- many questions that were asked  
11 by the different members of the audience today.

12 REPRESENTATIVE BERNSTEIN: Thank you. I appreciate  
13 that. And I think you've already made this point  
14 but I just wanted to make sure that when we vote  
15 on this working plan, it is that. It is a  
16 working plan and so we're not necessarily giving  
17 a stamp of approval on this plan but that we --  
18 it is a plan in progress and we're okay with the  
19 progress that we're making. Is that accurate?

20 REPRESENTATIVE JORDAN: So what we're doing with this  
21 by saying this -- this a working plan that we're  
22 not giving any favorable or unfavorable, you  
23 know, report to. We're just saying this is the  
24 working plan that the -- that the membership will  
25 have the opportunity to work off of over the next

1 several days.

2 REPRESENTATIVE BERNSTEIN: Okay. Perfect. That's  
3 exactly what I was thinking. Thank you. Do you  
4 need a motion?

5 REPRESENTATIVE JORDAN: Any other questions? All  
6 right, then I do need a motion.

7 REPRESENTATIVE BERNSTEIN: Okay. I'll make the motion  
8 that we proceed with the working plan.

9 REPRESENTATIVE JORDAN: All right, Representative  
10 Bernstein, makes that motion.

11 REPRESENTATIVE HENEGAN: I'll second.

12 REPRESENTATIVE JORDAN: Seconded by Representative  
13 Henegan. All of those in favor, say Aye.

14 ALL REPRESENTATIVES: Aye.

15 REPRESENTATIVE JORDAN: Any opposed? I believe that's  
16 unanimous. So again thank y'all for your work.  
17 It's closing in on 5:00 in the afternoon here.  
18 Again, the plan will be to allow this to go  
19 forward and then we'll -- we'll meet up again  
20 next week.

21 UNKNOWN SPEAKER: What time?

22 REPRESENTATIVE JORDAN: So we'll meet -- the plan will  
23 tentatively be for Tuesday two hours prior to  
24 when Chairman Murphy sets that full judiciary.  
25 Two hours prior. Do I hear a motion to adjourn?

1 I hear multiple. All those in favor, say aye.

2 Aye. Thank you, ladies and gentlemen.

3 (There being nothing further, the hearing  
4 concluded)

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## CERTIFICATE OF REPORTER

I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC  
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
CERTIFY THAT I TRANSCRIBED THESE HEARINGS HELD ON  
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FOREGOING 174 PAGES CONSTITUTE A TRUE AND CORRECT, TO THE  
BEST OF MY ABILITY, TRANSCRIPTION OF THE PRE-RECORDED  
HEARING.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR  
COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE  
PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY  
INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT  
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11TH DAY OF JANUARY 2021.



KATHRYN B. BOSTROM, COURT REPORTER

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