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## **VIDEO TRANSCRIPTION**

*November 16, 2021*

**SC House Judiciary Committee**

**Redistricting**

REPORTER: Kathryn Bostrom

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STATE OF SOUTH CAROLINA  
HOUSE JUDICIARY 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 Tuesday, the 16th day of November, 2021.

1 APPEARANCES:  
2 House Members present:  
3 Chris Murphy, Chairman  
4 Wallace "Jay" Jordan  
5 Justin Bamberg  
6 Neal Collins  
7 Patricia Henegan  
8 Beth Bernstein  
9 Jason Elliot  
10 Weston Newton  
11  
12 Other representatives:  
13 John Richard King  
14 Elizabeth Wetmore  
15 William Wheeler  
16 Cezar Mcknight  
17 William Bailey  
18 Bruce Bryant  
19 Russell Fry  
20 Max Hyde  
21 Jeffrey Johnson  
22 Mandy Kimmons  
23 John Mccravy  
24 Brandon Newton  
25 Seth Rose

1 Ivory Thigpen  
2 Micajah Caskey  
3 Bobby Cox  
4 Sylleste Davis

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6 Staff Present:

7 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 CHAIRMAN MURPHY: The time is approximately 12 after  
3 12. We were waiting on a couple of members that  
4 had gone to lunch, but they should be walking in  
5 any second. My name is Chris Murphy. I'm the  
6 chairman of the Judiciary Committee. First off,  
7 I want to thank all the members of the committee  
8 for being here today. We've got some very  
9 important work task of redistricting the state --  
10 House districts. Want to thank all members --  
11 House members for participating in the process.  
12 You know that there have been big changes in our  
13 population since 2010. The map room has been  
14 open to House members on October 4th, and just  
15 about every single elected official took  
16 advantage of the opportunity to provide his or  
17 her output. Before we go any further, I want to  
18 thank Chairman Jordan, Jay Jordan on my left, and  
19 the other members of the committee for their hard  
20 work on the ad hoc committee. That would be  
21 Representative Pat Henegan, Representative Beth  
22 Bernstein, Representative Weston Newton,  
23 Representative Neal Collins, Representative  
24 Justin Bamberg, and Representative Jason Elliott.  
25 They traveled thousands of miles all over the

1 state holding public hearings. In fact, I think  
2 it was 11 of them, 11 public hearings. They  
3 committed -- completed a draft working plan on  
4 schedule, they voted a favorable report of that  
5 plan out this morning. So what our purpose here  
6 now is to consider the draft plan, hear testimony  
7 from any of the members, and consider the  
8 amendments to the working draft plan that have  
9 been filed. I will let the members of the  
10 committee know that there have been eight  
11 amendments filed. What we plan to do is take  
12 them up in order and the first one will be  
13 Representative Jay Jordan's comprehensive  
14 amendment. He'll explain that. We'll then open  
15 it up for questions regarding that amendment.  
16 We'll then take into consideration that  
17 amendment, vote it up, vote it down. We'll then  
18 go to the second amendment and I'd like to do  
19 that, go through the amendments that we have so  
20 that we get around to discussing the plan as  
21 amended, we know what we're talking about and I  
22 think that just will help move things forward. So  
23 first off, the first thing we need to do is we  
24 need to adopt the ad hoc committee plan.  
25 Entertain a motion. Representative Jordan asked

1 for a favorable or adoption of the ad hoc  
2 committee. Roll call is required. Go -- go  
3 ahead, Representative King.

4 REPRESENTATIVE KING: Thank you, Mr. Chairman. And  
5 can you tell me if we adopt the plan, what affect  
6 does that have prior to doing any amendments?-

7 REPRESENTATIVE MURPHY: Well, we have to adopt the  
8 plan because then we're going to work of amending  
9 the plan.

10 REPRESENTATIVE KING: Okay.

11 REPRESENTATIVE MURPHY: So we have to have the plan  
12 first.

13 REPRESENTATIVE KING: Thank you. I just wanted some  
14 clarification.

15 REPRESENTATIVE MURPHY: Yes, sir. All those in favor  
16 of adopting the redistricting ad hoc committee's  
17 working plan signify by saying "aye."

18 MULTIPLE VOICES: Aye.

19 REPRESENTATIVE MURPHY: All those opposed. The ayes  
20 have it. So at this time, I'm going to rep --  
21 recognize Representative Jordan to discuss the  
22 first amendment to the ad hoc plan.

23 REPRESENTATIVE JORDAN: Thank you, Chairman Murphy.  
24 Let me also say it's been a privilege to chair  
25 this ad hoc redistricting committee. Also, as



1 you did, want to thank the other members of the  
2 committee, my colleagues: Representative  
3 Henegan, Representative Bernstein, Representative  
4 Newton, Representative Elliott, Representative  
5 Bamberg, and Representative Collins. These  
6 members as -- as well as the very, very hard  
7 working staff that have been working on this  
8 issue, have dedicated, as you said, Mr. Chairman,  
9 many hours and thousands of miles of travel  
10 across the state in pursuit of our goal,  
11 critically important goal, the development of a  
12 proposed plan to redraw the district lines; and  
13 again, as you said, Mr. Chairman, in light of the  
14 population changes that we've seen in South  
15 Carolina since 2010. As for these last few  
16 months, I can -- I think a sincere thank you is  
17 in order for each person that assisted in that  
18 process, in this legislative process. I can tell  
19 you after several months of work, we've had 11  
20 public hearings, we've received and reviewed  
21 multiple map submissions; and then on last --  
22 last week, last Monday, November 8th, as we all  
23 know, we posted a working draft plan and from  
24 there we received testimony on that working draft  
25 plan on November the 10th. I believe the ad hoc

1 committee, little over four, perhaps four and a  
2 half hours, in that November 10th hearing to hear  
3 public testimony. And then, of course, we  
4 adopted the published plan as our working draft  
5 plan at that meeting back on November 10th, and  
6 then that allowed members to further assess the  
7 proposed revisions and then allowed us to receive  
8 additional public testimony and other information  
9 through our House redistricting website. I know  
10 all of you have -- I know everyone, as the  
11 Chairman said, has been in the map room and  
12 participated in this process. So I'm not telling  
13 you anything you don't know and you -- but I know  
14 you can appreciate that this have been a  
15 extremely difficult task. There is no one change  
16 that doesn't ripple across the map and impact the  
17 other districts and lines. The 124 House seats  
18 are to be apportioned among the inhabitants of  
19 our state in districts that should ideally be  
20 41,278 people. Our legislative districts must  
21 provide for equal voting rights: One person, one  
22 vote. This is our constitutional mandate and our  
23 guiding principle of law. This is in, of course,  
24 conjunction with what we've also considered as  
25 important social, cultural, historical context of

1 our communities. The working plan the  
2 redistricting ad hoc committee recommends to you  
3 we believe is a necessary first step in achieving  
4 our fundamental constitutional goal of equality  
5 in voting, and of course, is in accordance with  
6 the guidelines and criteria adopted for this  
7 cycle in that we have before you the foundation  
8 on which to build and of course, as I've  
9 referenced many times, starts with United States  
10 Constitution, then our constitution here in South  
11 Carolina, and of course Federal and State law.  
12 We have worked, I can tell you, diligently to  
13 make districts contiguous and compact from the  
14 lines as they were approved by the Department of  
15 Justice and the Federal State Courts back in  
16 2011. We heard from citizens, we heard from  
17 interest groups throughout the state, and in our  
18 effort to fairly and reasonably consider  
19 communities of interest, and of course incumbency  
20 in addition to all that criteria I just  
21 mentioned. We realize incumbency is a polarizing  
22 as a guideline, and I want to specifically note  
23 that consideration of incumbency has been a  
24 principle we consider historically in South  
25 Carolina, and the Federal courts have not only

1 acknowledged this principle, but observed it as a  
2 noteworthy consideration. As noted already, I  
3 understand there are several amendments to be  
4 presented here today; however, as I said just an  
5 hour and a half ago, I guess, to the ad hoc  
6 committee as we concluded earlier today, the  
7 Judiciary Committee, as we sit here, needs a  
8 starting point; and we believe the ad hoc  
9 committee has provided just that: A working plan  
10 on which to start. I do want to thank all the  
11 members that took time, and I'm going to talk a  
12 little more about that in just a second through  
13 the first amendment, to come to the map room, not  
14 just in beginning of the process, but also this  
15 last week in order to help us work through some  
16 necessary changes. So Mr. Chairman, that  
17 concludes sort of my update as to where we are,  
18 and with that I can move forward with my proposed  
19 amendment if appropriate.

20 REPRESENTATIVE MURPHY: All right. Chairman Jordan's  
21 going to talk about the first amendment which is  
22 basically a comprehensive amendment. If you  
23 notice, around here we've got four tables that we  
24 can see. There's TV's, there's two TV's behind  
25 us that the audience can see, and then on the

1 sides, in sight over there, that is a map of the  
2 comprehensive changes. I understand that it's  
3 hard to see. Unfortunately we are constrained by  
4 the technology in here for the public to know  
5 that the full Judiciary, the entire fifth floor  
6 is undergoing a major renovation, and we are sort  
7 constrained in what we can do down here that we  
8 normally would do in full Judiciary. But  
9 Representative Jordan is going to explain the  
10 changes that are contained in this amendment off  
11 of the working draft plan. So at this time, I'll  
12 recognize Representative Jordan. Go ahead.

13 REPRESENTATIVE KING: Do we have a print copy of this?  
14 Honestly, I really cannot see that far.

15 REPRESENTATIVE MURPHY: We -- there is no print copy,  
16 but if it is adopted, Representative King, it'll  
17 be uploaded onto the redistricting website, and  
18 you'll be able to zoom in on it and everything  
19 else. There weren't many changes, and he's going  
20 to explain the changes. And if you want -- I saw  
21 Representative Wetmore. If you want to move a  
22 little bit closer, you can.

23 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman. As I  
24 referenced a moment ago and as we hoped and  
25 expected last week, at the conclusion of our

1 public hearing and the draft plan at that point  
2 became a working plan, House members took the  
3 opportunity to have further input into the  
4 communities they represent and take into account  
5 their constituents, this amendment -- and I'll go  
6 through it more specifically in just a second,  
7 but this amendment is what I would say makes  
8 minor changes to the lines that do not adversely  
9 impact neighboring districts or cause surrounding  
10 districts to be outside of the two-and-a-half  
11 percent deviations. So these are amendment --  
12 this -- and let me further clarify as well: We  
13 could have done this, I suppose, I think I'm  
14 looking at six -- five different changes on the  
15 map. For time sake, because these are all have  
16 in common that -- what I just described as not  
17 adversely impacting neighboring districts and  
18 keeping everyone in deviation, for time's sake, I  
19 think it's easier just to put them all in this  
20 one, as the Chairman said, "clean-up bill," but  
21 certainly I'll take any questions. So the first  
22 part of this deals with Districts 31 and 33, and  
23 it simply moves the airport into District 31 from  
24 District 33. I don't believe it affected very  
25 many people at all, but that's essentially what -

1 - the first element. The second district -- and  
2 I think you can see on the map up there District  
3 31 and 33 in the Upstate Spartanburg area  
4 bordering on each other, and if you can see  
5 really good, which I sort of can't anymore, you  
6 can see the mouse moving there. So that's a  
7 simple change between District 31 and 33, and  
8 again, does not affect deviation and I believe  
9 the members of those two districts are in  
10 agreement with that particular change. The next  
11 one, District 10 picked up a little bit of  
12 population from District 6. Moving over there,  
13 as you can see, neighboring districts in the  
14 Upstate as well. Again, both districts remain in  
15 deviation and both -- again this in consult --  
16 consultation with the members of those districts.  
17 Nextly -- next, Districts 99 and 15 adjusted  
18 their boundary line. This had the -- again, same  
19 type thing: Everyone stays in deviation,  
20 everyone's in agreement with it between 99 and  
21 15. This had the benefit of completing two  
22 voting precincts that were not complete prior to  
23 this minor change, and you can see it down on the  
24 map down -- on the map down in the Low Country.  
25 Little harder to see because of the massive

1 population down there. Next, District 92 and 13,  
2 also a simple adjustment of the boundary line  
3 between those also in that area. And then lastly  
4 -- excuse me, 113. My fault. Lastly, District  
5 94, 98, and 109 and 114, those districts all come  
6 together as you can see in that geographic  
7 region, and again, adjustments to complete voting  
8 precincts in certain areas. That's the benefit  
9 and again, just like all the rest, doesn't pull  
10 anyone out of deviation and is a minor change in  
11 consultation with the members of those districts.  
12 And that essentially is a summary of the contents  
13 of this amendment.

14 REPRESENTATIVE MURPHY: Any questions for  
15 Representative Jordan on the -- what we'll just  
16 call the "Jordan Amendment"? Representative  
17 Newton?

18 REPRESENTATIVE NEWTON: Thank you, Mr. Chairman. Mr.  
19 Jordan, do any of these changes have any impact  
20 to the total number of majority-minority  
21 districts that we -- the subcommittee or ad hoc  
22 committee worked so hard to protect?

23 REPRESENTATIVE JORDAN: No, sir. Again, these are  
24 changes that do not get into something like that.  
25 These are boundary lines, voting precincts, minor



1 shifts of populations that do not affect an issue  
2 such as that. Again, I agree with you. The ad  
3 hoc committee worked very hard to address those  
4 issues.

5 REPRESENTATIVE NEWTON: Thank you, Mr. Jordan.

6 REPRESENTATIVE MURPHY: Representative Wetmore?

7 REPRESENTATIVE WETMORE: I'm so sorry. Can you walk  
8 me through that very last change again. I only  
9 caught four. Are there four or five?

10 REPRESENTATIVE JORDAN: There were five changes total.  
11 The last one was -- down in the Low Country was  
12 District 94, 98, 109, and 114; and you can see --  
13 if you -- as the map catches up, that's an area  
14 of the state that, again, there's a lot of  
15 population. So those districts all kind of come  
16 together, and so again, this is shifting a  
17 boundary line and does help complete voting  
18 precincts in that area, again, one of the  
19 underlying goals. So again, it doesn't pull  
20 anyone out of deviation, it doesn't make any  
21 major -- like Representative Newton just  
22 mentioned, doesn't make any major issues as a  
23 result of that. It's just changing within those  
24 neighboring districts.

25 REPRESENTATIVE WETMORE: Thank you.

1 REPRESENTATIVE MURPHY: Any other questions for  
2 Representative Jordan on the amendment that he  
3 just explained. Hearing none, the pending  
4 question is adoption of the amendment. All those  
5 in favor say "aye."

6 MULTIPLE VOICES: Aye.

7 REPRESENTATIVE MURPHY: Any opposed?

8 (No response.)

9 REPRESENTATIVE MURPHY: The ayes have it. Amendment  
10 No. 1 is adopted. The next amendment is  
11 Representative Will Wheeler and Representative  
12 Wheeler will explain his amendment.

13 REPRESENTATIVE WHEELER: Thank you, Mr. Chairman, and  
14 thank everybody that worked on this initial plan  
15 'cause once it was done, as you said, we could  
16 get together and make some additional  
17 adjustments. This particular amendment affects  
18 only Districts 50, 51, and 64; and only in Sumter  
19 County. It just serves to make essentially 64  
20 and 50 slightly more contiguous. It makes 64  
21 basically run up the river. That's the Clarendon  
22 County district. So it's consistent with going  
23 up in the length on up the river and then 50  
24 comes down the other side, and just switching  
25 some territories that had probably been switched

1 back and forth a few times over the years. But  
2 Mr. Weeks and Ms. Johnson and I came up -- the  
3 three of us together met and worked on these  
4 changes yesterday. Be glad to answer any  
5 questions anybody might have.

6 REPRESENTATIVE MURPHY: All right. Any questions for  
7 Representative Wheeler on the amendment that he  
8 just explained? Hearing none, the question  
9 before the body is adoption of the -- we'll call  
10 it the "Sumter Wheeler Amendment." All those in  
11 favor say "aye."

12 MULTIPLE VOICES: Aye.

13 REPRESENTATIVE MURPHY: All opposed. Amendment No. 2  
14 is adopted. We have Representative Justin  
15 Bamberg. You're recognized.

16 REPRESENTATIVE BAMBERG: Thank you, Mr. Chair. This  
17 particular amendment is aimed at doing some  
18 proverbial house cleaning. As was discussed at  
19 the ad hoc meeting, the map was a work in  
20 progress. This amendment addresses some concerns  
21 that were raised with regards to primarily  
22 District 102, currently represented by  
23 Representative Joe Jefferson. He was a part of  
24 the conversations with regards to putting some  
25 areas that were previously in that particular

1 district, based on likeness of population, things  
2 like that, back into that district. In early  
3 attempts to address some issues, for example,  
4 part of Williamsburg County ended up in that  
5 Berkeley County district. That was reverted back  
6 and puts those back in District 101, presently  
7 represented by Representative McKnight. So these  
8 are just some housekeeping things that -- of  
9 issues that were raised by members on behalf of  
10 their constituency in their specific geographical  
11 areas, and I would move for passage.

12 REPRESENTATIVE MURPHY: Anyone have a question for  
13 Representative Bamberg on the amendment that he  
14 just explained? Yes, ma'am. Make sure you --  
15 it's hard for me to see in this configuration.  
16 So --

17 REPRESENTATIVE WETMORE: Thank you, Mr. Chairman. I  
18 do want to ask a point of clarification and that  
19 deals with the county boundaries. Representative  
20 Bamberg, does that mean that 101 is now totally  
21 out of the boundaries of Berkeley County or no?

22 REPRESENTATIVE BAMBERG: I believe 101 still has some  
23 of Berkeley County and that part was only  
24 adjusted just a bit, but not substantial changes  
25 that are going to impact the overall

1 representation of the county or the people there.

2 REPRESENTATIVE WETMORE: Okay. Thank you. I  
3 appreciate that.

4 REPRESENTATIVE BAMBERG: Yes, ma'am.

5 REPRESENTATIVE MURPHY: All right. Any other  
6 questions for Representative Bamberg on the  
7 amendment that he just explained?

8 (No response.)

9 REPRESENTATIVE MURPHY: All right. Hearing none, the  
10 question before the body is adoption of the  
11 amendment. All those in favor say "aye."

12 MULTIPLE VOICES: Aye.

13 REPRESENTATIVE MURPHY: All those opposed.

14 (No response.)

15 REPRESENTATIVE MURPHY: The ayes have it. The  
16 amendment is adopted. Next up is Representative  
17 Bernstein to explain her amendment.

18 REPRESENTATIVE BERNSTEIN: Thank you, Mr. Chairman.  
19 As the committee knows, I was on the ad hoc  
20 committee and we traveled across the state  
21 listening to public testimony; and most recently,  
22 we also had a hearing last week and heard some  
23 compelling testimony particularly as it relates  
24 to Orangeburg. And what this amendment attempts  
25 to do is to reduce the split in the City of

1 Orangeburg. We heard concerns from the public as  
2 well as written submissions about the splits in  
3 Orangeburg. This amendment has the split -- the  
4 city split into two districts, District 90 and  
5 95, rather than three; and this also enhances the  
6 ability of minority groups in the area to elect  
7 their candidate of choice.

8 REPRESENTATIVE MURPHY: Any questions for  
9 Representative Bernstein on the amendment that  
10 she just explained?

11 (No response.)

12 REPRESENTATIVE MURPHY: Hearing or seeing none, the  
13 question before the body is adoption of the  
14 amendment as explained. All those in favor say  
15 "aye."

16 MULTIPLE VOICES: Aye.

17 REPRESENTATIVE MURPHY: All those opposed.

18 (No response.)

19 REPRESENTATIVE MURPHY: All right. The amendment has  
20 been adopted. The next amendment I recognize  
21 Representative McKnight.

22 REPRESENTATIVE MCKNIGHT: Thank you, Mr. Chairman.  
23 Mr. Chairman, members of the committee, fellow  
24 citizens, good afternoon. I've -- I'm making the  
25 following amendment. This amendment will keep

1 the community of Lake City as a whole. Lake City  
2 has four voting precincts and this amendment will  
3 put them all into District 101. We've heard from  
4 members of the community and constituents and  
5 they voiced strong input into keeping Lake City  
6 whole. So respectfully, I move for this limit.  
7 Thank you, Mr. Chairman.

8 REPRESENTATIVE MURPHY: And you also did that with the  
9 -- in conjunction with Representative Kirby,  
10 correct?

11 REPRESENTATIVE MCKNIGHT: That is correct. And I'm  
12 sorry, one other point: This also prevents  
13 District 57 from going into four different  
14 counties.

15 REPRESENTATIVE MURPHY: Correct. All right. Any  
16 questions for Representative McKnight on the  
17 amendment that he just explained?

18 (No response.)

19 REPRESENTATIVE MURPHY: Hearing or seeing none, the  
20 question is adoption of the amendment as  
21 explained. All those in favor say "aye."

22 MULTIPLE VOICES: Aye.

23 REPRESENTATIVE MURPHY: All those opposed.

24 (No response.)

25 REPRESENTATIVE MURPHY: The amendment is adopted. This

1           time I will recognize Representative King on his  
2           first amendment.

3   REPRESENTATIVE KING: Thank you, Mr. Chair. As you  
4           know, Representative Govan is not a part of this  
5           committee and could not submit his own amendment.  
6           He has asked if I would submit an amendment for  
7           him and he has written a statement that explains  
8           the amendment. He says that it will -- the  
9           cracking the community of interest in this area  
10          of Orangeburg County and gerrymandering of those  
11          interests into smaller counties, such as Bamberg,  
12          Barnwell, and Allendale that have nothing in  
13          common with Orangeburg, makes no sense. I read  
14          for him. He says (as read): "I propose or would  
15          properly address this situation result in no  
16          significant changes in the draft plan other than  
17          those addressed areas affected concerning  
18          Orangeburg, Bamberg, Calhoun, Allendale, and  
19          Barnwell Counties." He says (as read): "The  
20          plan clearly meets all six of the key traditional  
21          redistricting criteria," and he listed those,  
22          "meets the eye test; maintain constituent  
23          consistency; respects urban, suburban, and rural  
24          communities of interest; avoids splitting of  
25          precincts; avoid cracking and gerrymandering; and



1 finally, limit -- because of the limit of the  
2 COVID pandemic could impacts and response to the  
3 plan has been overwhelming negative and against -  
4 - and in opposition with continued growth as  
5 people become more aware of what is being  
6 proposed." And I propose this amendment on  
7 behalf of Representative Govan and move for its  
8 passage.

9 REPRESENTATIVE MURPHY: Any -- anyone have any  
10 questions for Representative Bamberg?

11 REPRESENTATIVE BAMBERG: At the appropriate time, Mr.  
12 Chair, I would move to table this particular  
13 amendment. It would effectively undo an  
14 amendment that passed earlier by Judiciary  
15 unanimously.

16 REPRESENTATIVE MURPHY: All right. Let me -- I was  
17 just going to see if anybody has a question for  
18 you, Mr. King. Anybody have a question for  
19 Representative King? Representative Caskey?

20 REPRESENTATIVE CASKEY: Thank you, Mr. Chairman. I  
21 would love for somebody to explain to me the  
22 difference between the King No. 1 amendment that  
23 we're currently debating and the Bamberg  
24 amendment that we adopted earlier. What's the  
25 difference between the two?

1 REPRESENTATIVE MURPHY: Representative Bernstein.

2 REPRESENTATIVE CASKEY: Pardon? Oh, correct. Yeah.  
3 I'm sorry.

4 REPRESENTATIVE MURPHY: Yeah. Representative King, do  
5 you want to explain the difference between your  
6 amendment and the amendment that was previously  
7 adopted?

8 REPRESENTATIVE KING: I honestly cannot tell you  
9 exactly what Ms. Bernstein did and I am -- what -  
10 - in this particular amendment that  
11 Representative Govan has asked me to present,  
12 from what he's told me in looking at it, it puts  
13 him back into the district in which he  
14 represented and that was the interest of the  
15 people in Orangeburg County. It will allow for  
16 there to be two resident representatives in  
17 Orangeburg County versus just one resident,  
18 something that they feel that they should have at  
19 the size of that county; and so what it does is  
20 it brings Orange back -- Orangeburg back with not  
21 just one resident representative, but two and it  
22 preserves a minority-majority district.

23 REPRESENTATIVE MURPHY: All right. Any further  
24 discussion, Mr. Caskey?

25 REPRESENTATIVE BERNSTEIN: You know, I --

1 REPRESENTATIVE MURPHY: Representative Bernstein?

2 REPRESENTATIVE BERNSTEIN: Thank you. I'm sorry. I

3 apologize. I spoke out of turn. I apologize.

4 So I don't know Representative Govan -- the exact

5 difference between this and what the amendment

6 that we just passed. I think we're going --

7 trying to accomplish the same thing in limiting

8 how many -- how the city is going to be split.

9 Think the original plan had it among three

10 representatives, and now, under this amendment,

11 it -- the City of Orangeburg would be split into

12 two districts, and that would be 90 and 95,

13 rather than the three. So with that, I'm not real

14 sure the difference because I believe what the

15 amendment that Representative Govan -- or I

16 should clarify and say that Representative King

17 has submitted, would do the same thing, just

18 maybe the lines may look different.

19 REPRESENTATIVE KING: I -- Mr. Chair --

20 REPRESENTATIVE MURPHY: Representative King?

21 REPRESENTATIVE KING: Representative Govan was texting

22 me just saying this would put him back in the

23 district in where he lived. It would not put him

24 into Calhoun County, I believe is what he said.

25 And it -- he is -- he -- the way it's drawn, it

1           would put him back into 95 in which -- where he  
2           lives now.

3 REPRESENTATIVE MURPHY: But he'll still be in a House  
4           district.

5 REPRESENTATIVE KING: I -- granted. I understand  
6           that. Just, you know, I'm representing him as a  
7           legislator --

8 REPRESENTATIVE MURPHY: Yes, sir. I understand that.

9 REPRESENTATIVE KING: -- for his amendment, and I'm  
10          just -- so that's what it does. It creates his  
11          district back again in which he represents and he  
12          says it's the wishes of the constituency in  
13          Orangeburg County.

14 REPRESENTATIVE MURPHY: I think Representative Jordan  
15          had a comment.

16 REPRESENTATIVE JORDAN: Mr. Chairman, it may help a  
17          little bit just to give you kind of a little bit  
18          of 30,000 foot view maybe. So there are roughly  
19          30 -- 13,000 people in the City of Orangeburg.  
20          In the ad hoc working draft, it was -- talking  
21          about the city now -- split four ways and this --  
22          that's one of the things the committee heard a  
23          lot of testimony that was concerning. The  
24          Bernstein amendment helps that tremendously. It  
25          splits the city much less severely. It ends up

1 with about 10,000 people that would be in  
2 District 90 and about 3,000 are in District 95.  
3 So 95 still is connected to Orangeburg obviously.

4 Of the two of these districts -- and  
5 therefore, only two of these districts reach into  
6 the city, whereas there are four districts in the  
7 county. I think what we're talking about is the  
8 splits -- the split of the city, and so the  
9 Bernstein amendment does tremendously help that.  
10 And I should point out too there was never a  
11 singular district in the City of Orangeburg, I  
12 don't believe. So a lot of the concerns that  
13 were raised to the ad hoc committee are addressed  
14 by way of the Bernstein amendment.

15 REPRESENTATIVE MURPHY: Representative Jordan, does  
16 this -- what we're calling the "Bernstein  
17 amendment," it creates, if I'm not mistaken, four  
18 majority-minority districts with -- am I correct  
19 in that?

20 REPRESENTATIVE JORDAN: I believe that's correct. I  
21 believe the way that the previous -- the ad hoc  
22 committee plan, I believe it had three majority-  
23 minority districts, and under this amendment, it  
24 goes to four --

25 REPRESENTATIVE MURPHY: Four.

1 REPRESENTATIVE JORDAN: -- majority-minority  
2 districts. That is --

3 REPRESENTATIVE MURPHY: All right.

4 REPRESENTATIVE JORDAN: I believe that's correct.

5 REPRESENTATIVE MURPHY: Thank you.

6 REPRESENTATIVE KING: Thank you, Mr. Chair. One thing  
7 I would like to note for the record is that prior  
8 to the last redistricting, the kitty -- committee  
9 should know that Orangeburg County was in House  
10 District 90. So that is not an unknown thing.  
11 That is how it was for a decade before. The plan  
12 does -- as Representative Bernstein submitted,  
13 does create four majority-minority districts and  
14 there have been people who've raised concerns  
15 about the commonality of, say, Bamberg County and  
16 Orangeburg County. They already have shared  
17 services. Representative Caskey, for example,  
18 they share a hospital, they share a tri-county  
19 alcohol and drug abuse program. So the Bamberg,  
20 Orangeburg, Calhoun sort of tri-county area has a  
21 lot of shared services and their economies are  
22 tied directly to one another. And if you look at  
23 the other communities of interest aspects,  
24 economy, social and cultural commonality of  
25 communications, those counties share a local

1 newspaper, for example, which is the main means  
2 of information getting out; geography location of  
3 features. So I would just like the committee  
4 members to understand that. Thank you, Mr.  
5 Chair.

6 REPRESENTATIVE MURPHY: And I believe you had a motion  
7 that you're going to raise, Representative  
8 Bamberg?

9 REPRESENTATIVE BAMBERG: Yes, Mr. Chair. I would move  
10 to table the King amendment.

11 REPRESENTATIVE MURPHY: All right. Representative  
12 Bamberg moves to table the King amendment. All  
13 those in favor of tabling the King amendment say  
14 "aye."

15 MULTIPLE VOICES: Aye.

16 REPRESENTATIVE MURPHY: Any opposed?

17 UNKNOWN REPRESENTATIVE:

18 REPRESENTATIVE MURPHY: One opposed. The amendment,  
19 King amendment, is tabled. I believe  
20 Representative King has a second amendment.

21 REPRESENTATIVE KING: Thank you, Mr. Chair. My second  
22 amendment, which -- let's give --

23 REPRESENTATIVE MURPHY: Okay. We'll give Ms. Dena  
24 Rowland a chance to hand it out.

25 REPRESENTATIVE KING: Thank you, Mr. Chair, and

1 hopefully everyone has the amendment. Mr. Chair  
2 and members of Judiciary Committee, when the ad  
3 hoc committee met in York County in Rock Hill and  
4 I spoke, as well as when I spoke virtually, I  
5 have advocated for this particular amendment and  
6 now that I am on full committee, I advocate for  
7 it as well where this amendment strikes less than  
8 5 percent of a relative deviation in excess or  
9 plus and minus two-and-one-half percent for each  
10 South Carolina House district, and it changes it  
11 to less than 10 percent of a relative deviation  
12 in excess or plus or minus 5 percent for South  
13 Carolina House districts. As you all have tried  
14 to preserve minority -- majority-minority  
15 districts, it has come -- even harder to do that  
16 as the populations have not grown or moved in  
17 other areas; and so in order to create and  
18 preserve majority-minority districts, I feel that  
19 moving the deviation to 10 percent versus 5  
20 percent will give an opportunity for groups who  
21 would like to elect from -- someone from a  
22 minority community have a more likely chance of  
23 electing those people. And so I still support an  
24 amendment where we move the deviation from 5  
25 percent to 10 percent, which will not only



1 protect groups of interest and put them together,  
2 but also look at minority-majority districts in  
3 ensuring that we at least have a chance to be  
4 elected in districts across the state. So I make  
5 that -- I put this amendment up and put it in a  
6 formal motion to accept it.

7 REPRESENTATIVE NEWTON: Thank you, Mr. Chairman. Mr.  
8 Chairman, as you all know, I was a member of the  
9 ad hoc committee and we've not only discussed the  
10 criteria at the outset, we had the occasion to  
11 consider the possibility of amending the  
12 criteria. I think a motion was introduced along  
13 the way, and I think it's significant and  
14 important to remember that, you know, the  
15 Fourteenth Amendment and the Equal Protection  
16 Clause is intended to try to promote as nearly  
17 equal population as is practical. There -- it's  
18 worthy of observation that of the plan -- other  
19 plans that have been submitted that have used a  
20 10 percent deviation, there are fewer minority-  
21 majority districts protected under those plans  
22 which I think is contrary to the -- part of  
23 Representative King's argument that he has  
24 suggested. You know, we've discussed this again  
25 even at the last public hearing that we had and

1 the meeting that -- you know, the Supreme Court  
2 has -- this is the United States Supreme Court --  
3 has declined to create a safe harbor for  
4 population deviations of less than 10 percent,  
5 and you know, I'm -- I believe, Mr. Chairman,  
6 that based on our discussion based on what the  
7 Fourteenth Amendment and the goal of the Equal  
8 Protection Clause and what the requirements are  
9 and furthermore what is practically shown by the  
10 submissions that have been made by others that  
11 the deviation at 5 percent is appropriate, and at  
12 the appropriate time, I would move to table the  
13 motion.

14 REPRESENTATIVE MURPHY: All right. You have a --  
15 Representative Elliott, you have a question?

16 REPRESENTATIVE ELLIOTT: Just a comment, Mr. Chairman.  
17 I would also note to Mr. King that we have had  
18 this discussion before and I appreciate him  
19 trying -- enlighten us, talking about this again.

20 I would note that the NAACP submission map  
21 in their proposed map used a 5 percent deviation  
22 as well, and I'm assuming that their interest  
23 would be in protecting majority-minority  
24 districts.

25 REPRESENTATIVE MURPHY: All right. Thank you,

1 Representative Elliott. We have a motion by  
2 Representative Newton to table the King  
3 amendment. All those in favor of -- you want to  
4 -- all right. I'll let you briefly respond.

5 REPRESENTATIVE KING: Thank you, Mr. Chair. I have  
6 placed my comments in writing to be placed in the  
7 record, and so is --

8 REPRESENTATIVE MURPHY: If you'll just hand those to  
9 Emma Dean, and she'll make sure that it gets in  
10 the record, Representative King.

11 REPRESENTATIVE KING: And in reference to -- and I  
12 know we have not done this today, but in  
13 reference to this particular vote, I would like  
14 for it to be a roll call vote, please, sir.

15 REPRESENTATIVE MURPHY: We have a motion to table the  
16 King amendment. Representative King has asked  
17 for a roll call. Do five members concur in his  
18 request? Well, we got one concurring. Five do  
19 not. The pending question before the body is  
20 tabling of the King amendment. All in favor say  
21 "aye."

22 MULTIPLE VOICES: Aye.

23 REPRESENTATIVE MURPHY: All right. Any opposed? Two  
24 opposed. The amendment fails. I believe you  
25 have one more amendment, Representative King?

1 REPRESENTATIVE KING: I do and thank you.

2 REPRESENTATIVE MURPHY: And that amendment is on the  
3 screen.

4 REPRESENTATIVE KING: Thank you. And this is my last  
5 amendment. This is just a clean-up amendment in  
6 York County. This one right here where -- I  
7 can't see it as you -- but it deals with Dave  
8 Lyle Boulevard being the dividing line with House  
9 District 49 and 46. Parts of York (ph) will go  
10 from 46 to 47, and parts of downtown York will go  
11 from 49 to 47. This enhances the ability of  
12 minority groups in the area to elect the  
13 candidates of their choice, and I move for its  
14 passage.

15 REPRESENTATIVE MURPHY: And I believe, Representative  
16 King, you've talked with the other members in the  
17 surrounding districts and they concur in this  
18 request.

19 REPRESENTATIVE KING: Yes.

20 REPRESENTATIVE MURPHY: All right. Pending question  
21 is adoption of the King amendment that was just  
22 discussed. All those in favor say "aye."

23 MULTIPLE VOICES: Aye.

24 REPRESENTATIVE MURPHY: All those opposed.

25 (No response.)

1 REPRESENTATIVE MURPHY: No one opposed. The King  
2 amendment has been adopted. Pending question now  
3 before the body is the adoption of the 2021  
4 Redistricting -- House Redistricting Plan. Roll  
5 call is required and ordered as amended.

6 MS. DEAN: Mr. Bailey?

7 REPRESENTATIVE BAILEY: Aye.

8 MS. DEAN: Aye. Mr. Bamberg?

9 REPRESENTATIVE BAMBERG: Aye.

10 MS. DEAN: Aye. Ms. Bernstein.

11 REPRESENTATIVE BERNSTEIN: Aye.

12 MS. DEAN: Aye. Mr. Bryant.

13 REPRESENTATIVE BRYANT: Aye.

14 MS. DEAN: Aye. Mr. Caskey.

15 REPRESENTATIVE CASKEY: Aye.

16 MS. DEAN: Aye. Mr. Collins.

17 REPRESENTATIVE COLLINS: Aye.

18 MS. DEAN: Aye. Mr. Cox.

19 REPRESENTATIVE COX: Aye.

20 MS. DEAN: Aye. Ms. Davis.

21 REPRESENTATIVE DAVIS: Aye.

22 MS. DEAN: Aye. Mr. Elliott.

23 REPRESENTATIVE ELLIOTT: Aye.

24 MS. DEAN: Aye. Mr. Fry.

25 REPRESENTATIVE FRY: Aye.

1 MS. DEAN: Aye. Ms. Henegan.  
2 REPRESENTATIVE HENEGAN: Aye.  
3 MS. DEAN: Aye. Mr. Hyde.  
4 REPRESENTATIVE HYDE: Aye.  
5 MS. DEAN: Aye. Mr. Johnson.  
6 REPRESENTATIVE JOHNSON: Aye.  
7 MS. DEAN: Aye. Mr. Jordan.  
8 REPRESENTATIVE JORDAN: Aye.  
9 MS. DEAN: Aye. Ms. Kimmons.  
10 REPRESENTATIVE KIMMONS: Aye.  
11 MS. DEAN: Aye. Mr. King.  
12 REPRESENTATIVE KING: (No audible response.)  
13 MS. DEAN: Not voting. Mr. McCravy.  
14 REPRESENTATIVE MCCRAVY: Aye.  
15 MS. DEAN: Aye. Mr. McKnight.  
16 REPRESENTATIVE MCKNIGHT: Aye.  
17 MS. DEAN: Aye. Mr. Murphy.  
18 REPRESENTATIVE MURPHY: Aye.  
19 MS. DEAN: Aye. Mr. New -- Brandon Newton.  
20 REPRESENTATIVE NEWTON: Aye.  
21 MS. DEAN: Aye. Mr. Weston Newton.  
22 REPRESENTATIVE NEWTON: Aye.  
23 MS. DEAN: Aye. Mr. Rose.  
24 REPRESENTATIVE ROSE: No.  
25 MS. DEAN: No. Mr. Thigpen.

1 REPRESENTATIVE THIGPEN: (No audible response.)

2 MS. DEAN: Not voting. Ms. Wetmore.

3 REPRESENTATIVE WETMORE: No.

4 MS. DEAN: No. Mr. Wheeler.

5 REPRESENTATIVE WHEELER: Aye.

6 MS. DEAN: Aye.

7 REPRESENTATIVE MURPHY: All right. By a vote of 21 in  
8 favor, 2 opposed, 2 not voting, the 2021 House  
9 Redistricting Plan as amended has been adopted.  
10 That is the only issue that we had today. Does  
11 anybody want to speak on the bill? I mean, it's  
12 -- go ahead, Ms. Wetmore. You have a question?

13 REPRESENTATIVE WETMORE: Are the amended maps  
14 available or --

15 REPRESENTATIVE MURPHY: They will be up --

16 REPRESENTATIVE WETMORE: -- by tomorrow --

17 REPRESENTATIVE MURPHY: -- by this afternoon. By the  
18 -- definitely by tomorrow.

19 REPRESENTATIVE WETMORE: Okay.

20 REPRESENTATIVE MURPHY: But they'll -- we're going to  
21 hope to have them up by today.

22 REPRESENTATIVE WETMORE: Thank you.

23 REPRESENTATIVE MURPHY: Any other questions? Any  
24 other concerns?

25 (No response.)

1 REPRESENTATIVE MURPHY: All right. Move to adjourn.

2 Entertain a motion.

3 MULTIPLE VOICES: So moved.

4 REPRESENTATIVE MURPHY: All right. All those in favor  
5 say "aye."

6 MULTIPLE VOICES: Aye.

7 REPRESENTATIVE MURPHY: All right. We are adjourned.

8 Thank y'all for your hard work.

9 (There being nothing further, the hearing  
10 concluded)

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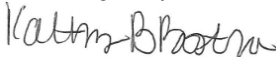
## CERTIFICATE OF REPORTER

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 TUESDAY,  
THE 16TH DAY OF NOVEMBER 2021, THAT THE FOREGOING 39 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  
WAS THEREAFTER SEALED BY ME AND DELIVERED TO EMMA DEAN,  
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OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY  
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IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS  
11TH DAY OF JANUARY 2021.



KATHRYN B. BOSTROM, COURT REPORTER

MY COMMISSION EXPIRES AUGUST 28, 2022

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