

**South Carolina General Assembly**  
122nd Session, 2017-2018

**S. 341**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Setzler, McLeod and Fanning

Document Path: I:\s-res\ngs\006reap.kmm.ngs.docx

Introduced in the Senate on February 1, 2017

Currently residing in the Senate Committee on **Judiciary**

Summary: Amendment to the Constitution of S.C.

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
2/1/2017	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 17</a> )
2/1/2017	Senate	Referred to Committee on <b>Judiciary</b> ( <a href="#">Senate Journal-page 17</a> )

View the latest [legislative information](#) at the website

**VERSIONS OF THIS BILL**

[2/1/2017](#)

1  
2  
3  
4  
5  
6  
7  
8  
9

**A JOINT RESOLUTION**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

TO PROPOSE AN AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION, 1895, BY ADDING ARTICLE XVIII, TO PROVIDE FOR AN INDEPENDENT REAPPORTIONMENT COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE CHOSEN, TO PROVIDE FOR THE DUTIES OF THE COMMISSION, TO PROVIDE FOR THE APPROVAL OF PROPOSED APPORTIONMENT PLANS, TO PROVIDE FOR APPORTIONMENT IN THE EVENT THAT A PROPOSED APPORTIONMENT PLAN IS NOT APPROVED BY REFERENDUM, AND TO EXEMPT THE PROVISIONS OF THIS ARTICLE FROM THE PROVISIONS CONTAINED IN ARTICLE III, SECTION 1 OF THE SOUTH CAROLINA CONSTITUTION.

27  
28  
29

Be it enacted by the General Assembly of the State of South Carolina:

30  
31

SECTION 1. It is proposed that the Constitution of this State be amended by adding a new Article to read:

32  
33  
34  
35

“Article XVIII  
Independent Reapportionment Commission

36  
37  
38  
39  
40  
41  
42

Section 1. Whenever there is reason to reapportion districts for the Senate, House of Representatives, or United States House of Representatives because of a new federal census or because of a decision of a court of competent jurisdiction, an Independent Reapportionment Commission shall be formed. The Commission shall be composed of nine members selected by a three member Applicant Review Panel appointed by the State Inspector General.

1

2 Section 2. Within ninety days after the Commission has been  
3 organized or the necessary census data are available, whichever is  
4 later, the Commission shall file with the State Election  
5 Commission its proposed plan for apportioning Senate, House of  
6 Representatives, and United States House of Representatives  
7 districts. All deliberations of the Commission shall be open to the  
8 public.

9 The proposed apportionment plan shall be filed with the State  
10 Election Commission and shall be submitted to the voters in a  
11 statewide referendum to be held on the second Tuesday of  
12 November in the year in which the Commission is organized. If the  
13 apportionment plan is approved by a majority of the qualified  
14 electors casting ballots, it shall be automatically codified in the  
15 Code of Laws of South Carolina, 1976, and district boundaries  
16 shall be adjusted accordingly. The districts as codified following  
17 the referendum shall be the districts until such time as  
18 reapportionment is again required.

19 If the apportionment plan is not approved by a majority of the  
20 qualified electors casting ballots, the State Election Commission  
21 shall certify to the Supreme Court that the referendum failed to  
22 receive the requisite number of votes. The Supreme Court shall  
23 then issue an order appointing a three person tribunal of Special  
24 Apportionment Masters who shall devise a reapportionment plan  
25 in accordance with the apportionment criteria contained in  
26 SECTION 4 of this Article. The Special Apportionment Masters'  
27 plan shall then be automatically codified in the Code of Laws of  
28 South Carolina, 1976, and district boundaries shall be adjusted  
29 accordingly. The districts so codified shall be the districts until  
30 such time as reapportionment is again required.

31 The Commission shall dissolve upon the approval of the  
32 apportionment plan by referendum or upon the appointment of the  
33 tribunal of Special Apportionment Masters, as appropriate. The  
34 tribunal of Special Apportionment Masters, if convened, shall  
35 dissolve upon the release of its apportionment plan.

36

37 Section 3. Members of the Commission and the Applicant  
38 Review Panel shall be free of conflicts of interest and members of  
39 the Commission shall possess relevant analytical skills, the ability  
40 to be impartial, and an appreciation for South Carolina's diverse  
41 demographics and geography.

42 A conflict of interest exists when, during the past ten years, a  
43 person, or a member of his immediate family, has been appointed

1 to, elected, or been a candidate for elected office; served as an  
2 officer, employee, or paid consultant to a political party or the  
3 campaign committee of a candidate for elected office; served as an  
4 elected or appointed member of a political party; registered as a  
5 lobbyist on the federal, state, or local level; has been employed as  
6 legislative staff on the federal or state level; or contributed two  
7 thousand dollars or more to any congressional, state, or local  
8 candidate for office during any one year.

9

10 Section 4. Apportionment plans for the Senate, House of  
11 Representatives, and United States House of Representatives  
12 districts shall comply with the United States Constitution and the  
13 federal Voting Rights Act, 42 U.S.C. 1971, et. seq.

14 Apportionment plans shall be comprised of districts that are  
15 geographically contiguous and, to the greatest extent possible,  
16 geographically compact, while maintaining and respecting the  
17 geographic integrity of any city, county, city and county,  
18 neighborhood, or community of interest. Communities of interest  
19 shall not include relationships with political parties, incumbents, or  
20 political candidates. The place of residence of any incumbent or  
21 political candidate shall not be considered in the apportionment of  
22 districts, nor shall districts be apportioned for the purpose of  
23 favoring or discriminating against an incumbent, political  
24 candidate, or political party.

25

26 Section 5. No later than August 1<sup>st</sup> of each year when the United  
27 States Census is being conducted, or as soon as practicable  
28 following a decision of a court of competent jurisdiction  
29 mandating reapportionment, the Inspector General shall convene  
30 an Applicant Review Panel composed of three people. The  
31 Applicant Review Panel shall screen individuals applying to serve  
32 on the Independent Reapportionment Commission. The Applicant  
33 Review Panel shall then select nine qualified applicants for the  
34 Commission. All deliberations of the Applicant Review Panel shall  
35 be open to the public. The Applicant Review Panel shall complete  
36 its work on or before December 31<sup>st</sup> of the year in which it is  
37 formed, at which time it will dissolve.

38 The Inspector General shall prepare an application for interested  
39 individuals and establish a fair, open procedure for submitting  
40 applications for consideration.

41

42 Section 6. No person who serves on an Applicant Review Panel  
43 or an Independent Reapportionment Commission may hold elected

1 office in this State for a period of five years after his service has  
2 been completed.

3  
4 Section 7. The provisions contained in this Article are not subject  
5 to the provisions contained in Article III, Section 1 of the South  
6 Carolina Constitution, related to the legislative power of this  
7 State.”

8  
9 SECTION 2. The proposed amendments in SECTION 1 must be  
10 submitted to the qualified electors at the next general election for  
11 representatives. Ballots must be provided at the various voting  
12 precincts with the following words printed or written on the ballot:

13  
14 “Shall the 1895 South Carolina Constitution be amended by  
15 adding Article XVIII, to provide that apportionment of the South  
16 Carolina Senate, South Carolina House of Representatives, and  
17 United States House of Representatives districts shall be conducted  
18 by a nine member Independent Reapportionment Commission  
19 selected by an Applicant Review Panel appointed by the State  
20 Inspector General, to provide that the Commission’s  
21 apportionment plan shall be approved by referendum, to provide  
22 that if the apportionment plan is not approved by referendum, then  
23 a special tribunal shall be appointed by the Supreme Court to  
24 prepare an apportionment plan, and to provide parameters for all  
25 apportionment plans?

26  
27  
28 Yes

29  
30 No

31  
32 Those voting in favor of the question shall deposit a ballot with  
33 a check or cross mark in the square after the word ‘Yes’, and those  
34 voting against the question shall deposit a ballot with a check or  
35 cross mark in the square after the word ‘No’.”

36 ----XX----  
37