



August 30, 2021

Sent via email

Redistricting Ad Hoc Committee
Judiciary Committee
South Carolina House of Representatives
Columbia, South Carolina 29211
redistricting@schouse.gov

Re: Follow-up on Recommendations for Transparency, Public Involvement, and Fair Representation in South Carolina's Redistricting Process

Dear Chair Jordan and Committee Members:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”),¹ American Civil Liberties Union (“ACLU”), ACLU of South Carolina, South Carolina State Conference of the NAACP, League of Women Voters of South Carolina, South Carolina Appleseed Legal Justice Center, and South Carolina Progressive Network Education Fund write to reiterate our grave concern with the Committee’s failure to provide transparency and opportunities for meaningful public participation in advance of any vote on state legislative plans, and to ask additional questions about how the Committee plans to proceed during the redistricting cycle that is now underway.

On August 9, 2021, several of the present signatories wrote to you, in part, to recommend ways to involve your constituents and other community members,

¹ Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in political participation, education, economic justice, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

as well as to ensure transparency during *all* stages of the redistricting process.² As we also explained in that letter, transparency and robust public input is necessary to assist this Committee with its affirmative obligations to comply with the U.S. Constitution, Section 2 of the Voting Rights Act, and other parameters.

Unfortunately, in the three weeks since we shared our letter, this Committee has failed to make any effort to provide transparency about its redistricting process and seemingly intends to deny sufficient opportunities for public participation. Because of these shortcomings, we write with these additional questions on how the Committee plans to proceed during the present redistricting cycle:

1. When does the Committee intend to share proposed maps with the public?
2. Based on the Committee's intended schedule, when will the public have the opportunity to propose maps for the Committee's consideration, and what is the Committee doing to ensure that the public is aware of this timing?
3. To what extent does the Committee intend to hold public hearings in which testimony and public comment can be provided on maps proposed by the Committee and maps proposed by members of the public, *before* such maps are finalized or approved by the Committee?
4. What are the Committee's current plans to communicate with the public throughout this process? Does the Committee plan to use radio or web advertising or other means to raise public awareness of upcoming hearings, or is the Committee's website the only way for people to obtain this information?
5. Our understanding is that the Committee's procedures for the current redistricting cycle provide less transparency and fewer opportunities for public participation and meaningful input, as compared to the post-2010 redistricting cycle. What is the explanation for this change?

In closing, we remind the Committee that any maps it adopts must at a bare minimum comply with the "One Person, One Vote" mandate of the

² Letter from LDF, et al., to the S.C. House of Representative Judiciary Committee's Redistricting Ad Hoc Committee (Aug. 9, 2021), https://www.naacpldf.org/wp-content/uploads/Letter-to-SC-House-Redistricting-Ad-Hoc-Committee_08.09.2021_final.pdf.

Fourteenth Amendment’s Equal Protection Clause³ and Section 2’s “nationwide ban on racial discrimination in voting,”⁴ and that its actions implicate areas of deep public concern that call for the highest standards of transparency, integrity, and public accountability. Thus far, the evidence of which we are aware indicates that this Committee is failing to ensure fair, transparent, and participatory redistricting. We, therefore, call on the Committee to immediately take steps to remedy these shortcomings. We request your response in writing **by 5:00 p.m. on Wednesday, September 1, 2021.**

* * *

Please feel free to contact Steven Lance at slance@naacpldf.org with any questions or to discuss these issues in more detail. We also urge you once again to review [***Power on the Line\(s\): Making Redistricting Work for Us***](#),⁵ a guide for community partners and policy makers who intend to engage in the redistricting process at all levels of government. The guide provides essential information about the redistricting process, such as examples of recent efforts to dilute the voting power of communities of color and considerations for avoiding such dilution. The guide includes clear, specific, and actionable steps that community members and policy makers can take to ensure that voters of color can meaningfully participate in the redistricting process and hold legislators accountable.

Sincerely,

/s/ Steven Lance

Leah Aden, Deputy Director of Litigation
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³ *Reynolds v. Sims*, 377 U.S. 533, 565–68 (1964); *id.* at 558 (quoting *Gray v. Sanders*, 372 U.S. 368, 381 (1963)) (“The conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.”); see U.S. Const. amend. XIV, § 1 (“No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”).

⁴ *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 557 (2013); 52 U.S.C. § 10301(a) (“No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied . . . in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color . . .”).

⁵ See LDF, Mexican American Legal Defense and Educational Fund, and Asian Americans Advancing Justice | AAJC, *Power on the Line(s): Making Redistricting Work for Us*, (2021), <https://www.naacpldf.org/press-release/civil-rights-organizations-release-redistricting-guide-to-support-black-latino-and-aapi-communities-participation-in-crucial-process/>.

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