

Civil Rights Groups File Federal Lawsuit Over South Carolina Redistricting Failures

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COLUMBIA, S.C. — Civil rights groups filed a federal lawsuit today challenging the South Carolina Legislature’s unnecessary delay in drawing new redistricting maps that respect the constitutional one-person-one-vote principle.

The case was brought on behalf of the South Carolina State Conference of the NAACP and individual voters, who are represented by the American Civil Liberties Union, the ACLU of South Carolina, the NAACP Legal Defense and Educational Fund, Inc. (LDF), Boroughs Bryant LLC, and Arnold & Porter.

“Every day without new maps is a day in which interested organizations, such as the South Carolina NAACP and its volunteers, as well as candidates, cannot contact and educate the electorate in their districts,” said **Brenda Murphy, president of plaintiff SC NAACP**. “Every day without new maps is another day when Black voters and other voters across the state cannot appeal to and hold accountable at the next election representatives who have many issues that they need to respond to facing our communities such as the impact of COVID, educational and policing reform, landownership, and more.”

At issue is the state Legislature’s decision to adjourn this fall without first convening to propose, consider, and pass new maps that correct for South Carolina’s outdated, severely malapportioned congressional and state legislative districts. Redistricting only happens once every decade, and it determines the allocation of political power and representation at every level of government for the next 10 years.

Based on its own statements, there is every reason to believe that the Legislature will fail to publicly consider and pass new maps until it returns at a yet-to-be-disclosed time in “December or January,” making it nearly impossible for the public and any courts to evaluate the legal validity of the maps before the March filing deadline for the 2022 primary elections.

The Legislature's dereliction of duty also harms people running for office. The deadline for candidates to declare their intent to run for state and federal offices in 2022 is March 30. These candidates, and those who would organize and vote for or against them, need to know where new district lines will be drawn.

“The Legislature essentially skipped town without fulfilling its critical obligation of drawing new and fair maps,” said **American Civil Liberties Union attorney Somil Trivedi**. “The stakes are too high for lawmakers to be treating the public and the process with such little regard.”

The lawsuit spotlights how the state congressional, House, and Senate districts have severe population imbalances because they are currently based on 2010 population data.

For example, applying 2020 census data to 2010 maps means South Carolina's 6th Congressional District is almost 12% underpopulated compared to what it should be. The 1st Congressional District, meanwhile, is almost 12% overpopulated.

According to the complaint, until the Legislature fixes the malapportionment in these and other districts throughout the state, voters cannot decide which candidates to support, cannot decide to run or to encourage candidates to run, cannot educate themselves or others on the positions the candidates in their districts hold and prepare to hold those candidates accountable, and cannot associate with others in their districts to advocate and organize for candidates who share their views.

“In every redistricting cycle for the last 50 years — since Congress enacted the Voting Rights Act — voters and others have been compelled to go to court to fix the Legislature's maps,” said **Leah Aden, deputy director of litigation at NAACP LDF**. “The state's refusal to tell the public when it will reconvene to take up its obligation to redraw the lines and make it difficult, if not impossible, to resolve any court challenge before the consequential 2022 primaries is unacceptable.”

Allen Chaney, legal director of the ACLU of South Carolina, added, “Because there aren't fixed timelines for South Carolina's redistricting process, there's a real risk that important election deadlines will come and go before maps are drawn and tested against the equitable demands of our Constitution. This lawsuit will help ensure that South Carolinians have an opportunity to run, organize, and vote in state House and U.S. congressional elections with maps that meet constitutional requirements.”

South Carolina's maps have been litigated every decade since 1970 — in the 1970s, 1980s, 1990s, the 2000s, and the 2010s — and each time it took several months for the court to hear the cases. Knowing this, the Legislature adjourned anyway.

“Equal electoral access and representation is critical for Black South Carolinians and Gullah people in particular to make demands of and hold accountable the appropriate representatives,” said **plaintiff Taiwan Scott**. “The South Carolina Legislature must fairly apportion congressional and legislative districts so that we can make our voices heard and ensure elected officials are responsive to the needs of Black communities.”

The case, *South Carolina Conference of the NAACP v. McMaster*, was filed in U.S. District Court in Columbia, S.C.

Complaint: <https://www.aclu.org/legal-document/complaint-sc-naacp-v-mcmaster>

Statement: <https://www.aclu.org/press-releases/civil-rights-groups-file-federal-lawsuit-over-south-carolina-redistricting-failures>