



**Testimony of Leah Aden
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**Before the South Carolina Senate
Senate Judiciary Redistricting Subcommittee**

Testimony on the Public's Proposed Congressional Plans

November 12, 2021

Good afternoon. Again, I am Leah Aden, a Deputy Director of Litigation with the NAACP Legal Defense and Educational Fund, Inc. (also known as “LDF”). LDF has been a separate organization from the NAACP since 1957. I am pleased to supplement the testimony of President Murphy of the South Carolina State Conference of the NAACP (“SC NAACP”) today regarding the two congressional plans that a coalition of the SC NAACP, LDF, the American Civil Liberties Union (“ACLU”) and the ACLU of South Carolina submitted to this body.

There is no question, as President Murphy mentioned, that this Subcommittee must adjust boundaries for South Carolina’s Congressional districts to comply with constitutional principles including “one person one vote.” Because of population changes since 2010, there are population variances among *all* of South Carolina’s seven congressional districts. But, as you know, Congressional District 6 (or “CD 6”) is now significantly underpopulated, while CD 1 is significantly overpopulated. CD 6 has more than 646,000 people, which is about 11.6% smaller than ideal size. It needs to gain more than 84,000 people in the current redistricting. Meanwhile, CD 1 has about 819,000 people, which is about 12.0% larger than ideal size. It thus needs to lose nearly 88,000 people for constitutional compliance. Based on 2020 Census data, both CD 6 and CD 1 rank among the nation’s most malapportioned congressional districts.

In correcting for these apportionment issues, this Subcommittee must take care to not minimize Black voters’ voices. As the U.S. Constitution and the Voting Rights Act require, and as President Murphy just reminded you, this Subcommittee must neither “pack” Black voters into districts with unnecessarily high Black populations or “crack” communities of interest of Black voters into fragmented districts where they are denied an equal or meaningful opportunity to elect their preferred candidates.

Based on the relevant circumstances and under the Voting Rights Act, at minimum, any congressional map that this Subcommittee adopts must preserve CD 6 as an effective opportunity district for Black voters. But at the same time, CD 6’s Black population also must not be artificially inflated beyond what a functional analysis of the political process shows is sufficient for Section 2 compliance.

Our coalition's proposed plans represent ways to comply with the U.S. Constitution's equal-population mandate and the text and spirit of the Voting Rights Act, as well as other federal and state redistricting principles. Our two plans, in different ways, correct for population disparities across the state, maintain CD 6 as a Section 2-compliant opportunity district where Black voters are a majority, and do not needlessly elevate CD 6's Black population. I remind you, in a state where Black voters are 29% of the voting-age population, Black voters must not be packed into a single Congressional district electing only 14% of the state's seven-member Congressional delegation. Black voters deserve the opportunity to meaningfully participate and influence elections for more than one of seven Congressional seats, and our plans show two ways to provide such an opportunity. You've heard this desire that Black voters' voices be reflected in districts beyond CD 6 today not only from us, but also from the League of Women Voters of South Carolina and Stanford Law School's Law and Policy Lab; and that request is reflected in their maps and others submitted to this body.

Again, the Congressional maps we have proposed are not the only conceivable maps that could satisfy these criteria. Nor do they purport to incorporate all the extensive public input that you continue to receive, which is essential to drafting fair and nondiscriminatory maps. They are examples of maps that incorporate key analyses, address constitutional, federal, and state concerns, and discriminatory vote dilution. We believe they merit this Subcommittee's due consideration.

Thank you again for the opportunity to provide these comments. My colleague Somil Trivedi from the ACLU will share some additional feedback.

Thank you.