



# SC Voter

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## The Midpoint of the 2018 Session of the SC General Assembly

Every year we provide a legislative update for the March *SC Voter*, but the timing falls near the midpoint of the session when everything is in flux. So, this cannot be a timely summary of the legislative process. Instead, it is a review of the direction that our General Assembly is taking in the first half of its 2018 session, with a warning that there have surely been significant developments since it was written.

The consuming issue of the session is utility regulation. There are measures directed specifically to minimize the damage to the public from the unfolding

have been determined to fully explore the options available to the state. The legal and economic issues are complex. They require an abundance of data and expert evaluation. We must await further information and analysis before we can know what practical options exist, but at this point two things seem clear. Ratepayers should not be required to pay the lion's share of costs for a project that failed, while shareholders receive above-market rewards and very generous dividends. At the same time, it is very unlikely that the public can fully escape the costs associated with this debacle.

What is not getting done in this legislative session? Practically everything else that we would like to see. The League is committed to working on reform of our redistricting process, discussed elsewhere in this issue. We hope that by the time you read this there will have been a House subcommittee hearing on H. 4456, a bill that would provide for drawing district boundaries by an independent commission and for removal of incumbent and partisan protection as criteria for drawing district boundaries. However, that meeting has not been scheduled as this is written. We are making significant progress in public education on the issue, however, as local Leagues throughout the state provide educational forums on redistricting in their areas to increase citizen awareness of the problem and solutions.

We also had hoped for important ethics reforms in this session, including progress on dark money (we support H. 3514 on

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### The League is committed to working on reform of our redistricting process.

catastrophe of the abortive construction of V. C. Summer Nuclear Plants No. 2 and 3. There are also attempts to reform the long-term structure and processes associated with utility regulation in South Carolina.

There has been pressure on the public and on government to give immediate support to a proposed merger of SCANA with Dominion Energy, based on a take-it-or-leave-it offer from the utilities that is weighted toward protection of shareholders while ratepayers pay for energy that we will never receive. There are also proposals to quickly sell and privatize state-owned Santee Cooper, a 45% partner in the failed reactors. The League has supported legislators and regulators who instead

In long term regulatory system reforms, we have not seen needed progress in having someone other than a legislative committee evaluate candidates for the Public Service Commission (PSC) and Director of the Office of Regulatory Staff (ORS). We see greater progress in plans to establish a consumer advocate, a position which we believe belongs properly in the ORS, following modification of the agency mission to minimize competing demands. Many other useful modifications of the regulatory process are under consideration, including measures to insure that no company again takes advantage of the fatally flawed Base Load Review Act to cause such widespread damage.

### Highlights

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## Co-President's Perspectives



We have had a busy spring with LEAD, lots of legislative activity, an intern, preparations for Council on Saturday, April 28th, and getting ready to shift our focus to the primaries. Council will be held at the Doubletree Hotel on Bush River Road in Columbia from 9 to 3. Lynn Teague has been very busy at the state house with the V.C. Summer issue

as well as rumors of tax reform and constitutional revision getting started and stretching over the next few years. Ashley Levesque, our intern, has been shadowing Lynn and learning about the workings of the legislative process. It's been a joy to work with Ashley and see how League can really be a turn-on for a young person interested in public policy. We are hoping to learn more from her about how to appeal to younger voters, but right now we are just happy to have her help and support.

We are looking forward to a good turnout for Council this year. Council is held every other year, with the only formal business being approving the budget. Each League is entitled to three voting delegates, but there won't be much voting, so all are welcome—the more, the merrier! We have several good speakers lined up—watch for MailChimp for more details—and are planning four workshops, repeated, in the afternoon so everyone can attend two. They will focus on voting and the primaries, membership retention and leadership development, planning a program, and redistricting and fundraising.

Please also make plans to send delegates to the national convention in Chicago June 28-July 1. Registration information and hotel reservation forms

are on the national website. Our own Julie Hussey has been nominated for National Board, so we are looking forward to voting for her, knowing that she will serve the National League well and be a good representative of our state, which has had at least four other South Carolinians serve at the national level. Convention will be a busy, educational, and inspirational three days for all of us. Although I am a 50-year veteran of the League, this will be my first ever national convention, and I'm excited.

Concerns about gun safety in the light of the Florida shootings have made us mindful of the delicate tightrope we walk as a League speaking with one voice and as 1,000 or so interested citizens each with their own voices. Please remember that we want you to speak as an individual, and it's often more effective if you don't call attention to being a League member—it sounds more like you are speaking out of your own convictions, and indeed we hope you are. At the state house, trying to address too many League positions at once can conflict with our focus on democracy—voter protection, redistricting, ethics, campaign finance, and all the other issues that go into trying to make our democracy work.

*Holley Ulbrich, Co-President, LWVSC*

Want to stay up to date with the latest news and events? Looking for resources? Visit:

[lwv.org](http://lwv.org)

[twitter.com/lwv](https://twitter.com/lwv)

[facebook.com/leagueofwomenvoters](https://facebook.com/leagueofwomenvoters)

Search for your local chapter on Facebook

## The Primaries are coming!

Filing deadline is March 30 at noon. The primaries are June 12th for both parties. We will be selecting candidates for Governor, Attorney General, Treasurer, Comptroller General, Superintendent of Education, Commissioner of Agriculture and Secretary of State; for U.S. House and S.C. House; and for local offices where there are partisan elections, mostly County Councils. Very often the primary is more important than the general election, especially in places where there is no opposing candidate in the general election or where one party dominates. Your vote matters more in the primaries because turnout is usually much lower than the general election.

The core mission of the League at every level is to make democracy work. One important part of that mission is to make elections work by making sure that voters are aware, informed, and encouraged to cast their ballots. Women fought hard for the right to vote, and we turn out in greater numbers than men, so exercising the franchise we fought for is an important part of what the League is about. (Sorry, male members of the League, of course your votes matter too!)

So, how do we prepare?

- This year, the state League and many local Leagues are participating in VOTE411, which will provide information for voters about candidates and offices, including candidate responses to questions. Help your local League get its prep work done for VOTE411. Go to the site when it's up and ready and encourage your friends to visit it too.
- Help with voter registration drives. Make sure everyone in your family or neighborhood is registered.
- Relieve their fears about Photo ID. If they don't have one, they can still file a provisional ballot, and if it is not challenged (which rarely happens), their vote will still be counted.
- Make sure everyone is aware that we have open primaries so they can vote in either primary, regardless of their party preference. There is no party registration in South Carolina.
- Hold candidate events or attend candidate events and ask good League questions—how they feel about redistricting, or gun safety, or offshore



drilling, what are they going to do about the teacher shortage, how can they make higher education more affordable.

- Drive someone to the polls.
- VOTE!

*Legislative Update continued from page 1*

this issue) and broader issues of campaign finance and income disclosure (H. 4443), as well as other ethics issues. So far, we have only gotten as far as a subcommittee hearing on H.3448, a very useful bill by Rep. Laurie Funderburk that would protect whistleblowers in state government.

The League is always concerned with voting and elections. A House committee chaired by Rep. Gary Clary conducted extensive oversight hearings related to the Elections Commission prior to the 2018 session. We believe that the recommendations of that committee will help South Carolina move forward in areas including election security, new voting systems, and clear definition of political boundaries.

There have been unfortunate developments in other areas of interest to the League, from the progress of bills that would enact restrictions on sound medical procedures to restriction of citizen ability to legally restrain businesses that infringe on personal rights and property, but there is no room to review all of those here. League members can follow these issues through information provided by specialized advocacy organizations.

We will continue to emphasize core League areas of concern in government accountability and transparency, elections and voting. We hope that League members will respond to our action alerts and help to make the League voice heard throughout South Carolina.

—Lynn Shuler Teague  
VP for Issues and Action, LWVSC



Show your love for redistricting in bumper sticker form!

This conversation-starting bumper sticker was designed by the Clemson League member and graphic designer Christine Prado to help raise awareness of the redistricting issue.

We are accepting orders, minimum of ten bumper stickers, at \$2 each, postage paid.

Send your orders with a check made out the LWVSC to:

**Holley Ulbrich**  
**2 Birch Place**  
**Clemson SC 29631**

Questions?  
Call 864-654-6828



# What's the Status of Political Gerrymandering?

**G**errymandering is the practice of drawing the lines for legislative and Congressional districts in a way that influences the outcomes of elections. The Voting Rights Act of 1965 addressed the problem of racial gerrymandering — reducing the influence of African-American voters.

Partisan gerrymandering also involves drawing district lines to reduce the influence of a group of voters, but here, the group in question is voters supporting a particular political party. Most of the current cases involve Republican legislatures drawing districts to disfavor Democrats, but a few allege the reverse. The argument that such gerrymandering is unconstitutional asserts that Congressional and/or state legislative district maps violate the First Amendment guarantee of freedom of association and the Fourteenth Amendment guarantee of equal protection under the law.

In a 2004 case from Pennsylvania (*Vieth v. Jubelirer*), the Supreme Court split on the question of whether partisan gerrymandering was justiciable (subject to judicial review). The deciding opinion was Justice Kennedy's, which ruled that case nonjusticiable but held out the possibility of judicial review if standards could be developed for determining whether gerrymandering had taken place. Last summer the court agreed to hear a case contesting district lines in Wisconsin, in which such a test has been proposed.

There are two ways to reduce the influence of a constituency in redistricting,

illustrated in Figure 1. *Cracking* means distributing the members of the group across districts so that no district has enough of them to win an election. *Packing* means concentrating group members in districts so that they win elections overwhelmingly but hold few seats. The result is that the number of representatives a constituency has is smaller than their overall share of votes. It is even possible for a constituency to receive a majority of votes and win only a minority of seats.

The Wisconsin challengers propose a simple quantitative measure of the difference between a constituency's vote total and their level of representation, called the *efficiency gap*. The gap is computed by considering wasted votes: votes for a losing candidate (in a potentially cracked district) and votes for a winning candidate above 50 percent plus one vote (in a potentially packed district). The efficiency gap is the difference between the two parties' wasted vote totals, as a percentage of total votes cast.

As an example, Figure 2 displays the boundaries of South Carolina's present seven congressional districts, and Table 1 shows the efficiency scores of South Carolina districts from the 2016 election. The election resulted in an efficiency gap of 17%. Republicans outpolled Democrats by 20% (58% to 38%) but they have a 72% advantage in total seats (6 to 1 or 86% to 14%).

By itself, a significant efficiency gap is not proof of partisan gerrymandering. The

courts seem to have settled on a three-part test:

- Is there discriminatory intent?
- Is there discriminatory effect?
- Are there alternative explanations for the discriminatory effect?

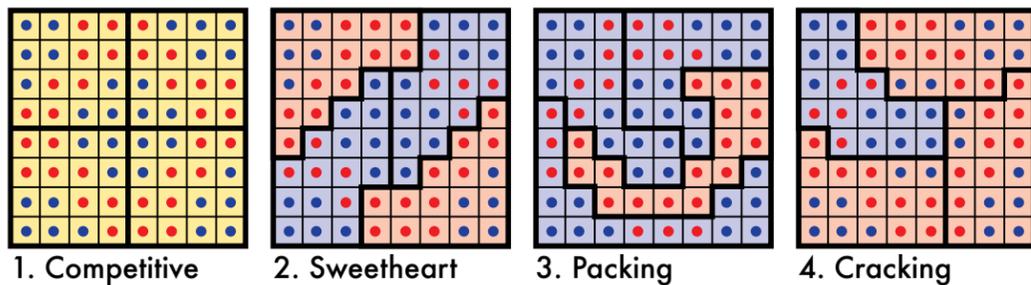
To that last point, there is a natural concentration of Democrats in urban areas, which achieves the same effect as packing — it is difficult to split urban areas into separate districts while respecting other, nonpartisan redistricting goals such as compactness, respecting political boundaries such as county and municipal borders, and keeping natural communities of interest together. Further data analysis is needed to constitute proof of partisan gerrymandering.

To indicate discriminatory effect and rule out alternative explanations, one might (as the Wisconsin plaintiffs did) compare the map under consideration to the distributions of efficiencies in previous elections or in other states or compared to simulated maps in the state of interest. One can also look at the robustness of the distribution under realistic shifts in political leanings in the districts to see if the outcomes shift.

In the Wisconsin case, the efficiency distribution favors Republicans substantially more than other historical maps in other states and other geographical maps for Wisconsin. In addition, the outcome (a majority-Republican legislature) is unlikely to change under plausible shifts in political leanings.

Discriminatory intent can be demonstrated more conventionally, by testimony, documents, and public records and statements by public and party officials.

If the Supreme Court rules partisan gerrymandering unconstitutional, these kinds of analyses will form the framework for lawsuits over particular state maps.



**Figure 1:** Packing, cracking, and sweetheart (incumbent preserving) gerrymanders  
Source: <https://www.redistrictingthenation.com>

**Table 1:** Efficiency gaps district by district for South Carolina's 2016 election

District	Winner	Votes Cast	Votes to Win	CAST (D)	CAST (R)	Wasted (D)	WASTED (R)
1	SANFORD	325,170	162,586	110,539	190,410	110,539	27,824
2	WILSON	304,996	152,499	105,306	183,746	105,306	31,247
3	DUNCAN	272,481	136,241	73,766	198,431	73,766	62,190
4	GOWDY	295,670	147,836	91,676	198,648	91,676	50,812
5	MULVANEY	297,781	148,891	115,437	175,909	115,437	27,018
6	CLYBURN	253,901	126,951	177,947	70,099	50,996	70,099
7	RICE	289,463	144,732	103,454	176,468	103,454	31,736
		2,039,462	1,019,736	778,125	1,193,711	651,174	300,926

## 2016 Election Results and Wasted Votes

Efficiency Gap:  $((651,174 - 300,926) / 2,039,462) * 100 = 17\%$  in favor of Republicans

Vote Advantage:  $((1,193,711 - 778,125) / 2,039,462) * 100 = 20\%$  in favor of Republicans

Representative Advantage:  $((6 - 1) / 7) * 100 = 71\%$  in favor of Republicans

Several other cases related to partisan gerrymandering are in various stages of review.

- **Gill v. Whitford (Wisconsin).** A federal court held that partisan gerrymandering in favor of Republicans was unconstitutional. The Supreme Court heard this case on October 3, 2017 and is expected to rule by June, 2018.
- **Benisek v. Lamone (Maryland).** A federal court ruled that partisan gerrymandering in favor of Democrats in one district was not unconstitutional. The Supreme Court recently agreed to hear this case in its current term and oral arguments are scheduled for March 28, 2018.
- **LWV v. Rucho (North Carolina).** Plaintiffs allege a redrawing of lines to undo a racial gerrymander resulted in a map that is gerrymandered to favor Republicans. A federal court ordered that the maps be redrawn, but the Supreme Court stayed the order until the Wisconsin and Maryland cases are decided.
- **LWV v. Pennsylvania General Assembly (Pennsylvania).** Plaintiffs argued that the current map is a partisan gerrymander in violation of the state constitution's requirement that

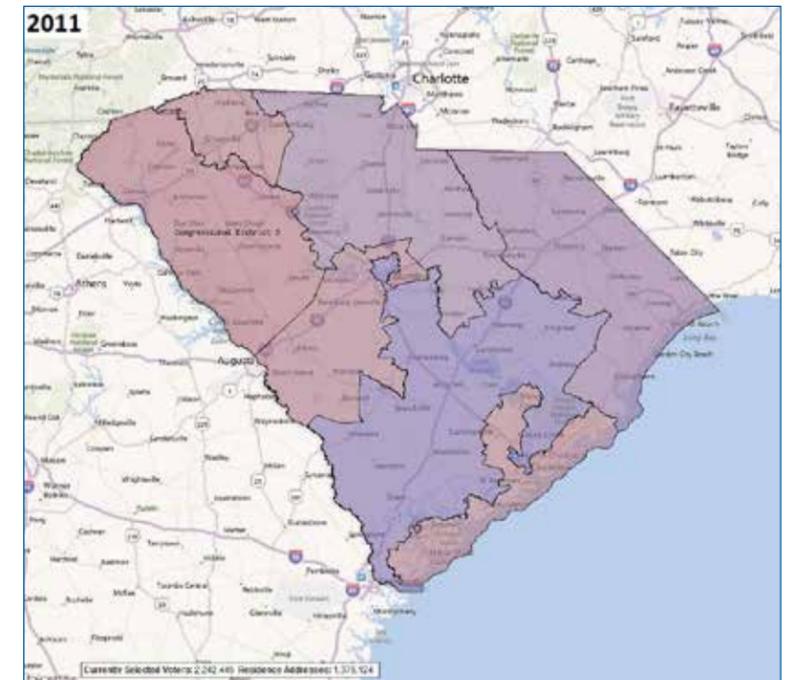
elections be "free and fair." The State Supreme Court ordered the General Assembly to produce a new map, but the governor rejected the redrawn map. Requests by the defendants for a stay were denied by the State Supreme Court and the United States Supreme Court. The court appointed

a "special master" to draw its own new map. The legislature has filed a request for the Supreme Court to overturn the state court rule, but as of this writing, the Supreme Court has not indicated whether it will hear the case. The new map is currently in place for the 2018 election.

- **LWV v. Johnson (Michigan).** This recent case alleging partisan gerrymandering favoring Republicans is currently in federal court. Arguments on a motion to dismiss are scheduled for March 20, 2018.

Several states have implemented nonpartisan or bipartisan redistricting commissions or other methods of reducing political influence on redistricting. In South Carolina, the bills H.4456 and S.341 would create a nonpartisan commission and set nonpartisan standards for redistricting. Contact your legislators and state senators and urge them to support these bills.

— Matthew J. Saltzman



**Figure 2:** South Carolina congressional district map



# Learning what ‘Democracy in Action’ Means

## *League Education and Advocacy Day 2018*

On Saturday, January 27, 2018, the League of Women Voters of South Carolina hosted its annual League Education and Advocacy Day (LEAD). I had the pleasure, as the League’s very first intern, of helping prepare for the event and also attending to learn more about the League and the actions it takes. This year, I was told there was the largest number of local League members attending the statewide LEAD event, with over 120 members from all across our great state

*Without the sheer force and drive of the women and men working behind the scenes, there would be no League of Women Voters.*

who registered to attend and participate. The day was filled with presentations on important material relevant to the issues of action for the League. As the day went on, I continued to learn, over and over again, what “Democracy in Action” truly means and how the League is consistently and constantly “Making Democracy Work” in our nation, state, and local communities. I learned that “Making Democracy Work” does not involve just one person, or one

component, or even just one organization. I learned that “Democracy in Action” looks like many different people, with wildly different backgrounds, coming together in synchrony and unifying in order to effectively, and efficiently, hold our political system and actors to a higher standard.

“Making Democracy Work” begins with the League and its members. Without the sheer force and drive of the women and men working behind the scenes, preparing the materials, preparing the presentations, and executing the event, there would have been no LEAD event, and there would be no League of Women Voters. I observed, on this day, that the



Ashley Levesque, LWVSC Intern from Clemson



Checking in at League Education and Advocacy Day (LEAD) on Saturday, Jan. 27, 2018



Laura Hart, speaker on the Abbeville case, with LWVSC Education Chair, Sally Huguley



Janie Shipley, LWV Clemson Chapter co-president



Cheryl Lee and Elizabeth Adams from Clemson



A group from Darlington

most important factor of “Democracy in Action” is the people behind the scenes and center stage, executing action and propelling the League forward regarding its goals. I learned that education is another essential tool in political advocacy and action. At LEAD, I and many other League members were able to gain vital knowledge and a firmer grasp on the issues the LWVSC is currently focusing on-- educational inequality, gerrymandering, voter awareness, and pertinent legislative information. Education, and a thorough understanding of information are vital components of taking action on political issues. Most of all, I learned the importance of organizing. I recognize now, more than ever, that having a strong network of like-minded individuals who have similar goals in mind, and have the education to back up their actions, is an irreplaceable tool that the LWVSC certainly employs. Through the LEAD event, I learned the importance of slowing down, listening, and learning from one another, both to connect us to each other but also to make us stronger as a whole.

— Ashley Levesque



Lilli Mood and Janelle Rivers from Columbia



Joyce Franklin, LWVSC Vice President for Member Services

### *LWVSC Planning Calendar 2018*

**March 2018**

30 Deadline for candidate filing for primaries

**April 2018**

28 State Council

**May 2018**

10 General Assembly adjourns  
11 Last day to register in person to be able to vote in June 12 primaries

**June 2018**

12 Primary elections  
28 July 1<sup>st</sup> National Convention in Chicago

Established in 1951, the League of Women Voters of South Carolina is a nonpartisan, political organization that encourages citizens to play an informed and active role in government. At the local, state, and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a League member. All members receive the National Voter, the SC Voter, and a newsletter from their local League.

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## *Hey, LWVSC, I'm Up For Adoption!*

Please adopt me! I need to have some positive experiences with government. I need to learn some new ways of life in a democracy. I need to learn how to communicate better with my fellow citizens. I really, really want to learn and grow smarter. Can you help me?

Leaguer, are you uncomfortable with someone you are meeting for the first time? Well, get over it quickly because you may have just met someone who wants and needs to be adopted – by the League! This person wants to grow and become a part of the community. The League has seeds that can be planted and grow vigorously in this person.

First, find out what might interest this person or other individuals by looking at their League membership application which has some League interest items listed--- such as committee responsibilities, financial skills, advocacy positions, fundraising skills, computer skills, workshop skills, public speaking skills, leadership skills, tutoring skills, musical skills, artistic skills and more. Your membership team can help new members embrace new skills to help your League educate and energize newly adopted members.

Let's each engage an adopted League member and use our internal resources to embrace our talents and their talents.

— Joyce Franklin, Vice President for Member Services, LWVSC

