UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official capacity as Governor of South Carolina; HARVEY PEELER, in his official capacity as President of the Senate; LUKE A. RANKIN, in his official capacity as Chairman of the Senate Judiciary Committee; JAMES H. LUCAS, in his official capacity as Speaker of the House of Representatives; CHRIS MURPHY, in his official capacity as Chairman of the House of Representatives Judiciary Committee; WALLACE H. JORDAN, in his official capacity as Chairman of the House of Representatives Elections Law Subcommittee; HOWARD KNAPP, in his official capacity as interim Executive Director of the South Carolina State Election Commission; JOHN WELLS, Chair, JOANNE DAY, CLIFFORD J. ELDER, LINDA MCCALL, and SCOTT MOSELEY, in their official capacities as members of the South Carolina State Election Commission,

Defendants.

Case No.: 3:21-cv-03302-JMC

DECLARATION OF CHRISTOPHER J. BRYANT

I, Christopher J. Bryant, hereby declare as follows:

1. I am an attorney at law licensed to practice in South Carolina and counsel of record for Plaintiffs. The matters referred to in this declaration are based upon my personal knowledge or documents that were reviewed by me, and if called as a witness, I could and would testify competently thereto.

2. Each of the 124 state House districts was drawn in 2011 based on an approximate population of 37,301 persons. Based on the 2020 Census data, the population for each House district should be approximately 41,278 persons.

3. Similarly, each of the 7 congressional districts was drawn in 2011 based on an approximate population of 660,766 persons. Based on the 2020 Census data, the population for each congressional district should be approximately 731,204 persons.

4. Today the state House districts are clearly malapportioned. For example, in the state House:

District	**2010 Population**	**2020 Population**	**Shift**	**Deviation from Ideal 2020 Population**	**Percent Deviation**
55	36,619	32,164	-4,455	-9,114	-22.08%
64	38,015	32,279	-5,736	-8,999	-2.01%
90	36,637	32,448	-4,189	-8,830	-21.39%
26	36,435	57,221	+20,786	+15,943	38.62%
100	36,406	61,053	+24,647	+19,775	47.91%
45	36,382	66,141	+29,759	+24,863	60.23%

5. Today, South Carolina's congressional districts are clearly malapportioned. For example:

District	2010 Population	2020 Population	Shift	Deviation from Ideal 2020 Population	Percent Deviation
1	660,766	818,893	+158,127	+87,689	11.99%
2	660,766	721,829	+61,063	-9,375	-1.28%
3	660,767	706,785	+46,018	-24,419	-3.34%
4	660,766	760,233	+99,467	+29,029	3.97%
5	660,766	736,286	+75,520	+5,082	0.70%
6	660,766	646,463	-14,303	-84,741	-11.59%
7	660,767	727,936	+67,169	-3,268	-0.45%

6. Under South Carolina law, the statutory deadline for candidates to declare their intent to run for state and federal office through the party primary process is March 30, 2022.

7. To the best of my knowledge, neither the South Carolina House nor the Senate has announced a concrete timeline for when it will consider or enact proposed maps. I am familiar with Speaker Lucas' statement that the House had no plans for a special session, and Senator Peeler's statement that the Senate will not reconvene unless the House does.

8. To the best of my knowledge, the next regular scheduled legislative session is January 11, 2022.

9. Both the Senate and House released maps on November 5 and November 8 respectively, and announced that hearingshearings on November 10 and 12.

10. To the best of my knowledge, neither the House nor the Senate has set out a full schedule for the public to know the timing and process these bodies will take before any final approval of maps.

11. Although the House released a map on November 8, it subsequently withdrew and replaced its map and the related data files.

12. To the best of my knowledge, neither chamber of the Legislature has yet released a proposed Congressional map, nor indicated any details about timing of public comment or ultimate adoption.

13. Based on my research—for the last five redistricting cycles—every cycle since Congress enacted the VRA—courts have needed, at a minimum, four months after the Legislature released its initial maps to receive public comment and to adjudicate claims relating to South Carolina's state legislative and congressional redistricting plans. *Backus v. South Carolina*, 857 F. Supp. 2d 553, 557 (D.S.C. 2011); *Colleton Cty. Council v. McConnell*, C.A. No. 3:01-3892-10, Doc. 164, 13-14 (citations omitted) (D.S.C. Mar. 20, 2002); *Burton on Behalf of Republican Party v. Sheheen*, 793 F. Supp. 1329, 1348 (D.S.C. 1992); *S.C. State Conference of Branches of the NAACP v. Riley*, 533 F. Supp. 1178 (D.S.C. 1982), *aff'd* 459 U.S. 1025 (1982); *Twigg v. West*, D.S.C. No. 71-1211 (April 7, 1972).

14. Based on my research, in some cycles, it has taken many more months—and sometimes years—for legislative consideration and court remedial action to play out. *S.C. State Conference of Branches of the NAACP v. Riley*, 533 F. Supp. 1178 (D.S.C. 1982); *Twigg v. West*, D. S.C. No. 71-1211 (April 7, 1972)

15. Based on my research, in four out of the last five redistricting cycles, federal court intervention was necessary for South Carolina to have legally compliant maps. *Colleton Cty. Council v. McConnell*, C.A. No. 3:01-3892-10, Doc. 164, 13-14 (citations omitted) (D.S.C. Mar. 20, 2002); *Burton*, 793 F. Supp. at 1329; *S.C. State Conference of Branches of the NAACP v. Riley*, 533 F. Supp. 1178 (D.S.C. 1982) *aff'd* 459 U.S. 1025 (1982); *Twigg v. West*, D. S.C. No. 71-1211 (April 7, 1972).

16. The South Carolina Senate Judiciary Redistricting Committee held ten public hearings on redistricting, but nine of these were held before the Census Bureau released the Public Law 94-171 data, and the final hearing was on August 12, 2021, the date the Census Bureau released the data.

17. The state Senate held a hearing on November 4 on the maps that the public proposed by the Senate's deadline of October 8; but the Senate had not yet proposed any map at that time.

18. The state Senate has announced a hearing on November 12 on its proposed map now that one has been released. The public has not been informed of any further hearings.

19. The state House has announced one hearing on November 10, 2021, with the possibility of a second on November 12.

20. To the best of my knowledge, neither the House nor the Senate has scheduled any hearings for input on Congressional maps—and, at the time of this filing, neither chamber nor any Defendant to this suit has proposed such maps either.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 9, 2021.

s/ *Christopher J. Bryant*
Christopher J. Bryant