

Explanation of Contested Race List for Racial Bloc Voting Analysis

April 7, 2011

The attached file was created through cooperative research by the South Carolina Senate Judiciary Committee and Dr. John Ruoff. As their Memorandum of Understanding states:

The parties recognize that the results of certain election contests held in South Carolina between black and white candidates since the year 2000 may be needed by the Senate to document a request for preclearance of a redistricting plan enacted after the release of the 2010 census results. The same data will also be analyzed by various parties interested in the redistricting process. However, a list of these elections has not been compiled at this time. Therefore, the parties see an opportunity to share resources and save expenses by cooperating to compile a list of the elections and their results.

Dr. Ruoff provided guidance as to how to gather the necessary information and helped verify the completeness and accuracy of the work product.

The compilation followed essentially the same selection rules Ruoff employed in his expert report in *Colleton County v. McConnell*, 201 F.Supp. 2d. 618 (D.S.C. 2002). The elections included in this compilation are:

1. All contested regular and special general elections for the United States Congress and the South Carolina General Assembly for the period 2002 to 2010 and all primary elections for that period.
2. Contested primary and general elections for countywide (excluding Soil and Water Conservation Commissioners), state and federal offices in the designated period in which candidates not of the same race or ethnicity were opposed, unless the only candidate(s) of color was (were) minor party candidate(s) receiving less than 5 percent of the total votes cast. These offices ranged from school board to President of the United States.
3. Elections were only included if:
 - a. No candidate received at least eighty percent of the votes cast;
 - b. The larger of the white or the nonwhite portion of the turnout was less than ninety percent; and
 - c. The contest was not for a multimember office or district.

Information on contests, votes and racial composition of the electorate was obtained from the South Carolina Elections Commission in a variety of forms, including from its online web

resource SCVotes.org, its published Election Reports and printouts available at the Commission's offices in Columbia.

The identification of race or ethnicity was based on the following, in order, as noted in the document:

1. Personal knowledge of Dr. Ruoff ("JCR") or Senate Judiciary Law Clerk Leroy Nettles ("ELN");
2. Self-identification of race in the voter registration lists in possession of Dr. Ruoff and the Senate Judiciary Committee for 2000 and 2008;
3. Internet searches of the candidate; or
4. Inquiries to county registration and election commission staffs.

Where the race of a candidate was ambiguous, such as a Latina who might register to vote as either Hispanic or white, the self-identification of the Voter Registration list was relied upon even if the candidate was known personally to Dr. Ruoff or Mr. Nettles.