

MINUTES

Senate Legislative Redistricting Committee House Legislative Redistricting Committee



Senator Mary Duvall, Senate Committee Chair
Representative Spencer Gosch, House Committee Chair
Senator Jim Bolin, Senate Committee Vice Chair
Representative Kent Peterson, House Committee Vice Chair

**Redistricting Tour, 2021 Interim
Wednesday, October 13, 2021**

**USD Community College
Sioux Falls, South Dakota**

The sixth meeting of the October Tour of the House Legislative Redistricting Committee and the Senate Legislative Redistricting Committee was called to order by Representative Kent Peterson at 2:00 p.m. (CST). The committees met together at USD Community College for Sioux Falls in Sioux Falls, South Dakota.

A quorum was determined with the following members answering roll call: Representatives Ryan Cwach, Drew Dennert, Mike Derby, Jon Hansen, Bethany Soye, and Kent Peterson (Vice Chair); and Senators Casey Crabtree, Michael Diedrich, Helene Duhamel, Kyle Schoenfish, Jim Bolin (Vice Chair), and Mary Duvall (Chair). Representatives Spencer Gosch (Chair) and Liz May, and Senator Troy Heinert were excused.

Staff members present included Matt Frame, Legislative Attorney, Anna Madsen, Research Analyst, Will Steward, Research Analyst, Bill Douglas, Fiscal Analyst, and Randy Stockwell, Network Administrator.

NOTE: For the purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was webcast live. The archived webcast is available on the LRC website at sdlegislature.gov.

Opening Remarks

Representative Peterson thanked the public for attending the meeting and reminded them that the committee is having another meeting in the same location later that day.

Mr. Matt Frame, Legislative Attorney, LRC, highlighted that the information presented at the meeting and further information about redistricting can be found on the LRC website (sdlegislature.gov).

LRC Redistricting Presentation

Mr. Frame gave a presentation on the legal requirements and framework the committees have used through the redistricting process ([Document 1](#)). Mr. Frame provided an overview of federal and state constitutional requirements, federal and state laws, and requirements from the courts. Mr. Frame went into detail on the Fourteenth Amendment of the U.S. Constitution, Art. III, Sec. 5 of the South Dakota Constitution, the Voting Rights Act, and South Dakota Codified Law 2-2-41. Mr. Frame also discussed the ideal size of a district and deviation ranges, including that the committees voted on a deviation range of plus or minus five percent. He explained the tension recognized by the U.S. Supreme Court between the Voting Rights Act and the Fourteenth Amendment and noted that race cannot be the only factor when drawing a map, but it must be considered.

Mr. Frame continued his presentation to discuss majority-minority districts, including the current majority-minority districts of 26, 27, and 28, and conurbation areas, including that the committee agreed that Sioux Falls and Rapid City will both have conurbation areas. Mr. Frame also discussed population facts and trends from the 2020 census data for districts and counties across the state. He explained how districts have to change because of these population trends and the deviation requirements.

Legislative Presentations

Senator Crabtree presented the Blackbird proposal ([Document 2](#)). He expressed that the map proposal has 19 urban districts and 18 rural districts, as well as 12 split counties. He explained that they attempted to keep communities of interest together and divide rural and urban areas. One major change includes District 2 being absorbed into neighboring districts and creating a new district in the Brandon area that closely follows the Brandon school district boundaries. In Sioux Falls, the map proposal has six districts wholly inside city limits and nine total districts including the ones partially in the city limits. Senator Crabtree noted that the Harrisburg, Tea, and Brandon areas are included as their interests are similar.

Senator Bolin presented the Falcon proposal ([Document 3](#)). He noted that the Sioux Falls conurbation area follows the city limits of Sioux Falls, with seven districts entirely within the city limits. The map has an eastern Minnehaha County district outside of the city limits, and a western Minnehaha County district that is slightly inside the city limits. It also includes Tea, Harrisburg, and Lennox together in a district. Senator Bolin expressed that the main concept behind this map is to minimize breaking up small counties. He noted that the map keeps Union, Turner, Clay, and Yankton counties whole, while only breaking a small part of Hutchinson and Bon Homme. No small county is split three ways. He noted that there is a clear division between rural and urban, particularly in the Sioux Falls area.

Representative Cwach presented the Eagle proposal ([Document 4](#)) on behalf of Senator Heinert. He noted that there is no proposal for Sioux Falls. He stated that the key distinguishing factors are Districts 26 and 27, which try to address an undercount of Native people on the reservations by the census. Rep. Cwach also noted that this map proposal follows a -7.5 – 2.5% deviation range rather than the five percent range.

Representative Dennert presented the Grouse proposal ([Document 5](#)). He stated that the map has a 9.62% deviation and attempts to preserve the divide between urban and rural areas, especially in the Sioux Falls area by following city limit boundaries. District 8 encompasses all of Moody, Lake, McCook, and most of Sanborn. District 20 would follow the I90 corridor including Davison, Aurora, and Hanson. District 16 would include southern rural Lincoln and all of Union County. Representative Dennert noted that the map splits Clay County three ways, and also splits Yankton County. Districts 25 and 9 are entirely inside Minnehaha County, with District 25 including Brandon, Dell Rapids, and Garretson, and District 9 including Hartford, Crooks, and eastern Minnehaha. District 6 would include Harrisburg, Lennox, and Tea. He noted that the Sioux Falls conurbation area follows the city boundaries of Sioux Falls and would have seven districts entirely inside it.

Representative Hansen discussed the Sioux Falls area. He noted some of the changes from the current map, including that District 11 shifts further into Sioux Falls. Districts 12, 13, and 14 are similar to the current map, and Representative Hansen noted that District 10 tightens because of the population increase, and District 15 would stay within the middle of Sioux Falls.

Public Testimony

Ms. Dee Halverson, self, Sioux Falls, advocated for districts that are compact, concise, and walkable. She said the urban and rural areas should be kept separate.

Mr. Kurt Laskowsky, self, Centerville, said that splitting a county three ways is negative for that county. He stated that when a small county is divided, they are overshadowed by the counties they get attached to. Mr. Laskowsky added that Turner County should be kept whole. He supported Senator Bolin's plan because it doesn't divide smaller counties.

Mr. Roger Meyer, self, Yankton, stated that Yankton should be kept whole. Mr. Meyer said that Yankton should include Tabor, but not Tyndall. He thought that Tabor and Tyndall are communities of interest with people commuting to Yankton. He noted that people from Bon Homme County are also connected to Yankton, but south and northeast Clay County don't have as much in common, and he would support the Falcon proposal.

Ms. Tamara Brunken, Bon Homme County Auditor, Tyndall, asked if Bon Homme County is kept in one legislative district in the Eagle map, and how precincts were included in the Tabor and Tyndall part of the Falcon plan. Representative Cwach responded that Bon Homme is whole on the Eagle plan, and Senator Bolin added that Tabor and Tyndall were included with Yankton and it was not done in random fashion. Ms. Brunken voiced her concern about splitting precincts and encouraged the committees not to do so as election administration is easier with clear and concise boundaries for precincts.

Ms. Victoria Sportelli, self, Sioux Falls, noted historical trends of registered Republican voters. She gave details on the percentages of registered voters compared to their representation in the legislature. She said that ten years ago, the legislature gerrymandered the state to benefit Republicans. Ms. Sportelli said that an independent committee should draw the map lines instead of the legislature if this continues to be done. She noted the difficulty of the process but wanted the committees to focus on the census numbers and not political party affiliations.

Mr. Milton Ustad, Chair of the Union County Commission, shared a resolution from the Union County Commission ([Document 6](#)) that Union County should be kept whole. He also shared a resolution from the city of Beresford ([Document 7](#)) that expressed that Union County should stay whole. Mr. Ustad noted population changes in the counties in the southeast corner of the state, and that Union County is a growing county.

Ms. Gayleen Riedemann, self, Sioux Falls, cautioned the committees against gerrymandering Sioux Falls. She noted that doing so impacts the entire state, and by ignoring this, the state is losing its best and brightest.

Mr. Cole Heisey, self, Sioux Falls, indicated his support for the Grouse plan because it separates rural and urban areas. Mr. Heisey said that given the importance of agriculture and disparate population growth in different parts of the state, Sioux Falls should be kept compact to allow for the best representation for rural and urban areas.

Ms. Tamera Weis, self, Chancellor, noted that young people are moving back to South Dakota. She said there are differences in the Republican Party and there are Republicans who do not vote with the Republican platform. In the conurbation plans for Sioux Falls, Ms. Weis said the Senate map mixes rural and urban voters, while the other proposal follows the city limits of Sioux Falls. Ms. Weis added that following city limits is the right way to draw the map, as the areas outside the city limits are too agricultural. She commented that Lennox, Tea, and Harrisburg should be in the same legislative district, and getting rid of District 2 does not make sense, nor does combining Chancellor with Lennox. Ms. Weis voiced her support for the Falcon and Grouse plans because they preserve the rural and urban divide. She also supports combining Clay and Yankton counties, and said that Turner County should be kept whole in one legislative district and not put in District 16.

Ms. Amy Scott-Stoltz, League of Women Voters, Sioux Falls, noted that the map proposals need to comply with Section 2 of the Voting Rights Act for the Native American population in the state. Ms. Scott-Stoltz said they were undercounted in the census and recommended that the committees look into alternatives to using the census data during the next legislative session. In Sioux Falls, Ms. Scott-Stoltz noted that urban and rural populations are communities of interest, and both need proper representation. She said that with the Grouse and Falcon proposals strictly following the city limits, it packs the urban voters and dilutes their vote. Ms. Scott-Stoltz provided two sample maps ([Document 8](#)). The first map keeps certain districts within Lincoln County. She said the Blackbird proposal is closer to what should be done in the Sioux Falls area and noted that three districts cross over the county line between Minnehaha and Lincoln counties which is unnecessary. The second map has only two districts cross

that boundary and addresses school district boundaries. Ms. Scott-Stoltz pointed out that school districts are also communities of interest and should be taken into account. She added that this process should be conducted by an independent redistricting commission, and that single-member House districts are necessary across the state.

Mr. Mark Millage, self, Sioux Falls, noted that he lives in a split precinct that makes election administration difficult. He said the Blackbird map addresses this issue. He noted that the northwest part of Sioux Falls is going to continue to grow, and many surrounding communities are closely tied to Sioux Falls.

Mr. John Claussen, self, Sioux Falls, shared that he has heard the rural voice throughout the committees' meetings during the tour and noted his previous concerns about the census. He said that communities of interest within communities of interest need to be respected in the Sioux Falls area, and the Sioux Falls area should have eight legislative districts, which would provide proper representation for the rural and urban areas.

Mr. Lawrence Novotny, self, Brookings, asked that given the three proposals from the Senate if the differences will be worked out. Senator Crabtree responded that the two committees will attempt to keep working to create one map proposal.

Mr. Bret Healy, Four Directions Native Vote, Chamberlain, spoke on the Native vote perspective. He noted that they have been advocating to keep District 26 and 27 the same, other than adding the portions of Hughes and Hyde counties of the Crow Creek reservation. He said the Supreme Court cases Blackmoon vs. Charles Mix case and the Mahan case give precedent for the committees to go beyond the ten percent total deviation. He also urged leaving District 28 the same, including the single-member district boundaries, as well as the single-member split in District 26. Mr. Healy also advocated for a single-member district in north Rapid City. He noted that there is widespread belief that the Rosebud and Pine Ridge reservations were undercounted. Mr. Healy pointed out that tribal leaders and his organization are unified in these recommendations, and that the risk of litigation is high. He noted that Fall River County and the eastern part of Pennington County do not want to be included in District 27.

Mr. Paul Johnson, self, Hurley, encouraged the committees to leave Turner County intact as much as possible, which he said the Grouse and Falcon plans do. He also commented that following city limits for preserving the rural and urban split seems to make sense.

Representative Chris Karr, District 11, Sioux Falls, commented that city and county limits are vitally important, as well as the urban and rural split. He said that he didn't understand why certain cities and counties are split, and that the voters are best represented when city and county boundaries are kept together. Representative Karr said that clear boundaries are easy for voters to understand and mixing urban and rural areas does not provide the best representation. He added that including Tabor with Yankton doesn't make sense. For District 11, he does not agree with expanding into other precincts that the district has never had, given that the district already needs to lose population. He noted that keeping the current precincts is the easiest for voters to understand.

Representative Kevin Jensen, District 16, Canton, supports the Grouse and Falcon proposals and hopes there is a compromise between the two. He thinks the Blackbird proposal is flagpoling through Union and Clay counties, which conjoins two dissimilar communities of Dakota Dunes and Vermillion. He also noted that District 6 remains relatively the same, but District 16 takes the leftover pieces of four different counties—Union, Lincoln, Clay, and Turner which, Representative Jensen said, does not make sense. He also noted that District 16 does not have to change because the population is within the deviation.

Committee Discussion and Adjournment

Senator Duvall said the committees heard valuable feedback from the meetings around the state, and that the committees will develop a full proposal to recommend to the legislature during the special session on redistricting on November 8-9.

Senator Diedrich commented on the feedback about layers of communities of interest. He also noted that the input they are receiving is very critical to their process and they are continuing to research and work on their map proposals.

Mr. Frame gave information on how members of the public can submit further information to the committee as well as access the committee's information on the LRC website (sdlegislature.gov).

Representative Peterson thanked the audience for providing their input and gave closing remarks for the meeting.

Representative Hansen moved, seconded by Senator Bolin, that the Senate Legislative Redistricting Committee and the House Legislative Redistricting Committee be adjourned. The motion prevailed on a voice vote.

The committees adjourned at 3:46 p.m.