

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 seventh 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 6:00 p.m. (CST). The committees met together at the 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.

Mr. Matt Frame, Legislative Attorney, LRC, shared 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 discussed 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

Representative Dennert presented the Grouse proposal ([Document 2](#)). He stated that the map has a total deviation of 9.62% and attempts to preserve the divide between urban and rural areas, especially in the Sioux Falls area by following city limit boundaries. He also noted that the map tries to preserve the existing district 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 counties. District 16 would include southern rural Lincoln and all of Union County. He noted that the map splits Clay County three ways, and 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 and Crooks. 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 because of population increases, 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.

Representative Cwach presented the Eagle proposal ([Document 3](#)) 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. He noted that District 27 would add parts of Pennington County and remove Haakon County, and District 26 would add parts of Hughes and Hyde counties that are part of the Crow Creek Reservation. Representative Cwach also noted that this map proposal follows a -7.5 – 2% deviation range rather than the five percent range.

Senator Bolin presented the Falcon proposal ([Document 4](#)). He noted that the total deviation of the plan is 9.57% and expressed that the main concept behind the map is to minimize breaking up small counties. He discussed that District 26 was designed to maximize the Native American vote, adding parts of Tripp, Hughes, and Hyde counties. In the southeast corner of the state, he noted that the map keeps Union, Turner, Clay, and Yankton counties whole, while only breaking a small part of Hutchinson and Bon Homme. 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 mostly outside the city limits. It also includes Tea, Harrisburg, and Lennox together in a district. He noted that there is a clear division between rural and urban in this map, and the only reliable way to ensure that split is to follow city limit boundaries. No small county is split three ways.

Senator Crabtree presented the Blackbird proposal ([Document 5](#)). 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 divide rural and urban areas, keep communities of interest together, and keep districts compact. In Sioux Falls, he noted that the community will continue to grow, and the infrastructure is expanding into rural areas. The Blackbird map proposal has six districts wholly inside city limits and nine total districts including the ones partially in the city limits. One major change on the map proposal 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. The map also makes District 16 more of a rural district, and combines Elk Point, Vermillion, and Dakota Dunes into District 17.

Public Testimony

Representative Richard Vasgaard, District 17, Centerville, provided a historical perspective of District 17. He stated that Vermillion is changing and becoming more rural. Through the years, District 17 has generally had both rural representation and representation from Vermillion. Representative Vasgaard discussed the Vermillion River Water Shed. He shared that there are serious flooding issues through that area, and a water district was created to address

them. Representative Vasgaard said that dividing the counties in that area would make addressing those issues even more difficult, and District 17 should be kept whole.

Representative Tom Pischke, District 25, Dell Rapids, indicated his support for the Grouse proposal. Representative Pischke said the proposed districts for that area make sense for those communities. He added that putting Aurora, the Mitchell area, and Hanson together is a good idea. With the current map, he has had concerns about precincts that were included from Sioux Falls in District 25. Representative Pischke said those precincts don't share the same issues or interests as the outer communities that are more rural.

Mr. Emmett Reistroffer, self, Sioux Falls, encouraged the committee to look at a district for the center of Sioux Falls. He said his neighborhood in central Sioux Falls is vastly different from the Prairie Green neighborhood even though they are in the same district. He also noted that making Brandon its own district might disrupt some of the continuity in the current map between Sioux Falls and Brandon. He indicated his support for the Grouse and Falcon plans, particularly with District 15 in the Grouse plan for addressing central Sioux Falls.

Mr. Doug Kronaizl, self, Vermillion, said he did not agree with splitting Vermillion into three districts as is done in the Grouse plan. He stated that he would be in a district with Parkston, but his neighbors across the street would be in a separate district. Mr. Kronaizl said that if the committees are trying to keep communities of interest together, Vermillion should be kept as one. He also said that Clay and Turner counties should be kept together.

Ms. Joni Tschetter, self, Sioux Falls, stated her support for keeping the rural and urban areas divided. She said that the needs of rural communities and cities are very different.

Ms. Julia Natvig, self, Sioux Falls, said that she supports the Falcon and Grouse plans for District 13, which extend the eastern part of District 13 to where District 6 is now. She currently lives in District 6 but said that she is more affiliated with Sioux Falls than with Harrisburg or Tea and therefore does not agree with where the Blackbird proposal would place her.

Mr. Spencer Wrightsman, self, Sioux Falls, shared his support for the Grouse plan. He emphasized the importance of keeping rural and urban areas divided. He also noted that he did not think the Blackbird proposal would be conducive to average people running a campaign with some of the larger districts. Mr. Wrightsman commented on the growing infrastructure around Sioux Falls and how that will affect the surrounding districts.

Ms. Sharon Schulz-Elsing, self, Sioux Falls, stated that south of 57th Street has different concerns and interests than north of 57th Street, due partly because of the school district and county boundaries there. She would like to see a map that addresses those concerns.

Former Representative Nancy Rasmussen, self, Hurley, shared that Turner and Clay counties should not be divided as they are clearly a community of interest. Those counties have a strong working relationship and splitting them would be detrimental to that area. She stated that District 17 should be kept as similar as possible.

Mr. Mick Miller, Chair, Turner County Commission, Viborg, indicated that the county commission does not want Turner County to be split. He stated that the different water projects and districts in that area between Turner and Clay counties would benefit from being kept whole and splitting them would cause challenges for future progress. He also commented that Sheila Hagemann, the Turner County auditor, is not in favor of splitting the county as it would be challenging for election administration.

Mr. J.P. McLaren, self, Sioux Falls, said he appreciated the committees keeping counties together. However, he noted that in Sioux Falls, Districts 12, 13, and 14 run north and south, but they should run east and west to better preserve neighborhoods and communities of interest.

Mr. Joel Arends, self, Sioux Falls, expressed his appreciation to Senator Bolin for communicating with the Lincoln County Commission on a resolution to keep parts of Lincoln County the same, which they supported unanimously. In the Blackbird map, Mr. Arends does not think the districts are consistent with the county commission boundaries, at least for District 6. He thinks the Falcon or Grouse plans are more consistent with the neighborhoods he is familiar with. Mr. Arends also noted that there are dramatically different concerns and needs between Harrisburg and Sioux Falls, given that he represents parts of both through the commission. He thinks the Grouse or Falcon plans better represent those areas.

Mr. Travis Petty, self, Viborg, encouraged the committee to keep Turner County together. He thinks that splitting District 17 would threaten their voice and influence in the legislature.

Representative Sue Peterson, District 13, Sioux Falls, stated that the Falcon and Grouse plans incorporated feedback from Sioux Falls legislators and residents. She noted that there was feedback from the Sioux Falls subcommittee about having a distinct divide between rural and urban plans, and that the Grouse and Falcon plans do that the best. She noted that the Blackbird plan puts ten rural precincts into the Sioux Falls area. She said that the Sioux Falls area as a whole, including Minnehaha and Lincoln counties, should actually have ten districts. She encouraged the committees to consider the Grouse and Falcon plans. She also noted that I-29 is a divider between communities of interest, and the Grouse and Falcon plans appropriately move precincts between that divider and similarly among other districts in the Sioux Falls area.

Mr. Rick Knobe, self, Sioux Falls, noted his support for keeping counties together. He said that Districts 12, 13, and 14 cross over the Lincoln County border, and urged the committees to research if those districts could be kept entirely in Lincoln or Minnehaha counties, respectively. He thinks that the demographics in Lincoln County are significantly different than those in the northern ends of Districts 12 or 13. Senator Bolin noted that District 14 does not cross a county boundary.

Mr. Jared Hybertson, Turner County Commission, Centerville, noted his support for keeping Turner and Clay counties whole and together.

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 to District 26. He believes the Supreme Court Mahan case gives 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, as there is a community of interest there. Mr. Healy pointed out that tribal leaders and his organization are unified in these recommendations, and that the risk of litigation is high if they are not heeded.

Representative Derby asked for clarification regarding going beyond the deviation in certain districts and not others. Mr. Healy responded that the Mahan decision provided for a rational policy for going beyond the deviation, such as following the Voting Rights Act. Representative Derby asked if his understanding was that they could exceed the ten percent deviation in certain districts but keep it in others. Mr. Healy responded yes. He noted that the ten percent deviation is the presumed safe harbor, but the Mahan decision allows states to go beyond that. He noted that the Native American districts should be drawn like the conurbation areas, with other districts drawn around them.

Ms. Brandee Bolman, self, Sioux Falls, is a Native outreach intern for the Oceti Sakowin Caucus and a member of the Cheyenne River Sioux Tribe. Ms. Bolman said she has many relatives who will be affected by the changes to the proposed districts, and she wanted to ensure that their rights are protected. Ms. Bolman urged the

committees to comply with Section 2 of the Voting Rights Act requirements for protecting minorities. She noted that Districts 26A, 27, and 28A, are well established majority-minority districts that should remain the same. She urged the committee to protect these existing majority-minority districts, and she opposes any map that eliminates these districts.

Ms. Arlene Brandt Jensen, self, Sioux Falls, voiced her support for the Grouse plan. Ms. Jensen said she also liked the Falcon plan because it would keep communities together and have seven whole districts in Sioux Falls, however, Districts 12 and 13 should go east and west, not north and south.

Senator Reynold Nesiba, District 14, Sioux Falls, spoke about keeping neighborhoods together and the proposed district south of 57th street.

Former Legislator Frank Kloucek, self, Scotland, commented on the make-up of the Legislature being mostly Republican with few Democrats and no Independents. Mr. Kloucek advocated for combining Bon Homme County again rather than keeping it split. Mr. Kloucek said splitting Bon Homme was difficult on the county, and he supported the Eagle plan.

Mr. Mark Davis, self, Sioux Falls, spoke briefly about potential changes to his district and the downtown area.

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. Brayden Meyers, self, Viborg, thanked Senator Bolin for trying to keep county lines as constant as possible, and said that counties should not be split.

Ms. Angee McKee, self, Sioux Falls, spoke on the communities of Tea, Harrisburg, and northern Lincoln. Ms. McKee lives in Springdale Township and she said there should be better representation in her area.

Ms. Shamra Johnson, self, Sioux Falls, said the Blackbird proposal is cutting people out of District 14 and putting them in Brandon even though they are Sioux Falls residents and not residents of Brandon. Ms. Johnson voiced her support of the Grouse plan.

Representative Linda Duba, District 15, Sioux Falls, said Sioux Falls is going to continue growing and District 12 should remain in Minnehaha County while District 13 should go to the south of 57th street. Representative Duba commented on the distinctions between neighborhoods and the differences between Harrisburg and Sioux Falls.

Senator Maggie Sutton, District 10, Sioux Falls, encouraged the committees to really focus on the Sioux Falls area because, she said, it is very different from the rest of the state.

Adjournment

Senator Bolin moved, seconded by Representative Soye, 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 8:24 p.m.