

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
Tuesday, October 12, 2021

Aberdeen Recreation & Cultural Center
Aberdeen, South Dakota

The fourth meeting of the October Tour of the House Legislative Redistricting Committee and the Senate Legislative Redistricting Committee was called to order by Representative Drew Dennert at 1:00 p.m. (CST). The committees met together at the Aberdeen Recreation and Cultural Center in Aberdeen, South Dakota.

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

Mr. Matt Frame, Legislative Attorney, LRC, thanked the audience for participating and noted that they can find further information on the LRC website (sdlegislature.gov), or they can contact their legislator or the committee by email.

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. Mr. Frame pointed out that Brown County is one of the seven largest counties that must be split. He explained how districts have to change because of these population trends and the deviation requirements.

Legislative Presentations

Senator Bolin presented the Falcon proposal ([Document 2](#)). The total deviation is 9.57%, with District 8 being the largest and District 26 the smallest. There are seven districts within the boundaries of Sioux Falls. Senator Bolin expressed that the main concept behind this map is to minimize the breaking up of small counties. District 26 was designed to maximize the Native American vote, adding parts of Tripp, Hughes, and Hyde. No small county is split three ways. For Brown County, the proposal attempts to keep most of Aberdeen together in District 3 while adding a small portion to District 23. District 1 would also have significant portion of the rural part of Brown County.

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. 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. Other major changes include District 2 being absorbed into neighboring districts and adding a new district to the Brandon area.

Representative Cwach presented the Eagle proposal ([Document 4](#)) on behalf of Senator Heinert. He stated that the key distinguishing factors are Districts 26 and 27 and keeping the Native American populations together. District 26 would largely stay the same other than adding parts of the Crow Creek Reservation, and District 27 makes changes to several counties. Representative Cwach also noted that this map proposal follows a -7.5 – 2.5% deviation range rather than a five percent range. In the northeast, he noted that it looks similar to the other maps. District 23 moves several precincts between Districts 1 and 3.

Representative Dennert presented the Grouse proposal ([Document 5](#)). He stated that the map attempts to divide urban and rural areas, especially in the Sioux Falls and Rapid City areas by following city limits. In the northeast corner, Representative Dennert said that District 1 would keep its main counties and add part of northern Grant County and the city of Milbank. Representative Dennert said that he tried to preserve District 2 and make it more compact by taking in Clark County, all of Spink County, and parts around Aberdeen. He attempted to split District 2 down Main Street of Aberdeen in response to feedback he has heard. He attempted to draw these districts consistent to resolutions passed by the Brown County Commission and the Aberdeen City Council. He also split Aberdeen into two districts instead of three. He explained that District 23 would be the largest district on the east side of the state in order to keep it a rural district. He stated that this map attempts to preserve existing district boundaries as much as possible.

Public Testimony

Ms. Rachel Kippley, Brown County Commission, Aberdeen, encouraged the committee to put Brown County into two legislative districts and prevent them from having a watered-down voice. Ms. Kippley said the Brown County Commission passed a resolution to split Brown County into two districts. She also noted that she farms five miles north of Aberdeen, and that Aberdeen should be partially urban and rural.

Mr. Richard Skorupski, self, Frankfort, expressed that three out of the four proposals are negative for District 2 and don't give proper representation for rural Spink County. He does not agree with including Huron, as Huron voters would overwhelm the district, and they are not cohesive with them. Mr. Skorupski emphasized that agriculture needs representation. He said he supports the Grouse plan as it gives representation for District 2.

Mr. Barry Winkler, self, Aberdeen, indicated his support for the Grouse plan. He doesn't like the idea of Aberdeen being an island because it is an agricultural community, and the city and rural area work very closely together. He noted that the issues of Mobridge and Sisseton are not always consistent with their issues and the Grouse plan does the best in separating and representing their separate interests.

Mr. Rich Hilgemann, self, Aberdeen, indicated support for the Grouse plan, because it has straightforward lines. Mr. Hilgemann cautioned the committees against packing and cracking districts, as well as pitting incumbents against each other.

Ms. Kathy McNickle, Brown County Auditor, Aberdeen, asked the committees to follow precinct boundaries as much as possible as doing so makes election administration much easier.

Mr. Kyler Dinger, self, Aberdeen, said he spends a lot of time in Sioux Falls, Aberdeen, and Mobridge and the communities vary greatly. He has previously lived in and voted in Districts 1-3, and had different experiences in those districts. Mr. Dinger said having legislators in different communities makes it difficult to form relationships with them, which affects informed voting. He would not support having a legislator from the Mobridge or Sisseton area as they do not share the same interests as his community. He requested that the committees not expand Districts 1 or 23 into the Aberdeen area.

Representative Carl Perry, District 3, Aberdeen, shared his thanks for the opportunity to listen and give opinions on the process. He indicated his support for the Grouse plan as he knows Representative Dennert put much thought into the proposal, and he thinks it is the right thing for his area.

Mr. Travis Schaunaman, Mayor of Aberdeen, Aberdeen, said that splitting Aberdeen into two segments is the best option for the city and county. He stated their need to maximize their representation in Pierre given that the larger cities in South Dakota are growing, and Aberdeen is a medium-size city. He also expressed his interest in the Grouse plan.

Mr. Josh Wurgler, self, District 3, stated that three out of the four proposals eliminate District 2, justified by reasons of compactness and keeping communities of interest together. By doing so, Mr. Wurgler said compactness and communities of interest become a larger issue for Districts 23 and 1. By making District 23 so large, it does not reflect a single community of interest, but many. He is in favor of the Grouse plan, which keeps District 2 together as a community of interest.

Senator Al Novstrup, District 3, Aberdeen, stated his support for the Grouse plan as it keeps districts similar to where they are now. He shared that the other maps that move District 2 would be difficult to explain and cause confusion. He also supports the Grouse plan because it keeps Spink and Brown counties together. He shared that these counties are very similar and they should be kept together.

Representative Derby read written testimony provided by **Mr. Dennis Feickert, Brown County Commission.** Mr. Feickert, a former legislator, urged the committees to keep the best interest of the public in mind. He stated that Brown County would benefit from two legislative districts, not three or four.

Ms. Julie Johnson, self, Mina Lake, shared that she has experience working on the redistricting process in various roles through the last three cycles. She urged the committees to create a subcommittee for Aberdeen and Brown County in the next cycle. She hopes in the future that the people of the area can create their own plan to bring forward like Sioux Falls and Rapid City.

Ms. Kathy Schaunaman, self, Westport, indicated her support for the Grouse plan, and that she didn't understand why District 2 would be moved to Sioux Falls. She also asked if the plans can be split or if the committee must accept a whole plan. Representative Dennert responded that all the proposals are subject to further changes as they receive more feedback.

Mr. John Claussen, self, Sioux Falls, shared that he has heard the rural voice throughout the committees' meetings. However, he shared concerns about the census and its impact on rural communities. He noted concerns on the

undercount on reservations, RV voters, and military voters from Ellsworth in Rapid City. He also noted the constitutional requirements for using census data but said the committees should seek declaratory relief from the courts, as was done with IM 22, for an explanation of the census.

Mr. Mike Wiese, Brown County Commission, indicated his support for the Grouse plan because it gives two districts to Brown County and provides adequate representation to Aberdeen for being a rural minded, medium-sized city.

Ms. Dawn Shephard, self, Aberdeen, shared that she lives just outside the Aberdeen city limits with property in Spink County and residential properties in Aberdeen. She thinks the Grouse plan splits these areas well. Rural and southern Brown County is very closely related to rural Spink and Clark counties. Ms. Shepard said the Grouse plan keeps these communities together and gives them proper representation. She also said it respects the people in Edmunds and McPherson because they are more rural than her area, and it respects Marshall, Day, and Roberts counties by keeping them together, as well as including Milbank. She shared that the Grouse plan was well-thought out and well-organized.

Ms. Julia Ratushny, self, Frankfort, shared that she has gotten to know her local legislators well and that they are involved in their communities. She lives in District 2 and is more closely affiliated with Clark and Redfield. Ms. Ratushny said she would not want to lose that close relationship with her legislators or have representation from Huron. She supports the Grouse plan.

Ms. Melanie Bobby, self, Aberdeen, shared that she owns a real estate company in Aberdeen and does business all over the state. She supports the Grouse plan for the northeast part of the state, and she stated that Representative Dennert knows the needs of the people in their area.

Ms. Kayla Wies, self, Aberdeen, thanked Representative Dennert for talking to people in their area and in Aberdeen while developing the Grouse plan, which she supports.

Representative Lana Greenfield, District 2, Doland, shared her support for the Grouse plan. She noted that she hasn't been in touch with any of the committee members and doesn't want to influence their decision. However, she does want to be treated fairly and thinks that District 2 should remain.

Representative Kaleb Weis, District 2, Aberdeen, noted that Aberdeen and the area of Redfield are similar as many people work in Aberdeen, and the way the Grouse plan splits them makes sense. Representative Weis said that it does a disservice to Brown County and District 23 by putting Brown County in that district, as it is much more rural, and they don't consider themselves connected to Aberdeen. However, Representative Weis said, the opposite is true for Redfield the town's residents come to Aberdeen more often and could be considered an extension of the Aberdeen community. Representative Weis said his area is rural and supports farmers but is closely connected to Aberdeen and expanding District 23 into that area would not be wise for the people of those counties or South Dakota.

Committee Discussion and Adjournment

Senator Bolin asked if northern Spink County is more related to Aberdeen, and if southern Spink is more related to Huron. Mr. Skorupski responded that all of Spink County related to Aberdeen.

Senator Bolin moved, seconded by Senator Crabtree, 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 2:21 p.m.