

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
Monday, October 11, 2021

Rosebud Casino
Mission, South Dakota

The second meeting of the October Tour of the House Legislative Redistricting Committee and the Senate Legislative Redistricting Committee was called to order by Senator Troy Heinert at 4:00 p.m. (CST). The committees met together at the Rosebud Casino on the Rosebud Reservation.

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

Staff members present included Matt Frame, Legislative Attorney, Anna Madsen, 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

Senator Heinert welcomed the committee to the home of the Rosebud Sioux Tribe. He explained that there would not be a presentation by the LRC as was done in Rapid City, but the audience is welcome to ask questions.

Mr. Matt Frame, Legislative Attorney, LRC, noted that two of the agenda items included the LRC presentation and individual committee members presenting their map proposals. Given the lower number of attendees, the committee will forgo those items, but all of the information is posted on the LRC website (sdlegislature.gov).

Public Testimony

Mr. O.J. Semans, Four Directions Native Vote, Mission, stated that there are already districts set by federal court, and those districts should remain the same. The only change that he would be amenable to is adding Stephan and the area of Big Bend to unite to the Crow Creek Reservation in District 26. He said any other changes would bring great resistance from the tribes as it would dilute the minority vote. He has been involved with these issues, particularly in federal court, and has negotiated with boards from the Help America Vote Act and the Secretary of State. He said that positive changes came from these efforts. He also shared that anything that would dilute the Native vote within South Dakota would likely result in litigation. He expressed that the five percent deviation range should not be the factor used to determine the size of a district for a protected class. Mr. Semans also said the committee should look at the Voting Rights Act (VRA), which is key to making a decision on a deviation range. He shared that diluting a protected class in a district is in violation of the VRA.

Mr. John Claussen, self, Sioux Falls, shared concerns over the census, including the undercount on reservations, RV voters, and military voters from Ellsworth in Rapid City. He noted the constitutional requirements for using census data but believes the committee should seek declaratory relief or judgement through the courts, as was done with IM 22, for an explanation of the census. He said the census numbers cannot be used at face value and there is an equal protection issue.

Mr. Wayne Frederick, self, Winner, is a member of the Rosebud Sioux Tribal Council and said that he would like to see his district boundaries stay the same. He said the numbers of the census do not reflect the population of the district. Mr. Frederick asked how enlarging or taking away from a district benefits the people currently living within it. With the counties proposed being added to their districts, Mr. Frederick said it does not put them in a position of gaining another senator or representative, so why add.

Senator Heinert responded that the purpose for enlarging or shrinking is to reach the ten percent deviation number that is constitutionally required. He said the real issue is the accuracy of the census and the undercount and how that forces the committees to add people who don't reflect the interests of their people.

Mr. Frame shared that the ten percent deviation range has been a consistent benchmark for redistricting entities since the 1970s.

Ms. Alexandra Frederick, self, Todd County, said that there are drastic changes in the proposals to Districts 26 and 27. She voiced concern over this given the undercount in Todd County and on the other reservations. She wondered what this would do to voter turnout and representation for her area. She asked that the current districts stay the same so that the districts reflect the concerns of the tribes. She stated that before any boundaries are changed, the committee should look at the Voting Rights Act, the actual counts, the undercount of the census, and how this would affect their area over the next ten years.

Representative Shawn Bordeaux, District 26A, Mission, shared that there was a misrepresentation of what his community looks like. He said there are communities of tribal members by Ideal, Winner, Bonesteel, and Gregory. In one of the map proposals that includes Tripp County, it makes sense to include certain parts, such as the northern edge of Tripp County. Some of the maps that include parts of Hughes and Hyde make sense to keep communities together. He suggested that the committees should take parts of Tripp and Gregory, as doing so would fall within the parameters of the deviation range.

Representative Derby asked for further explanation on the proposed changes regarding Tripp and Gregory. Representative Bordeaux responded that he attempted to add the historical Rosebud reservation boundaries while excluding Brule and Buffalo counties. This would trade the population centers of Winner and Chamberlain. Representative Bordeaux said the districts can stay the same, but if changes are made, he suggested taking all of Tripp and Gregory County, and excluding Brule and Buffalo.

Senator Diedrich asked a series of questions that individuals could provide to the members of the committees through the remainder of the process. His questions included: are there any adjoining precincts with Native American populations that you would like to see added to Districts 26 or 27? Are there any areas you would like removed from the districts that you don't believe have sufficient Native American population or would be appropriate elsewhere? If there are areas that should be removed, do you have any recommendations of adjoining areas that should be added instead to get additional Native American populations within those districts? Are you aware of adjoining precincts in Districts 26 or 27 that have sufficient Native American population that we have left out of those districts?

Closing Remarks and Adjournment

Senator Duvall provided closing remarks on the process, and Senator Heinert thanked the committees and the public for traveling to the meeting.

Senator Crabtree moved, seconded by Representative Dennert, 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 5:19 p.m.