

MINUTES

House Legislative Redistricting Committee



Representative Spencer Gosch, Chair
Representative Kent Peterson, Vice Chair

Seventh Meeting, 2021 Interim
Monday, October 25, 2021

Room 413 – State Capitol
Pierre, South Dakota

The seventh interim meeting of the House Legislative Redistricting Committee was called to order by Representative Jon Hansen at 10:00 a.m. (CST). The committee met via teleconference and in Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering roll call: Representatives Ryan Cwach, Drew Dennert, Mike Derby, Spencer Gosch (Chair), Jon Hansen, Liz May, Kent Peterson (Vice Chair), and Bethany Soye.

Staff members present included Matt Frame, Legislative Attorney, and Anna Madsen, Research Analyst.

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.

Approval of Minutes

Representative Dennert moved, seconded by Representative Derby, to approve the minutes of the seven committee meetings of the October Redistricting Tour on the dates of October 11-13, 2021, for the House Legislative Redistricting Committee. The motion prevailed on a roll call vote with 8 voting AYE. Voting AYE: Cwach, Dennert, Derby, Hansen, May, Soye, Peterson, and Gosch.

Opening Remarks

Representative Derby thanked the public for attending the hearings across the state from the redistricting tour and noted that the committee members used much of the feedback to adjust the maps proposals that were presented during the meeting.

Representative Dennert commented that it was apparent from the feedback they received on the tour the areas of the state that believe they have been served well by their existing districts, and others that have not.

Representative Hansen thanked the public for participating in the hearings and the staff for coordinating.

Public Testimony

Ms. Sunny Red Bear, NDN Collective, Rapid City, shared her support of a map that unifies north Rapid City. Ms. Red Bear said one of the biggest challenges for Native people in Rapid City is having equitable representation, and that the current districts are adequate or equitable to Native people in that area, including for school districts and city council boundaries. Ms. Red Bear commented on the difficulty for Native candidates to be elected. Ms. Red Bear supported the Eagle map which, she said, has the potential to put decision-making power in the hands of Native people.

Mr. Bret Healy, Four Directions Native Vote, Chamberlain, highlighted his written testimony on racially polarized voting in the state, which was submitted to the committee ([Document 1](#)). Mr. Healy spoke in support of the Hawk map as proposed by Representative Derby ([Document 2](#)), with the intention of keeping District 26 and 27 the same with the addition of the Stephan and Big Bend areas to District 26. He also supports the map keeping the single-member districts of 26A and 28A the same. He commented that the Mahan case is the controlling authority and the Blackmoon decision allows the committee to go beyond the ten percent deviation.

Mr. Kellen Returns from Scout, Great Plains Tribal Chairmen's Association, Rapid City, emphasized that the Voting Rights Act needs to be followed throughout the process. He voiced his appreciation for being able to express the voice of tribal leaders through challenges with COVID-19 and other limited amounts of consultation opportunities. He noted that the interests of their community are also the law. Mr. Returns From Scout said he was encouraged by the Hawk map proposed by Representative Derby, and he also said that the Eagle map is the only proposal that is reflective of the single-member district that they proposed for North Rapid City. Mr. Returns From Scout said that map would give the Native population a competitive opportunity to elect a candidate of their choice. He pointed out that the Mockingbird proposal has a variation of the single-member district and that they would be conducting further analysis on it. He noted that they drew many maps for this area, and although they were not able to reach a majority, it still reaches 48%. While Mockingbird is a great attempt, he believes it does not reach that same percentage for Native populations as the other map proposal. He also noted that the Eagle map is more respectful to compact and contiguous geography, including for the Rapid City conurbation area.

Mr. John Claussen, self, Sioux Falls, noted his commitment to respecting the urban and rural voter, as well as his belief that Sioux Falls should have eight legislative districts. He also thinks that Rapid City should have three legislative districts with one being split for the Native American population. He discussed the process being governed by the Fifteenth Amendment and the Civil Rights Act, and that they do not mention political parties. Mr. Claussen said there is political welfare for both political parties in the Sioux Falls area, and he asked the committee to do what is best for the voters and not political parties.

Former Legislator John Koskan, self, commented that Grouse 2.0 fits what has historically been done in his area. He noted that at one time, his district stretched from Wall to the river, and that Lyman County was split three ways. He expressed that having more contiguous districts makes more sense and is less confusing for voters. He shared that Grouse 2.0 fits best because it follows county boundaries. Mr. Koskan asked the committee to consider the remoteness of his area and keep his district together.

Mr. Joel Koskan, self, said he is a former Senate candidate and has had the opportunity to drive through and talk to people in District 26. He noted previous testimony about undercounting on the reservations but said that they spent hundreds of thousands of dollars on getting out the vote in his area. He provided that the numbers of the Rosebud reservation elections are very similar to other elections. He said that the Fourteenth Amendment needs to be respected, and that one sector of the population should not have more say than the other part of the population. Mr. Koskan added that three out of five proposals are gerrymandered.

Finalization of House Map Proposal

Representative Dennert presented the Grouse 2.0 proposal ([Document 3](#)). He noted that they made changes to the original Grouse proposal as a result of public feedback. Representative Dennert discussed the changes to the southeast corner of the state, which included keeping Yankton and Clay counties whole and preserving as much of District 17 as possible. He also noted public concerns with splitting Beadle County, and the changes made to keep Beadle County as whole as possible. He commented that 58 counties are too small to be their own legislative district, and this proposal keeps 54 of those counties whole. He added that one of the components in drawing the map was keeping counties whole.

Representative Derby presented the Hawk 1.0 proposal ([Document 2](#)). He discussed the main differences between the Hawk and Grouse plans, including that Districts 26, 27, and 28 follow the existing district lines other than additions of the Crow Creek Reservation to District 26. He added that Tripp County would be in District 21. Representative Derby pointed out that two districts would be outside the ten percent deviation, but the other districts are within. He attempted to unify north Rapid City by placing it into District 34, and Wall remains in District 30.

Representative Soye asked about the differences between the two proposals for the Rapid City areas. Representative Derby and Representative Dennert responded that the conurbation areas are the same in both proposals.

Representative Cwach commented that Representative Derby's West River proposal was admirable and makes more sense than the Blackbird proposal, especially for the Rapid City area and Districts 27 and 26. He noted that the east side of the map is more difficult. He also discussed his concerns with the Grouse 2.0 map and the southeastern parts of the map. He expressed that Districts 16, 17, and 18 are difficult given the shape of the counties. He has heard that for the current district for Vermillion, most of the candidates are from the Vermillion area and it takes time to get to the other parts of the district because of the highway system. He noted that this would be the same for the Yankton area in the Grouse proposal.

Representative Dennert commented that both the Grouse 2.0 and Hawk proposals have the same conurbation areas for Rapid City and Sioux Falls, and that it makes sense to adopt those conurbation areas. The original conurbation area split the Green Valley precinct. He said there was much testimony that Rapid Valley and Green Valley be left whole or included in District 35. He explained that the change does not include additional precincts but adds more from existing precincts. He also said that in Sioux Falls, there is one change to Lincoln County precinct 1-13, which would be taken out of the Sioux Falls conurbation area. He noted that the reason for the change is so that District 11 and 14 would be exclusively within Minnehaha County, which they heard from public testimony.

Representative Soye moved, seconded by Representative Dennert, that the outer boundaries of Districts 32, 33, 34, and 35 be adopted as the Rapid City conurbation district as depicted in the Grouse 2.0 and Hawk 1.0 map proposals. The motion prevailed on a roll call vote with 7 voting AYE and 1 voting NAY. Voting AYE: Dennert, Derby, Hansen, May, Soye, Peterson, and Gosch. Voting NAY: Cwach.

Representative Soye moved, seconded by Representative Dennert, that the outer boundaries of Districts 10, 11, 12, 13, 14, 15, and 21 be adopted as the Sioux Falls conurbation district as shown in the Grouse 2.0 and Hawk 1.0 map proposals. The motion prevailed on a roll call vote with 7 voting AYE and 1 voting NAY. Voting AYE: Dennert, Derby, Hansen, May, Soye, Peterson, and Gosch. Voting NAY: Cwach.

Representative Dennert reiterated the changes in the Grouse 2.0 map, including those to District 11, 14, and 35. He also noted that north Rapid City is united in District 34. Districts 5, 7, and 31 are kept the same from the current map. He also highlighted District 1 and that it unites the Lake Traverse Reservation by adding in part of Grant County. He noted that the Pierre district is changing, but for reasons of keeping it compact.

Representative Derby thanked Representative Dennert for his hard work. He again noted the main differences between the two plans, including for Districts 26, 27, and 28. He commented that eastern Pennington County wants to remain within District 35, which his map does.

Representative Dennert shared that there is still an opportunity to come together and blend the two proposals. He noted that he is more comfortable with his proposal, especially as it falls within the ten percent deviation, as that means the map is presumptively constitutional.

Representative Hansen noted that it is prudent for the committee to make a recommendation at the meeting, but further work can be done before the special session.

Representative Soye asked if this map included any split districts or if they would be drawn at a later time. Representative Dennert responded that the intention would be to split Districts 26 and 28, but the timeline is up to consideration.

Representative Hansen commented that he approved of adopting this map for the Senate districts with the understanding that Districts 26 and 28 would be split

Mr. Matt Frame, Legislative Attorney, LRC, noted that the equal population requirement under the Fourteenth Amendment still applies when splitting these districts, and that the committee will want to take this into consideration as it will have an impact when they draw the boundaries.

Representative Dennert commented that the best route would be to adopt the plan at the meeting with the intention of splitting Districts 26 and 28 at a later time.

Representative Soye asked if there is a possibility to have north Rapid City as a split district under this plan. Representative Dennert responded that it is not his intention to do so and he has not prepared a split district for that area.

Representative Dennert moved, seconded by Representative Soye, that the statewide map of Grouse 2.0 be adopted. The motion prevailed on a roll call vote with 6 voting AYE and 2 voting NAY. Voting AYE: Dennert, Hansen, May, Soye, Peterson, and Gosch. Voting NAY: Cwach and Derby.

Representative Dennert shared a supporting document to accompany the Grouse 2.0 plan, which includes the guiding principles of the map and a district-by-district analysis ([Document 4](#)).

Representative Hansen noted that the committee adopted the Grouse 2.0 proposal. He recommended that they schedule another meeting, held virtually, on Friday to allow the committee to consider the split districts for 26 and 28 and any amendments to the Grouse 2.0 map to align it with the Hawk proposal.

Representative Dennert moved, seconded by Representative Derby, that the House Legislative Redistricting Committee be adjourned. The motion prevailed on a roll call vote with 8 voting AYE. Voting AYE: Cwach, Dennert, Derby, Hansen, May, Soye, Peterson, and Gosch.

The committee adjourned at 11:37 a.m.