

Chairman Crabtree,

I have submitted written opponent testimony for the hearing on HB1200. I urge you to not pass HB 1200. I have included a copy of my written testimony below.

Thank you for your consideration in this matter.

Scott Knuppe

Name: Scott Knuppe

City of Residence: New Underwood

Phone Number: 309-360-2135

Representing: Self

Bill Number: HB 1200, Senate State Affairs S.J. 328

Proponent or Opponent: Opponent

Meeting Date: February 27, 2023

I urge the Senate State Affairs committee to not pass HB 1200 for the following reasons.

1. HB 1200 imposes an every district burden on citizens. The same burden is not imposed on the legislature for any actions. This burden will effectively eliminate any grass roots efforts to engage in the citizen initiative process that has long been a freedom that South Dakota citizens enjoy that citizens in many other states do not.
2. By making it impossible for common folks to put forth a volunteer grass roots effort, the likely unintended consequence is that initiatives may be put forward from well funded external groups that can afford to setup 35 district level organizations to meet the onerous requirements of HB 1200. No doubt representative May will welcome these well funded outsider groups with open arms to her district to collect the required 1,000 signatures.
3. Requiring at least 1,000 signatures from every district on a petition that needs 35,017 signatures total will require the Secretary of State to abandon the current statutory mandate of statistical sampling. Current law and rule require the Secretary to look at just 720-some signatures to obtain a 95% confidence level that the petition has enough valid signatures to qualify for the ballot. A random sample of 720 signatures out of 35,017, just one out of 50, is insufficient to guarantee that the sample reliably represents the number of signatures gathered from each of the 35 districts. To comply with HB 1200, the Secretary will have to count and validate the district of every signature, this will create an additional undue burden on the state. Will the legislature also appropriate the extra funding required for this extra effort?
4. It is highly unlikely a geographical quota will pass muster with the courts. In 2018, a federal court in Colorado threw out a comparable legislative-district quota for initiated amendment petition signatures in Colorado. The judge in that case said that since Colorado's legislative districts have widely varying numbers of registered voters, requiring equal quotas of signatures from each district makes voters from smaller districts more powerful

than voters from larger districts, thus violating the “one person, one vote” principle embodied in the Fourteenth Amendment. In that case, a difference of 64% between the smallest and largest number of voters in districts was enough to trigger the violation. In South Dakota, the largest number of voters in any district, 27,813 in District 35, is 214% the number of voters in the district with the smallest pool of registered voters, 12,986 in District 26.

5. If this bill is passed and signed into law, there will undoubtedly be a court challenge. The state will be required to defend it. Why do my tax dollars continually have to support the state defending frivolous legislation that is passed that is unconstitutional? The most fiscally prudent approach is to not pass HB 1200.

I ask the Senate State Affairs committee to not pass HB 1200. I would prefer the legislature focus on improving issues and concerns that help the majority of South Dakotans and NOT focus on passing legislation that restricts the freedoms of South Dakotans that we now enjoy.

Thank you for your time and consideration of my written testimony.

Scott Knuppe