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S.D. SEC. OF STATE

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HAND DELIVERED

August 26, 2019


Hon. Steve Barnett  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

Re: **Attorney General's Statement for initiated constitutional amendment  
(redistricting by commission)**

Dear Secretary Barnett,

This Office received a proposed initiated constitutional amendment that the sponsor may seek to place on the November 2020 ballot. Enclosed is a copy of the amendment, in final form, that the sponsor submitted pursuant to SDCL 12-13-25.1. In accordance with that statute, I hereby file the Attorney General's Statement with respect to this amendment. By copy of this letter, I am providing a copy of the Attorney General's Statement to the sponsor as well.


Very truly yours,

  
JASON R. RAVNSBORG  
Attorney General

JRR/lde

Enc.  
cc/enc.: Dan Ahlers

Filed this \_\_\_\_\_ day of

  
STEVE BARNETT  
SECRETARY OF STATE

## CONSTITUTIONAL AMENDMENT

### ATTORNEY GENERAL'S STATEMENT

Title: An amendment to the South Dakota Constitution providing for state legislative redistricting by a commission.

Explanation:

The Constitution currently requires the Legislature to establish legislative districts every ten years. This amendment removes that authority from the Legislature and grants it to a redistricting commission. The commission will redistrict in 2021 and every ten years thereafter.

Under the amendment, the commission consists of five registered voters. The following individuals each appoint one member: the majority leader of the House of Representatives; the minority leader of the House of Representatives; the majority leader of the Senate; the minority leader of the Senate; and the Secretary of State.

A commission member must have the same party registration, or be registered as unaffiliated with a party, for three continuous years immediately prior to appointment. No more than two commission members may belong to the same political party. For three years prior to and three years after a commission member's term, the member cannot be a candidate for or be elected to public office, nor be a political party official.

Each district shall be equal in population to the extent possible and mapped in a grid-like pattern. Adjustments to the districts may be made based on state and federal law, and other factors as prioritized in the amendment.

Be it enacted by the people of South Dakota:

Section 1. That Article III, section 5, of the Constitution of the State of South Dakota, be amended to read as follows:

~~§ 5. The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in 1983 and in 1991, and every ten years after 1991. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment.~~

Beginning in 2021, and every ten years thereafter, a commission composed of five registered voters in this state appointed under this section shall apportion the membership of the Legislature. A member of the commission must not have been a candidate for or elected to any public office or have been an official in any political party during the three years immediately preceding, or during the three years immediately following, the member's term on the commission. No more than two members of the commission may be members of the same political party. A member of the commission must have been continuously registered with the same political party or registered as unaffiliated for at least three years immediately preceding the member's appointment to the commission.

The following persons shall each appoint one member of the commission: the majority leader of the House of Representatives; the minority leader of the House of Representatives; the majority leader of the Senate; the minority leader of the Senate; and the Secretary of State.

The commission shall apportion the membership of the Senate by establishing single-member legislative districts equal to the number of state senators as provided by law. The commission shall apportion the membership of the House of Representatives by establishing single-member districts or a dual-member district, wholly within a senatorial district in accordance with the law of this state or the United States.

Each senatorial district shall be equal in population to the extent practicable and mapped in a grid-like pattern across the state. Any adjustment to a senatorial district may be made solely based on the following criteria, in the following priority order:

1. Complying with the Constitution of the United States, this constitution, and federal law, and creating geographically contiguous districts;
2. Minimizing divisions of counties;
3. Minimizing divisions of municipalities;

4. Minimizing divisions of census blocks;

5. Using visible geographic features;

6. Creating geographically compact districts to the extent practicable; and

7. Maintaining the same or similar socio-economic areas to the extent practicable.

The commission may not use party registration, voting history, or place of residence for any legislative incumbent or candidate to establish a senatorial district.

The Office of the Secretary of State shall serve as the secretariat of the commission and shall assist the commission as the commission may require. The Office of the Attorney General shall provide legal assistance to the commission as the commission may require. The members of the commission shall receive for their services the same salary and travel expenses fixed for members of the Legislature under law.

The Legislature shall enact any law necessary to enforce this section.