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**RECEIVED**

**JUL 26 2017**

**S.D. SEC. OF STATE**

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

HAND DELIVERED

July 26, 2017

Hon. Shantel Krebs  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

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

Dear Secretary Krebs,

This Office received a proposed constitutional amendment that the sponsor will seek to place on the November 2018 general election ballot. Enclosed is a copy of the constitutional amendment, in final form, that was submitted to this Office. In accordance with SDCL 12-13-25.1, I hereby submit the Attorney General's Statement with respect to the amendment. The title is: "An initiated amendment to the South Dakota Constitution providing for state legislative redistricting by a commission."

By copy of this letter, I am providing a copy of the Attorney General's Statement to the sponsor of the constitutional amendment pursuant to SDCL 12-13-25.1.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marty J. Jackley".

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/PA/lde  
Enc.

cc w/enc.: Drey Samuelson  
Jason Hancock, Director of LRC

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S.D. SEC. OF STATE

CONSTITUTIONAL AMENDMENT  
ATTORNEY GENERAL'S STATEMENT

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

Explanation:

State Senators and Representatives are elected from within legislative districts. The South Dakota Constitution currently requires the Legislature to establish these legislative districts every ten years. This amendment removes that authority from the Legislature and grants it to a redistricting commission.

Under the amendment, the commission is made up of nine registered voters selected each redistricting year by the State Board of Elections. 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 three commission members may belong to the same political party.

Commission members may not hold certain state or local public offices, nor hold office in a political party organization. This restriction also applies for three years immediately prior to appointment to the commission, and three years immediately after appointment.

The commission will redistrict in 2021 and every ten years thereafter. The commission must make a draft redistricting map available for public inspection, and must accept written comments for thirty days. The commission will then establish final legislative district boundaries. The districts must be drawn in compliance with state and federal law.

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An Amendment to the Constitution to provide for **S.D. SEC. OF STATE** legislative redistricting by a nonpartisan commission.

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.~~

Terms used in this section mean:

(1) "Commission," the independent redistricting  
commission established pursuant to this section;

(2) "Political party," a party whose candidate for  
Governor at the last preceding general election at which  
a Governor was elected received at least two and one-half  
percent of the total votes cast for Governor;

(3) "Political party office," an office of a political  
party organization as distinct from a state public  
office;

(4) "State public office," an elective office in the  
executive or legislative branch of the government of this  
state; or an office in the executive or legislative  
branch of the government of this state which is filled by  
gubernatorial appointment; or an office of a county,  
municipality or other political subdivision of this state  
which is filled by an election process involving  
nomination and election of candidates on a partisan  
basis.

The independent redistricting commission is hereby  
created and shall be composed of nine registered voters  
in South Dakota, none of whom may hold a state public  
office or a political party office. The commission shall  
prepare the plan for redistricting the state into