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

Attorney General Explanation: Article III, section 5, of the state 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 consisting of nine registered voters selected by the State Board of Elections. The commission will redistrict in 2023, 2031, and every ten years thereafter. Under the amendment, 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 applies for three years immediately prior to appointment to the commission, and three years immediately after appointment. The commission must make a draft redistricting map and report available for public inspection, and must accept written comments and hold public hearings. The commission will then establish final legislative district boundaries in a manner consistent with the amendment's requirements. Any person purposefully violating any portion of this section would be guilty of fraud.

Fiscal Note: The fiscal note examines the fiscal impacts associated with creating this new commission. The amendment sets the size of the commission at 9 members, a decrease from the 15 legislative committee members who have historically done the work of developing the plan to reapportion legislative districts. While the State would incur costs of \$721,962.84 in fiscal year 2024 when the commission meets for the first time, the State would see savings of \$51,175.36 in fiscal year 2032 and every tenth year thereafter in expenditures by having fewer members on the commission than was needed for legislative committees and eliminating the need for a special legislative session. In 2011, the Legislative Redistricting Committee met 5 times. Two subcommittees of 6 legislators and 3 subcommittees of 5 legislators each met once at various locations across the state. For the purposes of this fiscal note, it is presumed that the commission will hold the same number of meetings as the committee but will always hold meetings with all members.

Independent Legislative Redistricting Commission Cost

	Current	Proposal	Change
Committee Members	15	9	6
Committee Total	\$39,466.22	\$23,679.73	(\$15,786.49)
Subcommittee Total	\$11,839.86	\$19,733.11	\$7,893.25
Special Session	\$51,832.12	\$0.00	(\$51,832.12)
Total Savings			(\$59,725.36)
Software	\$70,000.00	\$70,000.00	\$0.00
Hardware	\$0.00	\$8,100.00	\$8,100.00
Laptop bags	\$0.00	\$450.00	\$450.00
Total Additional Expenses			\$8,550.00
Total Expenses	\$173,138.20	\$121,962.84	(\$51,175.36)

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S.D. SEC. OF STATE

Filed this 5th day of

March, 2021

Steve Barnett
SECRETARY OF STATE

Further, while the amendment also provides that any person purposefully violating any portion of this section is guilty of fraud and shall be punished as provided by law, it is not clear what impact this would have on prison or jail costs, if any.

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