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S.D. SEC. OF STATE

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HAND DELIVERED

July 14, 2015

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

Re: **Attorney General's Statement—State legislative redistricting by a commission**

Dear Secretary Krebs,

This Office received an initiated constitutional amendment regarding state legislative redistricting by a commission. The sponsor is Doug Sombke on behalf of the South Dakota Farmers Union. 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 this amendment.

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

Very truly yours,

Marty J. Jackley
ATTORNEY GENERAL

MJJ/PA/lde
Enc.

cc w/enc.: Doug Sombke
Jason Hancock, Director of LRC

Filed this 14th day of
July 2015

SECRETARY OF STATE

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INITIATED MEASURE

ATTORNEY GENERAL'S STATEMENT

Title: An initiated amendment to the South Dakota Constitution to provide 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 measure removes that authority from the Legislature and grants it to a redistricting commission.

The commission is made up of nine registered voters selected each redistricting year by the State Board of Elections from a pool of up to 30 applicants. This pool consists of applicants registered with South Dakota's two largest political parties (ten from each), and ten not registered with either of those parties. 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. For three years immediately prior to and three years immediately after appointment, commission members may not hold office in certain state or local public offices, or in a political party organization.

The commission will redistrict in 2017, in 2021, and every ten years thereafter. The commission must produce a draft map and allow for public comment. The districts must be drawn in compliance with state and federal law.

Filed this 14th day of
July 2015
Shantel Krebs
SECRETARY OF STATE

An initiated measure submitted to the electors at the next general election an amendment to Article III, section 5 of the Constitution of the State of South Dakota, relating to non-partisan legislative redistricting.

Section 1. That at the next general election held in the state, the following amendment to Article III, section 5 of the Constitution of the State of South Dakota, as set forth in section 2, shall be submitted to the electors of the state for approval.

Section 2. 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.~~

Definition of Terms. Terms used in this section mean:

1. "Commission" or "commission" means the independent redistricting commission established pursuant to this section.

2. "Political party" means 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" means an office of a political party organization as distinct from a public office.