

INITIATED CONSTITUTIONAL AMENDMENT PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section and article of the South Dakota Constitution be amended and that this proposal be submitted to the voters of the state of South Dakota at the general election on November 08, 2016, for their approval or rejection.

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

Attorney General 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.

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.
4. "State public office" means
 - (a) An elective office in the executive or legislative branch of the government of this state; or
 - (b) An office in the executive or legislative branch of the government of this state which is filled by gubernatorial appointment; or
 - (c) An office of a county, city 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 shall hold a state public office or a political party office. The commission shall prepare the plan for redistricting the state into legislative districts. This redistricting shall be made by the commission in 2017 and 2021, and every ten years after 2021. Such redistricting shall be accomplished by December first of the year in which the redistricting is required.

By January 31 of each year in which the redistricting is required, the board overseeing state elections and procedures shall accept applications from persons who are willing to serve on and are qualified for appointment to the commission. The pool of candidates shall consist of no more than thirty individuals, ten from each of the two largest political parties in South Dakota based on party registration, and ten not registered with either of the two largest political parties in South Dakota.

By February 28 of each year in which the redistricting is required, the board shall establish a commission to provide for the redistricting of state legislative districts. No more than three members of the commission shall be members of the same political party. The commission shall select by majority vote one of its members to serve as chair and one of its members to serve as vice chair.

Each commission member shall have been continuously registered with the same political party or registered as unaffiliated with a political party for three or more years immediately preceding appointment, and who is committed to applying the provisions of this section in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process.

Within the three years immediately preceding appointment, a commission member shall not have been appointed to, or elected to, any state public office or political party office. Within the three years immediately after appointment, a commission member shall not be appointed to, or elected to, any state public office or political party office.

If a vacancy occurs on the commission, the board shall select a successor who has the same qualifications as the commissioner whose position is being vacated.

The Legislature, under the direction of the commission, shall provide the technical staff and clerical services that the commission needs to prepare its districting plans. Each commission member shall receive per diem and expenses as established by the Legislature.

Five commissioners, including the chair or vice chair, constitute a quorum. Five or more affirmative votes are required for any official action. If a quorum is present, the commission shall conduct its business in meetings in accordance with South Dakota's open meetings law.

The commission shall establish legislative districts 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 commission shall determine in compliance with federal and state law.

The commission shall commence the mapping process for the legislative districts by creating districts of equal population in a grid-like pattern across the state. Adjustments to the districts shall be made as necessary to accommodate the following:

1. Districts shall comply with the United States Constitution, the South Dakota Constitution, and federal statutes, as interpreted by the United States Supreme Court and other courts with jurisdiction;
2. Districts shall have equal population to the extent practicable;
3. Districts shall be geographically compact and contiguous to the extent practicable;
4. District boundaries shall respect communities of interest to the extent practicable; and
5. District lines shall use visible geographic features, municipal and county boundaries, and undivided census tracts to the extent practicable.

Party registration and voting history shall be excluded from the redistricting process. The places of residence of incumbents or candidates shall not be identified or considered.

The commission shall notify the public that a draft map of legislative districts is available for inspection and written comments. The commission shall accept written comments for thirty calendar days following notification to the public. The senate and house of representatives may act within this period to submit written comments to the commission. After the comment period has ended, the commission shall establish final district boundaries. The commission shall certify to the secretary of state the establishment of legislative districts.

The commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the commission. The commission shall have the authority to determine whether the attorney general or counsel hired or selected by the commission shall represent the people of South Dakota in the legal defense of a redistricting plan.

Each commissioner's duties established by this section expire upon the appointment of the next commission. The commission shall not meet or incur expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions, or if the number of legislative districts is changed.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 2 PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 3 PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 4 PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 5 PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

RECEIVED

JUL 17 2015

S.D. SEC. OF STATE

Filed this 17 day of July 2015

Shantal Krebs
SECRETARY OF STATE

NAME	RESIDENCE	DATE/COUNTY
SIGN 6 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 7 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 8 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 9 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 10 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 11 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 12 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 13 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 14 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 15 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 16 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 17 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 18 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 19 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
SIGN 20 ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Filed this _____ day of _____ 20____
STATE OF IOWA

Signature of Circulator

Sworn to before me this _____ day of _____

(Seal)

SECRETARY OF STATE

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

#SDRtThing2Do
1410 Dakota Ave. S
Huron, SD 57350

RECEIVED

JUL 16 2015

S.D. SEC. OF STATE

15 July 2015

Honorable Shantel Krebs, Secretary of State
Capitol Building
500 East Capitol Avenue Ste 204
Pierre, SD 57501-5070

Secretary Krebs;

Attached is the petition form we propose to circulate to initiate a constitutional amendment in South Dakota, titled by the Attorney General, "An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission."

Doug Sombke

Doug Sombke, Sponsor, Chairman, #SDRtThing2Do
1102 N Main St, Groton SD 57445

Sworn to before me this 16th day of July 2015.

Bonnie Seyer
Signature of officer administering oath

My commission expires 2/21/2018

Notary Public
Title of officer administering the oath



Karla Hofhenke

Karla Hofhenke, Sponsor, Treasurer, #SDRtThing2Do
1865 Iowa Ave SE, Huron SD 57350

Sworn to before me this 16th day of July 2015.

Bonnie Seyer
Signature of officer administering oath

My commission expires 2/21/2018

Notary Public
Title of officer administering the oath



Matthew Sibley

Matthew Sibley, Sponsor
1442 Wisconsin Ave SW, Huron SD 57350

Sworn to before me this 16th day of July 2015.

Bonnie Seyer
Signature of officer administering oath

My commission expires 2/21/2018

Notary Public
Title of officer administering the oath

