

REDISTRICTING IN INDIAN COUNTRY

SOUTH DAKOTA



Four
Directions

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WHAT IS REDISTRICTING?

Redistricting is the redrawing of the geographic lines that divide districts for the state legislature, county boards of commissioners, city councils, school boards, and other local bodies. It is required by the U.S. Constitution. Redistricting usually takes place every ten years, after the United States conducts the decennial census to determine how many people live in each state.

This guide is focused on redistricting in South Dakota, including the South Dakota Senate and South Dakota House of Representatives. Information on county-level redistricting in South Dakota will be available at <https://vote.narf.org/redistricting/>.

By redrawing district lines every ten years, redistricting takes into account where populations have increased or decreased. The main goal of redistricting is to ensure that all districts have approximately the same number of people. This protects the constitutional right to have a vote that is equal to any other person's vote.

It is crucial that Native Americans have an equal voice in redistricting to protect their ability to elect candidates of their choice. How can your Native community participate in this process? How can you ensure that your community's political power is protected? This guide explains the redistricting process and how we all can participate.

WHY IS REDISTRICTING IMPORTANT?

Redistricting matters because it controls access to political representation. It influences who runs for office and who is elected. Elected representatives make many decisions that influence our daily lives, from acknowledging tribal sovereignty to honoring treaties to protecting the land. Residents of a district should be able to hold their representative accountable and be sure that their representative is truly representing the interests of the people. And the maps that are created this year will be used for the next ten years. This is our chance to impact what they look like.

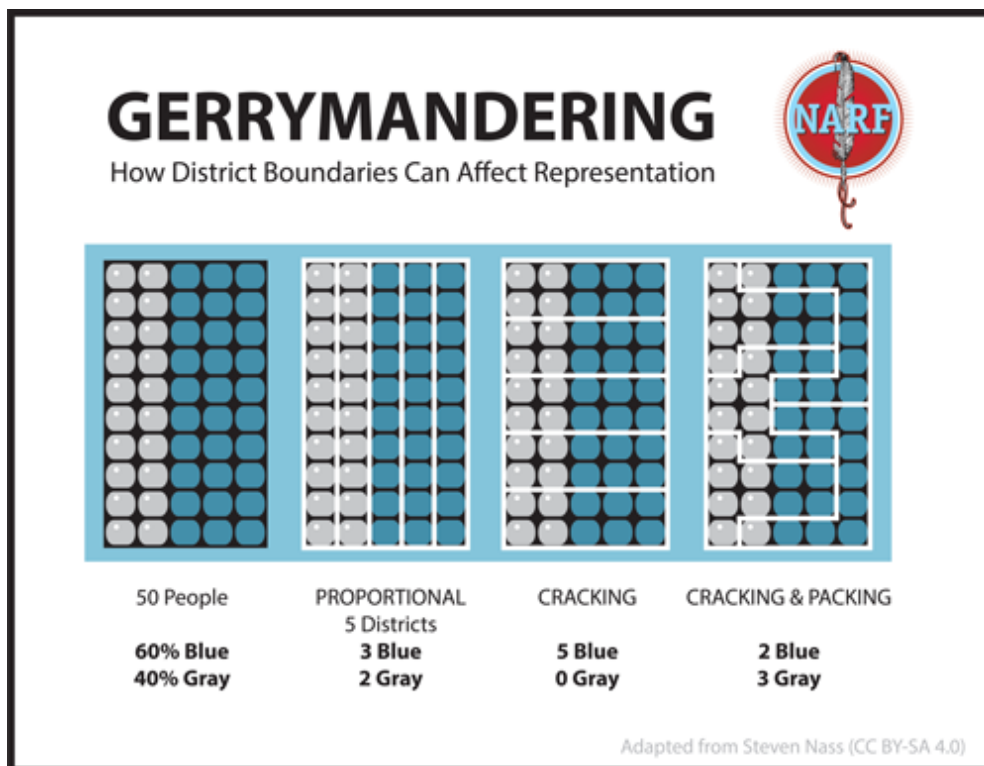
The U.S. Constitution requires that electoral districts have roughly equal populations. This requirement ensures that each person's vote is worth the same as any other person's. Because populations change over time, districts must be redrawn to reflect those changes. Otherwise, the voting power of a particular community would be diluted. For example, one state legislator might represent 40,000 people, while another represents only 25,000. The people in the smaller district would have disproportionately more representation, making the system unfair.



WHAT ABOUT GERRYMANDERING?

Even when districts have nearly equal populations, a particular map can still limit a certain group's political power. This abuse of redistricting is called *gerrymandering*. Often it is used to exclude minority communities from political power. Even in an election with one hundred percent voter turnout, gerrymandering can still prevent communities from electing their candidates of choice.

Maps often dilute votes in two ways. First, a map can “crack” minority voters into many districts, where they are only a small percentage of the population in each. This leaves them unable to elect their representative of choice, despite having enough votes to do so. In the image below, gray voters have been cracked in the third map, leaving them without control of any districts, even though they represent forty percent of the population. Second, a map might “pack” minority voters into one district, when if they were spread out in multiple districts they would have more political power. In the final map in the image below, most of the blue voters have been packed into two districts, and the rest of the blue voters have been cracked up in the other districts. This leaves the blue voters with forty percent of the districts, even though they are sixty percent of the population.



When voters are unfairly “packed” or “cracked,” even turning out every eligible voter usually will not be enough to win an election. This is why redistricting is so important. It is our chance to create a fair system that will stay in place for the next ten years.



WHO IS IN CHARGE OF DRAWING THE LINES?

Each state has its own rules about who is responsible for drawing new lines. In South Dakota, redistricting is done by the state legislature. The legislature has created Legislative Redistricting Committees, one for the House and one for the Senate. These committees began meeting jointly in March 2021. They typically meet together, as one large committee. This committee will create a draft map, which it will send to the full legislature. The full legislature will then vote on the maps in early November. If the legislature passes the maps and the maps are not challenged in court, they will be used for the first time during the 2022 state elections.

The members of the committees are listed below:

- Senator Jim Bolin (R), Senate Committee Vice-Chair
- Senator Casey Crabtree (R)
- Representative Ryan Cwach (D)
- Representative Drew Dennert (R)
- Representative Mike Derby (R)
- Senator Michael Diedrich (R)
- Senator Helene Duhamel (R)
- Senator Mary Duvall (R), Senate Committee Chair
- Representative Spencer Gosch (R), House Committee Chair
- Representative Jon Hansen (R)
- Senator Troy Heinert (D)
- Representative Liz May (R)
- Representative Kent Peterson (R), House Committee Vice-Chair
- Senator Kyle Schoenfish (R)
- Representative Bethany Soye (R)

But even though these elected officials make the final decisions, you and your community can help shape the decision-making process. The Board will hold field hearings in October 2021, giving you a chance to voice your opinion on draft maps or even share your own proposed map.

WHEN WILL REDISTRICTING HAPPEN?

Redistricting takes place at least every ten years after the census is completed. Every state has its own timeline for when maps should be finalized. The COVID-19 pandemic has delayed the process of reporting the census results, which pushed back when states can start redistricting. Data is currently expected in August or September 2021.

In South Dakota, redistricting of the state legislature must be completed by December 1, 2021. If the Legislature fails to create a new map by then, the South Dakota Supreme Court has ninety days to create a new map instead. Currently, the committee is planning to meet several times in Summer 2021. However, it may revise this timeline given the delay in reporting census data. The Committee already has planned several field hearings between October 11 and October 13, 2021. The hearings will be in Rapid City, Mission, Mobridge, Aberdeen, Waterdown, and Sioux Falls. At these meetings, the committee will solicit input from people like you about what the maps should look like. You should plan to attend a hearing in your area.

WHAT ARE THE RULES FOR DRAWING THE LINES?

Each state has its own rules about how to draw maps. But there are some federal rules that have to be followed when redistricting in any state. These take priority over South Dakota's rules.



- **One person, one vote**—Districts must have roughly equal populations. This applies to congressional districts, state legislative districts, local school board districts, and more. However, this requirement doesn't mean that every district must have the exact same number of people. Under federal law, state and local plans may have districts with total population deviations of up to ten percent of the size of an ideal district. Congressional maps, on the other hand, should aim for mathematical equality.
- **Section 2 of the Voting Rights Act**—This law prohibits redistricting plans that dilute the power of a person's vote due to their race or ethnicity. A map violates this law if Native Americans have less opportunity than other voters do to elect representatives of their choice. In order for this rule to apply, the Native voters must be relatively geographically compact, they must generally support the same candidates, and they must have enough people to be a majority of eligible voters in at least one district. When considering whether it is possible to draw a majority-Native district, determine the percentage of people of voting age who are Native, not just the overall percentage of Native people in the district. Fifty percent of the total population may not be enough.

When Native Americans meet these requirements, they may be entitled to a district in which they have the opportunity to elect their candidate of choice. This is called a “majority-minority district.” In drawing an effective majority-minority district, you should consider the percentage of Native people who are of voting age, not just the overall percentage of Natives in the district. Make sure to also factor in registration and turnout rates when determining how many Native voters need to live in a district in order to have equal opportunities to elect candidates. This number could be lower than fifty percent if some non-Native voters usually support the Native-preferred candidate, or it could be considerably higher if Native turnout and registration rates are lower than average.

NARF can help determine whether this legal protection applies to you and if a potential district would be an effective Native-majority district. Contact us at vote@narf.org.

South Dakota's Constitution and laws establish additional rules for redistricting. When drawing your own maps, make sure to comply with these guidelines.

- The Redistricting Committee can set the number of state senators and representatives. The state constitution allows for between twenty-five and thirty-five senators and between fifty and seventy-five representatives. Currently, the state is split into thirty-five senate districts. Each of these districts elects one senator and two representatives. However, a senate district can also be split into two smaller subdistricts, each of which can then elect its own representative. Currently, two senate districts are divided into subdistricts.
- The ideal population for a senate district is found by dividing the total population of the state by the number of senators. Given the 2020 population of 886,667, **the ideal size for a Senate district is 25,333** (assuming the number of Senate districts remains the same).



- Districts must have populations that are “**as nearly equal as is practicable.**” This is similar to the federal equal-population requirement discussed above.
- **Communities of interest** should be protected through the use of **compact** and **contiguous** districts. Contiguous means that every part of the district must be physically connected. And compact refers to the district’s shape, and means that it should not be overly irregular or have long, unnecessary appendages.
- Districts should **respect geographical and political boundaries.** This could refer to county boundaries, city boundaries, reservation boundaries, river boundaries, and more. The law doesn’t define this term.

HOW CAN I PARTICIPATE?

Even though the legislators are in charge of making final decisions about how to draw district lines, you can still think about how you would like districts to be drawn and advocate for fair maps. An important way to participate is attending the October field hearings noted above.

The first step is organizing your Native community. Find others who are interested in redistricting and educate your neighbors about why this process is important for Indian Country. As a community, you should talk about your goals. What issues are important to you—clean water, Indian child welfare? What levels of government control those issues? Do you want to propose a single district or an entire map?

Part of this advocacy will require you to geographically define your community. The people living on your reservation may be in your community. But there may be others as well. Think about what other nearby areas have similar, shared interests. You can even work together to create a proposed map.

Find more details about how to be an effective advocate at <https://vote.narf.org/redistricting/>.

If South Dakota’s tribes come together and make their voices heard, we can help ensure that the redistricting process is fair and that the maps used to elect our state representatives and congressional representatives for the next ten years protect Native political power.

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More information available at <https://vote.narf.org/>.

Contact us at vote@narf.org.

