

ONE PERSON, ONE VOTE.

WHERE SOUTH DAKOTA DRAWS THE LINE

A Redistricting Toolkit for Community Organizers, Advocates, and Changemakers



ACLU

INTRODUCTION

The idea of “one person, one vote” is one of democracy’s greatest strengths. At the voting booth, each person stands equal to the next, no matter what their background, no matter where they live, no matter how much money they make.

Our democracy, after all, is strongest when all voices are heard.

Key to achieving this democratic ideal is redistricting, or the redrawing of the districts that make up the legislative maps in South Dakota, a process that occurs every 10 years.

Redistricting is simple enough to grasp when you compare it to other things we replace every so often, like, say, an old car. When it just isn’t working like it used to or doesn’t meet your needs anymore, it’s time to think about getting a new model.

Similarly, redistricting should lead to new and improved electoral maps that reflect the growth and demographic changes that South Dakota communities undergo with time. Every 10 years, after the U.S. Census determines how our communities have expanded and contracted, the South Dakota Legislature gets the task of redrawing fair maps that are inclusive of everyone.

Except it doesn’t always quite work that way, because, unfortunately, redistricting isn’t as easy as buying a new car.

When redistricting is done fairly, it accurately reflects population changes and racial diversity, and is used to equitably allocate representation in our state legislature. When politicians use redistricting to manipulate the outcome of elections, however, it’s called gerrymandering — a practice that undermines democracy and stifles the voice of voters. And that happens more often than you might think.

But together, we can help make the process more fair and equitable for everyone.

REDISTRICTING 101

What is redistricting and why is it done?

Redistricting is the process of redrawing electoral district boundaries. It is meant to ensure that every person has fair representation at the local, state, and federal levels. Census data that are collected every 10 years are used to draw new districts with about the same number of people. This accounts for the ways that populations have changed and moved across the states and districts.

State legislators are required to take those numbers and draw districts that protect the value of every vote — one person, one vote. The state legislature modifies the boundaries (lines) of the districts for various elected officials so that each elected office represents close to the same number of people. The purpose of redrawing districts is to re-balance following population changes on the principle of one person, one vote and every vote has the same weight.

Why is it important?

How district lines are drawn plays a vital role in our communities and affects the daily lives of all South Dakotans. It influences who runs for public office and who is elected. Elected representatives make decisions that are important to our lives, from ensuring safety in schools to adopting immigration policies. The people that live in a district can then in turn influence whether elected officials feel obligated to respond to a particular community's needs. Redistricting can keep people with common interests, cultures, languages, and histories bundled together so they can effectively advocate for themselves and make their voices heard in local affairs. Once drawn, these district boundaries are in place for the next 10 years, and their policy impacts can last well beyond that.

When do those new districts take effect?

The new maps will take effect in 2022 and will be in place for the next 10 years. The long-lasting effect of redistricting is one of the most important reasons for communities to be involved.

REDISTRICTING 101

Who draws the district lines?

In 2021, the South Dakota state legislature is responsible for drawing the state's new legislative districts. The Legislative Redistricting Committee, chaired by Sen. Mary Duvall and Rep. Spencer Gosch, leads the process. The committee will host public hearings and draft the statewide map for approval first by the committee and then by both chambers of the legislature. Gov. Kristi Noem must approve the maps.

What factors should legislators consider when drawing up the boundaries for each district?

When drawing up the boundaries of each district, legislators must comply with the U.S. and South Dakota Constitution as well as the Federal Voting Rights Act of 1965 and South Dakota law.

First and foremost, redistricting must adhere to the principle of one person, one vote. In other words, the idea is that individuals should have equal representation in voting with each vote counting the same. The Equal Protections Clause of the Fourteenth Amendment of the U.S. Constitution also requires that legislative districts are substantially equal in population. There should not be large disparities in population between districts.

Second, the boundaries of the districts must be drawn in a way to ensure that the resulting maps comply with the federal Voting Rights Act, which prohibits the boundaries of the districts (maps) from discriminating against citizens on the basis of race, color, or membership in a language minority group.

In addition, legislators are also guided by traditional redistricting principles like contiguity (all parts of the district are connected to each other), compactness (avoiding unnecessarily strange shapes), keeping communities of interest intact, respecting existing political boundaries (e.g. county and city lines), and competitiveness. In South Dakota, Senate Bill 80 passed in 2021, says that redistricting guidelines must follow and respect “geographical and political boundaries, specifically, counties, reservations, and municipalities.”

RULES OF REDISTRICTING

What legal obligations do legislators have to follow?

State legislatures have an obligation to ensure fair and equal representation for all people, upholding the Fourteenth Amendment’s guarantee of equal protection and complying with the requirements of the Voting Rights Act of 1965.

BY LAW, REDISTRICTING MUST FOLLOW THESE TWO CRITERIA

Equal Population – Each district should have substantial equality of population. In order to achieve this, the total population is divided by the total number of legislative districts to calculate the “ideal” number for each district. Ideally, the smallest district would be no more than 5 percent below the “ideal” district size and the largest district no more than 5 percent above. This range, however, can be adjusted as long as the deviation is no more than 10 percent. The principle of “one person, one vote” is fundamental to our democracy, and is embedded in the 14th Amendment of the U.S. Constitution and means that every resident’s vote should carry equal weight.

The Voting Rights Act – This law prohibits voting practices or procedures that discriminate on the basis of race, ethnicity, or language. This means, among other things, that line drawers cannot intentionally or unintentionally create maps that dilute the voting power of racial, ethnic, and language minorities.

RULES OF REDISTRICTING

In addition to adherence to required criteria of equal population and the Voting Rights Act, the following redistricting principles are also considered.

Preserve Communities of Interest: A jurisdiction's communities of interest are its overlapping sets of neighborhoods, networks, and groups that share interests, priorities, views, cultures, histories, languages, and values. There is no single, simple, concrete definition of a "community of interest." In practice, a holistic picture of the communities of interest in the jurisdiction takes shape only through extensive public testimony from community members. This concept is one of the most important tools a community can use to preserve their community's ability to stay in a single district.

These are some elements that can help define communities of interest:

- Racial and ethnic compositions, cultural identities, and language
- Similar socio-economic factors such as income and education levels
- Other shared political boundary lines, such as shared school districts
- Natural and man-made features, including streets, highways, canals, hills, etc.

Be Compact: Compactness refers to the shape of the district. It describes boundaries that are drawn closely and neatly packed together unless there are good reasons such as Voting Rights Act compliance or following oddly shaped boundaries, like city boundaries or rivers.

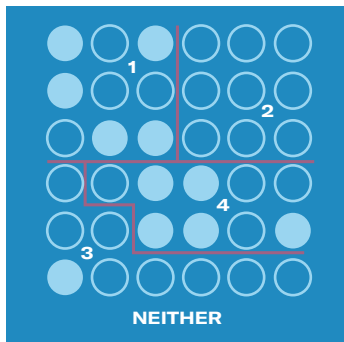
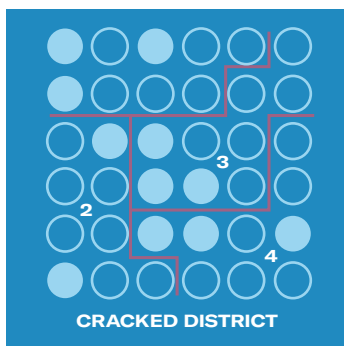
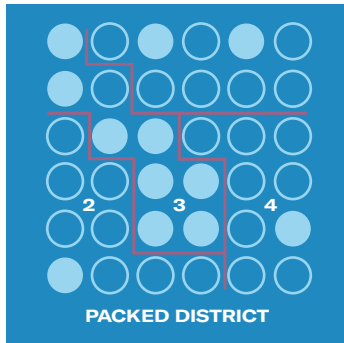
Be Contiguous: Contiguity means that the boundaries of a district are a single, uninterrupted shape and that all parts of the district are connected to each other.

Follow Existing Political Subdivisions and/or Natural Boundaries: This means maps minimize splitting cities and counties, or crossing natural or urban boundaries (rivers, mountains, highways, etc.).

Respect Existing Legislative Boundaries: This means drawing new districts as close to existing lines as possible or preserving the cores of prior districts to provide continuity of representation

Avoiding Pairing Incumbents: This refers to avoiding districts that would create contests between current elected officeholders.

RULES OF REDISTRICTING



Courts can rule districts to be discriminatory if they dilute the votes of racial, ethnic, and language minorities. This discrimination is referred to as gerrymandering, the manipulation of district lines to improperly affect political power, and commonly happens in two ways:

- **Cracking** refers to fragmenting concentrations of minority populations among multiple districts to ensure that they have no effective voice in any one district
- **Packing** refers to concentrating as many individuals from a minority group as possible in as few districts as possible to limit the total number of districts in which they have influence

The examples to the left demonstrate three ways a line drawer could map four districts within the same jurisdiction. In this simplified hypothetical, minority voters are represented by light blue dots. The first example “packs” light blue voters into District 3. The second “cracks” them into all four districts. The third example does neither, thus avoiding minority vote dilution. To prevent packing, cracking, and other discrimination in our elections systems, the Voting Rights Act prohibits district maps that unlawfully dilute the voting power of any racial, ethnic, or language minority group.

Map drawers do not need to intend to discriminate against minority voters for a map to be found in violation of Section 2 of the Voting Rights Act. It is enough that a map results in minority vote dilution for it to be found unlawful.

% of Minority Residents

	D1	D2	D3	D4
PACKING	11%	11%	89%	11%
CRACKING	33%	22%	33%	33%
NEITHER	56%	0%	11%	56%

Majority-minority districts are highlighted in pink.

GET INVOLVED

The best way to ensure fairness in the redistricting process is to get involved. Your presence makes a difference!

The House & Senate Joint Legislative Redistricting Committee hearings in Pierre are open to the public to provide testimony. Attend any of the meetings in-person or listen online. Go to SDLegislature.gov for details.

The committee also will hold a series of public listening sessions meant specifically for community feedback from Oct. 11-13 in Rapid City, Mission, Mobridge, Aberdeen, Watertown, and Sioux Falls. These meetings are an opportunity to engage with the elected officials overseeing the redistricting process and are your chance to ask questions, comment on any proposed maps, and advocate for district boundaries that are not drawn in a discriminatory matter and protect historically disenfranchised communities.

WHO TO CONTACT

Contact the state legislature's redistricting committee.

Sen. Mary Duvall: Mary.Duvall@sdlegislature.gov
Sen. Jim Bolin: Jim.Bolin@sdlegislature.gov
Sen. Casey Crabtree: casey.crabtree@sdlegislature.gov
Sen. Michael Diedrich: Mike.Diedrich@sdlegislature.gov
Sen. Helene Duhamel: Helene.Duhamel@sdlegislature.gov
Sen. Troy Heinert: Troy.Heinert@sdlegislature.gov
Sen. Kyle Schoenfish: Kyle.Schoenfish@sdlegislature.gov
Rep. Spencer Gosch: Spencer.Gosch@sdlegislature.gov
Rep. Kent Peterson: Kent.Peterson@sdlegislature.gov
Rep. Ryan Cwach: Ryan.Cwach@sdlegislature.gov
Rep. Drew Dennert: Drew.Dennert@sdlegislature.gov
Rep. Mike Derby: Mike.Derby@sdlegislature.gov
Rep. Jon Hansen: Jon.Hansen@sdlegislature.gov
Rep. Liz May: Liz.May@sdlegislature.gov
Rep. Bethany Soye: Bethany.Soye@sdlegislature.gov

Key dates to remember

Aug. 30: House & Senate Joint Redistricting Committee Hearing
Sept. 9: House & Senate Joint Redistricting Committee Hearing
Sept. 22: House & Senate Joint Redistricting Committee Hearing
Sept. 30: House & Senate Joint Redistricting Committee Hearing
Oct. 11: Public Listening Session - Rapid City (8 a.m. MT)
Oct. 11: Public Listening Session - Mission (3 p.m. CT)
Oct. 12: Public Listening Session - Mobridge (8 a.m. CT)

Oct. 12: Public Listening Session - Aberdeen (1 p.m. CT)
Oct. 12: Public Listening Session - Watertown (5 p.m. CT)
Oct. 13: Public Listening Session - Sioux Falls (2 p.m. and 6 p.m.)
Oct. 18: House & Senate Joint Redistricting Committee Hearing
Oct. 25: House & Senate Joint Redistricting Committee Hearing – Committee Meeting to Finalize Draft Maps for Special Session
Nov. 8: Special Legislative Session – Redistricting
Dec. 1: Constitutional Deadline for Legislature to Complete Redistricting

Go to SDLegislature.gov for more info (including agendas, audio recordings of meetings, current maps, and more) or scan the QR code on this page.



MAKE YOUR VOICE HEARD

Share your thoughts on the redistricting process by testifying at one of the committee hearings or public listening sessions or sending the legislators on the committee a note. Don't know what to say? **Here are some prompts to get you started:**

Introduction. Introduce yourself and the reason you are there.

Example: *“My name is _____. I've been a resident of [community] for _____ years. I'm here with a group of my neighbors. I would like the Committee to keep my community together.”*

Description of your community. Describe your community by including social and economic demographics, and narrative information about its history and culture. Describe what connects the people and why it's important that they be kept together.

Example: *“Many new immigrants first move to the north side of town when they come to the city. In the 1980s, it was mostly Southeast Asian. There was a small shopping district where people come in from all over to get Asian groceries and other goods. Along the main road of that area, there is a parade each year celebrating Lunar New Year.”*

Include data. Use reliable sources such as the U.S. Census Bureau as another way to describe your community and what neighbors have in common. This will make the case stronger.

Example: *“My community is working class, low to median income families, mostly renters. The median household income is \$32,000. Many of our residents moved from here to build a new life.”*

Description of how your community is different or alike from the communities around you. Share stories and data about community concerns and whether or not you feel like your voices have been heard and your needs have been met in the past. Include examples of any positive changes that have resulted from your community coming together to advocate for their needs to be met and having their voices heard or any harms that have come to your community because your voice has been ignored as well as the barriers to the solutions your community is fighting for.

Example: *“A few years ago, my neighbors and I started complaining about the lack of affordable healthy food. We found that there were 10 liquor stores, and the closest grocery store was almost two miles away while another nearby community had many affordable healthy options in walking distance. People in our community worked together with our representatives to bring a food market in and now we have a number of affordable healthy food options.”*

Example: *“Last year, a coal-fired power plant was built in our community. We came together and campaigned against it hard, but we lost because our community is split between two districts in a way that our voices were outnumbered in both. As a result, people in our community experience higher rates of asthma than in the surrounding area.”*

Thank you. Restate your goals, acknowledge your community members and partners in attendance, and thank the members.

Example: *“As a proud South Dakotan, I'm urging fairness in the 2021 redistricting process. Let's make sure that we have the best and most representational government in the nation. Thank you for your time.”*

SPREAD THE WORD



Write a letter to the editor.

Writing a letter to the editor of your local newspaper can be an extremely effective way to influence public opinion and shape legislators' views about the redistricting process. Letters to the editor reach a large audience and are often monitored by public officials. Plus, they're fun to read. The "Letter to the Editor" section is often one of the most widely read sections of the newspaper!

FOLLOW THESE TIPS

Keep it short. Most newspapers have strict limits on the length of letters and have limited space to publish them. Typically aim for 200 words.

Make it personal. Share your own story or experiences – don't worry about trying to be an expert. Start by talking about who you are, then describe a problem or concern, then talk about a solution.

Include your contact information. Many newspapers will only print a letter to the editor after calling the author to verify their identity and address. Newspapers will not give out that information, and will usually only print your name and city should your letter be published.

Sign it and send it to one of your local newspapers. Check out aclusd.org/editor or scan the link on the top right of this page.

Use social media.



Social media is a great way to directly engage with your legislators who have pages as well as fellow activists. Use your platform to raise community awareness about redistricting. If you see your friends posting content during session, be sure to retweet and like their commentary! It will help ensure your message gets across, too.

Visit aclusd.org/redistricting-toolkit-social-media for tips or scan the QR code to the left.

Get your friends involved.

Redistricting affects everyone in South Dakota. You can help by mobilizing your friends and neighbors to attend public hearings and present a united front. This will signal that many people are paying attention to the outcomes — too many to ignore. Share these resources, too!

FOLLOW US ON SOCIAL MEDIA!

Go to aclusd.org or simply scan
the QR code below

