

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

484H0664

## HOUSE JOINT RESOLUTION NO. 1007

Introduced by: Representatives Michels, Burg, Derby, Flowers, Olson (Mel), and Peterson (Bill) and Senators Bogue, Brown (Arnold), Everist, Hutmacher, and Koetzle

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to Article III, section 5, of the Constitution of the State of South Dakota to  
3 clarify the responsibility of the Legislature to provide for its own apportionment.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article III, section 5 of the Constitution of the State of South Dakota, as set forth in section 2  
8 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
9 for approval.

10 Section 2. That Article III, section 5 of the Constitution, of the State of South Dakota, be  
11 amended to read as follows:

12 § 5. The Legislature shall apportion its membership by dividing the state into as many  
13 single-member, legislative districts as there are state senators. House districts shall be established  
14 wholly within senatorial districts and shall be either single-member or dual-member districts as  
15 the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory



1 and shall have population as nearly equal as is practicable, based on the last preceding federal  
2 census. An apportionment shall be made by the Legislature in ~~1983 and in 1991~~ 2001, and every  
3 ten years after ~~1991~~ 2001. Such apportionment shall be accomplished by December first of the  
4 year in which the apportionment is required. If any Legislature whose duty it is to make an  
5 apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme  
6 Court within ninety days to make such apportionment. However, if any federal or state court  
7 invalidates, in whole or in part, an apportionment made by the Legislature, the Legislature,  
8 meeting in regular or special session, shall make a new apportionment as prescribed by federal  
9 and state constitutional and statutory law or court order.