

The logo for the South Dakota Broadcasters Association features a stylized blue 'C' shape that encircles the text. The text 'SOUTH DAKOTA' is in a smaller, all-caps, sans-serif font, while 'BROADCASTERS' and 'ASSOCIATION' are in a larger, bold, all-caps, sans-serif font.

SOUTH DAKOTA BROADCASTERS ASSOCIATION

PO Box 1037 - 106 West Capitol Ave. - Pierre, SD 57501 ~ Phone: (605)224-1034 / Fax: (605)224-7426
Website: www.sdba.org

March 22, 2018 / updated April 16

Jason Hancock, Executive Director
South Dakota Legislative Research Council
500 E Capitol Ave
Pierre, SD 57501

Jason,

I promised to expand in writing on the conversations we had during the legislature. This note fulfills that promise. First some background.

At the SDBA annual meeting in July 2017 there was a lengthy discussion about candidates, the legislature, and ballot issues in anticipation of 2018. At the time, we reaffirmed the Association's practice of NOT hosting candidate debates, because plenty member stations do. But there were nearly a dozen potential ballot measures circulating and we thought six or seven would make the ballot. So the group reviewed them all with most of their time on these three:

- **Constitutional Amendment W - an initiated amendment to the Constitution changing campaign finance and lobbying laws, creating a government accountability board, and changing certain initiative and referendum provisions.** Our participants thought interest would be high because it was a redo of IM22, the 2016 measure repealed by the 2017 legislature. The original IM 22 had no legislative scrutiny and it passed with most folks unaware of its flaws, e.g. democracy credits. 50,000 people signed petitions to put it on the ballot.
- **IM 24 – an initiated measure prohibiting contributions to ballot question committees by non-residents, out-of-state political committees, and entities that are not filed with the Secretary of State.** The group discussed speech and contribution limits in general.

They thought both proponents and opponents would have limited funding, resulting in a low information high consequence campaign. They wondered how it would fare on a crowded ballot. They had first amendment concerns. They wondered about the reaction of an agnostic or jaded public.

- **IM 25 – an initiated measure increasing the State tobacco tax and creating a postsecondary technical institute fund for the purposes of lowering student tuition and providing financial support to the State postsecondary technical institutes.** Many of the participants came from cities with technical institutes and had good relationships with the schools. They reported that public interest was already high in their communities.

Near the end of the discussion, it was suggested that the SDBA organize several “town hall” meetings to explore the top ballot measures. Format, locations, and participants would be determined with the forums most likely held late summer, early fall. It was thought that the biggest challenge would be to make the subject matter compelling. It was agreed that member stations and other partners could help with the event, those discussed in particular were the newspapers and chambers of commerce. I was directed to identify potential partners.

And then the legislature convened. During session I discussed the town hall concept with a lot of stakeholders in the upcoming election including statewide Associations, lobbyists, past and current legislators. And I got involved in several of the electoral “reform” measures which prompted many other discussions.

My friends talked often about the merits of the committee process, win or lose. We bemoaned the fact that IM 22 never had a hearing and wished that Constitutional Amendment W would. And we remembered HB 1130, which died late in 2017, requiring that the legislature collect written comments and conduct a hearing both prior to circulation and prior to the ballot.

And those two separate conversations - town halls and legislative hearings - began to merge. What if there was a legislative hearing and it was used to jump start a town hall meeting or be content for local forums? The reactions were positive, but not unanimous. The dissenters thought the ballot subjects were just too dry to capture the public interest. No one would care. They also wondered if the public even wanted a legislative opinion on the ballot measures. The supporters thought such a forum could get to the merits and problems with the ballot measures, could present the legislature positively, and that a committee hearing, particularly the committee question portion, could get past electoral soundbites and truly reveal the issues important to each measure.

A 2018 Ballot Issue Proposal

The town hall discussion prompts this offer. If a legislative committee(s) of your choosing would conduct ballot issue hearings, our TV and radio stations will rebroadcast and distribute the content until the election. We will also organize town halls and forums around the hearing with local partners.

I believe that a balanced, thorough examination of the ballot issues listed would be good for the public. I'll let you decide if three issues are too many or too few, but for our first attempt at this scheme, it seems right.

Your group will determine their own schedule. But if it was up to me, I would consider three separate two hour hearings in Pierre scheduled over two days. Our objective is a 60 minute program, so 90 minute hearings might work, but they just seem inadequate. The committee would take proponent and opponent testimony and then its members would ask questions. Time would be equal to proponents and opponents. They would decide themselves its use. I don't see the Committee taking final disposition, but that's not my decision. The committee should be comprised of leadership and have both Republicans and Democratic members.

I think public attendance would be beneficial and add energy. But public testimony is challenging for me as I'm afraid it could lessen the time with "experts". One option may be to encourage and accept written comments from the public either before or after the hearings. Those comments could be compiled and/or summarized for compilation on the LRC website. Another option may be to schedule "listening sessions" with the legislators before or after the hearings during which the public could have their say. Public committee testimony can be intimidating and hard to manage because of the number of persons. But there should be a meaningful outlet for public opinion during the hearings.

The hearings could be broadcast live on the internet using the current infrastructure and archived on the LRC site. We would videotape the hearings and then edit the program for subsequent rebroadcasts. While we discussed and I considered the rebroadcast of a live program, I think the proceedings would be much more compelling and get much more play if it was well edited. A 60 minute program for each issue would be optimal, but a 30 minute program would also have benefits.

Those programs and the original hearing could both be available on the LRC website. TV and radio stations across the state will post links to both versions on their websites. I hope and expect that other groups would do the same.

LRC could help edit that final product if you wish. The original webcast would be available for comparison and the sole purpose of the edits would be to tighten the program in order to keep the viewer's attention. But I don't underestimate the opportunities for someone to claim mischief with the edits.

The edited broadcast would be used several ways:

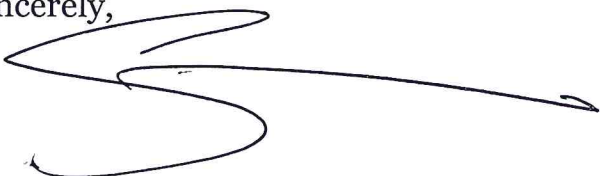
Town halls - in the State's larger cities, local TV or radio stations (in cooperation with local partners) would show the videotape prior to a gathering where local legislators, proponents and opponents would be invited to participate. A moderator would manage questions from the audience. That event would be broadcast in full or in part by local stations with extensive media coverage beforehand. It's contemplated that chamber legislative committees would take a role in the event. These arrangements are not made and the format is to be determined, but the inquiries I've made have indicated very high interest.

Viewing parties - local chambers, associations, or service clubs could host viewing parties to explore the ballot questions of interest. There would be 3 hours of content, so the biggest challenge may be which to watch. It's for these settings that a 30 minute broadcast seems optimal.

Rebroadcasts - I anticipate the programs being rebroadcast several times during the summer and fall by local TV and radio stations to fulfill the stations community service obligation. We will also encourage our news directors and members to use the program to develop additional stories prior to the election.

In closing, I think South Dakotans are generally right on the ballot issues. And if your group chooses not to conduct hearings on the measures, then I understand. The campaigns will determine. But a significant portion of the public thinks Congress is corrupt and dysfunctional, the SD legislature a little less so. A thoughtful, thorough examination of both sides of these issues and a public display of legislative talent could be both educational and reassuring. Maybe more importantly it would get beyond the electoral soundbites. And we'll promote it hard because our state's citizens are capable of the deeper look. Take care and thanks very much for the consideration.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Steve Willard', with a long horizontal stroke extending to the right.

Steve Willard, President
South Dakota Broadcasters Association