Who Are State Legislators

SOUTH DAKOTA LEGISLATURE
LEGISLATIVE RESEARCH COUNCIL

STUDENT REFERENCE SERIES
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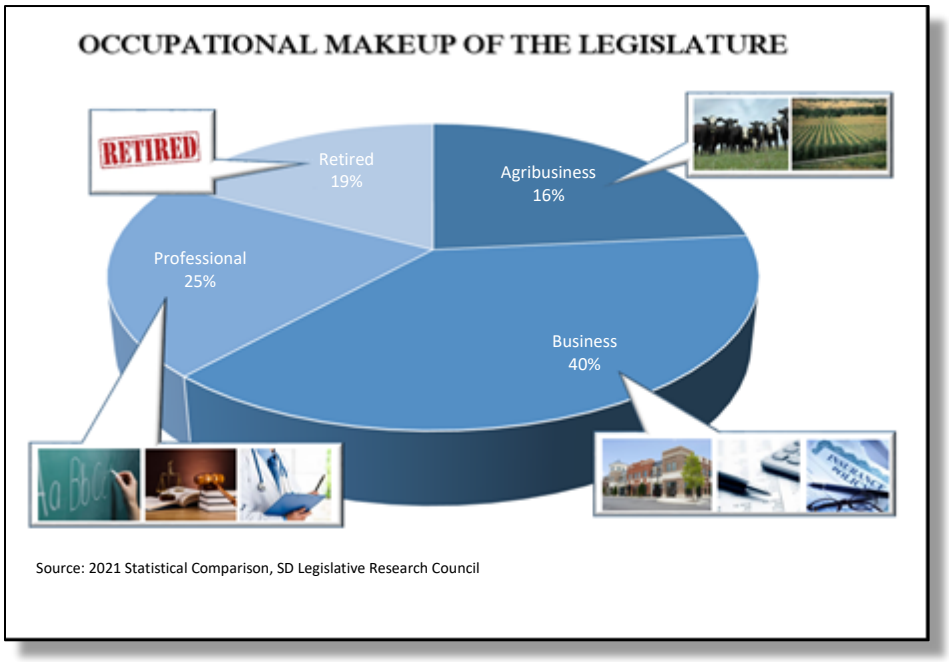
The people who serve in the South Dakota Legislature are as diverse as the population of the state in general. There is no way to define a "typical legislator" in South Dakota. Nonetheless, it is safe to say that most legislators fit the image of an average South Dakotan more closely than they fit the image of a politician.

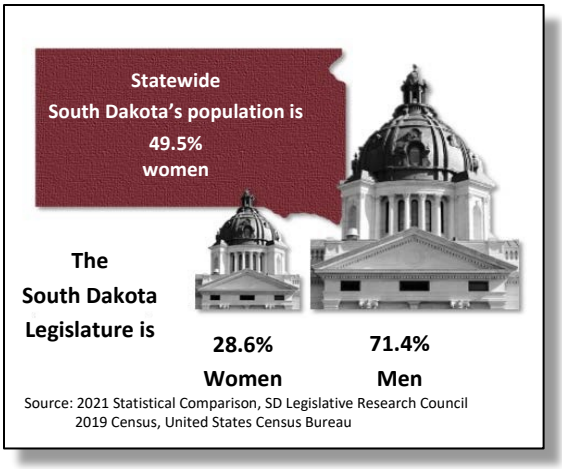
The South Dakota Legislature is a "citizen legislature." A citizen legislature is a legislature made up of citizens who often have full-time occupations in addition to being a legislator. When they are not in Pierre devoting their time to lawmaking, legislators are in their respective districts living among those they represent.



Legislators come from all walks of life; some are just beginning careers, and others are retired. Legislators come from various professions such as teachers, homemakers, and doctors just to name a few. In years past, farmers and ranchers dominated the Legislature. In more recent years, there are still legislators involved in agriculture, but there are also many others in different pursuits.

Among the legislators elected in 2020, for example, forty percent of them were engaged in business while only sixteen percent of them were involved in agriculture. Another twenty-five percent of them were in a professional field.

Recent years have brought another change in the make-up of the Legislature. More women run for and hold legislative office. There were no women in the Legislature until 1923, when Representative Gladys Pyle took office. From that year through the early 1970s, at any given time, the number of female legislators could be counted on one hand. Since that time, however, the number of female legislators has increased. In 2021, thirty women, the most ever, were sworn in as legislators.



The qualifications necessary to run for the Legislature are simple, and are the same in both the Senate and the House of Representatives. Candidates must be at least twenty-one years old. They must be United States citizens who have resided in South Dakota for the two years prior to the election. Additionally, they must be qualified electors in the particular legislative district they wish to represent, which means they must live and be registered voters in that particular district.

Requirements to be a Legislator

Age: 21
Citizens of United States: Yes
Resident of South Dakota: 2 years
Resident of Legislative District: Yes
Registered Voter: Yes, in Legislative District

The term of office for both senators and representatives is two years. The entire membership of the Legislature is elected in every even-numbered year. Since 1993, no senator or representative may serve more than four consecutive terms or eight consecutive years, in the same house. South Dakota voters approved an amendment to the State Constitution in 1992 calling for these term limits. Many other states also limit terms of state legislators.

Throughout the past decade, the legislative turnover rate has remained fairly constant, hovering around 30 percent. This means that nearly one-third of the state legislators are replaced at each election. Some of them choose not to run again, and others are defeated at the ballot box. Term limits also have an effect on legislator turnover. Thirteen legislators are ineligible to run for the same seat in 2022, and in 2024 that number will increase to twenty-three. If at any time between elections a legislator dies in office or resigns, the State Constitution provides that the Governor appoint a replacement to fill the vacancy.

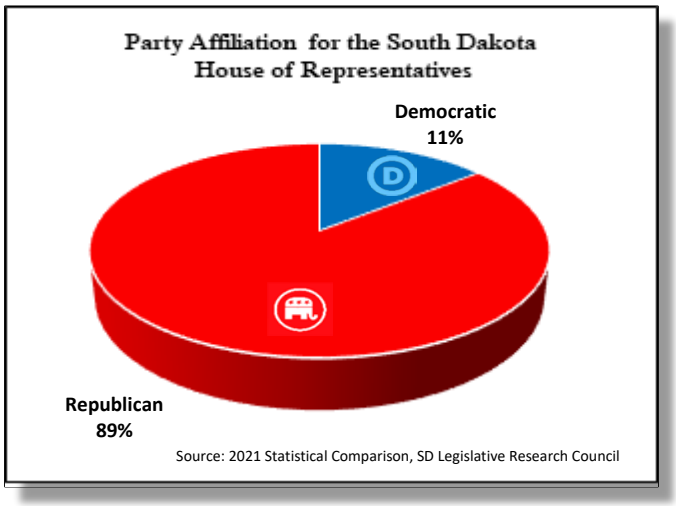
Before assuming their official duties, members of the Legislature and its officers take and subscribe to the following oath or affirmation:

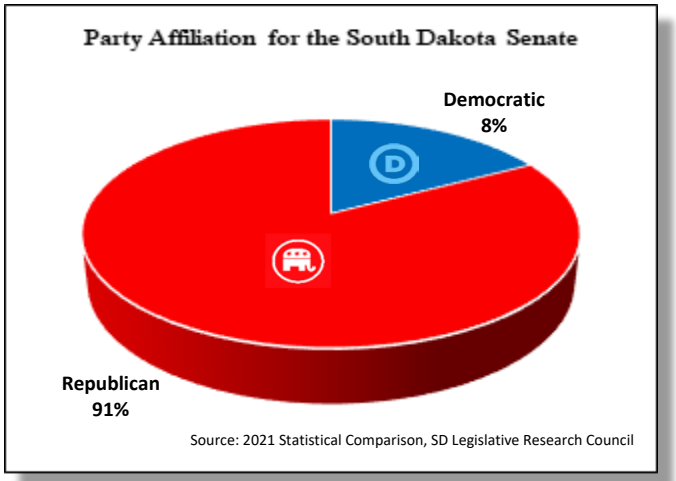
I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of South Dakota, and will faithfully discharge the duties of (senator, representative, or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution or appropriation, or for any other official act.
(South Dakota Constitution, Art. III, § 8)

This oath is administered by a Justice of the Supreme Court, Judge of the Circuit Court, or the presiding officer of the house to which the member is elected. The Secretary of State records and files the oath subscribed to by each member and officer.

South Dakota has two primary parties, the SD Democratic Party and the SD Republican Party. Each party has a chance to gain control of the two separate houses.

The majority party is the polictical party in each house that has the most members. The majority party then elects a Majority Leader for that house to lead the party's caucus.





Likewise the minority party is the political party in each house that has fewer members than the majority party. They also elect a Minority Leader that will lead the caucus of the minority party. Each party also elects Whips who are legislators that assist the party leadership.

In addition to the leadership of the political parties there are leadership positions in the Legislature for each chamber as decribed below:

SENATE OFFICERS

President:
By virtue of the office as Lieutenant Governor, presides over the Senate, but has no vote unless the Senators are equally divided.

President Pro Tempore:
A Senator, elected by the Senate; presides over the Senate in the absence of the President. Appoints Senate Chairs and committee members; refers bills to appropriate committees.

Secretary of the Senate
A citizen, elected by the Senate; responsible to the President Pro Tempore in administrative and procedural matters; and directs the clerical staff in preparation of the daily journal, calendar, and other required functions.

HOUSE OFFICERS

Speaker:
A Representative, elected by the House of Representatives; presides over the House; appoints House Chairs and members of committees; refers bills to appropriate committees.

Speaker Pro Tempore:
A Representative, elected by the House of Representatives; presides over the House in absence of the Speaker.

Chief Clerk of the House
A citizen, elected by the House of Representatives; responsible to the Speaker of the House in administrative and procedural matters; and directs the clerical staff in preparation of the daily journal, calendar, and other required functions.

Key Resources:
Qualifications to be a Legislator
Legislative Term Limit
Governor's Appointment of Legislators

Key Terms:
citizen legislature
term limit
Republican Party
Democratic Party
President
President Pro Tempore
Speaker
Speaker Pro Tempore
majority party
Majority Leader
minority party
Minority Leader
Whip

Did you know?

Legislators' privilege from arrest--Freedom of debate. Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same; and for words used in any speech or debate in either house, they shall not be questioned in any other place.
(South Dakota Constitution, Art. III, § 11)

The Democratic Party has only controlled the House of Representatives twice in 1933 and 1935. The Republican Party has controlled it all other times except in 1974, when both parties had a tie with 35 members each. A Democrat was elected Speaker in 1973 and 1974.