

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION**

LOWER BRULE SIOUX TRIBE; and
individual members Neil Pierre Russell,
Stephanie Bolman, and Ben Janis,

Plaintiffs,

v.

LYMAN COUNTY; LYMAN COUNTY
BOARD OF COMMISSIONERS;
BRIAN KRAUS, in his official capacity as
Lyman County Commissioner; LESLIE
REUER, in her official capacity as Lyman
County Commissioner; ZANE REIS, in
his official capacity as Lyman County
Commissioner; RYAN HUFFMAN, in his
official capacity as Lyman County
Commissioner; JARED SCHELSKE, in his
official capacity as Lyman County
Commissioner; and DEB HALVERSON,
in her official capacity as Lyman County
Auditor,

Defendants.

Case No. 3:22-cv-3008

COMPLAINT

INTRODUCTION

1. The Lower Brule Sioux Tribe ("Lower Brule") and members of Lower Brule ("Plaintiffs") who are registered to vote in Lyman County ("County") bring this action to challenge the County's decision to delay the implementation of its new redistricting plan for electing its Board of Commissioners. Because of that decision, Native American

voters in Lyman County will not have a full and equal opportunity to elect candidates of their choice to the Lyman County Board of Commissioners until 2026. The assault on Plaintiffs' voting rights has the purpose and effect of artificially suppressing the ability of Native Americans to participate equally in the electoral process in Lyman County in a stark and measurable way: but for the illegal actions of the County, there would be at least two Native preferred County seats in the upcoming 2022 election.

2. Lyman County and Plaintiffs *agree* that the County must establish two commissioner positions chosen by majority Native American electorates. However, the Lyman County Commissioners have adopted a redistricting plan that will not allow Native American voters to elect the first of the two commissioners to which they are entitled until 2024 and will not provide the opportunity to elect the second until 2026. This delay was adopted with the intent and effect of diluting Native American voting strength in Lyman County in violation of Section 2 of the Voting Rights Act and denying Plaintiffs the opportunity to elect candidates of their choice to the County Board of Commissioners. The delay was adopted with a discriminatory purpose in violation of Section 2 and the Fourteenth and Fifteenth Amendments to the United States Constitution.

3. Plaintiffs seek injunctive relief requiring Lyman County to implement its new plan without delay and to hold elections in 2022 to allow Native American voters to elect the candidates of their choice. They also seek declaratory and other relief available under the applicable civil rights statutes.

JURISDICTION AND VENUE

4. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331, 1343(a)(3)-(4), 1362, 2201(a) and 2202, 42 U.S.C. § 1983, and 52 U.S.C. § 10308(f).
5. Venue is proper in this Court under 28 U.S.C. §§ 122(3) and 1391(b).

PARTIES

Plaintiffs

6. Plaintiff Lower Brule Sioux Tribe (“Lower Brule”) is a federally recognized Indian tribe with an enrollment of approximately 3,410 members. It is organized pursuant to the Indian Reorganization Act of 1934, Pub. L. No. 73-383, 48 Stat. 984 (1934). Its Tribal Council is authorized by law to safeguard and promote the peace, safety, morals, and general welfare of the Tribe and to regulate and conduct trade and the use and disposition of property upon the Reservation. LOWER BRULE SIOUX CONST. & BYLAWS, art. VI §1.¹
7. Lower Brule is located on the Lower Brule Reservation, which includes land in Lyman and Stanley Counties in South Dakota. Lower Brule’s members include registered voters in Lyman County.
8. Lower Brule brings this suit on its own behalf to protect its sovereign interests, including its place in the federal system, and as *parens patriae* to protect its members’ statutory and constitutional rights and health and welfare through the prevention of future violations of their constitutional rights.

¹ <https://www.lowerbrulesiouxtribe.com/lower-brule-constitution>

9. Plaintiff Neil Pierre Russell, also known as Cody Russell, is an enrolled member of the Lower Brule Sioux Tribe and Vice Chairman of the Lower Brule Tribe. Mr. Russell resides on the Lower Brule Reservation and is a Native American voter registered to vote in District 1 of Lyman County's new redistricting plan.

10. Plaintiff Stephanie Bolman is a member of the Lower Brule Sioux Tribe and a member of the Lower Brule Tribal Council. Ms. Bolman resides on the Lower Brule Reservation and is a Native American voter registered to vote in District 1 of Lyman County's new redistricting plan.

11. Plaintiff Ben Janis is a member of the Lower Brule Sioux Tribe. Mr. Janis resides on the Lower Brule Reservation and is a Native American voter registered to vote in District 1 of Lyman County's new redistricting plan.

Defendants

12. Defendant Lyman County is a political subdivision of the State of South Dakota.

13. Defendant the Lyman County Board of Commissioners is the governing body of Lyman County. The Board of Commissioners is responsible for adopting the redistricting plan governing the election of its members.

14. Defendants Brian Kraus, Leslie Reuer, Zane Reis, Ryan Huffman, and Jared Schelske are the current members of the Lyman County Board of Commissioners. Each is sued in his or her official capacity only.

15. Defendant Deb Halverson is the Lyman County Auditor. She the clerk of the Board of Commissioners, S.D. Codified Laws §7-10-1, and bears primary responsibility

for election administration in the county, S.D. Codified Laws §7-10-5. She is sued in her official capacity only.

BACKGROUND

16. While the homeland of the Lower Brule Sioux Tribe has no formal boundaries and for thousands of years stretched between the Rocky Mountains and the Great Lakes, today its Reservation is along the Missouri River in the County.

17. As a result of treaties with the federal government, subsequent violations of those treaties, land allotment policies, and other government policies which have eroded Lower Brule's once-plenary ownership of and control over its lands, the Lower Brule Sioux Reservation today is a 'checkerboard' of lands, with different types of ownership.

18. Because of the nature of the United States reservation system and the history of discrimination against Native Americans in South Dakota, Native Americans in Lyman County are concentrated on and near the Reservation and therefore form a geographically compact population within the County.

19. Most of the Lower Brule Sioux Tribe Reservation is in the northwestern portion of Lyman County.

20. Lyman County encompasses 1,641.94 square miles of land in southeast South Dakota. The Missouri River forms its eastern and northeastern boundaries.

County Population

21. Lyman County's population and demographics, as recorded in the 2020 Census, are represented in Figure 1.

Figure 1. Lyman County Population (2020 Census)²

	Total Population		Voting Age Population (VAP)	
Non-Hispanic Native American and Alaska Native (Alone or In Part)	1,714	46.1%	1,028	39.2%
Non-Hispanic White (Alone)	1,915	51.5%	1,532	58.4%
Non-Hispanics of Some Other Race	44	1.2%	29	1.1%
Hispanics of Any Race	45	1.2%	33	1.3%
Total Population	3,718		2,622	

22. In the last decade, the County's population decreased by almost 5%. According to the 2010 census, its total population was 3,755; by the 2020 Census, it had fallen to 3,718. Non-Hispanic Whites experienced the largest decrease in Lyman County of any population group between the 2010 and 2020 Censuses, falling from 2,191 in 2010 to 1,915 in 2020 (about 12.6%).

23. By contrast, during the past decade, the Native American population has grown in Lyman County by over 21%. According to the 2010 Census, there were 1,436 Native

² Source: U.S. Census, 2020 Census Redistricting Data (Public Law 94-171) Summary File, Hispanic or Latino, and Not Hispanic or Latino by Race, Tables P2 and P4.

Americans, comprising 38.2% of the County's total population. The 2020 Census recorded 1,744 Native Americans, comprising 46.9% of the County's total population.

The Board of Commissioners

24. The Lyman County Board of Commissioners historically had commissioner districts. The County dissolved its commissioner districts and chose to elect its members at large across the entire County in February 1992. The County voted to continue to hold at large elections in February 2002 following the 2000 Census and voted yet again to maintain the at-large system in 2012 after the 2010 Census.

25. The Lyman County Board of Commissioners currently consists of five members elected at large to staggered four-year terms. Three members are elected in gubernatorial election years (on cycle with federal mid-term elections), and two members are elected in presidential election years.

The New Redistricting Plan

26. The Board of Commissioners adopted a new redistricting plan under which members will be elected from two multi-member districts. The plan is effective June 4, 2022.³ District 1 encompasses most of the Lower Brule Reservation and has a majority-Native American voting-age population. District 2 has a majority-white voting age population. District 1 will elect two commissioners, and District 2 will elect three commissioners.

³ The plan is effective when House Bill 1127, the legislation allowing the new redistricting plan, takes effect, June 4, 2022.

27. Even though the new redistricting plan has created a new multi-member district with the expectation that its Native American majority will elect Native American representation, elections for one of those new representatives will not take place until November 2024, and the second will not be elected until November 2026.

28. The November 2022 elections will take place under the old at-large system. Thus, Native American voters in Lyman County will remain unrepresented for two more years and underrepresented for four more years.

The History of Lyman County's New Redistricting Plan

29. Throughout Lyman County's redistricting process and ultimate adoption of its redistricting plan, Defendants' actions reveal a pattern of intentional discrimination against Native American voters including a failure to take seriously input from their representatives.

30. Following the release of the 2020 Census data, the Lyman County Board of Commissioners began the process of reviewing the method of electing its members and initially received input from members of the community, including Lower Brule representatives, such as the Plaintiffs here.

31. Over the course of that process, one of those representatives, Vice Chairman Cody Russell, met with the Board on four occasions: October 19, 2021; November 2, 2021; November 16, 2021; and January 25, 2022.

32. On October 19, 2021, Vice Chairman Russell provided the Board with an illustrative plan dividing the County into five single-member districts, two of which contained strong Native American voting-age majorities. He explained that at-large

commissioner elections had so far denied Native Americans in Lyman County any opportunity to elect Native candidates to the Board of Commissioners, and that Section 2 of the Voting Rights Act required the Board to enact a plan like the one he had provided.

33. The Vice Chairman's plan met all requirements of federal and state law while complying with traditional redistricting principles. Each district was compact and comprised of contiguous territory and all were substantially equal in population. The plan also observed political and geographic boundaries while preserving communities of interest.

34. On November 2, 2021, Vice Chairman Russell attended the Board's next public meeting, but this time the Board refused to allow him to testify. The Vice Chairman instead submitted written testimony further demonstrating that Section 2 of the Voting Rights Act required the Board to enact a plan like the one he had provided.

35. At its November 16, 2021, meeting, the Board told the Vice Chairman that it was considering dividing Lyman County into two multi-member commissioner districts instead of five single-member districts. The Board did not provide any further details about its two-district proposal. The Board agreed to provide Lower Brule with a copy of its plan within the week but did not do so.

36. At the time of the November meeting, South Dakota law did not permit counties to use multi-member districts.

37. After the Board's meeting on January 25, 2022, the Board gave Vice Chairman Russell a memo from the county's attorney that proposed amending South Dakota law to allow counties to use multimember districts.

38. On February 2, 2022, Lower Brule finally received a copy of the map containing the Board's two-district proposal.

39. To accompany its two-district proposal, the County also developed a draft redistricting ordinance. The Ordinance provided that the Board's two-district proposal would take effect if the State amended South Dakota law to allow counties to use multimember districts. Otherwise, the Ordinance provided that members would be elected from five single-member districts, two of which would be majority-Native. The Ordinance also provided that implementation of any new plan would be delayed until the 2024 election cycle "to allow for the administrative changes to the TotalVote system due to time constraints of the current election cycle."

40. The means by which the County planned to reach its impermissible goal of delaying the new redistricting plan became plain to Lower Brule when Senator Heinert sent the Ordinance to Lower Brule February 11.

41. TotalVote, a BPro software product, is the statewide voter registration system used by all counties in South Dakota.

42. Every county in the State whose jurisdictional lines shifted during the decennial redistricting used TotalVote to update the voter registration records of their registered voters to reflect the newly established districts.

43. TotalVote is easy to use and can be operated by someone with standard office-level computer skills.

44. Dewey, Jackson, Lincoln, and Minnehaha Counties, all of which had to assign some combination of new precincts and new legislative, commissioner, and municipal districts, have already completed the entire administrative redistricting reassignment process, using TotalVote, well ahead of any election deadlines.

45. On February 9, 2022, the Tribal Council of the Lower Brule Sioux Tribe adopted a resolution opposing the Board's two-district proposal. Vice Chairman Russell then emailed the resolution to Defendant Halverson.

46. Neither Halverson nor any Lyman County Commissioner responded to the Tribal resolution. Instead, the Board adopted the draft Ordinance without change.

47. A true and correct copy of the Ordinance is attached as Exhibit A.

The Legislature Amends South Dakota Law at the County's Request

48. On February 28, 2022,⁴ State Representative Rebecca Reimer introduced Lyman County's proposed legislative amendment permitting counties to use multimember districts as a "hoghouse amendment" to House Bill 1127 before the Senate State Affairs Committee.

49. A hoghouse amendment is a procedure used in the South Dakota Legislature whereby a member can move to strike everything after the enacting clause of a bill and then insert the substance of an entirely new bill.

⁴ Link to audio of February 28, 2022 Senate State Affairs Committee meeting: <https://sdpb.sd.gov/sdpbpodcast/2022/sst30.mp3#t=544>

50. Hoghouse amendments are disfavored procedural maneuvers.

51. Reimer's amendment came weeks after the South Dakota Legislature's deadline for introducing new bills.

52. Members of Lower Brule had no notice of Reimer's intention to introduce the hoghouse amendment on February 28.

53. Senator Troy Heinert, who represents Lyman County and is the only Native American member of the Senate State Affairs Committee, informed the Committee that Representative Reimer's amendment had been introduced at Lyman County's request and that he believed the Lower Brule Sioux Tribe did not want the amendment. Lower Brule's position, as expressed by Vice Chairman Russell in October 2021, remained that County Commissioners should be elected from single members districts drawn in compliance with Section 2 of the Voting Rights Act.

54. Senator Heinert also explained to the Committee that Representative Reimer's use of a hoghouse amendment had deprived Tribal members of the opportunity to comment on legislation that directly impacted them. Furthermore, he pleaded to the Committee to at least extend the courtesy to the Lower Brule Sioux Tribe to make their case against the legislation.

55. The County's attorney, who had drafted the amendment, testified that it was necessary because state law did not "allow the counties...to move from at-large to districts." She offered no other justification for the change.

56. Senator Heinert then requested that the Committee defer opponent testimony for two days until March 2, 2022, to permit representatives of the Lower Brule to make their case.

57. During the March 2, 2022, hearing, Vice Chairman Russell testified on behalf of Lower Brule in opposition to the bill. Representatives from other tribes in South Dakota also testified in opposition to the bill, explaining the bill's potential to undermine or reverse their efforts to advocate for fair redistricting plans in their own counties. However, the Committee Chair did not permit full testimony in opposition, despite permitting full time to the bill's proponents.

58. The Legislature passed Representative Reimer's amendment, and the Governor signed it into law on March 28, 2022.

The Senate Factors

59. In *Thornburg v. Gingles*, [478 U.S. 30](#) (1986), the Court, citing a Senate Judiciary Committee report written during the 1982 reauthorization of the Voting Rights Act, set forth a non-exhaustive list of factors courts should look to in deciding whether at-large or multimember voting districts dilute minority votes or otherwise block minority representation in violation of Section 2 of the VRA. These factors are: (1) the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used unusually large election districts, majority

vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) if there is a candidate slating process, whether the members of the minority group have been denied access to that process; (5) the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process; (6) whether political campaigns have been characterized by overt or subtle racial appeals; (7) the extent to which members of the minority group have been elected to public office in the jurisdiction; (8) whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and (9) whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous. *Gingles*, 478 U.S. at 44-45; see also S. Rep. No. 97-417, at 28-29 (1982), reprinted in 1982 U.S.C.C.A.N. 177.

60. Native Americans in Lyman County are sufficiently numerous and geographically compact to constitute a majority of the voting-age population in at least two single-member districts in an illustrative five-district plan for electing members of the Lyman County Board of Commissioners. See Lower Brule's illustrative map and population statistics, attached as Exhibit B.

61. Native Americans in Lyman County are politically cohesive.

62. The white majority in Lyman County votes sufficiently as a bloc to enable it—in the absence of special circumstances—usually to defeat the candidates preferred by Native Americans in Lyman County.

63. South Dakota and Lyman County have a long and extensive history of discrimination against Native Americans.

64. This pattern of discrimination persists today in and around Lyman County. For example, Chamberlain School District, part of which is in the County, entered into a Consent Decree with the United States Department of Justice on May 27, 2020, to address its use of at-large elections that deprived Native American voters an opportunity to elect their preferred candidates to the school board.

65. Native Americans in Lyman County bear the effects of discrimination in such areas as housing, employment, and health, which hinder their ability to participate effectively in the political process.

66. Voting in Lyman County is racially polarized.

67. Commissioner elections in Lyman County feature two voting practices that enhance the opportunity for discrimination against Native Americans and dilute Native American political influence: at-large elections and staggered terms.⁵

⁵ “Staggered terms can further dilute the voting power of minorities because they limit the number of seats [and] create more head-to-head contests between white and minority candidates, which highlight the racial element...” *Cottier v. City of Martin*, 466 F. Supp. 2d 1175 (D.S.D. 2006) (internal citations omitted); “[A] staggered term requirement combined with a white majority and white block voting places a minority at a severe disadvantage.” *Buckanaga v. Sisseton Indep. Sch. Dist. No. 54-5, S.D.*, 804 F.2d 469, 475 (8th Cir. 1986).

68. Upon information and belief, no Native American has ever been elected to serve on the Lyman County Commission.

69. Lyman County has been unresponsive to the particularized needs of Native American residents.

70. Lyman County has not articulated a plausible reason for a delay in implementation of the redistricting plan and no other county in the State has encountered any obstacles of implementation of redistricting plans based on the 2020 Census for the November 2022 election.

71. The current at-large method of electing members of the Board lacks proportionality in that it maintains just one county-wide electoral district in which Native American voters do not constitute an effective majority, even though Native American voters constitute a large enough portion of the County's population to constitute an effective majority in two single-member districts.

72. Before enacting its new redistricting plan, the Board had a strong basis in evidence that the current at-large method of electing Commissioners dilutes Native American voting strength in violation of Section 2 of the Voting Rights Act. The intent and effect of the delayed implementation of the new redistricting plan, and continued use of the at-large election scheme, is that Native voters will continue to be unlikely to achieve representation.

73. Lyman County's blatant and irregular actions during the 2021 restricting process demonstrate its intent to deny Native voters the ability to equally participate in the electoral process. Lyman County belatedly and without providing requested

information to Lower Brule and its representative created a hybrid map that was not allowed under South Dakota law. It then resorted to an opaque and secretive legislative procedure to introduce a piece of legislation that Lower Brule strongly opposed. To cement its scheme to deny equal representation, its redistricting Ordinance both delayed and staggered the vote, thus preventing Native American voters from having an equal opportunity to participate in the electoral process and to elect representatives of their choice until 2026.

CLAIM ONE

74. The current at-large method of electing members of the Lyman County Board of Commissioners dilutes Native American voting strength in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#).

CLAIM TWO

75. The Board's decision to delay implementation of its new redistricting plan has the effect of diluting Native American voting strength in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#).

CLAIM THREE

76. The Board's decision to delay implementation of its new redistricting plan was adopted with a discriminatory purpose in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#), and the Fourteenth and Fifteenth Amendments to the United States Constitution.

BASIS FOR INJUNCTIVE RELIEF

77. A real and actual controversy exists between the parties.

78. Plaintiffs have no adequate remedy at law other than this action for declaratory and equitable relief.

79. Plaintiffs are suffering irreparable harm as a result of the violations alleged in this complaint, and that harm will continue unless declared unlawful and enjoined by this Court.

WHEREFORE, Plaintiffs respectfully pray that this Court:

1. declare that the current at-large method of electing members of the Lyman County Board of Commissioners dilutes Native American voting strength in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#);
2. declare that the Board's decision to delay implementation of its new redistricting plan has the effect of diluting Native American voting strength in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#);
3. declare that the Board's decision to delay implementation of its new redistricting plan was adopted with a discriminatory purpose in violation of Section 2 of the Voting Rights Act, [52 U.S.C. § 10301](#), and the Fourteenth and Fifteenth Amendments to the United States Constitution;
4. enjoin Defendants from delaying implementation of the approved hybrid plan and require Defendants to hold elections in 2022 for two representatives from District 1, as [SDCL § 7-8-1](#) dictates;
5. award Plaintiffs the costs of this action together with their reasonable attorneys' fees and expenses under [52 U.S.C. § 10310\(e\)](#) and [42 U.S.C. § 1988](#);

6. authorize the appointment of federal observers under 52 U.S.C. § 10302(a) for such period as the Court deems appropriate under the circumstances;
7. retain jurisdiction under 52 U.S.C. § 10302(c) for such period as the Court deems appropriate under the circumstances; and
8. grant Plaintiffs any other relief that the Court deems necessary and proper.

Signed this 18th day of May 2022.



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**Applications for admission pro hac vice forthcoming*

EXHIBIT A

ORDINANCE 2022-01

AN ORDINANCE TO CREATE BOUNDARIES FOR COMMISSIONER DISTRICTS

Pursuant to requirements provided to a county government in South Dakota Codified Law § 7-8-10, and in accordance with the Voting Rights Act of 1965, **BE IT ORDAINED** by the Board of County Commissioners of Lyman County that the following provisions regarding Commissioner Districts be imposed.

Section 1: District Boundaries:

Commissioner districts shall be described with certain street or avenue designations or other landmarks that border the districts. Any reference to street or avenue below shall mean an imaginary line running down the approximate middle of each street or avenue. The commissioner districts of Lyman County are as set forth below and shown in the Commissioner District Map thereof. Any discrepancies shall be resolved by reference to the attached Commissioner District map rather than the physical descriptions set forth herein.

- A.** Contingent on the South Dakota Legislature modifying SDCL § 7-8-10, Lyman County will be divided into the following two districts with two commissioners being elected from District 1 and three commissioners being elected from District 2:

District 1 – All of the part of the Lower Brule Reservation lying west of the Missouri River and having a western boundary along the west side of Sections 18, 19, 30 and 31 of Township 107, Range 74; and also including the part of Section 4 south of the river inlet and those parts of Sections 7 and 8 that lay south of BIA 10 in Township 107, Range 74.

District 2 – All of Rowe, McClure, Stony Butte, Tracy, Hope, Lund, Vivian, Moore, Presho, Earling, Kennebec, Rex, Reliance, Sioux, Hilmoe, Liberty, Rose, Pratt, Sylvia, Edna, White River, Bailey, Butte, Black Dog, Morningside, and Iona Townships; Those parts of Applegate, Brule, Annin, Grouse Creek, Dorman, Pleasant, Lafayette, Fairland, and Oacoma Townships that lay outside of the Lower Brule Reservation; and that part of the Lower Brule Reservation lying between the western reservation boundary and a line created along the eastern edge of Townships 107 and 108 in Range 75; and also include Sections 5, 6, the part of Section 4 north of the river inlet, and the parts of Sections 7 and 8 that lay north of BIA 10 in Township 107, Range 74; and Sections 31, 31, 32, and 33 of Township 108, Range 74.

- B.** Alternatively, if there is no change to SDCL § 7-8-10, Lyman County will be divided into the following five districts:

District 1 – Shall include Section 2, 1, 11, 12, and 13 north of BIA 10 in Township 107, Range 74; shall also include all of Township 108, Range 73; shall also include all of Sections 3-10, 17-21, 28-30, 32-33 of Township 107, Range 73; shall also include the portion of Section 16 north of Pow Wow Hwy starting at the Missouri River, curving to the southwest and extending southeast along Medicine Bull Memorial Hwy; shall also include the portion of Section 15 south and west of Medicine Bull Memorial Hwy; shall also include portions of Section 22, 27, and 34 west of BIA 10 in Township 107, Range 73; shall also include Sections 4 and 5 north of the Lower Brule Reservation boundary in Township 106, Range 73.

District 2 – The portion of the Lower Brule Reservation lying west of the Missouri River to a line created by a western boundary created by Pow Wow Hwy starting at the Missouri River, curving to the southwest and extending southeast along Medicine Bull Memorial Hwy (at the intersection of Little Bend Rd); shall also include Sections 14 and 15 east of Little Bend Rd in Township 107, Range 73; shall also include all of Sections 23-26 and 35-36 in Township 107, Range 73; shall also include Sections 22, 27, and 34 east of BIA 10 in Township 107, Range 73; shall also include sections 1-3 north of the Lower Brule Reservation boundary in Township 106, Range 73; shall also include all of Township 107, Range 72, Township 106, Range 72; shall also include Sections 1-12 north of the Lower Brule Reservation boundary in Township 105, Range 72; shall also include Sections 5-8 north of the Lower Brule Reservation boundary in Township 105, Range 71.

District 3 – All of Bailey, Butte, Black Dog, Morningside, and Iona Townships; Those parts of Lafayette, Fairland, and Oacoma Townships lying outside of the Lower Brule Reservation including Oacoma Town; and all of Sections 1-18, 22-27, and 35-36, the parts of Section 21 outside of Reliance Town Incorporated limits, and the part of Section 34 laying north of SD Hwy 248 in Reliance Township.

District 4 – All of Sylvia, Liberty, Edna, Rose, White River, Kennebec, Kennebec Town, and Rex Townships; Those parts of Dorman and Pleasant Townships that lay outside of the Lower Brule Reservation; Sections 1-5 in Grouse Creek Township; Sections 8-17, 20-29, and 32-36 in Grouse Creek Township; Sections 35-36 of Moore Township; Sections 1-4, 9-16, 21-28 and 33-36 of Hilmoe Township; Sections 1-4, 9-16, 21-36 and the parts of sections 17 and 20 that lay east of River Road and the part of Sections 19 that fall south and west of River Road in Pratt Township; Sections 20-29 and 31-36 of Presho Township; Sections 1-5, 8-16, and 19-36 of Earling Township; all of Sections 19, 20, and 28-33, the parts of Section 21 that lay inside of Reliance Town Incorporated limits, and the part of Section 34 that lays south of SD Hwy 248 in Reliance Township; and all of the Lower Brule Reservation west of a line created using the east side of Township 107, Range 75; shall include all of Sections 3-10, 14-36, and Sections 2, 11, 12, and 13 south of BIA 10 in Township 107, Range 75 within the Lower Brule Reservation; shall also include the SE, SW and NW quarter of Section 31 in Township 107, Range 73; shall also include all of Section 6 north of the Lower Brule Reservation in Township 106, Range 73.

District 5 – All of Rowe, McClure, Stony Butte, Tracy, Hope, Lund, Vivian, and Sioux Townships; Those parts of Applegate, Brule, and Annin Townships that lay outside of the Lower Brule Reservation; Sections 1-34 of Moore Township; Sections 5-8, 17-20, and 29-32 of Hilmoe Township; Sections 5-8, 18, the parts of sections 17 and 20 that fall west of River Road, and the portion of section 19 that falls north of River Road in Pratt Township; Sections 7, 18, 19, 30 and 31 and those parts of Section 6 of Grouse Creek Township that lay outside the boundary of the Lower Brule Reservation; Sections 6, 7, 17 and 18 of Earling Township; and Sections 1-19 and 30 of Presho Township including Presho City.

Section 2: Terms of Office – Staggered Terms

Pursuant to SDCL § 7-8-1, terms of commissioners shall be four years. For subsection A of Section 1 of this Act, one commissioner from District 1 and two commissioners from District 2 shall run for election at the general election at which the Governor is elected and one

commissioner from District 1 and one commissioner from District 2 shall run for election at the general election at which the President is elected. For subsection B of Section 1 of this Act, any commissioner who represents an even-numbered district shall run for election at the general election at which the President is elected and any commissioner who represents an odd-numbered district shall run for election at the general election at which the Governor is elected.

Section 3: Continuation of Office

Pursuant to SDCL § 7-8-11, any member or members of the commission board whose term of office extend for an additional two years beyond the election in which the districts are created, the tenure of office shall not be affected, and in districting the county such board shall designate the district or districts to be represented by such member or members, the district or districts so designated to be a district or districts which would elect a commissioner at the next general election following that to be held in the year of such districting. Such commissioner may or may not be a resident of the district he is designated to represent. Each district for which representation is not provided by such designation or designations shall, at the next ensuing general election, elect a commissioner, the term of office to be determined as provided Section 2 of the Act.


Section 4: Delayed Implementation

This act shall take effect for commissioner races beginning with the 2024 election cycle to allow for the administrative changes to the TotalVote system due to time constraints of the current election cycle. Commissioner elections held during the 2022 election cycle shall remain at-large.

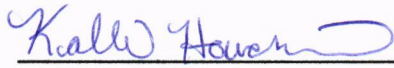
Section 5: Interim Liaison

For the period of January 1, 2023, through January 1, 2025, after which new commissioners will take office based on the respective districts laid out in this Act, a tribe-appointed, non-voting liaison may attend the Lyman County Commissioners meetings and contribute to ensure fair representation to all Lyman County residents.

Dated the 22nd day of February, 2022, at Kennebec, South Dakota.



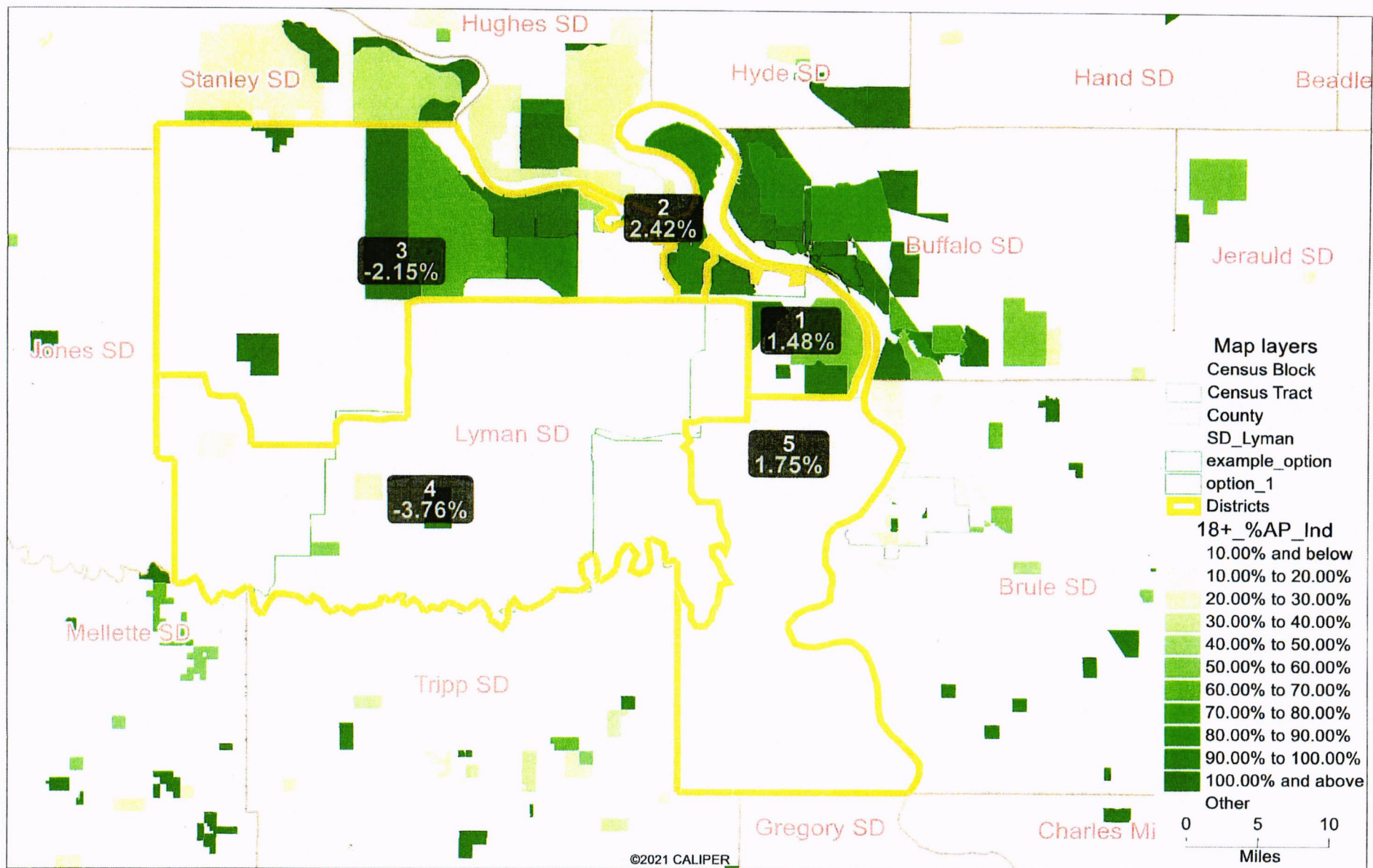
Zane Reis
Chair, Lyman County Commission



Kalli Houchin
Lyman County Deputy Auditor

First Reading: February 8, 2022
Second Reading: February 22, 2022
Adopted: February 22, 2022
Publication Date: March 2, 2022
Effective Date: March 22, 2022

EXHIBIT B



District	Population	Deviation	% Deviation	18+_Pop	% 18+_Pop	18+_AP_Ind	% 18+_AP_Ind	H18+_Pop	% H18+_Pop	NH18+_Pop
1	755	11	0.014785	466	0.617219	442	0.948498	3	0.006438	463
2	762	18	0.024194	450	0.590551	439	0.975556	8	0.017778	442
3	728	-16	-0.021505	564	0.774725	88	0.156028	12	0.021277	552
4	716	-28	-0.037634	548	0.765363	27	0.04927	5	0.009124	543
5	757	13	0.017473	594	0.784676	52	0.087542	5	0.008418	589