



2007

Post-Election

Legislative Report:

*An Analysis of Voting Trends on
Referred Law 6*

by

Legislative District



SOUTH DAKOTA CAMPAIGN FOR HEALTHY FAMILIES
P.O. Box 1484, Sioux Falls, SD 57101-1484
605-221-5642 info@sdhealthyfamilies.org

January 8, 2007

INTRODUCTION

To state the results of the 2006 Election on Referred Law 6 most plainly, the voters have spoken. On the issue of abortion, a strong majority of South Dakotans oppose government intrusion into a very difficult and private medical decision. Keeping with the will of voters, future attempts to ban abortion should be rejected.

The abortion ban passed by the South Dakota Legislature in 2006 (a/k/a HB 1215, and later, Referred Law 6) was referred to the voters of the state and rejected by a wide margin. While the overall result of this election is significant, a closer look at geographic voting trends across the state demonstrates how many legislators were out of touch with their constituents on the issue of reproductive rights.

The following analysis will be useful to legislators who may want to reexamine their position on this issue, local and statewide media covering the 2007 Legislative Session as well as concerned citizens who want to learn more about how their elected officials voted on the abortion ban and whether they are truly representing their constituents.

OVERVIEW

Statewide voting results on Referred Law 6 demonstrate that opposition to the abortion ban crossed virtually all geographic boundaries. Looking at geographic divisions in the state, the question is not whether a particular group of voters would support or oppose a ban, but rather by what margin are they likely to oppose the measure.

- In the 2006 General Election, 334,593 South Dakotans cast a ballot on Referred Law 6. Of those, 185,945 (55.57%) voted No and 148,648 (44.43%) voted Yes.
- In 32 of 35 Legislative Districts, over 50% voted to overturn the abortion ban.
- Of the 73 Senators and Representatives that voted for passage of HB 1215, 65 were effectively vetoed as a majority of their constituents voted No on Referred Law 6.
- There were five instances where 100% of a district's delegation voted to pass HB 1215, only to be overridden by a supermajority of the constituency. All three representatives for districts 15, 24, 30, 31 and 35 voted for the abortion ban. In each of these Districts, more than 60% of voters rejected the ban.
- Over 50% of voters in 43 out of 66 counties in South Dakota rejected the abortion ban.

NOTABLE DIFFERENCES

District 10

Rep. Roger Hunt, the primary sponsor of the abortion ban, along with fellow Republicans Sen. Gene Abdallah and Rep. Shantel Krebs all voted in favor of HB1215. Residents of their District disagreed and overturned the measure by a vote of 54% to 46%.

District 15

Three Democrats represent District 15: Sen. Gil Koetzle, Rep. Mary Glenski and Rep. Kathy Miles, all three of whom voted to approve the abortion ban. Voters in District 15 rejected the abortion ban by a wide margin: 61% to 39%. Rep. Miles was a spokesperson for VoteYesForLife.com and her husband, Jim, served as the group's treasurer.

District 24

All three delegates from District 24 (Sen. Bob Gray, Rep. Tim Rounds and Rep. Ryan Olson) voted for the abortion ban. Voters in the District disagreed with them strongly and voted 63% to 37% to reject the law.

District 29

Rep. Larry Rhoden, an outspoken supporter of the abortion ban, represents District 29 with two of his fellow Republicans, Rep. Thomas Brunner and Sen. Kenneth McNenny. While all three voted in favor of the abortion ban, their constituents rejected the measure by a vote of 59% to 41%.

Districts 30 and 31

The entire delegation from both Districts 30 and 31 supported HB 1215. Their constituencies disagreed; 61% of voters in District 30 and 64% of voters in District 31 voted to overturn the ban.

District 35

District 35 is home to Sen. Bill Napoli, whose comments regarding an "exception" to the abortion ban received national attention after airing on national public television. In 2006 he, along with Rep. Jeffrey Haverly and Rep. Alice McCoy (who is not returning to Pierre this year) voted to approve the abortion ban. Residents of their District rejected the measure by a vote of 62% to 38%.

House and Senate Leadership

House and Senate Leadership in 2006 consisted of Senate Majority Leader Eric Bogue, Senate Minority Leader Garry Moore, House Majority Leader Larry Rhoden and House Minority Leader Dale Hargens. All four of these individuals voted to approve HB 1215 and each of their respective districts voted to overturn the abortion ban.

The Oglala Sioux Tribal Council

Following passage of HB 1215, Oglala Sioux President Cecelia Fire Thunder proposed a women's health clinic on the reservation. The Tribal Council subsequently voted to impeach Fire Thunder and banned all abortions on the reservation. The tribe is comprised of three counties – residents of those counties voted in strong majorities to repeal the abortion ban (Shannon – 64%; Jackson – 56%; and Bennett – 59%).

OUT OF TOUCH – ACROSS PARTY LINES

Polling completed during the course of the campaign and the election results indicate that this is not a strictly partisan issue in South Dakota. It also appears that members from both political parties were out of touch with their constituents.

- Sixteen Senators returning to Pierre were out of touch with their Districts. Four of those are Democrats and twelve are Republicans.
- Thirty-two Representatives returning to Pierre were out of touch with their Districts. Six of those are Democrats and twenty-six are Republicans.

State Senate

Sen. Jim Peterson (D)
Sen. Brock Greenfield (R)
Sen. Orville Smidt (R)
Sen. Dan Sutton (D)
Sen. Gene Abdallah (R)
Sen. Jason Gant (R)
Sen. Gil Koetzle (D)
Sen. Jean Hunhoff (R)
Sen. Cooper Garnos (R)
Sen. Tom Hansen (R)
Sen. Bob Gray (R)
Sen. Julie Bartling (D)
Sen. Kenneth McNenny (R)
Sen. Jim Lintz (R)
Sen. Jerry Apa (R)
Sen. Bill Napoli (R)

State House

Rep. Al Novstrup (R)
Rep. Val Rausch (R)
Rep. Bob Faehn (R)
Rep. Al Koistinen (R)
Rep. Paul Nelson (R)
Rep. David Gassman (D)
Rep. Deb Peters (R)
Rep. Roger Hunt (R)
Rep. Shantel Krebs (R)
Rep. Keri Weems (R)
Rep. Mark Willadsen (R)
Rep. Hal Wick (R)
Rep. Phyllis Heineman (R)
Rep. Mary Glenski (D)
Rep. Kathy Miles (D)
Rep. Joel Dykstra (R)
Rep. Margaret Gillespie (D)
Rep. Jamie Boomgarden (R)
Rep. Garry Moore (D)
Rep. Dale Hargens (D)
Rep. Thomas Deadrick (R)
Rep. Ryan Olson (R)
Rep. Tim Rounds (R)
Rep. Thomas Brunner (R)
Rep. Larry Rhoden (R)
Rep. Gordon Howie (R)
Rep. Gordon Pederson (R)
Rep. Thomas Hills (R)
Rep. Charles Turbiville (R)
Rep. Michael Buckingham (R)
Rep. Don Van Etten (R)
Rep. Jeffrey Haverly (R)

2007 LEGISLATIVE DISTRICT BREAKDOWN

<u>Elected Official</u>	<u>'06 HB1215/RL6 Vote</u>	<u>Elected Official</u>	<u>'06 HB1215/RL6 Vote</u>
<i>District 1</i>	56% NO – 44% YES	<i>District 2</i>	56% NO – 44% YES
Sen. Gary Hanson	NAY	Sen. Jim Hundstad	NAY
Rep. Clayton Halverson	NAY	Rep. H. Paul Dennert	NAY
Rep. David Sigdestad	NAY	Rep. Burt Elliott	NAY
<i>District 3</i>	54% NO – 46% YES	<i>District 4</i>	52% NO – 48% YES
Sen. Alan Hoerth	New Member	Sen. Jim Peterson	YEA
Rep. David Novstrup	New Member	Rep. Steve Street	NAY
Rep. Al Novstrup	YEA	Rep. Val Rausch	YEA
<i>District 5</i>	52% NO – 48% YES	<i>District 6</i>	52% NO – 48% YES
Sen. Nancy Turbak	New Member	Sen. Brock Greenfield	YEA
Rep. Al Koistinen	YEA	Rep. Kristi Noem	New Member
Rep. Bob Faehn	YEA	Rep. Paul Nelson	YEA
<i>District 7</i>	63% NO – 37% YES	<i>District 8</i>	57% NO – 43% YES
Sen. Orville Smidt	YEA	Sen. Dan Sutton	YEA
Rep. Larry Tidemann	NAY	Rep. Russell Olson	New Member
Rep. Carol Pitts	New Member	Rep. David Gassman	YEA
<i>District 9</i>	59% NO – 41% YES	<i>District 10</i>	54% NO – 46% YES
Sen. Tom Dempster	NAY	Sen. Gene Abdallah	YEA
Rep. Richard Engels	New Member	Rep. Roger Hunt	YEA
Rep. Deb Peters	YEA	Rep. Shantel Krebs	YEA
<i>District 11</i>	55% NO – 45% YES	<i>District 12</i>	55% NO – 45% YES
Sen. Jason Gant	YEA	Sen. Sandy Jerstad	New Member
Rep. Keri Weems	YEA	Rep. Manny Steele	New Member
Rep. Mark Willadsen	YEA	Rep. Hal Wick	YEA
<i>District 13</i>	59% NO – 41% YES	<i>District 14</i>	54% NO – 46% YES
Sen. Scott Heidepriem	New Member	Sen. Dave Knudson	NAY
Rep. Phyllis Heineman	YEA	Rep. Joni Cutler	NAY
Rep. Bill Thompson	NAY	Rep. Marc Feinstein	New Member
<i>District 15</i>	61% NO – 39% YES	<i>District 16</i>	55% NO – 45% YES
Sen. Gil Koetzle	YEA	Sen. Kenneth Albers	New Member
Rep. Mary Glenski	YEA	Rep. Joel Dykstra	YEA
Rep. Kathy Miles	YEA	Rep. Margaret Gillespie	YEA
<i>District 17</i>	62% NO – 38% YES	<i>District 18</i>	53% NO – 47% YES
Sen. Ben Nesselhuf	NAY	Sen. Jean Hunhoff	YEA
Rep. Eldon Nygaard	New Member	Rep. Garry Moore	YEA
Rep. Jamie Boomgarden	YEA	Rep. Charlii Gilson	New Member
<i>District 19</i>	37% NO – 63% YES	<i>District 20</i>	51% NO – 49% YES
Sen. Frank Kloucek	YEA	Sen. Ed Olson	NAY
Rep. Gary Jerke	YEA	Rep. Mike Vehle	NAY
Rep. Jim Putnam	YEA	Rep. Lance Carson	New Member

2007 LEGISLATIVE DISTRICT BREAKDOWN (CONT'D)

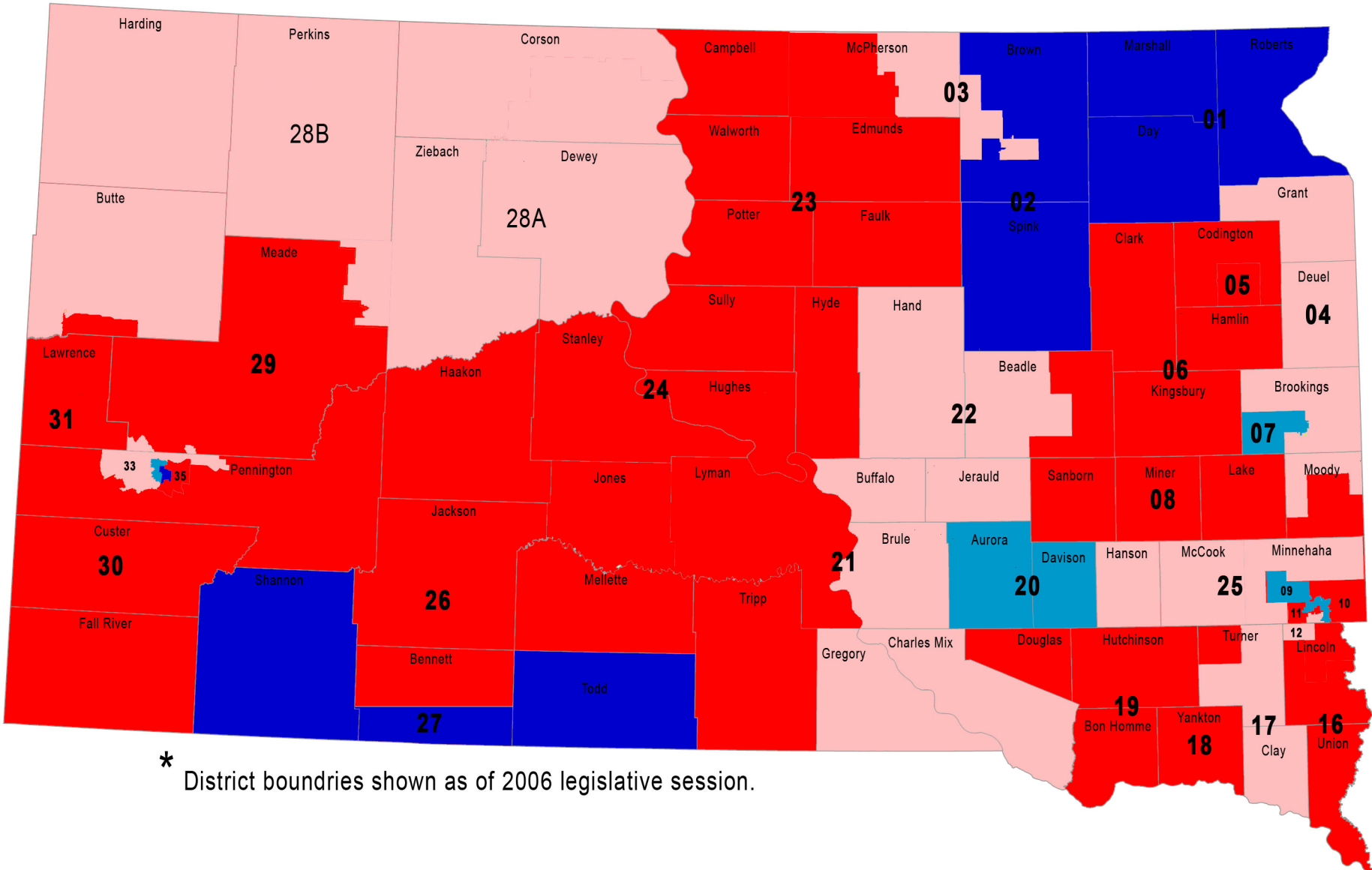
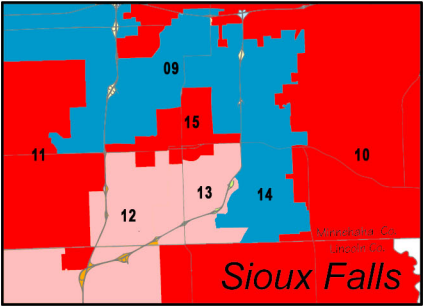
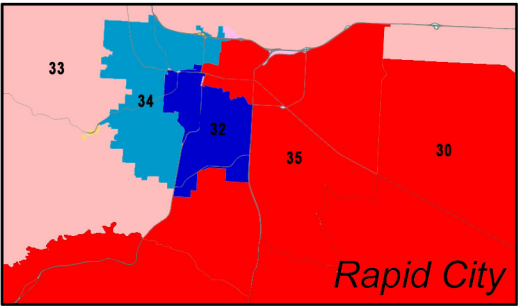
<u>Elected Official</u>	<u>'06 HB1215/RL6 Vote</u>	<u>Elected Official</u>	<u>'06 HB1215/RL6 Vote</u>
<i>District 21</i>	51% NO – 49% YES	<i>District 22</i>	51% NO – 49% YES
Sen. Cooper Garnos	YEA	Sen. Tom Hansen	YEA
Rep. Thomas Deadrick	YEA	Rep. Quinten Burg	New Member
Rep. Kent Juhnke	New Member	Rep. Dale Hargens	YEA
<i>District 23</i>	47% NO – 53% YES	<i>District 24</i>	63% NO – 37% YES
Sen. Jay Duenwald	YEA	Sen. Bob Gray	YEA
Rep. Justin Davis	YEA	Rep. Ryan Olson	YEA
Rep. Tom Hackl	YEA	Rep. Tim Rounds	YEA
<i>District 25</i>	46% NO – 54% YES	<i>District 26</i>	52% NO – 48% YES
Sen. Arnie Hauge	New Member	Sen. Julie Bartling	YEA
Rep. Dan Ahlers	New Member	<i>District 26A</i>	59% NO – 41% YES
Rep. Rep. Tim Rave	YEA	Rep. Larry Lucas	New Member
<i>District 27</i>	58% NO – 42% YES	<i>District 26B</i>	49% NO – 51% YES
Sen. Theresa Two Bulls	NAY	Rep. Kim Vanneman	New Member
Rep. Jim Bradford	NAY	<i>District 28</i>	51% NO – 49% YES
Rep. Mark DeVries	New Member	Sen. Ryan Maher	New Member
<i>District 29</i>	59% NO – 41% YES	<i>District 28A</i>	57% NO – 43% YES
Sen. Kenneth McNenny	YEA	Rep. Thomas Van Norman	NAY
Rep. Larry Rhoden	YEA	<i>District 28B</i>	47% NO – 53% YES
Rep. Thomas Brunner	YEA	Rep. Betty Olson	New Member
<i>District 31</i>	64% NO – 36% YES	<i>District 30</i>	61% NO – 39% YES
Sen. Jerry Apa	YEA	Sen. Jim Lintz	YEA
Rep. Thomas Hills	YEA	Rep. Gordon Howie	YEA
Rep. Charles Turbiville	YEA	Rep. Gordon Pederson	YEA
<i>District 33</i>	61% NO – 39% YES	<i>District 32</i>	60% NO – 40% YES
Sen. Dennis Schmidt	New Member	Sen. Tom Katus	New Member
Rep. Michael Buckingham	YEA	Rep. Brian Dreyer	New Member
Rep. Don Van Etten	YEA	Rep. Alan Hanks	NAY
<i>District 35</i>	62% NO – 38% YES	<i>District 34</i>	62% NO – 38% YES
Sen. Bill Napoli	YEA	Sen. Mac McCracken	NAY
Rep. Jeffrey Haverly	YEA	Rep. Ed McLaughlin	NAY
Rep. Mark Kirkeby	New Member	Rep. David Lust	New Member

COUNTY VOTING BREAKDOWN – REFERRED LAW 6

COUNTY	YES%	NO%	COUNTY	YES%	NO%
AURORA	53	47	BEADLE	45	55
BENNETT	41	59	BON HOMME	54	46
BROOKINGS	40	60	BROWN	45	55
BRULE	49	51	BUFFALO	41	59
BUTTE	44	56	CAMPBELL	58	42
CHARLES MIX	56	44	CLARK	44	56
CLAY	31	69	CODINGTON	49	51
CORSON	60	40	CUSTER	34	66
DAVISON	48	52	DAY	42	58
DEUEL	46	54	DEWEY	42	58
DOUGLAS	75	25	EDMUNDS	55	45
FALL RIVER	39	61	FAULK	52	48
GRANT	51	49	GREGORY	52	48
HAAKON	56	44	HAMLIN	52	48
HAND	53	47	HANSON	64	36
HARDING	44	56	HUGHES	37	63
HUTCHINSON	64	36	HYDE	45	55
JACKSON	44	56	JERAULD	37	63
JONES	42	58	KINGSBURY	41	59
LAKE	42	58	LAWRENCE	36	64
LINCOLN	48	52	LYMAN	36	64
MARSHALL	42	58	MCCOOK	62	38
MCPHERSON	52	48	MEADE	41	59
MELLETTE	41	59	MINER	51	49
MINNEHAHA	43	57	MOODY	43	57
PENNINGTON	39	61	PERKINS	54	46
POTTER	54	46	ROBERTS	46	54
SANBORN	43	57	SHANNON	36	64
SPINK	46	54	STANLEY	34	66
SULLY	47	53	TODD	42	58
TRIPP	50	50	TURNER	52	48
UNION	45	55	WALWORTH	51	49
YANKTON	47	53	ZIEBACH	42	58

HB 1215 Legislative Vote By District

- Dark Red = 3/3 Delegation Yea Vote on HB 1215
- Light Red = 2/3 Delegation Yea Vote on HB 1215
- Light Blue = 2/3 Delegation Nay Vote on HB 1215
- Dark Blue = 3/3 Delegation Nay Vote on HB 1215

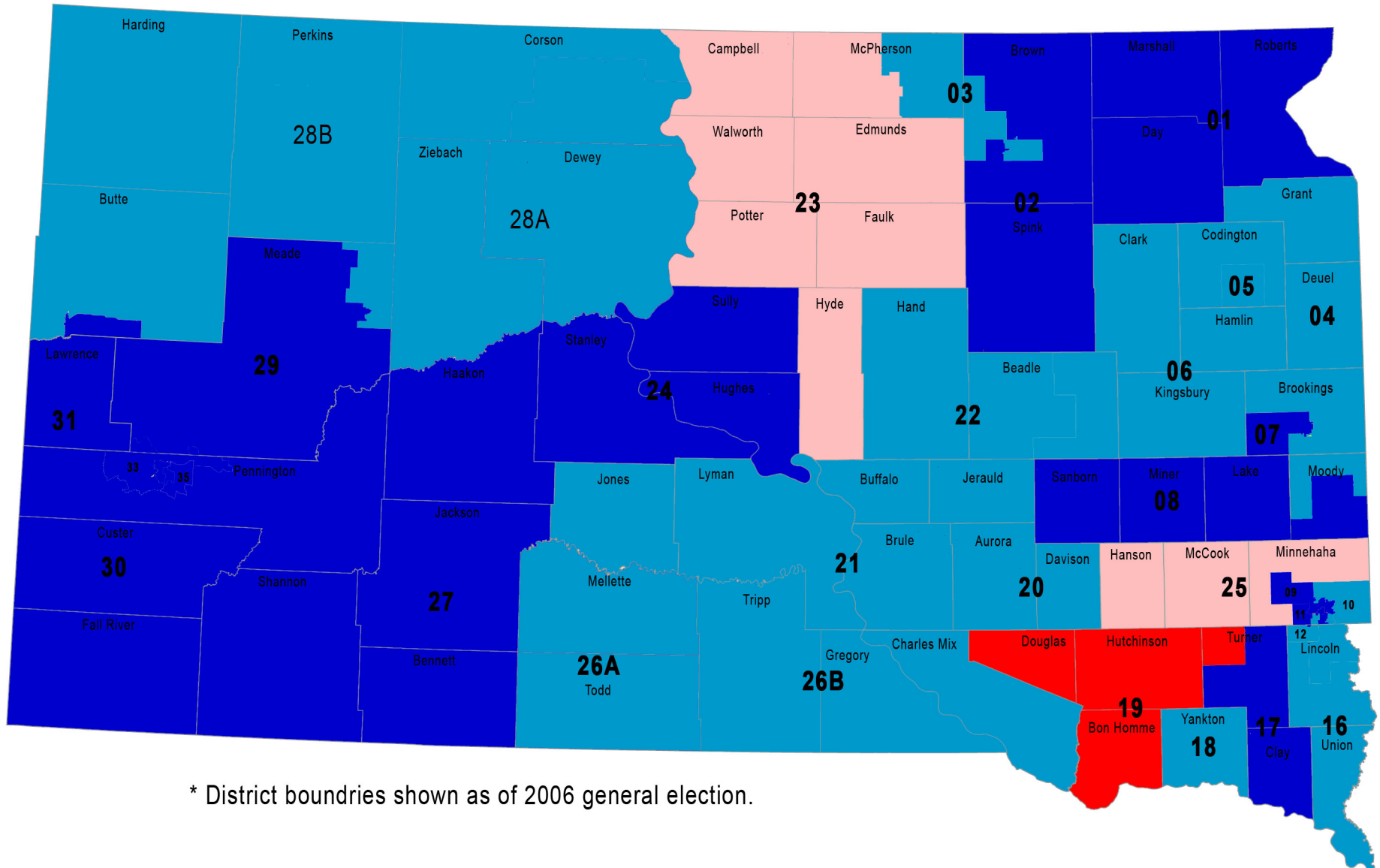
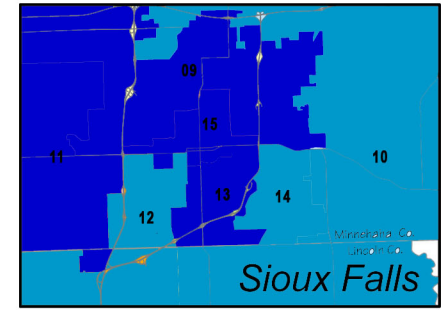
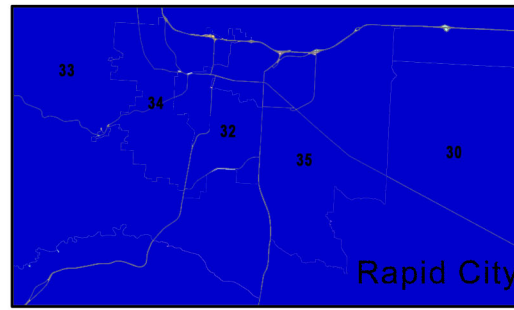


* District boundaries shown as of 2006 legislative session.

RL6 Vote By District

Color Key to No on 6 Vote

Dark Blue = >55%
 Light Blue = 50% to 54.99%
 Light Red = 45% to 49.99%
 Dark Red = <44.99%



* District boundaries shown as of 2006 general election.



[This is a sample of a letter sent to each member of the 2007 Legislature.]

SOUTH DAKOTA CAMPAIGN FOR HEALTHY FAMILIES
P.O. Box 1484, Sioux Falls, SD 57101-1484
605-221-5642 info@sdhealthyfamilies.org

January 8, 2007

Rep. Roger Hunt
PO Box 827
Brandon, SD 57005-0827

Re: Abortion Ban (HB1215 / Referred Law 6)

Dear Rep. Hunt:

South Dakota's 2006 Legislative Session was marred by debate and passage of divisive legislation regarding social issues. The most prominent would be the abortion ban (a/k/a HB 1215, and later, Referred Law 6). If this legislation became law, it would have endangered women's health. In the end, voters overwhelmingly overturned Referred Law 6 - sending a clear message to the South Dakota Legislature that laws this restrictive will be rejected.

Spending so much time on this divisive issue left more substantive matters by the wayside. It is our sincere hope that you will help lead the legislature in a more productive direction in 2007.

In response to passage of the abortion ban, a group of Doctors, Nurses, Educators, Elected Officials, Activists, Democrats and Republicans formed the South Dakota Campaign for Healthy Families for the purpose of referring and defeating HB 1215. With the help of over 1,200 volunteers, in nine weeks we gathered over twice the required signatures to refer the abortion ban to the people of South Dakota.

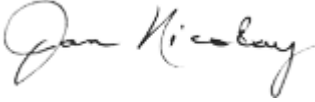
As the legislative session begins, we wanted to take this opportunity to remind you of the results of the abortion ban referendum this past year. South Dakotans rejected the abortion ban by a vote of 56% to 44%. Opposition to the ban was widespread - crossing party lines, geographic boundaries and generational divisions. A majority of voters in 32 of 35 legislative districts in South Dakota voted to overturn the ban.

More specifically, while you voted in favor of the abortion ban, voters in District 10 rejected the measure by a vote of 54% to 46%. It is clear that your vote to pass the abortion ban was out of touch with your constituents. We would ask that you reexamine your position and vote in line with the wishes of your district should similar legislation come to a vote this year. We will be tracking any such development very closely.

The voters have spoken. On the issue of abortion, a strong majority of South Dakotans oppose government intrusion into a very difficult and private medical decision. Keeping with the will of voters, future attempts to ban abortion should be rejected.

Should you have any questions about the results of this past General Election or the issue of reproductive rights, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, reading "Jan Nicolay". The signature is written in dark ink and is positioned below the word "Sincerely,".

Jan Nicolay,
Campaign Co-Chair

Cc: South Dakota Media Outlets



SOUTH DAKOTA CAMPAIGN FOR HEALTHY FAMILIES
P.O. Box 1484, Sioux Falls, SD 57101-1484
605-221-5642 info@sdhealthyfamilies.org

January 8, 2007

Governor Michael Rounds
State Capitol
500 E Capitol
Pierre, SD 57501

Re: Abortion Ban (HB1215 / Referred Law 6)

Dear Governor Rounds:

South Dakota's 2006 Legislative Session was marred by debate and passage of divisive legislation regarding social issues. The most prominent would be the abortion ban (a/k/a HB 1215, and later, Referred Law 6). If this legislation became law, it would have endangered women's health. In the end, voters overwhelmingly overturned Referred Law 6 - sending a clear message that laws this restrictive will be rejected.

Spending so much time on this divisive issue left more substantive matters by the wayside. It is our sincere hope that you will help lead the legislature in a more productive direction in 2007.

In response to your signing of the abortion ban, a group of Doctors, Nurses, Educators, Elected Officials, Activists, Democrats and Republicans formed the South Dakota Campaign for Healthy Families for the purpose of referring and defeating HB 1215. With the help of over 1,200 volunteers, in nine weeks we gathered over twice the required signatures to refer the abortion ban to the people of South Dakota.

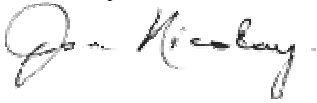
As the legislative session begins, we wanted to take this opportunity to remind you of the results of the abortion ban referendum this past year. South Dakotans rejected the abortion ban by a vote of 56% to 44%. Opposition to the ban was widespread - crossing party lines, geographic boundaries and generational divisions. A majority of voters in 32 of 35 legislative districts in South Dakota voted to overturn the ban.

The voters have spoken. On the issue of abortion, a strong majority of South Dakotans oppose government intrusion into a very difficult and private medical decision. Keeping with the will of voters, future attempts to ban abortion should be rejected.

We are calling on you to discourage the creation and passage of any abortion ban during this Legislative Session. Should an abortion ban make its way to your desk, we ask that you veto the legislation to protect the health of the women of South Dakota and to spare our state from another destructive political battle.

Should you have any questions about the results of this past General Election or the issue of reproductive rights, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Nicolay". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jan Nicolay,
Campaign Co-Chair

Cc: South Dakota Media Outlets