



# 2025 Legislative Scorecard Report

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A report by the Voter Defense Association of South Dakota  
Tuesday, April 29, 2025

# Introduction

Throughout the 2025 South Dakota legislative session, the Voter Defense Association advocated for the protection of South Dakota voters' constitutional ballot initiative rights. This advocacy directly led to our engagement with the legislative process on 12 pieces of initiative-specific legislation. These bills ranged from positive technical improvements to the process to direct attacks on the viability of citizen-initiated legislation in South Dakota, and the VDA testified and lobbied on each piece of legislation included within this scorecard.

After the session concluded, we created this scorecard and accompanying report to serve as an objective measure of South Dakota legislators' performance on initiative-related legislation in the 2025 session. This scorecard is not intended as a final evaluation of individual legislators, but is a factual record of votes cast during the 2025 legislative session that impact South Dakota's initiative process.

## Methodology

In order to accurately grade each legislator on initiative policy, we began by assembling a record of all bills directly impacting South Dakota's initiative process. Each bill's proposed policy was given an "impact rating" showing how meaningful the policy would be if passed and adopted. The impact rating ranged from one to five points.

After assembling the list of proposed policies, we recorded every vote taken to amend or pass the relevant legislation. In our scorecard, the baseline impact score is a full chamber vote to pass legislation. Votes taken in a standing committee give half the impact points of a full chamber vote for a given policy. Conference committee votes are worth half a full chamber vote plus an additional 0.5 and votes to amend a bill on the chamber floor are worth the same.

Once all relevant votes had been assigned impact points, we calculated each legislator's total score by adding points for votes in alignment with the VDA's stance and deducting points for votes opposing the VDA's position on a bill. This process resulted in a total score encompassing every vote a legislator took relating to South Dakota's initiative process. These total scores ranged from -39 to 41.5.

At this point in the process, each legislator had a total impact score for the session. However, each legislator cast votes on varying numbers of initiative-related bills throughout the session. To adjust for disparities in total votes, each legislator's score was then divided by their total number of votes, resulting in each legislator's average impact points per vote on initiative policy. Legislators' average impact points per vote ranged from -2.38 to 3.19.

To this point, each legislator has a record of votes cast, a total impact score, and an average impact score per vote taken. We then created grades using the range of average impact score divided by 13 to create the interval values for our grading scale (A+ to F). Once the grading scale was solidified, legislators were assigned grades using these scales.

Grade	House Grading Range	Senate Grading Range
F	-2.38	-1.50
D-	-1.96	-1.14
D	-1.53	-0.78
D+	-1.11	-0.42
C-	-0.68	-0.06
C	-0.25	0.30
C+	0.17	0.67
B-	0.60	1.03
B	1.02	1.39
B+	1.45	1.75
A-	1.88	2.11
A	2.30	2.47
A+	2.73	2.83

# Results

Overall, the 2025 South Dakota Legislature was not especially friendly to the initiative process. The state senate finished with an average impact score of .66, garnering a C grade for the session, while the state house scored an average of -1.18, resulting in a D grade.

However, thirteen legislators proved themselves the defenders of South Dakotans' initiative rights throughout the legislative session and earned grades of an A- or higher. Those legislators are:



Sen. Kyle Schoenfish (District 19)  
Sen. David Wheeler (District 22)  
Sen. Michael Rohl (District 1)  
Rep. Nicole Uhre-Balk (District 32)  
Rep. Kadyn Wittman (District 15)



Sen. Jamie Smith (District 15)  
Rep. Erin Healy (District 10)  
Rep. Erik Muckey (District 15)



Sen. Liz Larson (District 10)  
Sen. Helene Duhamel (District 32)  
Sen. Stephanie Sauder (District 4)  
Sen. Tim Reed (District 7)  
Sen. Paul Miskimins (District 20)  
Sen. Glen Vilhauer (District 5)  
Sen. Sydney Davis (District 17)  
Rep. Eric Emery (District 26A)

Also worthy of note are the legislators that proved themselves opposed to South Dakotans' initiative rights and earned an F grade on the scorecard. Those legislators are:



Sen. Greg Blanc (District 35)  
Sen. Mark Lapka (District 23)  
Sen. Mykala Voita (District 21)  
Sen. Joy Hohn (District 9)  
Sen. Taffy Howard (District 34)  
Sen. Sam Marty (District 28)  
Sen. Lauren Nelson (District 18)  
Sen. Curt Voight (District 33)  
Rep. Liz May (District 27)  
Rep. John Hughes (District 13)  
Rep. Scott Moore (District 23)  
Rep. Al Novstrup (District 3)  
Rep. John Sjaarda (District 2)  
Rep. Kaley Nolz (District 20)  
Rep. Julie Auch (District 18)  
Rep. Aaron Aylward (District 6)  
Rep. Josephine Garcia (District 5)  
Rep. Travis Ismay (District 28B)  
Rep. Tony Kayser (District 14)  
Rep. Trish Ladner (District 30)  
Rep. Logan Manhart (District 1)  
Rep. Tony Randolph (District 35)  
Rep. Christopher Reder (District 1)  
Rep. Tesa Schwans (District 9)

As to the rest of the legislature, 66 out of 105 South Dakota legislators earned grades between B+ and D-. Eight legislators earned a B, three legislators a C, and 55 legislators received a D. Those grades are:



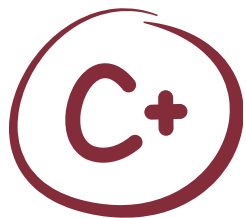
Sen. Amber Hulse (District 30)  
Sen. Steve Kolbeck (District 2)



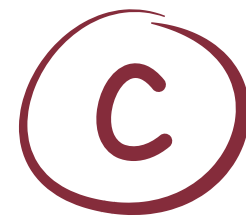
Sen. Larry Zikmund (District 14)  
Rep. Peri Pourier (District 27)  
Rep. Mike Stevens (District 18)



Rep. Roger DeGroot (District 7)



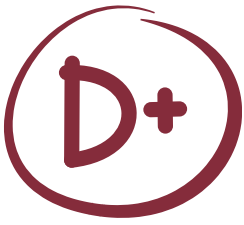
Sen. Randy Deibert (District 31)



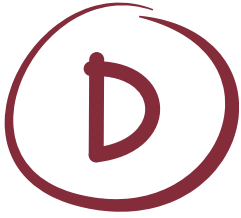
Sen. Ernie Otten (District 6)  
Rep. Mike Weisgram (District 24)  
Rep. Taylor Rehfeldt (District 14)



Sen. Red Dawn Foster (District 27)



Sen. Casey Crabtree (District 8)  
Rep. Jack Kolbeck (District 13)  
Rep. Matt Roby (District 5)  
Rep. Steve Duffy (District 32)  
Rep. Tim Goodwin (District 30)  
Rep. Tim Czmowski (District 6)  
Rep. William Shorma (District 17)



Sen. Tamara Grove (District 26)  
Sen. Jim Mehlhaff (District 24)  
Rep. Tim Reisch (District 8)  
Rep. Keri Weems (District 11)  
Rep. David Kull (District 2)  
Rep. Curt Massie (District 33)  
Rep. Will Mortenson (District 24)  
Rep. Rebecca Reimer (District 26B)  
Rep. Tim Walburg (District 8)  
Rep. Greg Jamison (District 12)  
Rep. Jim Halverson (District 21)  
Rep. Melissa Heermann (District 7)  
Rep. Bethany Soye (District 9)  
Rep. Spencer Gosch (District 23)  
Rep. Terri Jorgenson (District 29)  
Rep. Chris Kassin (District 17)  
Rep. Mary Fitzgerald (District 31)





Sen. Sue Peterson (District 13)  
Sen. Tom Pischke (District 25)  
Sen. Arch Beal (District 12)  
Sen. Kevin Jensen (District 16)  
Sen. Carl Perry (District 3)  
Sen. John Carley (District 29)  
Sen. Chris Karr (District 11)  
Rep. Tina Mulally (District 35)  
Rep. Jessica Bahmuller (District 19)  
Rep. Karla Lems (District 16)  
Rep. Drew Peterson (District 19)  
Rep. Amber Arlint (District 12)  
Rep. Jeff Bathke (District 20)  
Rep. Heather Baxter (District 34)  
Rep. Mike Derby (District 34)  
Rep. Lana Greenfield (District 22)  
Rep. Phil Jensen (District 33)  
Rep. Dylan Jordan (District 4)  
Rep. Brian Mulder (District 11)  
Rep. Kathy Rice (District 29)  
Rep. Kent Roe (District 4)  
Rep. Kevin Van Diepen (District 22)  
Rep. Richard Vasgaard (District 16)  
Rep. Jon Hansen (District 25)  
Rep. Leslie Heinemann (District 25)  
Rep. Scott Odenbach (District 31)  
Rep. Marty Overweg (District 21)  
Rep. Brandei Schaefbauer (District 3)  
Rep. Jana Hunt (District 28A)  
Rep. Bobbi Andera (District 10)

# Discussion

The South Dakota legislature overall graded poorly for the 2025 legislative session. While individual legislators stood out from their colleagues, each chamber introduced legislation hostile to South Dakotans' initiative rights. Sadly, this is typical of super-majority states, where one political party has complete control over the legislative branch of government. In both blue and red supermajority states, citizen-initiated legislation is often the only tool available for citizens to bypass extremely partisan legislatures.

In South Dakota, the initiative process has been used to enact legislation that is “dead on arrival” in the legislature – policies like medicaid expansion, raising the minimum wage, or medical cannabis that have broad support within the body politic but cannot pass a hyper-partisan legislature. This fact has spurred the legislature to limit the people's power to initiate legislation.

**“House Bill 1169 was the gravest threat to South Dakotan's initiative rights...”**

Thankfully, there is enough bipartisan support for the initiative process within the legislature to defend South Dakota voters from the most extreme legislative attempts to limit initiative rights. Of the 2025 session, House Bill 1169 was the gravest threat to South Dakotans' initiative rights – the legislation would have rendered the initiated amendment process unusable for all except the wealthiest and most connected South Dakotans. HB 1169 passed through both legislative chambers but was vetoed by Governor Rhoden, and the Senate failed to override the veto.

Additionally, this legislative session was not all threats. Several positive technical improvements were made to the initiative process. Good bills that were signed into law include:

- SB 91 will allow single-sheet petitions for all initiatives.
- SB 92 will potentially prevent costly single-subject litigation over initiated measures.
- SB 106 ensures citizen-initiated legislation is only initiated by South Dakota citizens.
- HB 1063 will give voters more accurate fiscal information when they vote on citizen-initiated legislation.

## Bills

### Senate Bills 91 & 92

Senate Bills 91 and 92 were two of the few positively graded initiative bills of the 2025 legislative session. Brought by Senator Amber Hulse, these bills were technical pieces of legislation aimed at improving specific aspects of the initiative process:

- Senate Bill 91 updated the statutorily mandated petition formatting to fit any initiative petition on a standard sheet of paper.
- Senate Bill 92 provides for a front-end single-subject review for initiated measures. Initiated amendments already undergo this review before an amendment can be certified for circulation, but initiated measures did not before this bill. Checking single-subject compliance before circulation can help prevent single-subject litigation from occurring after an initiative has been voted on.

The VDA was proud to work with Senator Hulse on these bills and we applaud her efforts to improve initiative policy rather than attack it. Both bills received nearly unanimous support in both chambers and were signed into law by Governor Rhoden.

## Senate Bill 106

Senate Bill 106 codified that only registered South Dakota voters may sponsor an initiative or referendum in South Dakota. Senator Wheeler brought this bill after a Florida man submitted a draft initiative mandating school prayer to the South Dakota Secretary of State. Following the submission, Attorney General Marty Jackley offered his determination that the South Dakota constitution offers initiative rights only to South Dakotans – SB 106 took that determination and placed it into South Dakota’s codified laws. The bill passed unanimously through both chambers and was signed into law.

## Senate Joint Resolution 504

Senate Joint Resolution 504 was Senator Tom Pischke’s attempt at a geographic distribution requirement for initiative petitions. It would have required initiative sponsors to collect signatures from all 35 South Dakota senate districts equal to 2% of the votes cast for governor in that district in the last gubernatorial election.

SJR 504 was slightly less disastrous than its house counterpart, House Bill 1169, as joint resolutions amend the state constitution and would have needed approval by voters before enactment. The resolution was tabled and HB 1169 was pursued by the legislature.

## House Bill 1063

House Bill 1063 was a bill allowing updates to a ballot question’s fiscal note following that question’s qualification for the ballot. Representative Kassin sponsored the legislation following last election’s attempted grocery tax repeal. After certification for the ballot, Initiated Measure 28’s (the grocery tax repeal initiative) fiscal note became controversial – in accordance with state law, fiscal notes are drafted prior to an initiative’s circulation and could not be updated if the state’s fiscal circumstances or estimates changes.

Simply put, this bill was designed to ensure voters are provided with up-to-date information at the ballot box instead of estimates up to two years old. HB 1063 passed unanimously through both chambers and was signed into law.

## House Bill 1169

House Bill 1169 was the most threatening initiative-focused legislation of the 2025 legislative session. The bill aimed to institute a geographic signature distribution regime for citizen-initiated amendment petitions. HB 1169's specific permutation of a geographic distribution requirement would have required signatures from all 35 South Dakota senate districts equal to 5% of the votes cast for governor in that district in the last gubernatorial election. Senator Rohl offered an amendment to improve the bill but was unsuccessful in lobbying for the amendment's adoption. Thankfully, Governor Rhoden vetoed the bill and the senate upheld the veto on a 16-16 vote.

If it had overcome the Governor's veto, HB 1169 would have instituted the most severe geographic distribution requirement of any initiative state. The prime sponsor, Representative Rebecca Reimer, has already stated her intent to revive the bill during the 2026 legislative session and the VDA will be there to oppose it.

## House Bill 1184

House Bill 1184 amended the filing deadline for completed petitions from May to February. Prior to HB 1184, the South Dakota legislature attempted to shorten the time to circulate petitions with Senate Bill 180 in 2020 (which placed the filing deadline at one year prior to the election in which the ballot measure would appear). Senator Rohl proposed an amendment moving the filing deadline to April but was unsuccessful.

The previous legislative attempt at shifting the deadline was ruled unconstitutional in *SD VOICE v. Kristi Noem* (2023) as an undue restriction on South Dakotans' constitutional First Amendment and initiative rights. Despite previous litigation, HB 1184 passed through the legislature and was signed into law. Almost immediately after its final passage, the bill was met with a lawsuit by Dakotans for Health.

## **House Bill 1256**

House Bill 1256 amended the criteria used by the Secretary of State's office to determine a signature's validity towards certification for the ballot. Under the previous criteria, signers were required to write their residential address and the county of their voter registration. Signatures were then deemed valid if the signature matched the signature on a voter's registration file and the signed residential address was in the same county the voter was registered in. HB 1256 passed and was signed into law.

After July 1st, the bill will take effect and signatures will only be considered valid if the address used on the petition matches the voter's address of registration. It is a relatively small change but will drastically impact the validity rate of initiative petition signatures

## **House Bill 1267**

House Bill 1267 would have banned paid circulators in South Dakota and was perhaps the most facially unconstitutional initiative legislation of the 2025 session. In *Meyer v. Grant*, 486 U.S. 414 (1988), the United States Supreme Court held that banning paid petition circulators is an unconstitutional infringement on citizens' first amendment free speech rights. The bill failed in the House Judiciary committee and Representative Travis Ismay, the prime sponsor, unsuccessfully attempted to "smoke out" the bill through joint rule 7-7.

## House Joint Resolution 5003

House Joint Resolution 5003 proposes a 60% affirmative supermajority requirement for voters to approve constitutional amendments. Senator Rohl proposed an amendment to the resolution requiring that HJR 5003 pass with 60% to be adopted but was unsuccessful. The resolution passed through both chambers of the legislature and will appear on the 2026 general election ballot.

HJR 5003's specific policy would require all proposed amendments receive 60%+1 of votes cast on that question to pass. Supermajority requirements weaken the initiative process and can institute a tyranny of the minority.

## House Joint Resolution 5004

House Joint Resolution 5004 proposed an increase in the number of valid signatures required to place an initiated amendment or initiated measure on the ballot statewide. Specifically, it would have increased amendment requirements from 10% of votes cast for governor in the last election to 15% and increased initiated measure requirements from 5% of the votes cast for governor in the last election to 10%. The resolution was tabled in the House State Affairs committee.

If passed and adopted by voters, the resolution would have drastically increased the monetary costs to qualify an initiative for the ballot and effectively locked grassroots South Dakotans out of the initiative process.



# House Joint Resolution 5006

House Joint Resolution 5006 proposed an amendment to the state constitution banning initiative topics from appearing in an election if an initiative with the same topic failed in the previous election. Best described as a “no-repeats” rule, the resolution would have severely restricted the initiative rights of South Dakotans and prevented otherwise viable initiatives from having a vote of the people.

## Legislators

The above scorecard does not reflect the totality of a legislator’s impact on initiative policy for the 2025 legislative session – to make the scoring more objective, the “who” of the policies was not factored in. To that end, here are the legislators that positively engaged with the initiative process the most:

- Senator Amber Hulse prime sponsored two positive pieces of initiative legislation. Senate bills 91 and 92 were technical bills aimed at making technical improvements to the initiative process, and we appreciated the opportunity to work with her on that legislation.
- Senator David Wheeler opposed the most damaging legislation (HB 1169) on the senate floor to uphold the Governor’s veto and was the prime sponsor of legislation to ensure that only South Dakotans can sponsor South Dakota initiatives (SB 106).
- Senator Micahel Rohl authored several amendments to improve bad bills.



In contrast, here are the legislators that negatively engaged with the initiative process the most:

- Representative Jon Hansen prime sponsored the greatest number of anti-initiative bills this session.
- Representative Karla Lems prime sponsored HJR 5004, a proposed amendment to ban initiatives that appeared on the previous ballot.
- Representative Travis Ismay prime sponsored HB 1267, a bill that would have unconstitutionally banned paid petition circulators.
- Representative John Hughes prime sponsored HJR 5003, proposing a 60% approval threshold for all constitutional amendments.
- Representative Rebecca Reimer prime sponsored HB 1169, one of the most threatening pieces of legislation from this session.
- Senator Tom Pischke prime sponsored SJR 504, a proposed amendment to enact a geographic distribution requirement for initiated amendment petitions.

## Conclusion

There were two main takeaways from the 100th South Dakota Legislative Session and the scorecard we created from the votes taken therein.

First, South Dakota's initiative process continues to be under threat from its legislature. South Dakotans' representatives would largely prefer citizens leave legislating to the elites, and coincidentally give themselves sole legislative power. While the South Dakota constitution guarantees its citizens the right to the initiative, our legislature will go as far as they are allowed to limit this right.

Second, while the initiative process is consistently under legislative attack, it does have advocates within the government. Fifteen legislators earned A grades and eight more earned B grades, while Governor Rhoden vetoed the most harmful bill (HB 1169) out of respect for voters' constitutional rights. The people's power may not be popular in Pierre, but it is not without friends in the legislature or the support of the people.

Overall, it was a mixed legislative session for initiative policy. The gravest threat was defeated via veto, and many other harmful bills and resolutions were tabled or defeated. Several lesser threats, however, were passed and signed into law or placed on the 2026 general election ballot. The legislature and the public engaged with South Dakotans' initiative rights many times and those same rights were once again a public policy battleground throughout the 38 legislative days.

