

# The Role of Citizens in the Legislative Process

A Report on Statewide Forums  
2008-2009

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**South Dakota Issues Forums  
Rapid City, South Dakota**

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Telephone: 605-341-4311

Web Site: [www.chiesman.org](http://www.chiesman.org)

Report prepared by

Jeanmarie Heriba, M.S.  
Director, South Dakota Issues Forums

In collaboration with

John J. Usera, Ph.D.  
Project Director, Legislative Education for Greater Inquiry and Study (LEGIS)  
Director, South Dakota Public Policy Institute

Patricia Schulte, M.A.  
Grant Administrator, Legislative Education for Greater Inquiry and Study

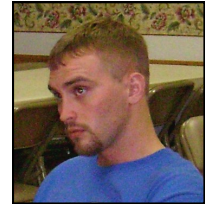
Beth Eilers, M.B.A.  
Project Evaluator, Institute for Educational Leadership & Evaluation

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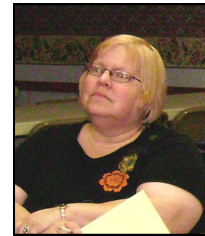
(EDGAR: 34 CFR; 20 U.S.C. 1221e-3 and 3474)

# The Role of Citizens in the Legislative Process

“I never really thought about it that way,” said a man in a Rapid City forum in response to a comment by another participant. The comment regarded giving a challenger to an incumbent during an election the same amount of support the incumbent has with franking privileges (members of Congress can send mail to constituents at government expense). “I want to amend my comment,” stated several participants during the same forum after hearing the points of view of others. These statements reflect what can happen in a deliberative forum. People listen to each other and learn from each other by sharing their own experiences and knowledge. Deliberative forums are not designed to change people’s opinions on specific topics though that can happen. They are designed to be a safe, respectful environment for citizens to look in depth at an issue and figure out the best way to proceed.



The South Dakota Issues Forums held a series of statewide forums called *The Role of Citizens in the Legislative Process* across South Dakota in 2008 and 2009. In the forums, citizens thought about and discussed their personal relationship with their government. They did this by using a deliberative framework of three approaches to citizen involvement: Citizen as learner, Legislators and officials as collaborators, and Citizen as participant.



Working with nonprofits, universities, and other entities, thirteen forums were convened in nine towns, attracting over 300 people ranging from middle school students to retired individuals. Nine of the thirteen forums were opened with nonpartisan remarks from a legislator about legislative processes and citizen involvement. In the forums, participants and legislators learned about each other when they were asked to consider the benefits, drawbacks, and costs of each approach as well as what would happen if each approach was pursued.



Common themes became evident throughout the forums, including the observation by a moderator who was impressed but not surprised by the sincere interest of adult participants in young peoples’ input in the forums, and the encouragement of young people to become active citizens. The interaction among the participants of varying ages was very positive. This report reflects what was heard in the forums—the forums belonged to the participants—this is their voice.

When asked if they thought citizen involvement in legislative processes was important, and if so, why, participants said yes for several reasons. Some mentioned citizen involvement as a responsibility in our democracy. Others said involvement was important for helping to guide budget expenditures, being informed and connected, and affecting legislation’s personal impact on citizens. A college student in Aberdeen told her fellow participants that her family members in previous generations were not allowed to vote, which makes her not take opportunities for granted. Several young people in the forums said government and issues do not impact them. Each time, these young people were gently and kindly told otherwise by statements such as



Representative  
Larry Tidemann

Initiatives are when the citizens, collecting signatures on a petition, place advisory questions, memorials, statutes or constitutional amendments on the ballot for the citizens to adopt or reject. The referendum process gives citizens the ability to reject laws or amendments proposed by the state legislature. (<http://legis.state.sd.us/students/FunFacts.pdf>)

this by a participant in Brookings, “Laws affect everyday life,” and this by a woman in Chamberlain, “They will affect you some day. You need to look into the future. You will be paying taxes and out on your own some day.” Dr. Pam Carriveau of Black Hills State University, an opening presenter in Rapid City, gave education as an example of an issue that can affect everyone and that cuts across all levels of government—federal, state, and county.



In Spearfish, a participant said, “An individual may be aware of a problem that a legislator may not be aware of.” Demonstrating the importance of citizen involvement in their government is the experience of a former legislator at the Pierre forum who said, “It was at a crackerbarrel in one of my towns and I had voted on an education bill and I voted in a way a group did not want. When I asked them about it, because they were upset, they responded, ‘When we elected you, we thought you knew what we would want.’”

After setting the issue, participants weighed citizen involvement. The use of the three approaches framework helped the deliberations stay on track.

### ***Approach #1 Citizen as learner***

Senator Jim Hundstad, in his opening remarks, described the need for an informed citizenry by explaining this difficulty faced by legislators:

What we really work at most of the time is trying to solve a problem. Someone will bring a bill that is a solution to a problem that 105 legislators didn’t even know was a problem. We don’t have all of the information that we need. I will only know if citizens get involved. Democracy only works if citizens are involved; otherwise you can have a king who tells you what to do and where to go.



Senator  
Ben Nesselhuf

Another advantage to being informed, said a mayor, is: “A lot of people don’t understand why you do some things. People think we don’t do a lot of thought process when we pass certain measures.”

Seeing citizens as learners brought up duties of citizenship and the ***ease of being informed*** through a variety of outlets such as newspapers, televised coverage of government proceedings, civic education programs, and crackerbarrels. Another way of learning comes about through contested races. “When contested or challenged, candidates will have to bring up their opinion on the issues and share them with constituents,” stated a participant in Pierre. Following up on that point, a fellow participant said, “One could argue that, the primary democratic process, you learn more about the candidate. It is only contested races that you find that out.”

Forums can be another way of learning and can go both ways with citizens and legislators. In Vermillion, Senator Nesselhuf said he learned from listening to the participants that he has to be more transparent and available. Participants said they did not know Senator Nesselhuf was so available.

Crackerbarrels are meetings attended by legislators and members of the public so that each can gain information through legislator presentations and question and answer sessions. Local media publicize dates, times, and locations.

A couple of people in different forums noted that liberty and free will mean that you have the right to be involved as little or as much as you like; we have to accept that some people do not want to participate. As a Huron participant declared, "You are free not to say anything," unlike countries such as Brazil that have mandatory voting.

There are **benefits to being informed**, participants thought. Being well informed helps citizens make good decisions in voting. A lack of knowledge stimulates fear, proposed one man in Rapid City. Those too young to speak for themselves suggested those who know their issues and needs could speak for them. A young woman in Chamberlain, however, said she thought a lot of people vote by party. In Aberdeen, a participant commented that if you are not informed, you will just do what leaders say.

**Media bias** was a consistent topic. As expressed by one person and reflecting the thoughts of many, "They are catering to an audience. One on the right and one on the left and no one in the middle. People want news that reinforces what they believe. They don't want news that goes against what they believe." Seeking a variety of sources for information was highly recommended by participants in each forum.

**Voters want ballot initiatives in simpler language.** Opinions about ballot issues were similar to how these participants phrased it: "Why does it have to be so hard to understand something that is put on the ballot?" from a college student in Aberdeen; from a man in Chamberlain, "I feel you have to take a cheat sheet with you when you go to the polls"; in Vermillion, "Complex legislation is not put in common language"; and "I know people who will vote for the candidates and leave the initiatives part of the ballot blank."

**Lack of interest** came up often as a barrier to being informed. Some people just are not interested unless an issue affects them personally, some said. More high school students than other adults brought up that some young people are focused on other things such as jobs and some find politics boring. Though she knows her state representatives and visits with them, one Northern State University student observed, "No matter the issue or the level of government, many people simply find the whole process boring."

**Time** as a barrier to informing oneself was often heard. One man told his fellow participants at the Pierre forum that he sees people flip through the paper, but that with all of the information it contains, a person could spend an hour going through the paper. Several young people in the forums said competing activities are more attractive to them, leaving less time to educate themselves. The experience of a teacher at a Spearfish forum revealed a benefit of making time to be informed. She told her group, "When students, citizens, have more information, they are surprised about their initial choices."



Representative  
Carol Pitts



South Dakota was the first state to adopt the “initiative and referendum” process on a statewide level. Members of the Populist Party in the South Dakota Legislature at the time submitted an amendment calling for the “initiative and referendum,” and the voters gave it final approval in November of 1898. The voters of the state approved the state’s first initiated measure in 1912, but they did not approve another one for more than sixty years. (<http://legis.state.sd.us/students/FunFacts.pdf>)

## **Approach #2 Legislators and officials as collaborators**

### **People want a collaborative relationship with their elected officials.**

Though we live in a representative democracy, most people thought leaders should take advantage of the knowledge and desires of citizens. “Being open-minded and getting all points of view,” was what a participant in Huron wanted of her leaders. Talking with leaders is valuable said a Sioux Falls woman who pointed out, “Even if you haven’t won, you have changed thinking.” In Vermillion, one participant thought part of the government’s job is to educate citizens on key issues, similar to this sentiment expressed in Rapid City, “I think legislators have as much responsibility of finding out what the people want as they (citizens) have to let them know.” A Vermillion participant said, “We assume legislators are well informed.” Demonstrating this, a participant in Huron remarked that legislators can contact a midwife about legislation regarding midwives, “When citizens participate, legislators can turn to these citizens for assistance to make decisions on bills.” A few people felt differently, represented by this statement made by a man in Pierre when addressing the legislator who made opening remarks, “I don’t feel I have to tell you how to vote on every issue.”



**South Dakota’s elected officials are approachable.** People we elect to represent us locally, statewide, and nationally are approachable, declared participants in every forum. “Personal contact is available,” said a participant in Brookings. And in Pierre, an older man opined, “There is nothing like person-to-person contact if you have time for something like that.” Many people related experiences of personal contact with the people who represent them. Several legislators described why South Dakotans have the opportunity for personal contact. Representative Tom Hills told participants in Spearfish:

South Dakota has a citizen legislature so citizens can have a great deal of influence in the legislative process. They go to Pierre for 35 or 40 days and then go home and do what they do. Each legislator has a laptop and they have email. There is a phone on the floor of the House and one of the pages answers the phone.

Senator Hundstad told forum participants in Aberdeen: “We are all just people. It isn’t that hard to talk to us. We are accountants, plumbers, ranchers, etc.”

**Public input is valued.** In Brookings, a participant announced a way citizens can be of benefit by explaining that legislators may not have enough time to review proposed bills during the short legislative session, giving an opportunity for citizen involvement. Lobbying came up often. Despite the influence of lobbyists, that it is “hard to compete with lobbyists for your voice to be heard,” argued a Vermillion participant, legislators who gave opening remarks and some of the few other legislators who participated in the forums assured participants that the voice of the public has their attention. One proclaimed, “I



Representative  
Marc Feinstein

The “hoghouse” procedure is unique to the South Dakota Legislature. It is an amending process that allows the entire contents of a bill to be changed even long after the bill introduction deadline has passed. The term originated in 1921 when the procedure was used to authorize an expense allowance for legislators as a substitute for the construction of a hog house at State College, which is now South Dakota State University. (<http://legis.state.sd.us/students/FunFacts.pdf>)

have changed my mind on an issue based on what I thought my constituents wanted.” Another declared, “I would rather listen to a public person than any lobbyist.” Senator Sandy Jerstad said she is interested in good public policy rather than who brings it forward. A Huron participant was concerned when saying, “Legislators may listen to you but not do anything about it.” Individual input works as evidenced by the following example from a legislator who participated in Aberdeen. In the past, there was a proposed law to identify the workplace of sex offenders. An employer called him and told him that if the bill passed, he would fire the employee who cleans his building at night. This would make sex offenders unable to get a job and possibly end up back in jail. The phone call from the constituent made a difference in how the legislator voted on the proposed law.

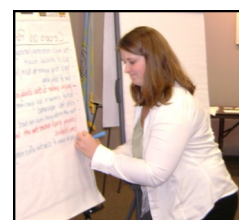
**Difficulties of collaboration are varied.** Reasons for lack of collaboration among citizens and their leaders ranged from the mundane to the rarely spoken. “People have to feel that legislators welcome citizen input,” was heard at the Spearfish forum. “Legislators are overwhelmed by email,” stated a participant in Brookings. One person in Vermillion thought that people are too humble about good ideas, that there is too much Midwestern modesty. A similar comment was heard in Sioux Falls: “We have to be able to say to ourselves that I can do better than someone else” when considering pursuing public office. The participant added, “Women find this difficult.” “Many women do not like to be disliked,” followed up another woman in response. Serving as legislative pages gave two young forum participants unique perspectives. One told a story of giving a legislator a note from a constituent that was then thrown away because the constituent contacted the legislator too late. She told her group that people need to voice opinions before legislators make their decisions and expressed empathy saying, “I wonder if they knew their message was in the trash?” Another former page said she noticed that people with money have a louder voice. It may be possible to take our system for granted until we hear from others. Informing other participants in Aberdeen, a woman from China shared information about her home country by saying Chinese citizens “do not know the background of the person, just the name” of those running for office. She continued, “In China you have to be invited to be involved.”

### **Approach #3 Citizen as participant**

**There are many ways to participate.** Forum participants named many ways a citizen can get involved with legislative processes. They named talking with an elected official via personal meeting or phone call, sending an email, providing testimony at hearings, writing a letter to an official or a newspaper, giving feedback at board meetings, becoming part of a group with a hired lobbyist, attending crackerbarrels, voting, and running for office. In Huron, a couple of young forum participants said they attend commission meetings. Several people felt the same as a participant who commented,



Representative  
Kent Juhnke





“Youth participation is crucial because they are the future legislators.” Many participants agreed with the sentiment of a person in Chamberlain who said, “It is easy to be involved, all it takes is a little bit of action.”

A commissioner in Brown County who participated in a forum said he wished the public would be more involved in the budgeting process. He added that no one attends the public hearing when they are finalizing the budget. Senator Tom Hansen informed Huron forum participants, telling them:

In a representative democracy, voters elect leaders to make decisions on their behalf but the public also has a responsibility to be involved. In the absence of direction from the people at home, those people will make their own decision.

He further stated that our legislative process provides for public input, and that, at all levels of government, people have the right to speak.

**Barriers to being a participant are many.** Brookings forum participants realized that participating in legislative committee hearings costs time and money. One has to travel to Pierre and the committee hearings are held during the day. One of the barriers to participating in the legislative process by running for office was the cost, noted a Sioux Falls participant. A second barrier was reflected by the statement, “People on a two-year term, when do they have time to do anything, they are always raising money.” Another participant questioned, “It is what happens if they win. How can I go to Pierre?” referring to leaving the family during the session. This was a particular barrier for some women. A few thought participating requires a great deal of specialized knowledge, interest, knowledge of the process, and confidence. “Some people are not comfortable or confident,” said a Brookings participant referring to attendance at hearings or when speaking to legislators.

**Being involved can be intimidating.** “Intimidating” was a specific barrier heard over and over in the forums when it came to testifying at committee hearings. “People feel intimidated by the process,” remarked a Rapid City participant. Several forum participants had the experience of giving testimony in Pierre. “I felt antagonism when I testified,” a woman said at the forum in Sioux Falls. One participant in Rapid City stated, “I testified at a hearing and it was intimidating. Senator...was staring me down.”

Several people who had rewarding testimony experiences shared them such as a participant in Huron who told the group, “It is a wonderful experience.” In Spearfish, a woman told the other participants that she found boards and commissions are thankful to have people show up and speak.

**There can be consequences to participation.** Consequences can be general or personal, negative or positive. “Citizens that do not participate may disconnect and become angry about the decisions made,” predicted a teacher



in Spearfish. In the Rapid City forum, a woman who had solicited people for signatures said, “People are afraid to have their name on a petition. And they do not know why.” She received some unwelcome phone calls in response to her efforts. A woman who participated in the forum in Sioux Falls, and who had run for public office, revealed that, “Stepping into the public view and being open to criticism, you feel splayed out for public view.” The personal consequence to a woman in Aberdeen was phrased such: “I voted, told people how I voted, then was viewed in a certain way, and now do not vote.”

A story told in Chamberlain described youth who wanted a skateboard park. With the help of adults, they prepared information for the City Council which they presented successfully, providing those young people with a valuable experience. Senator Bob Gray encouraged Pierre forum participants with these words: “We as legislators listen to people. In term of influencing us—my answer is absolutely. It is awful tough to get your opinion if you don’t show up for something. Most bills receive little or no feedback from constituents.” As a participant in Chamberlain pronounced, “If you don’t make a decision, someone will make it for you.”

### ***Post Forum Participant Reflections***

From finding out what a crackerbarrel is to recognizing that a relationship with one’s government takes time and effort, forum participants said that by participating in a forum, they learned about legislative processes and got different ideas from each other. Many young people in some of the forums said they had not realized that adults in their community welcome and value youth participation. “I think we learned that we should get involved,” said a high school student. A college club officer said she recognized the need for her club to take a different approach to get students involved in their student government, that they need to “advocate for the informed citizen approach for student government.”

Communication is important because the more that is learned about the process, the more one will want to be a part of it. Participants also saw value in personal contact with elected officials and each other as well as opportunities available through technology. Post forum reflections included more respect for the legislative process and for the ideas and input of citizens.

### ***Forum Series Summary***

Effectively all (99.94 percent) of the comments in response to “What I liked most about the forum was...” on the post forum questionnaire were positive. From post forum questionnaire comments, it was evident that citizens appreciated the opportunity to come together in a relaxed atmosphere and weigh approaches for the citizen’s role in legislative processes. Since so many commented that everyone had the opportunity to speak, the participants no-

ticed that the South Dakota Issues Forums process is distinct from other types of civic engagement such as presentations by experts or listening to panels of speakers. Participants wrote that they enjoyed hearing different opinions in an environment that was peaceful and non argumentative. Many enjoyed interaction with their legislators who gave opening presentations.

“Jefferson, Madison and the other intellectual and political titans who forged America recognized clearly that free societies cannot remain free without the active engagement of their citizens. Disconnects between a cliquish leadership and the people are recipes for a hollowed democracy, a "checked out" populace, and government by the arrogant and elite” (Yarrow & Heintz, 2009). Three hundred and twenty-one people in South Dakota participated in *The Role of Citizens in the Legislative Process* forums in 2008 and early 2009. These citizens actively engaged themselves in their free society and learned more about the legislative process. Their voices were heard by their elected representatives, helping to ensure a solid democracy and avoiding the “king who tells you what to do and where to go” warned about by Senator Hundstad.

The greatest benefit from South Dakota Issues Forums participation comes from the interaction among experienced and knowledgeable adults and young people. In supportive communities like Chamberlain, Huron, and Spearfish, where there was a good mix of age diversity, not only did young people leave the forums feeling included and empowered, but adults felt they became more aware of how the younger generation thinks.

From the post forum questionnaire data, 87 percent agreed the forum provided them with good information about the legislative process. Statistically significant shifts in thinking occurred as a result of forum participation. Participants went from 73 percent agreement before the forum to 92 percent agreement after the forum on their belief they have a good understanding of how the legislative process works. Responses to the belief that citizens know how to effectively access their state legislators and members of Congress rose from 43 percent agreement before the forum to 70 percent agreement afterwards. In pre and post responses to the belief that their legislators do an excellent job in representing the public’s desires and wishes, agreement went from 53 percent to 62 percent. Intention to participate in civic activities that involve public policy issues, voting, and lobbying was 63 percent before the forum and 76 percent after the forum.

Funded by a grant from the U.S. Department of Education, the forums were designed to increase public knowledge about legislative processes. According to post questionnaire responses, not only was that goal achieved, it was accomplished by the simplicity of citizens interacting with their legislative representatives and deliberating with their fellow citizens.

The South Dakota Issues Forums wishes to thank all of the organization members, students, teachers, professors, legislators, and members of the public who convened or participated in *The Role of Citizens in the Legislative Process* forums for making the forum series possible, for helping adults and young people learn more about citizen involvement in government, and for engaging in civic action.

*Conveners*

South Dakota Cultural Heritage Center  
Huron Chamber of Commerce  
Chamberlain High School  
Democracy in Action, Spearfish Chapter  
South Dakota Women's Summit  
W.O. Farber Center for Civic Engagement  
Northern State University  
South Dakota Issues Forums  
General Federation of Women's Clubs  
Chiesman Center for Democracy

*Forum Opening Presenters*

Dr. Pam Carriveau  
Representative Tom Hills  
Senator Bob Gray  
Senator Tom Hansen  
Senator Sandy Jerstad  
Representative Marc Feinstein  
Senator Ben Nesselhuf  
Senator Jim Hundstad  
Representative Kent Juhnke  
Representative Carol Pitts  
Representative Larry Tidemann

*Links*

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A project of the  
Chiesman Center for Democracy  
1641 Deadwood Avenue  
Rapid City, South Dakota 57702  
605-341-4311

[www.chiesman.org](http://www.chiesman.org)