



**OFFICE OF ATTORNEY GENERAL**

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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**MARK W. BARNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

May 16, 2023

**RECEIVED**

MAY 17 2023

SD Secretary of State

Brian L. Bengs  
1314 S 8<sup>th</sup> Street  
Aberdeen, SD 57401

**Re: Proposed Initiated Constitutional Amendment Regarding Legislative  
Amendment or Repeal of Initiated Measures**

Dear Mr. Bengs:

This letter acknowledges our receipt of your letter dated May 4, 2023, indicating that you were withdrawing the previous version of the proposed initiated amendment that you submitted to the Attorney General's Office. The substitute language you have submitted will be considered in preparing the draft title and explanation for the proposed measure. The Attorney General will file the draft title and explanation with the Secretary of State on or before July 3, 2023. We will make every effort to finalize the draft title and explanation before then. You will be provided a copy of the draft title and explanation at the time it is filed.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB".

Steven R. Blair  
Assistant Attorney General

SRB/dd

Filed this 17<sup>th</sup> day of

May 2023

A handwritten signature in black ink, appearing to read "Monae L. Johnson".

**SECRETARY OF STATE**

cc: Reed Holwegner, Director – Legislative Research Council  
Hon. Monae L. Johnson, Secretary of State

4 May 2023

Brian L. Bengs  
1314 S 8th Street  
Aberdeen, SD  
57401

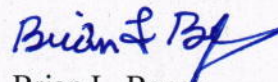
**RECEIVED**  
MAY 05 2023  
SD Secretary of State

Office of the Attorney General  
1302 E Hwy 14, Suite 1  
Pierre, SD  
57501-8501

Dear Assistant Attorney General Blair,

I previously submitted a proposed initiated amendment to the Constitution to your office pursuant to SDCL 12-13-25.1. Unfortunately, I recently discovered one word in that version had not been replaced as it should have. Thus, I withdraw the version you received on April 24, 2023 and in its place submit the attached version in which the word "effective" is replaced by "enacted." This corrected copy is also being submitted to the secretary of state and the director of the Legislative Research Council. If you have any questions or concerns, feel free to contact me at [bbengs1970@gmail.com](mailto:bbengs1970@gmail.com) or 605-228-5869. I truly apologize for the inconvenience and acknowledge that the review period may start anew.

Sincerely,

  
Brian L. Bengs

Attachment:  
Proposed Initiated Amendment, 4 May 23

cc:  
Reed Holwegner, Director – Legislative Research Council  
Hon. Monae L. Johnson, Secretary of State

Be it enacted by the people of South Dakota:

That Article III, § 1 of the Constitution of the State of South Dakota, be  
AMENDED:

§ 1. The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions. Not more than five percent of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

A measure approved by the electors may not be repealed or amended by the Legislature for seven years from the enacted date of the measure.

This section shall not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. The veto power of the Executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.