

**June 5, 2018 Primary Ballot Question Pamphlet
Compiled by the Office of Secretary of State Shantel Krebs**

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For any questions related to the content of the constitutional amendment, please direct them to the sponsor. Additional information on ballot questions and Attorney General explanations may be found by visiting our website.

Constitutional Amendment Y Sponsor Contact Information

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South Dakota

**June 5, 2018
Primary Ballot Question
Informational Pamphlet**

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**Constitutional Amendment Y was placed on the Primary Ballot by the 2018
South Dakota Legislature's passage of HB 1162**

Constitutional amendments approved by majority vote will become effective on the first day of July after the completion of the official canvass by the State Canvassing Board. [SDCL 2-1-12](#)

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20,000 copies of this publication were printed
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CONSTITUTIONAL AMENDMENT Y

Title: An amendment to the South Dakota Constitution revising certain provisions relating to the rights of crime victims.

Attorney General Explanation: In 2016 the voters approved Marsy's Law, which expanded rights for crime victims and placed them in the state constitution. This amendment makes changes to Marsy's Law.

The amendment narrows the definition of "victim" to mean a person against whom a crime or delinquent act is committed. If the victim is killed, incapacitated, or a minor, then "victim" may include that person's spouse, parent, child, sibling, grandparent, grandchild, or guardian.

The amendment makes it clear that a victim must make an affirmative request to receive the benefits of several of the rights provided by Marsy's Law. In addition, the amendment clarifies that law enforcement is allowed to share information with the public to help solve crimes.

The amendment also provides that a person may not file a lawsuit for money damages against the State, local governments, or their officers and employees, if the person's rights under Marsy's Law are violated.

Vote "Yes" to adopt the amendment. Vote "No" to leave the Constitution as it is.

Pro – Constitutional Amendment Y

Two years ago, South Dakota voters approved a constitutional amendment called "Marsy's Law" to protect the rights of crime victims. That good measure had some unintended consequences. This amendment fixes the problems and keeps the important protections of Marsy's Law.

This amendment maintains the constitutional right of victims of criminal acts to participate in criminal proceedings in South Dakota. It clarifies that most of these rights are available at the request of the victim and that in most cases the victim must be the individual victimized by a criminal act to assert these rights. The amendment also clarifies that law enforcement can share information with the public to help solve crimes.

Passing this amendment will save money for county governments and it will avoid unnecessary lawsuits about these rights.

This amendment is widely supported by victims and their advocates, states attorneys, sheriffs and police chiefs, and county officials. It was supported by the Governor and by legislators from both political parties. In addition, the national group that wrote and promoted "Marsy's Law" two years ago also supports this amendment.

Kevin Thom, Sherriff, Pennington County

Krista Heeren-Graber, Executive Director, South Dakota Network against Domestic Violence & Sexual Abuse

G. Mark Mickelson, Speaker, South Dakota House of Representatives

Con – Constitutional Amendment Y

Marsy's Law is an abomination, graffiti scrawled across our constitution by a California billionaire who has never set foot in our state to explore or explain the need for his proposal in South Dakota. Amendment Y—Marsy's Fix—etches this abomination indelibly into our constitution.

When first proposed by legislators, Amendment Y originally offered the one true fix for Marsy's Law—complete repeal of this unnecessary, costly, and unconstitutional amendment. But when that California billionaire came waving his money, legislators caved and offered Marsy's Fix to appease him.

Amendment Y promises to save some money, though no one (as of the date of this writing) has explained how much. Marsy's Law will still place demands on county budgets that didn't exist before that California billionaire barged into our constitution. Amendment Y is actually costing us more money right now by its special, rushed placement on this primary ballot. Amendment Y also does nothing to address Marsy's Law's unjust infringement on the sacred principle of "innocent until proven guilty."

By failing to take this bull by the horns, by letting Amendment Y pass, we will only strengthen the California billionaire's ability to force his vanity project down the throats of other states, imposing similar untold expense on taxpayers across America just as he has done to South Dakota.

If we really want to help counties, we should reject this appeasers' proposal and demand that the Legislature return to its original, braver, wiser idea: repeal Marsy's Law completely. Send a message to America that this California billionaire's folly does not protect victims, does not protect due process, and does not belong in any state's constitution.

Send a message to our Legislature that we want real South Dakota solutions, not favors for out-of-state billionaires. Vote NO on Amendment Y.

Cory Allen Heidelberger

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