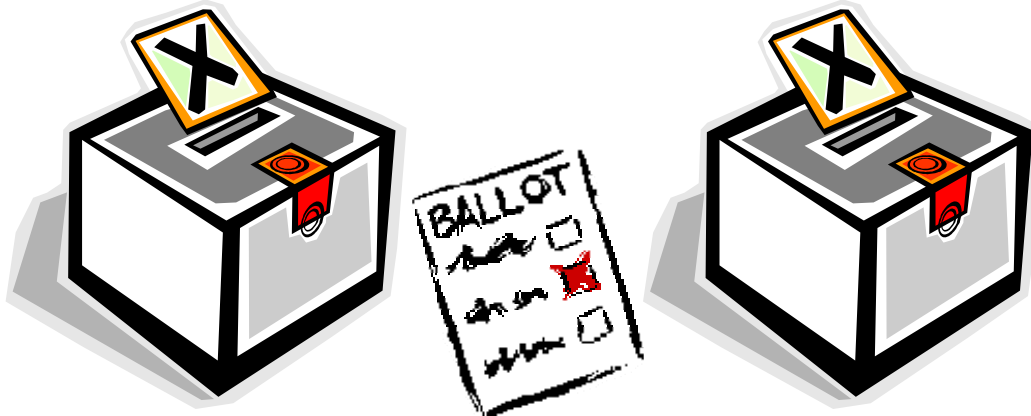


South Dakota

2006 Ballot Questions



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SDCL 12-13-23 requires the Office of Secretary of State to prepare and distribute public information concerning constitutional amendments, initiatives and referred measures. This pamphlet is prepared by soliciting statements from the proponents and opponents of amendments and measures.

The title, explanation and effect of a vote for each ballot question were provided by the Attorney General. No other statements on this pamphlet reflect the opinion of the State or the Attorney General.

The information was compiled by the Secretary of State as supplied by the writers, was not verified by the Secretary of State and does not reflect the position of the State regarding the legality or effect of the amendments or measures. The Secretary of State is not responsible for the contents, objectivity or accuracy of the statements written by the proponent and opponent writers in this brochure.

Please feel free to photocopy and distribute this pamphlet.

Chris Nelson
Secretary of State

Kea Warne, Election Supervisor

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Constitutional Amendment C

Title: An Amendment to Article XXI of the South Dakota Constitution, relating to marriage.

Attorney General Explanation

South Dakota statutes currently limit marriage to unions between a man and a woman. However, the State Constitution does not address marriage.

Amendment C would amend the State Constitution to allow and recognize marriage only between a man and a woman. It would also prohibit the Legislature from allowing or recognizing civil unions, domestic partnerships or other quasi-marital relationships between two or more persons regardless of sex.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is.

Pro -- Constitutional Amendment C

Amendment C affirms the traditional understanding of marriage in South Dakota. The amendment is designed to make clear what marriage is and what marriage is not.

The amendment merely reflects what South Dakota citizens have always understood—that marriage is a union between one man and one woman and that the State of South Dakota should not recognize any other kind of "marriage" or "quasi-marital relationship," whether called a "civil union," a "domestic partnership," or by any other newly-coined name. Note that the amendment does not change the fact that a marriage may be performed in either a religious or a civil ceremony; marriages solemnized in a civil ceremony are civil marriages, not "civil unions." "Civil union" is a term used for relationships that are not between one man and one woman.

This amendment will not stop unmarried couples from making any other legal contracts with one another. They will still be able to buy property together, make medical decisions for each other, or leave estates to one another. Private companies in South Dakota will still be able to allow any benefits they choose for unmarried couples and their dependents.

As an amendment to the state constitution, it will prevent state judges from changing the definition of marriage, as has happened in several other states.

Ultimately, this issue is about our children. Any other kind of "marriage" – or "civil union" or "domestic partnership" – by definition, creates motherless or fatherless families. To intentionally deprive children of the ideal situation of having both a mother and a father would do those children a great harm.

Please vote YES on Amendment C to protect marriage as a union between one man and one woman.

Submitted by Representative Elizabeth Kraus, 2128 Harney Drive, Rapid City, SD 57702. Representative Kraus represents District 34.

Con -- Constitutional Amendment C

Do you know what "quasi-marital" means? Are "civil unions" all marriages performed at the courthouse? Did you know "domestic partnerships" appears in law only relating to in-state business contracts? These terms are not legally defined and require judges and lawsuits to legislate their meaning, wasting taxpayer dollars.

In South Dakota, most people believe marriage is between a man and a woman, and in 1996, this was written into state law.

Amendment C forces voters to decide two issues at once. First, should we change our Constitution when a law is already on the books? Second, should we potentially ban all legal recognition of relationships between unmarried adults?

The answer to both questions is **NO**.

Voting NO doesn't make gay marriage legal. Voting NO keeps South Dakota the way it is right now. Voting NO tells legislators that we care about these issues, but not at the risk of creating unintended consequences.

Voting yes had the unintended consequence of taking away health care for many unmarried families in Michigan.

Voting yes had the unintended consequence of removing domestic violence protections for unmarried straight couples in Ohio. Changing the Constitution tied judges' hands and forced them to let abusers go free.

Many senior couples don't remarry for risk of losing Social Security and pension benefits. Voting yes may remove their ability to make medical decisions for each other. That is why religious denominations that support traditional marriage, like the United Methodists of the Dakotas, are opposing Amendment C.

Many voters will feel conflicted about voting NO. They care about marriage, children, and strong families. We do too. Voting NO shows you care about seniors, you want to protect women from abuse, and you think good neighbors don't discriminate. **Don't change our Constitution when things are already working.**

Vote NO on Amendment C.

Submitted by Jon Hoadley, South Dakotans Against Discrimination
PO Box 891, Sioux Falls, SD 57101-0891

Constitutional Amendment D

Title: An Amendment to Article XI, Section 2 of the South Dakota Constitution, relating to real property assessment for taxation.

Attorney General Explanation

The State Constitution currently requires that all taxable property be valued for tax purposes at no more than its actual value, and that all property be classified and taxed uniformly.

The proposed amendment to the State Constitution would base the taxable value of property upon "acquisition value" for property sold after January 1, 2007. The Legislature may authorize the assessed value of such property to be annually adjusted by up to three percent, using the 2003 assessed property valuation as the base year.

The taxable value of the property may be further adjusted if the property has changed use or classification or has been subject to addition, improvement or destruction.

The limitations of this amendment will not apply to centrally assessed property or to any property sold prior to January 1, 2007.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is

Pro -- Constitutional Amendment D

Amendment D has ONE PURPOSE, to keep you from being taxed out of your home, off your farm, ranch, or losing your business due to higher and higher property taxes. Amendment D rolls assessments back to 2003. After January 1, 2007 the selling price of the property is the assessment. Assessments cannot grow more than 3% per year regardless of surrounding sales. If you remodel or add to your property, only that addition affects your assessment. No more arbitrary assessments based on someone else's purchase price. Amendment D protects you and new purchasers into the future from high property sales, developments, or out of state interests that are currently driving our assessments and taxes higher. Amendment D does not lower property taxes; it stabilizes taxes into the future. You will be your own assessor when you purchase property, you will be able to figure out what your property taxes will be each year. No more huge assessment and tax increases facing you every year.

Amendment D is revenue neutral. It will not affect any schools, cities, counties' budgets, or opt outs. Amendment D matches the current 3% annual increase for local governments, with a 3% growth in assessments. Local governments will feel no effect from Amendment D.

THERE IS NO INCOME TAX, OR ANY TAX INCREASE IN AMENDMENT D.

We have legislation ready to introduce concerning Amendment D, which addresses all issues being brought forward. Protection from fraud or questionable sales prices is addressed in our proposed legislation.

NOTE: ONLY THE UNDERLINED WORDING IS THE NEW SECTION BEING ADDED TO THE CONSTITUTION. ALL THE OTHER LANGUAGE IS CURRENTLY IN OUR CONSTITUTION.

AMENDMENT D GIVES YOU CONTROL OF YOUR PROPERTY ASSESSMENT AND PROPERTY TAXES. IT'S GREAT FOR ECONOMIC DEVELOPMENT, FARMERS, RANCHERS, HOME OWNERS, AND COMMERCIAL BUSINESSES.

VOTE "YES" ON AMENDMENT "D"

Submitted by Senator Bill Napoli, 6180 S Highway 79, Rapid City, SD 57702. Senator Napoli represents District 35.

Con -- Constitutional Amendment D

Amendment D would place an untested system for property taxes into the state's constitution where the legislature cannot repeal it when it turns out to be a mistake.

Amendment D will base property taxes on purchase price. By basing taxes on new purchase prices, all new owners will always pay higher property taxes. Because Amendment D uses 2003 assessments as a "base year," local governments and schools will be forced to increase the mil levies in order to fulfill necessary public services.

This tax shift hurts those buying their first home, seniors moving to retirement homes, new residents and new businesses as they will incur the highest tax burden driven by new purchase prices and the higher mil levies. In fact, a new resident may pay two or three times higher taxes than their neighbor living on the same block. A similar proposition in California has resulted in tax differences in excess of 5 times.

These new property owners will unfairly be paying higher taxes but will still be getting the same services as everyone else.

Amendment D will hinder the property tax system and require governments and schools to use other taxes to maintain required services.

The Vote NO on D Coalition understands that property taxes are the most dreaded tax, but we ask you to look carefully at the consequences of this Amendment which include:

It is too risky to add to the Constitution
Hurts new residents to our communities
Shift taxes to seniors moving into town or to retirement homes.
Increases tax mil levies and puts pressure on other taxes.

Amendment D is unfair, risky and too confusing – Vote No on Amendment D.

Submitted by David Owen, PO Box 1037, Pierre, SD 57501
South Dakota Chamber of Commerce on behalf of the Vote NO on D Coalition

Constitutional Amendment E

Title: An Amendment to Article VI of the South Dakota Constitution, relating to judicial decisions.

Attorney General Explanation

Citizens serving on juries, school boards, city councils, county commissions, or in similar capacities, and prosecutors and judges, are all required to make judicial decisions. Their decisions may be reversed on appeal, or they may be removed from office for misconduct or by election. However, they cannot be made to pay money damages for making such decisions. This allows them to do their job without fear of threat or reprisal from either side.

The proposed amendment to the State Constitution would allow thirteen special grand jurors to expose these decision makers to fines and jail, and strip them of public insurance coverage and up to one-half of their retirement benefits, for making decisions which break rules defined by the special grand jurors. Special grand jurors are drawn from those who submit their names and registered voters.

The proposed amendment is retroactive. The special grand jurors may penalize any decision-maker still alive for decisions made many years ago.

If approved, the proposed amendment will likely be challenged in court and may be declared to be in violation of the US Constitution. If so, the State may be required to pay attorneys fees and costs.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is.

Pro -- Constitutional Amendment E

South Dakota citizens instinctively understand the concept of accountability for one's actions. But there is one group of people in our society that have abused their power and have placed themselves above the rest of us. It is our South Dakota judges who have, without any constitutional authority; given themselves "Judicial Immunity" from being held accountable should they violate a person's civil rights in court.

Amendment E creates a "Special Grand Jury" (SGJ) comprised of ordinary citizens who will convene when necessary to hear complaints of alleged judicial misconduct.

Should the SGJ find that the person's complaint has merit, it will strip the offending judge of his self claimed immunity and allow the injured party to sue the judge for damages.

There is no reason for law abiding judges to be intimidated by Amendment E, just as there is no reason for law abiding citizens to be intimidated by a judge.

Amendment E only comes into play should a citizen believe his civil rights were violated by a judge's courtroom procedures. Amendment E provides citizen's oversight over the courtroom behavior of our judges. As it presently stands, there is no effective oversight, which allows judges sole discretion in their courtroom behavior, often leading to judicial misconduct.

Who opposes holding judges accountable for judicial misconduct? It's of course our judges. It's also most lawyers, most politicians, and most special interest groups, such as the bankers, and the insurance industry lobby. These groups have contributed heavily to defeat Amendment E. Why?

Amendment E will not affect school boards, county commissions, and jury members. The Amendment is written to only address the unreasonable "doctrine of judicial immunity", which presently allows for unchecked judicial misconduct.

Submitted by William Stegmeier, 27116 Grummond Ave., Tea, SD 57064

Con -- Constitutional Amendment E

Amendment E, referred to as the judicial accountability initiative, is a radical and fundamentally dangerous proposal. While purporting to hold judges accountable for intentional misconduct, Amendment E's reach is much, much further.

Citizens serving on juries, school boards, city councils, county commissions, or in similar capacities, and prosecutors and judges, are all required to make judicial decisions. Their decisions can be appealed but the law provides all of these individuals with immunity so they can perform their duties without fear of threat or reprisal from either side.

Amendment E would strike down this immunity for judges, jurors, and all other citizen board members. Disgruntled litigants and convicted felons could sue, personally, our citizens who serve on these boards. Their homes, businesses, farms, and ranches would be at risk.

After exhausting all existing rights of appeal, convicted felons could take their case to the special grand jury created by Amendment E. The convicted felon's claims must be "liberally construed" in favor of the convict. With Amendment E, the convict could sue, personally, the victim of the crime, the prosecutor who prosecuted the case, the jurors who convicted the defendant, and the judge that sentenced the convict.

Amendment E would allow the special grand jury to ignore, amend, or reject all other laws enacted by our legislature or other constitutional rights contained in our state constitution. Amendment E would allow convicted felons to serve on the special grand jury but prohibits elected or appointed officials from service.

Worse yet, it is retroactive, meaning disgruntled litigants and convicted felons who have already exhausted all of their appeals, would be allowed to bring their case back to the special grand jury, no matter how old.

Don't you think criminals already have enough rights? Please vote No on Amendment E.

Submitted by Thomas C. Barnett, Jr., 222 E. Capitol Ave., Pierre, SD 57501

Constitutional Amendment F

Title: An Amendment to Article III of the South Dakota Constitution, relating to the Legislature.

Attorney General Explanation

This proposed amendment to the State Constitution includes recommendations by the Constitution Revision Commission. The amendment would remove the current limitation on expense reimbursements received by legislators, and would allow legislators to receive salary, per diem, expenses and mileage reimbursement as provided by law.

The amendment would remove the current specific prohibitions against enacting private or special laws. The Legislature would be restricted by a general prohibition against enacting a special law when a general or local law can be made applicable.

The amendment would remove the Congressional term limit, which the federal courts have found unconstitutional. The procedure for introduction of a bill would be shortened. The amendment would require a two-thirds vote to close a legislative session to the public and prohibit any vote to be taken in a closed session. The amendment would allow the Legislature to exercise emergency powers in the event of man-made and natural disasters.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is.

Pro -- Constitutional Amendment F

Amendment F is a result of a review of the Legislative Article of the Constitution by the Constitutional Revision Commission. The Commission recommends this amendment as a needed "clean-up" to the Legislative Article.

The amendment does the following:

- Allows legislators to be compensated for expenses like other state officers and removes antiquated language that restricts legislator travel reimbursement to only five cents for every mile going to and returning from the Legislature;
- Allows the Legislature to take advantage of technology not contemplated at the time the Constitution was adopted and makes it clear that electronic voting is permissible;
- Makes it more difficult for sessions of the Legislature to be closed to the public and prohibits votes by the Legislature in closed sessions. Currently it takes only a majority vote for a legislative session to be kept secret. The amendment provides all legislative sessions shall be open to the public unless a two-thirds majority of the members declares the business should be kept secret;
- Removes antiquated language regarding private and special laws. The enactment of private and special laws would continue to be prohibited! The amendment merely removes what is inevitably a partial list of private and special laws that the Legislature was prohibited from enacting;
- Allows the Legislature to provide for the temporary succession of elected and appointed officials in an emergency caused by natural or man-made disaster. Currently the Constitution only allows the Legislature to provide for succession in an emergency resulting from an enemy attack; and
- Repeals a provision regarding term limits for persons elected to the U.S. Congress that has been declared unconstitutional by the U.S. Supreme Court.

The Constitutional Revision Commission believes Amendment F will provide for an improved legislative process. The Commission urges a vote YES on Amendment F.

Submitted by Robert A. Miller, Chair, Constitutional Revision Commission, PO Box 1211, Pierre, SD 57501

Con -- Constitutional Amendment F

Why you should not vote for proposed Constitutional Amendment F.

Amendment "F" covers a very wide range of topics. When you read the proposed changes you wonder why such unrelated topics are grouped together. This is a concerted effort to place several desired and needed changes, along with a particularly offensive topic, so as to influence the voter to accept the bad with the good. The offensive topic is the attempt to counter the South Dakota open meeting law!

Section 6 (which amends Article III of the Const.) seems innocent enough. It would only allow a closed meeting when a super majority (2/3) of the legislature votes to allow it. By inserting this simple phrase into the SD Constitution you will be allowing the Legislature to close any proceedings they wish, for whatever reason they want, whenever a super majority vote would allow it. The fact is that since statehood, the South Dakota legislature has more often than not been composed of a super majority of one party. Political block voting or emotions of the moment could close the political process to the press and the public. What a tremendous violation of the "open meeting law" written by the framers of our Constitution!!

This little diversion comes just when we are seeing efforts by the Attorney General's office to enforce the current open-meeting laws! It is sad that we have to vote against this proposal when the rest of the changes are desired and needed. I urge you to reject this proposal and return it to the legislature. The legislature can separate the topics so they may stand on their own merit, as they should have been in the beginning.

Submitted by Representative Burt Elliott, 13687 387th Ave, Aberdeen, SD 57401. Representative Elliott represents District 2.

Initiated Measure 2

Title: An Initiative to increase the tax on cigarettes and tobacco products and to dedicate the revenues.

Attorney General Explanation

South Dakota currently taxes tobacco products. The proposed law would increase taxation on tobacco products sold in the state. The tax on a 20 stick cigarette package would be raised by \$1.00; the tax on a 25 stick cigarette package would be raised by \$1.25. The tax on all other tobacco products such as cigars, roll-your-own, and chewing tobacco, would increase from 10 percent to 35 percent of the wholesale price.

The proposed law would deposit up to \$30 million of tobacco tax revenue into the state general fund. The next \$5 million, if any, will be deposited in the tobacco prevention and reduction trust fund. Tobacco tax revenue in excess of \$35 million, if any, will be divided among the property tax reduction fund, the education enhancement trust fund, and the health care trust fund. The proposed law also establishes continuous appropriations out of the tobacco prevention and reduction trust fund for specified purposes.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

| Pro – Initiated Measure 2 | Con – Initiated Measure 2 |
|--|--|
| <p>Tobacco use is the number one cause of preventable death in our state. South Dakota has one of the highest youth smoking rates in the nation and the fifth highest rate of smoking during pregnancy in the nation. 1 of every 5 high school age boys uses chewing tobacco.</p> <p>If this health proposal is supported by voters like you, nearly 11,000 children in South Dakota will never start smoking cigarettes or using chewing tobacco and approximately 5,500 adults in our state will quit using tobacco.</p> <p>At the current tobacco tax rates, South Dakota taxpayers are losing millions of dollars annually. South Dakota's tobacco taxes are currently well below the national average. Tobacco use will cost South Dakota's taxpayer-funded Medicaid program \$53 million this year <u>alone</u>, while taxes generated from tobacco users amounted to less than \$30 million, leaving the non-tobacco using taxpayers of South Dakota to make up the difference.</p> <p>Increasing tobacco taxes is a WIN, WIN solution for South Dakota – a health win that saves lives and prevents children from ever starting to smoke cigarettes or chew tobacco; a financial win that raises revenue for important programs and reduces health care costs.</p> <p>Initiated Measure #2 will raise an estimated \$40 million in new funds for our state. The first \$5 million of this new revenue will be specifically dedicated to the South Dakota Department of Health's tobacco prevention and cessation program each year. The remaining revenue will be specifically dedicated annually with 34% allocated to the Healthcare Trust Fund to offset healthcare costs of the State; 33% allocated to the Education Enhancement Trust Fund to fund additional education needs; and 33% allocated to the Property Tax Reduction Fund to provide property tax relief.</p> <p>This proposal will save lives and save money. Please vote YES on Initiated Measure #2.</p> <p>Submitted by Jennifer Stalley, 221 S. Central, Pierre, SD 57501 Jennifer Stalley is the Director of Government Relations for the American Cancer Society in South Dakota.</p> | <p>Taxes should not be raised except when necessary to provide revenue for essential government services. This fundamental principle of taxation has guided our State for over a century. It is the reason that South Dakota has the lowest tax burden in the nation.</p> <p>Initiated Measure 2 violates this fundamental principle of taxation. The State does not need more taxes. Currently, the State has over \$137 million in reserve funds.</p> <p>This proposal skyrockets the State's excise tax on cigarettes to \$1.53 per pack, and more than triples the tax on other tobacco products, including smokeless tobacco, to 35 percent of the wholesale price. These tax rates would be the highest in the region. Just three years ago, the Legislature raised cigarette taxes to 53 cents per pack.</p> <p>Initiative 2 also requires the State to spend \$5 million of the increased tax revenue on anti-tobacco programs. The State already spends over \$1.7 million on these programs.</p> <p>The Governor and Legislature have consistently rejected proposals similar to Initiative 2. They understand that excessive taxes can harm our State's economy. To avoid paying an additional \$10 in taxes for a carton of cigarettes, consumers will purchase them from retailers in neighboring states or the black market. Other states that have raised their cigarette taxes above one dollar per pack have experienced lost revenues and increased crime from bootlegging. Cigarettes are often the product of choice for smugglers because they can be sold quickly for cash from the trunk of a vehicle or through the Internet.</p> <p>The purpose of taxation is to provide revenue for essential government programs; not to force lifestyle changes. Initiative 2 is an attempt to turn our tax system into a tool for social engineering.</p> <p>South Dakotans should stick to their principles and vote no on Initiative 2.</p> <p>Submitted by Ronald D. Olinger, Secretary, SD Coalition for Responsible Taxation, PO Box 66, Pierre, SD 57501</p> |

Initiated Measure 3

Title: An Initiative to prohibit starting a school term prior to the last day of August.

Attorney General Explanation

State law currently allows local school boards to establish the start of a regular school term on any date. The proposed law would prohibit local school boards from establishing the start of a regular school term prior to the last day of August.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 3

Before 1980, the school start date in South Dakota was in September. The school year traditionally ran from Labor Day to Memorial Day, and June, July and August meant summer vacation. In the 1980's, a trend of "calendar creep" developed with classes starting in August -- earlier and earlier. Many people didn't like that, and in 1984, South Dakotans initiated a law to start schools after Labor Day. The Legislature tried to overturn the vote of the people year after year, and finally succeeded in a 1992 bill.

Initiated Measure #3 proposes that schools statewide will not start before August 31. This later start date will be good for students, teachers, families, taxpayers and businesspersons. It will allow students to gain more summer job experience, earn extra income, and avoid super-heated classrooms. There would be more family time for vacations, Bible school, 4-H activities and summer recreation. The change would likely help South Dakota's retail economy and ease tax burdens.

When several other states -- including Michigan, Minnesota, and Wisconsin -- established later school calendars, they discovered numerous benefits with no negative consequences: school energy bills went down; construction timeframes were longer; there were fewer heat recesses; and activity scheduling was easier. There's been no decline in test scores, and the education of children has not been adversely affected in any way.

Some say this measure infringes on local control, but that would be minimal. Your local school board would continue to manage every aspect of education programs, administration, student care, teacher contracts and physical plant operations.

Initiated Measure #3 is supported by many parents, grandparents, farmers, retailers and other citizens. A later school start date would benefit students and families, help our economy, give relief to taxpayers and have no negative effect on education. It just makes sense.

Submitted by Lorin D. Pankratz, PO Box 89302, Sioux Falls, SD 57109 on behalf of the "Save Our South Dakota Summers" Initiative Committee.

Con – Initiated Measure 3

Initiated Measure 3 will remove power from the citizenry and force schools to start after the last day in August.

Currently, the Legislature endorses the concept of local school governance by allowing school boards to establish calendars that best meet the academic needs the local student population while keeping in mind other local priorities.

Many schools already start after the last day of August. Other districts have chosen to start school earlier, placing the emphasis on aligning the school calendar in a way that best prepares students to excel academically and on state-mandated high-stakes tests. In each case, the community has input in the process, and the best interests of the students are kept in the foreground. Under the current system, citizens that wish for school to start after August can initiate the discussion at the local level.

Rejecting Initiated Measure 3 allows school boards across the state to keep a students-first mentality and prevents state control of school calendars. Without hard data that suggests a tangible statewide benefit to mandating the start of school, the best state policy allows local school boards to establish school calendars.

Submitted by Dr. Wayne Lueders, Executive Director, Associated School Boards of South Dakota, PO Box 1059, Pierre, SD 57501

Initiated Measure 4

Title: An act to provide safe access to medical marijuana for certain qualified persons.

Attorney General Explanation

This initiative would allow persons, including minors with parental consent, with a debilitating medical condition, to be certified to grow (not more than six plants), possess (not more than one ounce) and use small amounts of marijuana for medical purposes.

“Debilitating medical condition” is defined to include cancer, glaucoma, HIV, AIDS, or a chronic, debilitating condition that produces cachexia, wasting syndrome, severe or chronic pain, severe nausea, seizures, including epileptic seizures, severe or persistent muscle spasms, including spasms caused by spinal injury, multiple sclerosis, Crohn’s disease or fibromyalgia or any other medical condition approved by the Department of Health.

Certification may be accomplished by submitting medical records to the Department of Health or by submitting a doctor’s recommendation.

A person may not drive while impaired by marijuana and may not smoke marijuana in any place where tobacco smoking is prohibited.

Growth, possession and use of marijuana will still be illegal under federal law but certification is a defense to criminal prosecution under state law.

A vote “Yes” will adopt the proposed law.

A vote “No” will reject the proposed law.

| Pro – Initiated Measure 4 | Con – Initiated Measure 4 |
|---|--|
| <p>The medical use of marijuana can save lives, but under South Dakota law, seriously ill patients face a year in prison and a \$2,000 fine for its use. FDA-approved studies show that medical marijuana relieves nausea, vomiting, and wasting – which cause about 20% of cancer deaths. And the American Public Health Association reported marijuana’s effectiveness at relieving multiple sclerosis spasms, debilitating pain, seizures, and glaucoma.</p> <p>Marijuana relieves the deep muscle pain that is caused by my exposure to nerve gas when I served in the Gulf War. Unfortunately, while traveling between Veterans’ Administration hospitals in South Dakota two years ago, I was arrested for possessing marijuana and spent a horrifying day in jail.</p> <p>Initiated Measure 4 is similar to laws that are protecting patients in 11 states – including Montana. It would protect patients from arrest if our physicians recommend medical marijuana. Terribly ill minors would only qualify with parental consent. In each medical marijuana state that provided a figure, there are zero or one minor patients.</p> <p>While patients cannot obtain total protection until federal law changes, 99% of marijuana arrests are by state and local officials, so this initiative will almost completely remove the chance that patients will be imprisoned for treating our illnesses.</p> <p>Contrary to some concerns, teen marijuana use has decreased – not increased – overall in medical marijuana states. And in 2002, the investigative arm of Congress found that medical marijuana laws had little impact on most law enforcement agents’ activities.</p> <p>It’s not surprising that the American Nurses Association, the American Public Health Association, the Presbyterian Church, and the Methodist Church all favor protecting medical marijuana patients from arrest.</p> <p>Please pass this measure so that medical marijuana patients like me will no longer have to live in fear of arrest and prison.</p> <p>Submitted by: Valerie Hannah, P.O. Box 400, Hermosa, SD 57744. Hannah is a mother and veteran who uses medical marijuana to treat a multiple sclerosis-like condition she acquired during the Gulf War. Hannah is a volunteer spokesperson for South Dakotans for Medical Marijuana.</p> | <p>Supporters of the use of marijuana for medical purposes would have the public believe that it is the only “medicine” that is effective for certain ailments. Effective new medications have been developed, and development efforts are ongoing. Those approved medications have met the rigorous standard for “safe and effective” that is required by the FDA. Marijuana on the other hand has not gone through the FDA approval process. There is little control of the safety or strength of marijuana. The user of any marijuana has no way of knowing the strength of the drug without chemical testing.</p> <p>There are also many dangers attributed to the use of marijuana. Marijuana is known to be associated with apathy, loss of energy and motivation, moodiness and difficulty in concentrating. Marijuana has been linked to greater risk of heart disease, lung cancer, bronchitis and emphysema.</p> <p>Legalizing marijuana, will lead to increased use. In a survey of New Jersey and California high school students sixty percent said that fear of getting in trouble with the law was a major deterrent to drug use. In Alaska between 1978 and 1990 when small amounts of marijuana were legal for adults, the National Household Survey (1985) showed twice as many Alaskan teenagers (51.6%) used marijuana compared to their counterparts in the rest of the nation (23.7%); Marijuana was re-criminalized in Alaska in 1990.</p> <p>Marijuana is a controlled substance for a variety of very sound reasons. There are many other options for pain management that are legal and have met the stringent standards of the FDA. Any attempt to “legitimize” the use of marijuana for any purpose will cause more use and abuse of the drug and cause increases in the societal problems associated with drug use.</p> <p>Submitted by Sheriff Mike Leidholt, Hughes County Sheriff, 3200 E. Highway 34 Ste. 9, Pierre, SD 57501</p> |

Initiated Measure 5

Title: An Initiative to place certain restrictions on the use of state owned or leased aircraft.

Attorney General Explanation

State law currently allows state employees to use vehicles owned or leased by the State only for state business. There is a limited exception for state employees with a supervisor's approval. The Governor and certain law enforcement personnel are exempt.

The proposed law requires aircraft owned or leased by the State to be used only for state business, with no exceptions. A person violating this provision would now be subject to civil and criminal penalties.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 5

A YES vote on Initiated Measure 5 is a vote to restrict the use of state-owned airplanes to "official use only."

If approved by the voters, Initiated Measure 5 will prohibit the personal and political use of state-owned airplanes. Violators will be charged with a misdemeanor and subject to a fine.

Elected officials abuse the public trust when those officials use public resources for personal or political gain. Recently we have seen this very thing: the Governor using state-owned and leased airplanes for personal and political travel. South Dakota taxpayers deserve better.

It has been well chronicled: Our state-owned airplanes have been used time and again for personal and political trips. The flight logs for the airplanes show political trips taken to New Orleans, Louisiana and Boca Raton, Florida, as well as personal trips taken within the state of South Dakota.

Furthermore, in the past the Governor has used the state plane to bring his friends and family—non-state employees—on many of these trips. The truth is if something tragic happened, the state would be exposed to millions of dollars of financial liability. This is fiscally irresponsible and easily preventable by limiting the use of the state airplane to official state business.

The resources of our state, including the state airplane, should exist for the betterment of South Dakota, not for the personal whims of any individual, not even the Governor. Only seven states allow their Governor to use their state airplane for political or personal use. Let's make it six. Please, vote YES on Initiated Measure 5.

For more information, visit: <http://www.ourairplane.org/>

Submitted by Reynold Nesiba, 2204 S. Holly Ave., Sioux Falls, SD, 57105

Con – Initiated Measure 5

In the past three years, over \$60,000 has been given to the state for times when the Governor used the state airplane for state business and also spent time at other activities such as attending a family activity in the same town.

That \$60,000 in outside payments replaced \$60,000 of your tax dollars that was **not** needed to spend on the operation of the state airplane.

But, Initiated Measure #5 stops the saving of your tax dollars. It says every future Governor can do **ONLY** state business when using the state airplane. No more payments.

- Voting "yes" means no 15-minute visits to the hospital to cheer up a sick friend after a day of state business because Initiated Measure #5 makes that a crime.
- Voting "yes" means cutting off every person's question or comment to the Governor whenever it is not directly related to state business because Initiated Measure #5 makes other talk a crime.
- Voting "yes" means every future Governor will have to skip their children's school events in another town even if the Governor is there on state business because if he or she attends, Initiated Measure #5 makes that a crime.

Initiated Measure #5 will prevent all future Governors from having a normal family life in combination with maximum public service.

Initiated Measure #5 will force all future Governors to reduce the number of South Dakotans he or she works with or reduce time spent with sons, daughters, spouses, and other family members.

Please Vote "NO" on Initiated Measure #5 so that future Governors are allowed to pay for combined usage of the state airplane and thereby save your tax dollars.

Please Vote "NO" so that future Governors can work with as many South Dakotans as possible while maintaining his or her family life.

Submitted by Mark Caven, 201 15th Ave NE, Aberdeen, SD 57401-2044

Initiated Measure 7

Title: An Initiative to repeal video lottery.

Attorney General Explanation

The State operates video lottery as authorized by State law. During the last year, the State received approximately one hundred twelve million dollars (\$112,000,000.00) from video lottery which is 11% of the state general fund budget. The proposed law would repeal video lottery and eliminate this source of revenue.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 7

Q: Why are we voting on this again?

A: Because voters have never been told how easy it is to replace video lottery revenues.

Throughout the years, we have heard about the harmful social effects of video lottery. We have heard that video lottery creates low-paying jobs and stunts economic development. But there never has been a serious discussion about replacing the revenues.

Last year, video lottery created \$112 million in revenue for our State. That's a big number to you and me, but most people are surprised to learn it's only about 4% (four percent!!) of the funds our State spends each year.

During the past few years, the state budget grew an average of 5% each year. That means if we had frozen spending for just one year, we could have kicked our State's addiction to video lottery revenues without raising taxes. Or, if the Governor and our Legislature decide a tax increase is absolutely necessary, a one-penny increase in the state sales tax would raise more than enough money. And our tax rates would still be among the lowest in the nation.

Many of us have friends or family whose lives were ruined by what has been called "the crack cocaine of gambling" and "digital meth". Others have a moral problem funding our government with gambling. Some realize video lottery pulls hundreds of millions of dollars away from our local retailers. Some would prefer not to see our landscape littered with little casinos on major streets.

Regardless of your reason, you can confidently vote "Yes" on Initiated Measure 7. We can live without video lottery. There are simple solutions to replace the revenue. We need your vote to help improve South Dakota.

Submitted by Daniel Brendtro, Spokesman, Forward South Dakota, 311 E. 14th Street, Sioux Falls, SD 57104

Con – Initiated Measure 7

Initiated Measure 7, seeks to eliminate an entire South Dakota based industry by banning video lottery. This is the fourth time that video lottery has been placed on the ballot and it was reauthorized by the voters of this state each time. The video lottery industry is a \$230 million business that operates in 1435 locations and provides a \$25 million payroll to thousands of employees. In addition, video lottery will generate in excess of \$112 million in revenue to the state that is deposited in the Property Tax Reduction Fund and is distributed to schools through the state aid to education formula.

Imagine what would happen if the state loses \$112 million in tax revenue. If passed, Initiated Measure 7 would go into effect on January 1, 2007 and would immediately create a revenue shortfall to the state in excess of \$50 million. These are revenues that have already been appropriated by the Legislature for FY 07. If several other measures on this ballot are passed, millions of tax dollars will be lost and tens of millions more will be shifted creating fiscal chaos within state government and in local communities. The loss of these vital revenues will require either the imposition of a personal and business income tax, the loss of the 30% Property Tax Reduction Fund, or significant increases in sales and use taxes. The only other reasonable option to off-set the loss of \$112 million would require dramatic and painful reductions in state programs.

Government should not be forced into putting the privileges of a free society out of the reach of responsible adult taxpayers because a small group of activists try to force their beliefs on the general public. Vote NO on Initiated Measure 7.

Submitted by Larry Mann, Campaign Manager, No on 7, 520 44th St., Rapid City, SD 57702

Initiated Measure 8

Title: An Act to repeal the gross receipts tax on wireless telecommunication services.

Attorney General Explanation:

State laws impose a four percent tax on the gross receipts of companies providing wireless telecommunications (cell phone) services instead of a property tax.

Last year the State received approximately eight and one-half million dollars (\$8,500,000.00) from the cell phone tax. Forty percent (40%) of these revenues are distributed to counties based on population; the balance goes to the State.

The proposed law would repeal this tax, and eliminate this source of revenue.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 8

This measure repeals the 4.00% wireless telecommunications tax, commonly referred to as the "cell phone tax". This repeal would reduce the cost of wireless telecommunications services for most South Dakota customers. The tax should be repealed because it is unfair to single out one industry such as wireless telecommunications services for an additional tax. Repeal of the wireless telecommunications tax would still have wireless telecommunications services bearing their fair share of taxes as they would remain subject to ordinary sales tax and other taxes and fees placed on the telecommunications industry.

Opponents may say that wireless companies should pay this tax themselves instead of billing it to their customers. However, one way or another, taxes on businesses drive up the costs of the products and services that they sell to consumers, even if the cost of those taxes is not separately billed to customers. Opponents may also say this tax is necessary for the support of county government and contributes to property tax relief. However, even though these are worthy goals, they do not justify singling out the wireless telecommunications industry for an unfair tax burden that is not shared with other businesses. The tax should be repealed.

Submitted by Dennis Duncan, P.O. Box 550, Parker, SD 57053

Con – Initiated Measure 8

Initiated Measure 8 would repeal the state's gross receipts tax on wireless communications services.

Currently in South Dakota, all communications providers pay a tax that helps support the cost of state and local government services. Large communications companies pay a centrally assessed property tax. Small companies and wireless communications companies pay a 4% gross receipts tax. Gross receipts taxes are taxes that are paid in lieu of property taxes.

Collectively, these taxes raise more than \$23 million, with the wireless tax bringing in almost \$9 million.

If voters approve Initiated Measure 8, several issues come into play. First, the state of South Dakota will lose nearly \$6 million in revenue to the state general fund. However, this repeal will take effect once the votes are canvassed in mid-November, so there will be an immediate loss of nearly \$3 million to the state for the current fiscal year.

More importantly, county governments will lose approximately \$3.5 million since they receive 40 percent of this tax. County commissioners across the state tell me that if the wireless tax is repealed, it will force virtually every county in the state to either cut essential services or opt out of the state-imposed property tax freeze.

Today, there is a basic fairness in how governments apply taxes to communications providers in this state. At the present time, both property owners and non-property owners pay a communications tax that applies equally to each and every person that has a phone whether that is a cell phone or a traditional telephone.

I question why we, the voters, would want to give a tax break to large, out-of-state corporations—a move which would hurt counties all across South Dakota, and give these mega-corporations an advantage over traditional telephone companies based here in South Dakota.

Submitted by Senator Jerry Apa, Chair, South Dakota Senate Appropriations Committee, 137 Grand Ave., Lead, SD 57754. Senator Apa represents District 31.

Referred Law 6

Title: Referral of HB 1215, entitled “An Act to establish certain legislative findings, to reinstate the prohibition against certain acts causing the termination of an unborn human life, to prescribe a penalty therefore, and to provide for the implementation of such provisions under certain circumstances.”

Attorney General Explanation

Current South Dakota law generally allows a pregnant woman to obtain an abortion during the first 24 weeks of pregnancy. Beyond 24 weeks, abortions may be performed only if necessary to preserve the life or health of the pregnant woman.

House Bill 1215 would prohibit any person, at any time, from providing any medicine or other substance to a pregnant woman for the specific purpose of terminating her pregnancy. However, a person may provide a contraception substance to a woman without penalty prior to the time her pregnancy could be determined by conventional medical testing.

HB 1215 would also prohibit any person, at any time, from using any instrument or procedure on a pregnant woman for the specific purpose of terminating her pregnancy, unless the person is a licensed physician performing a medical procedure to prevent the death of the pregnant woman.

Any person other than the pregnant woman who violates the provisions of HB 1215 would commit a felony.

If approved, HB 1215 will likely be challenged in court and may be declared to be in violation of the US Constitution. If so, the State may be required to pay attorneys fees and costs.

A vote “Yes” will allow the Act to become effective.

A vote “No” will reject the Act.

Pro – Referred Law 6

In the 33 years since the US Supreme Court decided Roe v. Wade, medical and scientific studies have produced a wealth of credible information about unborn children, fetal pain, and post-abortion problems experienced by women, information not available or known to the Court when it decided to legalize abortions, and reverse the pro-life protection laws of many states.

In 2005, the South Dakota Legislature created a 17 member Task Force to gather information and evidence about the practice of abortion since its legalization. The Task Force concluded that abortions harm women, physically and mentally, and that life begins at conception. Neither of these facts was contemplated by the Roe Court.

Based on the findings and conclusions of the Task Force, over fifteen years of enacting laws to protect the lives of unborn children and to grant them legal status, and a State Constitution which provides an “inherent right to life”, the Legislature and the Governor of South Dakota enacted HB 1215.

At issue are the rights of unborn children, the protection of the health of women, and the right and responsibility of South Dakota to exercise its powers under the 10th Amendment to the US Constitution.

After passing HB 1215 the SD Legislature also passed SB 154 which set up a separate fund to receive money to defend the state against abortion lawsuits and save taxpayer dollars from being spent on legal expenses.

The bill allows an exception for rape and incest, in addition to an exception for the life of the mother. Under Section 3, a woman who is the victim of rape or incest can consult with any doctor and until “conventional medical testing” can confirm a pregnancy (up to 14 days), she can be given an emergency contraceptive. Vote Yes on Referred Law 6 for Life!

Submitted by Rep. Roger Hunt, PO Box 827, Brandon, SD 57005; Supported by Vote Yes For Life.com
Representative Hunt represents District 10.

Con – Referred Law 6

This abortion ban is rigid and too restrictive. We ask you to VOTE NO ON REFERRED LAW 6.

This law has no exception for the health of a woman. A pregnant woman and her family will be left with no options to treat a terminal illness like breast or ovarian cancer because pregnant women can not take many medications.

Rape and incest victims also have no options. Many victims of rape and incest, including young women are too ashamed or afraid to come forward in time to prevent the pregnancy.

The law allows the government to intrude into a difficult, private decision that should be made by a woman, her family and her doctor.

According to the Attorney General, this abortion law will likely be challenged in court and may be declared in violation of the US Constitution. The State will likely be required to pay attorneys fees. The big winners will be lawyers. With limited resources we should focus on education, health care and jobs, not fighting lawsuits.

The law would make performing abortions or prescribing medical abortion pills a felony, subjecting doctors to sentences of five years in prison.

Abortion is already rare in South Dakota. Making abortion illegal in just South Dakota, will not reduce the number of abortions, it will cause women to go to other states. We don't need this law that leaves us with no options.

Submitted by Dr. Maria Bell, PO Box 1484, Sioux Falls, SD 57101