

# South Dakota



## 2016 Ballot Questions

### 2016 Ballot Question Pamphlet Compiled by the Office of Secretary of State Shantel Krebs

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**Please feel free to photocopy and distribute this pamphlet.**

*Shantel Krebs*  
**Secretary of State**

**Kea Warne**

Deputy Secretary of State, Election Services

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**Constitutional amendments, initiated and referred measures, after approval by a majority vote, will become effective the day after the State Canvass. The latest effective date, barring any recounts, would be Nov 16, 2016.**

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# 2016 Ballot Question Sponsor Contact Information

## **Constitutional Amendment R - HJR 1003 (2015) Constitutional Amendment relating to the authority of the Board of Regents**

- Placed on the ballot by the 2015 Legislature

## **Referred Law 19 - An Act to revise certain provisions regarding elections and election petitions**

- Cory Heidelberger - 912 N 1st St., Aberdeen, SD 57401

## **Referred Law 20 - SB 177 - An Act to establish a youth minimum wage**

- Cory Heidelberger - 912 N 1st St., Aberdeen, SD 57401

## **Constitutional Amendment S - An initiated amendment to the South Dakota Constitution to expand the rights for crime victims**

- Jason Glodt - 109 S. Pierre Street, Pierre, SD 57501

## **Constitutional Amendment T - An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission**

- Doug Sombke - 1102 N Main St, Groton, SD 57445
- Karla Hofhenke - 1865 Iowa Ave SE, Huron, SD 57350
- Matt Sibley - 1442 Wisconsin Ave SW, Huron, SD 57350

## **Initiated Measure 21 - An initiated measure to set a maximum finance charge for certain licensed money lenders (36%)**

- Steve Hildebrand - 834 S. Phillips Ave, Sioux Falls, SD 57104
- Steve Hickey - 4501 N. Ellis Road, Sioux Falls, SD 57107
- Reynold Nesiba - 201 S Menlo Ave, Sioux Falls, SD 57104

## **Constitutional Amendment U - An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans (18%)**

- Lisa Furlong - 580 Dexter Drive #101, North Sioux City, SD 57049

## **Initiated Measure 22 - An Act to revise certain provisions concerning campaign finance and lobbying, to create a democracy credit program, to establish an ethics commission, and to make an appropriation therefor.**

- Don Frankenfeld - 1307 38th Street, Rapid City, SD 57702
- Rick Weiland - 1109 South Phillips Ave, Sioux Falls, SD 57105

## **Constitutional Amendment V - An initiated amendment to the South Dakota Constitution establishing nonpartisan elections**

- Rick Weiland - 1109 South Phillips Ave, Sioux Falls SD 57105

## **Initiated Measure 23 - An initiated measure to give certain organizations the right to charge fees**

- Scott Niles - PO Box 407, Newell, SD 57760
- Will Thomsen - 101 S Fairfax Ave, Sioux Falls, SD 57103

Sponsors are not required to provide email addresses or phone numbers.

For more information on ballot questions and Attorney General explanations, please visit our website.

<https://sdsos.gov/elections-voting/upcoming-elections/general-information/2016-ballot-questions.aspx>

# Constitutional Amendment R

**Title:** An Amendment to the South Dakota Constitution regarding postsecondary technical education institutes.

## Attorney General Explanation

Under the South Dakota Constitution, the Board of Regents is responsible for postsecondary educational institutions funded entirely or in part by the State. Constitutional Amendment R applies to postsecondary technical education institutes that receive state funding and offer career and technical associate of applied science degrees, certificates, or their equivalents. Currently, there are four such institutes: Lake Area Technical Institute, Mitchell Technical Institute, Southeast Technical Institute, and Western Dakota Technical Institute. Under the amendment, postsecondary technical institutes will be governed separately in a manner to be determined by the Legislature.

The amendment also clarifies that the Board of Regents retains control over state-funded postsecondary educational institutions offering associate of arts, associate of sciences, bachelor's, and postgraduate degrees.

A vote "Yes" is for adding a provision to the Constitution regarding postsecondary technical educational institutes.

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

### Pro – Constitutional Amendment R

Please support Constitutional Amendment R:

South Dakota's four technical institutes play a significant role in training and preparing many South Dakota high school graduates to enter the work-force with important and directly applicable job skills in fields such as computer technology, medical technology and care, mechanics for the car, truck, construction and agricultural equipment, manufacturing, electricity, heating and air conditioning, agriculture, telecommunications, welding and many others. South Dakota's four post-secondary technical institutes are Lake Area Technical Institute in Watertown, Mitchell Technical Institute, Southeast Technical Institute in Sioux Falls and Western Dakota Technical Institute in Rapid City.

Constitutional Amendment R makes clear that our state's four post-secondary institutes may consider evolving from their existing original 1965 status as part of the state's kindergarten through twelfth-grade system toward a dedicated and independent system, without being required to report to the Board of Regents which oversees our six state universities. To do this, however, the technical institutes must remain true to their work-force skill training and development intended to lead directly to employment. Constitutional Amendment R makes clear that the technical institutes are not allowed to evolve into the traditional university mission and degrees, reserving this for the Board of Regents and our existing state universities.

Constitutional Amendment R passed the legislature overwhelmingly with broad support from a variety of employers, industry representatives, the four post-secondary technical institutes and the Board of Regents. There were no opponents.

Please support Constitutional Amendment R to update our constitution to reflect our existing educational institutions and strengthen the ability of the four technical institutes to meet the work-force shortages in a number of critical industries such as medical technology and care, telecommunications, computer technology, manufacturing, mechanics for the car, truck, construction and agricultural equipment, electricity, heating and air conditioning, agriculture, telecommunications, welding and many others.

**Representative Mark Mickelson**  
**Speaker Pro Tempore, 2015-2016**  
**Former Board Member, South Dakota Board of Economic Development**

### Con – Constitutional Amendment R

Constitutional Amendment R would change the South Dakota Constitution to authorize the Legislature to establish a new, unelected and tax-funded governing board which would help the State shift the cost of technical schools from the State budget to the budgets of already overburdened counties, cities and school boards.

Like the SD Board of Regents, this new governing board would oversee every aspect of postsecondary technical institutions. The law exempts the board members from election, so taxpayers would lose direct representation in the oversight of education policies at technical schools. Member selection will be heavily influenced by lobbyists and favored industries according to provisions in a 2015 law (HB1118) that was passed in anticipation of this Constitutional change. That same law will immediately increase the number of Board members from five to nine, further growing the bureaucracy. The taxpayers will pay the nine board members, and they will require a substantial budget.

Legislation passed in 2014 (HB1142) *allows* counties and municipalities to *voluntarily* contribute money from their general funds, capital outlay funds, or both - to any postsecondary technical institute. The same bill permits local school boards to appropriate funds from their general fund "...for the general operating and financial support of technical institutions". However, the South Dakota Department of Education and the South Dakota Board of Education retain control over the distribution of any such contributions or appropriations, and they determine how the money is used. Small changes in the wording of laws often result in huge changes in the effect of the law. Lawmakers need only to amend the words "*may* appropriate funds" to read "*shall* appropriate funds" in order to transfer the financial burden for technical institutions to struggling local governments.

Please help keep the bureaucracy in check.

Vote **NO** on Constitutional Amendment R!!

**Rep. Elizabeth May - District 27**

# Constitutional Amendment S

**Title:** An initiated amendment to the South Dakota Constitution to expand rights for crime victims

## Attorney General Explanation

Currently, state statutes provide certain rights to crime victims. This measure expands these rights and places them in the State Constitution.

Under the amendment, the rights provided to a victim generally include: protection from harassment or abuse; the right to privacy; timely notice of all trial, sentence, and post-judgment proceedings including pardon or parole; the right to confer with the attorney for the government; and the opportunity to provide input during all phases of the criminal justice process. Victims will be given written notification of their rights.

The rights may be enforced by the victim, the victim's attorney or representative, or the attorney for the government. They may be enforced in any trial court, appeals court, or other proceeding affecting the victim's rights.

The definition of "victim" includes a person who suffers direct or threatened harm as the result of any crime, attempted crime, or act of juvenile delinquency. It also includes that person's spouse, children, extended family members, guardians, and others with a substantially similar relationship.

If a victim's rights provided by this amendment conflict with a criminal defendant's rights under the South Dakota and United States Constitutions, a court may determine that the defendant's rights take priority.

A vote "Yes" is for expanding statutory rights of victims and placing the rights in the Constitution.

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

### Pro – Constitutional Amendment S

A 'Yes' vote on Amendment S, known as Marsy's Law, will establish a Crime Victims' Bill of Rights in the South Dakota.

South Dakota has some of the weakest crime victim rights in the nation. We are one of the last remaining states that fails to provide an equal level of rights under the constitution to victims of crime. The U.S. and South Dakota constitutions provide those accused of crimes with due process protections, but our state constitution does not give crime victims the right to meaningfully participate in the criminal justice process.

Marsy's Law will give victims basic constitutional rights, including: the right to be notified of hearings, the right to be present and the right to be heard at those hearings. It would give victims the right to confer with the prosecuting attorney in their case and to provide input before a plea agreement is finalized.

Marsy's Law will also give victims the right to privacy and the right to refuse unreasonable requests for discovery or the release of personal information. In addition, it will give victims the right to be notified of any changes in the custodial status of the offender in their case.

The opponent arguments have already been proven wrong by the many other states that have already passed Marsy's Law or similar laws. Other states prove Marsy's Law does not result in any significant cost increases, burden the court system or violate any rights the accused already have.

A 'Yes' vote for Amendment S is a vote to ensure that victims of crime are afforded rights on a level equal to those of the accused and convicted. A 'Yes' vote is for equal rights.

**Jason Glodt, Attorney  
Former Assistant Attorney General  
State Director for Marsy's Law for South Dakota**

### Con – Constitutional Amendment S

The State Bar of South Dakota, through a vote of all its members, has voted to oppose Constitutional Amendment S, labeled "Victim's Rights" or "Marsy's Law." The isolated incident from California that fueled this proposal has been cured since 1991 when South Dakota originally enacted the Victim's Rights Act, and the other proposed rights are either currently in statute or also included in the Federal Victim's Rights Act. Violations of current state law are enforceable, and if changes should be made to the Victim's Rights Act these changes should be made through our state legislature.

The main opposition focuses on how this proposed amendment would prohibit our county state's attorneys from spending their limited resources on the most serious crimes. For example, this constitutional amendment greatly expands the definition of who is a 'victim'. This will force state's attorneys to consult with grocery stores before resolving misdemeanor petty theft cases. Doing so will require the limited resources provided to our counties to be spent on low-level cases and away from the prosecution of more serious cases, such as rape, aggravated assault, or murder. Many counties will see increased costs to comply with this state mandate. As a result, the South Dakota State's Attorney's Association also opposes Amendment S.

Providing these constitutional rights would create a tool for a person to use the criminal justice system to seek vengeance against a person who allegedly did them wrong. The amendment creates constitutional rights that directly conflict with the constitutional rights afforded to the accused by the Founding Fathers of our country. Resolving these conflicts will delay justice for all, the accused *and* the victim.

In essence, this proposal is duplicative to enforceable rights already in statute and will be extremely costly to the South Dakota taxpayer.

**Ryan Kolbeck, Attorney on behalf of the State Bar of South Dakota**

# Constitutional Amendment T

**Title:** An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission

## Attorney General Explanation

State senators and representatives are elected from within legislative districts. The South Dakota Constitution currently requires the Legislature to establish these legislative districts every ten years. This measure removes that authority from the Legislature and grants it to a redistricting commission.

The commission is made up of nine registered voters selected each redistricting year by the State Board of Elections from a pool of up to 30 applicants. This pool consists of applicants registered with South Dakota's two largest political parties (ten from each), and ten not registered with either of those parties. A commission member must have the same party registration, or be registered as unaffiliated with a party, for three continuous years immediately prior to appointment.

No more than three commission members may belong to the same political party. For three years immediately prior to and three years immediately after appointment, commission members may not hold office in certain state or local public offices, or in a political party organization.

The commission will redistrict in 2017, in 2021, and every ten years thereafter. The commission must produce a draft map and allow for public comment. The districts must be drawn in compliance with state and federal law.

A vote "Yes" is for changing the Constitution to provide for state legislative redistricting by a commission.

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

### Pro – Constitutional Amendment T

Voting **YES** on Amendment T will improve the way voting maps are drawn in South Dakota. It puts **VOTERS** back in charge of our elections because **VOTERS** should choose their legislators, legislators should not choose their **VOTERS**.

How voting maps are drawn matters. Currently, the Legislature is responsible for re-drawing voting maps in South Dakota. Politicians choosing voters. Amendment T changes that by putting redistricting in the hands of an impartial committee of registered voters. Voters choosing politicians. Amendment T is not about politicians or political parties, it is about voters' rights.

Voting **YES** on Amendment T will:

- Replace the previous committee of 15 **LEGISLATORS** with a balanced 9 member committee of **VOTERS**, saving taxpayer dollars.
- Require committee members not hold public office 3 years before or after being selected.
- Establish constitutional guidelines to ban the use of political party identification and incumbency to manipulate voter maps.
- Establish constitutional guidelines to protect counties and neighborhoods by requiring they be kept in the same voting district whenever possible.
- Give South Dakotans a 30 day public comment period to express their concerns and comments on potential voter maps.

Amendment T is more efficient, provides more safeguards, is partisan balanced and encourages voter participation. It curbs corruption and holds politicians accountable by pulling back the curtain of secrecy on the process of drawing voting maps. It creates a fair system so that voters are choosing politicians instead of politicians choosing voters. Amendment T uses South Dakota common sense to establish fair elections for all South Dakotans.

**VOTE YES ON T!**

**Doug Sombke, Chairman of #SDRtThing2Do**

### Con – Constitutional Amendment T

Amendment T takes the power of creating legislative districts away from the elected 105 members of the Legislature and gives it to nine unelected people appointed to a new board.

Proponents claim the current system is unfair.

But, that's not true. Both Republican and Democrat legislators have worked very hard to be fair by adhering to state and federal constitutions, laws and court decisions. In the last five redistrictings, Democrats won a total of nine more Senate seats and three more House seats in the next elections after redistricting. In two of those, Democrats won enough additional elections to become the majority party in the State Senate.

SDRtThing2Do, the proponent group, claims Amendment T provides "clarity," but it doesn't. It copies much of the current constitutional and SDCL 2-2-41 language without additional details. It also creates confusion by using two different phrases-- "equal population" and "equal population to the extent possible"-- in instructions for creating districts.

SDRtThing2Do claims Amendment T will prevent boundary drawing that might hurt a candidate's chances for winning. However, the new system could cause more broken up, divided counties. Under the current system in 2011, the number of divided rural counties was reduced from seven to three.

SDRtThing2Do claims Amendment T promotes "bipartisanship" because commission members are from two major parties and everyone else in equal proportion. The Legislature already includes members of different parties, but in proportion to what the people decide with their votes. Amendment T mandates equal membership in three groups. That's not bipartisan. It's an imposed quota system. It is certainly not democracy.

SDRtThing2Do, claims Amendment T "empowers voters," but it doesn't because it takes redistricting away from 105 legislators elected by the voters and gives it to nine people not elected by the voters.

Please vote "NO" on proposed Amendment T.

**Submitted by Representative Jim Bolin, Canton**

# Constitutional Amendment U

**Title:** An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans.

## Attorney General Explanation

Under this constitutional amendment, there is no limit on the amount of interest a lender may charge for a loan of money if the interest rate is agreed to in writing by the borrower. If there is no written agreement, however, a lender may not charge more than 18% interest per year. A law setting an interest rate for loans is not valid unless the law gives the lender and borrower the ability to agree to a different rate. If an interest rate for loans is established by law, it must apply to every type of lender.

The amendment eliminates the ability to set statutory interest rates that are inconsistent with this amendment.

A vote “Yes” is for adding provisions to the Constitution that limit the ability to set statutory interest rates for loans.

A vote “No” will leave the Constitution as it is.

### Pro – Constitutional Amendment U

#### **VOTE “YES” to Stop Unfair Lending and Protect South Dakotan Families – Constitutional Amendment U**

This measure places a strict 18% cap on interest rates, is far more stringent than that of other measures being proposed, and takes the extra step of amending the South Dakota constitution, which will ensure that the cap placed on interest rates are not undone or weakened by politicians.

This measure takes a balanced approach to protecting poor and middle-class people and families from predatory lending, while also protecting their access to money in cases of emergency. This measure places greater protections for borrowers in South Dakota by putting an 18% cap on interest rates right in the constitution – making it much more difficult for special interest groups and politicians to undermine or weaken it.

Thanks to the overwhelming support people of South Dakota, as seen by the record number of people that signed the petition to place this measure on the ballot, South Dakotans will have the opportunity to vote on this important issue in November and send a clear message to lobbyists and special interests that in South Dakota, we stand up for those who cannot stand up for themselves.

**Lisa Furlong**  
**Chairman**  
**South Dakotans for Fair Lending**

### Con – Constitutional Amendment U

Payday Lenders and Car Title Companies in South Dakota support Constitutional Amendment U because it provides a large loophole that will continue to allow them to charge unlimited interest rates to low-income South Dakotans who walk through their front doors desperate for a short-term loan.

While Payday Lenders say this will cap interest rates at 18%, the loophole they wrote into the proposed law allows the lender to force a borrower to sign away their rights to an 18% loan and charge them whatever high interest rate the lender wants.

We are encouraging South Dakotans to oppose Constitutional Amendment U because of the large loophole that renders the so-called 18% rate cap useless. This amendment is opposed by all major religious denominations, AARP and other organizations that work to protect low-income families and seniors in South Dakota.

**By Steve Hildebrand, Co-Chair of South Dakotans for Responsible Lending**

# Constitutional Amendment V

**Title:** An initiated amendment to the South Dakota Constitution establishing nonpartisan elections

## Attorney General Explanation

Currently, most general election candidates for federal, state, and county offices are selected through a partisan primary or at a state party convention. This Constitutional amendment eliminates those methods by establishing a nonpartisan primary to select candidates for all federal, state, and county elected offices. This amendment does not apply to elections for United States President and Vice President.

Under the amendment, candidates are not identified by party affiliation on the primary or general election ballot. All qualified voters, regardless of party affiliation, may vote for any candidate of their choice.

The two candidates with the most votes advance to the general election. For certain offices where more than one candidate is elected at the general election, the number of candidates advancing to the general election will be double the number of seats to be filled.

If the amendment is approved, a substantial re-write of state election laws will be necessary.

A vote "Yes" is for adding provisions to the Constitution to establish nonpartisan elections.

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

### Pro – Constitutional Amendment V

#### Amendment V - Nonpartisan Elections is Supported by:

- South Dakota League of Women Voters
- Republicans, Democrats, and Independents from East & West River

#### Does Politics Make You Feel FRUSTRATED?? ANGRY??

**You're not alone!** Politicians are elected to win for their party, not America. 109,000 South Dakota independent voters can't fully participate. 90% of Americans lack confidence in our political system. The voters deserve better.

#### Amendment V Fixes Our Politics:

- A Voice for Every Voter -- including independents.
- Voters can vote for who they want.
- Elects public servants, not party servants.
- Sends a Message to Washington: The Voters are fed up!

#### How Does It Work? Just Like Our Local Nonpartisan Elections for Mayor or Judge

Have you voted for Mayor, City Council, School Board, or Judge? Then you already know how it works. All the candidates -- regardless of party -- are listed on a single ballot. Every voter - including independents - can just vote for who they want. The top two vote getters move on to a runoff style election in November. That's it!!

**Nebraska's Nonpartisan Legislative Elections have worked for over 80 years.** They have a higher voter turnout than South Dakota, and the most competitive Legislative elections in the country. Doesn't South Dakota deserve that?

#### Who Opposes Nonpartisan Elections? The Partisan Establishment.

"Power corrupts, and absolute power corrupts absolutely."  
The political establishment wants to scare voters against Amendment V! Do you think they care about the voters? Or keeping their power? But Republican, Democratic and Independent voters agree: let everyone vote for who they want!

**Join the League of Women Voters, Republicans like former Reagan/Bush Appointee Chuck Parkinson, Democrats like former US Senator Tim Johnson, and Independents like me who put our country first. Vote Yes on V! For the Voters!**

**Rick Knobe (Independent)  
Chair of the Vote Yes on V Committee**

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

### Con – Constitutional Amendment V

Amendment V gives politicians the constitutional right to hide party information from South Dakotans. The people deserve constitutional rights, not politicians. Amendment V takes party registration information away from voters at the moment they need that information most: when voting. Amendment V makes our ballot less transparent. While proponents call it an "open" primary, they never tell you that it is actually a HIDDEN Primary.

Amendment V puts California's merged primary system into South Dakota's constitution. Merging the two primaries into one will not give any South Dakotan an additional election in which to participate. Everyone will be able to vote in June and in November, just as they do today. Independent candidates will be harmed by California's system. Because only two candidates will be permitted in the general election for most races, voters are denied a third option. We have a great state. California should be taking notes from us, instead of us copying them.

Amendment V is a constitutional overhaul. Because Amendment V works major changes to our South Dakota constitution, it will be almost impossible to fix when we, the voters, realize that we have been robbed of our right to know who we are voting for.

Amendment V is sponsored and promoted by veteran Democrat political operatives. Do not be fooled by claims that this is "non-partisan." Most of the money raised by Amendment V came from out-of-state. The single biggest donor is an organization from New York City. Do not be fooled by claims that this is a "grassroots" or "South Dakota" effort.

South Dakota voters have a right to know who they are voting for.

The bottom line is: Amendment V makes South Dakota's elections less transparent.

Vote NO on Amendment V

Faithfully Submitted,

**Will Mortenson  
Chairman, VoteNoOnV.com**

# Initiated Measure 21

**Title:** An initiated measure to set a maximum finance charge for certain licensed money lenders

## Attorney General Explanation

The initiated measure prohibits certain State-licensed money lenders from making a loan that imposes total interest, fees and charges at an annual percentage rate greater than 36%. The measure also prohibits these money lenders from evading this rate limitation by indirect means. A violation of this measure is a misdemeanor crime. In addition, a loan made in violation of this measure is void, and any principal, fee, interest, or charge is uncollectable.

The measure's prohibitions apply to all money lenders licensed under South Dakota Codified Laws chapter 54-4. These licensed lenders make commercial and personal loans, including installment, automobile, short-term consumer, payday, and title loans. The measure does not apply to state and national banks, bank holding companies, other federally insured financial institutions, and state chartered trust companies. The measure also does not apply to businesses that provide financing for goods and services they sell.

A vote "Yes" is for prohibiting certain money lenders from charging more than 36% interest on loans.

A vote "No" is against the measure.

### Pro – Initiated Measure 21

We are encouraging South Dakotans who believe we should cap interest rates on payday loans and car-title loans at 36% to vote YES on Initiated Measure 21. Currently, there is NO cap on interest rates. Lenders can and do charge whatever high rates they want to. Today, the average payday loan in South Dakota charges low-income people 574%.

We can do better. Predatory lenders should not be able to charge more than 36% interest – a rate set by the federal government for members of the military.

Capping interest rates at 36% on payday loans is supported by all major religious denominations, AARP and other organizations that work to protect low-income families and seniors in South Dakota.

**By Steve Hickey, Co-Chair of South Dakotans for Responsible Lending**

### Con – Initiated Measure 21

#### Vote "No" on Initiated Measure 21

If passed, Initiated Measure 21 will:

- allow for more government intrusion into your personal financial decisions.
- end access to short-term loans in South Dakota.
- prohibit hard-working South Dakotans with an unexpected need for cash to obtain these loans in times of need.
- destroy jobs and the benefits South Dakotans need to provide medical care for their families.

This measure claims to cap short-term lending at a 36% interest rate, but do not be fooled. If gas prices were capped at 36 cents per gallon, it would mean you would have no gas. This measure will end short-term lending in South Dakota, preventing hardworking South Dakotans from obtaining emergency loans when they most need them and killing the jobs that so many South Dakotan families need.

**Brad Thuringer, Chair of Give Us Credit South Dakota**



## Initiated Measure 22

**Title:** An initiated measure to revise State campaign finance and lobbying laws, create a publicly funded campaign finance program, create an ethics commission, and appropriate funds

### Attorney General Explanation

This measure extensively revises State campaign finance laws. It requires additional disclosures and increased reporting. It lowers contribution amounts to political action committees; political parties; and candidates for statewide, legislative, or county office. It also imposes limits on contributions from candidate campaign committees, political action committees, and political parties.

The measure creates a publicly funded campaign finance program for statewide and legislative candidates who choose to participate and agree to limits on campaign contributions and expenditures. Under the program, two \$50 “credits” are issued to each registered voter, who assigns them to participating candidates. The credits are redeemed from the program, which is funded by an annual State general-fund appropriation of \$9 per registered voter. The program fund may not exceed \$12 million at any time.

The measure creates an appointed ethics commission to administer the credit program and to enforce campaign finance and lobbying laws.

The measure prohibits certain State officials and high-level employees from lobbying until two years after leaving State government. It also places limitations on lobbyists’ gifts to certain state officials and staff members.

If approved, the measure may be challenged in court on constitutional grounds.

**Legislative Research Council’s Prison/Jail Population Cost Estimate Statement:** The penalties in this Act are administrative misdemeanors, with one class 5 felony. Their purpose is to enforce compliance with the provisions to which they adhere. These crimes are presently in statute, and past violations of these statutes show minimal charges and even fewer convictions. It is the opinion of the Legislative Research Council that the nature of these laws encourages regular compliance. When an offense is prosecuted, it will not likely result in a jail sentence. Hence, the impact on jail populations is likely negligible.

A vote “Yes” is for revising State campaign finance and lobbying laws.

A vote “No” is against the measure.

### Pro – Initiated Measure 22

Vote **YES** on Initiated Measure 22, the South Dakota Government Accountability and Anti-Corruption Act. South Dakotans pride ourselves on being good, ethical citizens. We expect the same from our government.

Under current law, South Dakota is the only state in America where lobbyists can give unlimited gifts to politicians. IM-22 ends unlimited lobbyist gifts.

A recent study found corruption in government costs every South Dakotan about \$1,300 per year. IM-22 eliminates this “corruption tax”:

- IM-22 increases penalties for violations of campaign finance and lobbying laws.
- IM-22 requires more transparency, so we know who’s buying influence in politics.
- IM-22 toughens ethics law enforcement to investigate lobbyists and state officials for violations.

South Dakota needs this Anti-Corruption Act to stop big-money lobbyists from having more control than everyday citizens over our elected officials. IM-22 lets you control \$100 of your own tax money, so you can support candidates who best represent your beliefs and values — or tell government not to spend it. It’s that simple. It’s your choice.

Special interest lobbyists oppose IM-22 because they benefit from a rigged political system and don’t want it changed. IM-22 was put on the ballot by more than 20,000 South Dakotans, including South Dakotans for Integrity, a group of conservatives, progressives, small business owners, veterans, retirees, and everyday South Dakotans who believe freedom and self-governance are the foundations of our democracy.

We need to restore a government of, by and for the people, not government for the highest bidder. We can’t fix every problem in politics, but IM-22 is a step in the right direction. While Washington remains gridlocked, South Dakota can lead the nation in government integrity by voting **YES** on IM-22.

**Vote YES on IM-22. South Dakota won’t be bought.**

**Don Frankenfeld, South Dakota economist and Republican Co-chair, South Dakotans for Integrity**

Read the proposal at [yes22.org](http://yes22.org)

### Con – Initiated Measure 22

Vote “**NO**” to defeat public financing of elections and to stop millions of your tax dollars from going into the political slush funds of politicians and those seeking public office.

The 34 page initiative is bad public policy and should be defeated.

Defeat initiated measure 22 because it: (1) forces South Dakota taxpayers to earmark millions of tax dollars to subsidize political campaign activity and causes they may not support; (2) diverts public funds that could be spent on other core priorities such as education, transportation or public safety, or returned to taxpayers in the form of lower taxes or fees; (3) compromises the constitutional rights of SD citizens to support the causes of their choice by stripping away individuals’ right to privacy; and (4) exposes SD residents to harassment and intimidation while imposing a chilling effect on speech and political dialogue.

Vote “**NO**” to defeat Initiated Measure 22.

**Larry Rhoden**  
**Defeat22.com**

## Initiated Measure 23

**Title:** An initiated measure to give certain organizations the right to charge fees

### Attorney General Explanation

The measure gives corporate organizations and non-profit organizations the right to charge a fee for any service provided. This measure takes effect on July 1, 2017.

A vote “Yes” is for allowing certain organizations the right to charge fees.

A vote “No” is against the measure.

<b>Pro – Initiated Measure 23</b>	<b>Con -- Initiated Measure 23</b>
<p><b>Vote “Yes” on IM23 and Close the Free-rider Loophole!</b></p> <p>Is it right for government to force <i>anyone</i>—including unions—to provide services for free?</p> <p>IM23 reaffirms the right of any business or not-for-profit organization to collect fees for services they provide. Under current law, targeted non-profit membership organizations in South Dakota are required to provide services to non-members, but aren't allowed to charge for those services.</p> <p>Can you think of any other situation where government forces people to do anything free? A similar “free-rider” law, comparable to what we have in South Dakota, has recently been ruled unconstitutional in Wisconsin.</p> <p><u>This law does not inhibit or change in any way a South Dakotan's right to employment or require membership in any organization in order to hold a job.</u> It merely closes the free-rider loophole, now hurting many employee-sponsored organizations.</p> <p>IM23 will stop government interference into relationships between employers and workers to prevent “free-riders” from getting benefits other individuals are paying for without contributing their fair share. These benefits include pension plans, lifetime medical insurance, training and educational programs, and legal assistance.</p> <p>Imagine: you and co-workers pool your money to hire a specialist to negotiate a better contract. Several other workers refuse to help pay for maintaining the contract. They get the same raises you paid to negotiate. The same pension and health care benefits. The same legal protection. Without your investments, there <i>wouldn't be</i> raises, a pension and health benefits.</p> <p>How would you feel? Would you be comfortable if you were not helping?</p> <p>Companies and employees should work together to create good jobs and improve South Dakota's economy without government interference. State government should not be allowed to stop businesses and non-profit organizations from collecting fees for services that they provide.</p> <p><b>Vote Yes on IM23 and close the Free-rider Loophole!</b></p> <p><b>Submitted on behalf of South Dakotans for Fairness Ballot Committee, Scott Niles, Newell, SD, Chairman</b></p>	<p>First, read the language of IM-23:</p> <p><b><i>“Notwithstanding any other provisions of law, an organization, corporate or nonprofit, has the right to charge a fee for any service provided by the organization.”</i></b></p> <p>Don't understand it? It's no wonder. Neither does anyone else. Does it really empower any organization to charge a fee for any service? What organizations or service does that include? And what impact will “notwithstanding any other provision of law” have on our existing laws that regulate fees or protect workers from being forced to pay fees to unions?</p> <p>IM-23 was brought by unions in Minnesota and Illinois to force hard-working South Dakota teachers, police, firefighters, nurses, linemen, city, and state workers to pay fees to labor unions even if those workers choose not to be union members.</p> <p>Having a job in South Dakota is not dependent on belonging to a labor organization or having to pay money to a union. That freedom is known as your “right to work”. South Dakota's Right to Work law is in the Bill of Rights of the State Constitution. IM 23 would essentially end that right because it would exist “notwithstanding” any other law, even laws that prohibit forced payments to unions. Your right to work does not, and should not, include being forced to pay fees.</p> <p>Organized labor claims they provide services including having to represent non-members in grievances at work. There is nothing that keeps unions from negotiating contracts that apply only to union members, leaving other workers to negotiate their own pay and deal with their own grievances. Historically Unions have had value, but workers should not be forced to pay membership fees if they don't want to.</p> <p>Workers should decide on union membership. Don't let your right to work become pay to work.</p> <p>VOTE <b><u>NO</u></b> on IM-23.</p> <p><b>David Owen, Chairman of NO on 23 committee</b></p>

## Referred Law 19

**Title:** An Act to revise State laws regarding elections and election petitions

### Attorney General Explanation

Currently, primary election candidates for certain offices must circulate and submit nominating petitions between January 1 and the last Tuesday in March. Referred Law 19 changes that timeframe to between December 1 and the first Tuesday in March. The referred law also changes other election-related submission deadlines, adjusting them from the last Tuesday in March to the first Tuesday in March.

Certain election-related documents, including nominating petitions, are currently considered timely submitted if sent by registered mail before the deadline. The referred law changes this to require that these documents be received by the submission deadline. It also changes the method for calculating the number of signatures required on nominating petitions for certain elective offices.

The referred law prohibits a person registered with a recognized political party from signing an independent candidate's nominating petition. The current law does not contain that prohibition.

Under the referred law, an independent governor candidate cannot appear on the ballot if the corresponding lieutenant governor candidate withdraws and a replacement is not certified by the second Tuesday in August. It also restricts the circumstances under which a political party may replace a candidate who has withdrawn from consideration after the primary election.

A vote "Yes" is for revising State laws regarding elections and election petitions.

A vote "No" is against the referred law.

#### Pro – Referred Law 19

Passage of Referred Law 19 will mean fair and honest elections, increased transparency, and will prevent abuses of the election process. Republicans drafted this bill, Republican Legislators passed it, and a Republican Governor signed it. Every voter, especially Republicans, should support Referred Law 19.

**House Majority Leader Rep. Brian Gosch**

#### Con – Referred Law 19

Referred Law 19 is an attack on democracy. Incumbent legislators hijacked a petition reform law and turned it into this pile of new regulations to help themselves cling to power and discourage us citizens from participating in elections.

Among its several sections, Referred Law 19 makes three harmful changes.

RL 19 moves the deadline for candidate petitions from the end of March to the beginning of March. Candidates for Legislature would have to decide whether to run or not before the Legislative Session ends.

Candidates would lose most of the longer, warmer days of March to circulate petitions. In exchange, RL 19 gives them December, whose short days, cold weather, and holiday busyness make it the worst month for petitioning. These conditions mean fewer candidates will run for office.

RL 19 requires Republican and Democratic candidates to gather more signatures. It's already hard to recruit neighbors to run for office; making candidates collect more signatures will keep even more candidates off the ballot.

Worst of all, RL 19 takes away the right of Republicans and Democrats to sign petitions for Independent candidates. Right now, Independent candidates can take signatures from any registered voter. RL 19 says Independents could only take signatures from fellow Independents.

Limiting Independent petitions to Independent signers drastically reduces the number of South Dakotans who can sign Independent petitions (from 81% of adults to 17%) and makes it practically impossible for Independents to get on the ballot.

These changes add up to fewer people running for office, fewer choices on our ballots, and fewer incumbents held accountable by challengers.

That's bad for democracy. If we want to encourage citizens to participate in elections and make their voices heard, let's vote NO on Referred Law 19 and seek other reforms to improve our petition and election laws.

**Cory Allen Heidelberger**  
**Independent journalist, Dakota Free Press**  
**Candidate, District 3 Senate**  
**Aberdeen, South Dakota**

## Referred Law 20

**Title:** An Act lowering the State minimum wage for non-tipped employees under age 18

### Attorney General Explanation

State law requires employers to pay all non-tipped employees a minimum wage, with limited exceptions. Currently, that amount is \$8.55 per hour. State law also requires that the minimum wage be adjusted, effective on January 1 of each year, by any increase in the cost of living as measured by the U. S. Department of Labor's Consumer Price Index.

Referred Law 20, if approved, would lower the existing State minimum wage to \$7.50 per hour for non-tipped employees under age 18. In addition, no annual cost-of-living wage adjustment would be required for the youth minimum wage. The referred law would also prohibit employers from taking any action to displace an employee or reduce an employee's hours, wages, or benefits, in order to hire someone at the youth minimum wage.

A vote "Yes" is for lowering the minimum wage to \$7.50 per hour for non-tipped employees under age 18.

A vote "No" is against the referred law.

#### Pro – Referred Law 20

Young people in South Dakota deserve a fair shot at a first job. That's why South Dakota residents should vote YES on Referred Law 20 – SB 177, an Act that establishes a youth training wage while respecting the will of voters to raise the minimum wage for adults.

When South Dakota approved a minimum wage increase last November, voters might not have realized that the policy could unintentionally price the state's youngest jobseekers out of the workforce. Sadly, the nonpartisan Congressional Budget Office confirms that this is what happens when the minimum wage goes up.

That's the problem; SB 177 is the solution.

A study published by Cornell University found that the creation of a youth training wage can help alleviate the negative effects of a minimum wage increase on young employees. It makes intuitive sense: If the state's small businesses can pay a training wage to young adults who don't have extensive workplace experience, they're less likely to "downsize" that job.

That means young people will continue to receive all benefits associated with a first job, like higher pay and greater job security in the future.

Economists have shown that just 20 hours of part-time work per week during the senior year of high school results in annual earnings that are 20 percent higher after graduation, relative to young adults who don't work. Another study shows that young adults who are unemployed today are missing out on more than a paycheck--they're also at a greater risk of future unemployment.

You can't start climbing the career ladder without a first rung. A youth training wage provision would ensure that, even as the minimum wage in South Dakota rises, this first rung still exists.

**Michael Saltsman**  
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#### Con – Referred Law 20

Voting NO on Referred Law 20 keeps the current minimum wage for all workers. Voting NO on 20 prevents the creation of an unnecessary and undemocratic sub-minimum wage for teenagers. The state legislature attempted to create this "youth minimum wage" in 2015, but thousands of South Dakota voters prevented that pay cut from taking effect by signing a petition to refer it to a statewide vote. Voting NO on 20 stops that pay cut for good.

There are two reasons to vote NO on 20.

First, Referred Law 20 attacks South Dakota voters. In November 2014, we passed Initiated Measure 18 by a 55% to 45% margin. This statewide vote raised the state minimum wage from \$7.25 an hour to \$8.50 an hour with an annual inflation adjustment. Thanks to that measure, the state minimum wage is now \$8.55 an hour. The state legislature attempted to undermine this measure by creating a lower sub-minimum wage of \$7.50 an hour for workers under age 18. This youth minimum wage tries to overturn our majority vote in the 2014 election. Thus, voters who respect South Dakota's long history of direct democracy should vote NO on Referred Law 20.

Second, Referred Law 20 is also entirely unnecessary. Despite dire warnings from legislators backing the youth minimum wage, South Dakota's labor market has continued to expand and unemployment has decreased. Paying young workers the same minimum wage as adults helps younger workers earn more to support their families and go to college without harming South Dakota's strong economy.

Please, vote NO on Referred Law 20. This legislation attacks the will of South Dakota voters and serves no good purpose in our robust labor market.

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