



OFFICE OF ATTORNEY GENERAL

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RECEIVED

MAY 27 2015

S.D. SEC. OF STATE

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

HAND DELIVERED

May 27, 2015

Hon. Shantel Krebs
Secretary of State
500 E. Capitol
Pierre, SD 57501

**RE: Attorney General's Statement for constitutional amendment
(referendum and initiative process)**

Dear Secretary Krebs,

This Office received an initiated constitutional amendment regarding the referendum and initiative process. Enclosed is a copy of the initiated amendment, in final form, that was submitted to this Office. In accordance with SDCL 12-13-25.1, I hereby submit the Attorney General's Statement with respect to the amendment.

By copy of this letter, I am providing a copy of the Attorney General's Statement to the sponsor of the initiated constitutional amendment pursuant to SDCL 12-13-25.1.

Very truly yours,

Handwritten signature of Marty J. Jackley in black ink.

Marty J. Jackley
ATTORNEY GENERAL

MJJ/PA/lde
Enc.

cc/enc.: Douglas Kronaizl
Jason Hancock, Director of LRC

Filed this 27th day of
May, 2015

Handwritten signature of Shantel Krebs in black ink.

SECRETARY OF STATE

RECEIVED

MAY 27 2015

S.D. SEC. OF STATE

CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL'S STATEMENT

Title: An initiated amendment to the South Dakota Constitution to allow referral of state and municipal laws affecting public peace, health, safety and the support of government and also to limit the ability to amend or repeal initiated laws.

Explanation:

Under the Constitution, laws enacted by the Legislature or a municipality may be referred to a vote of the people, except for laws necessary for the immediate preservation of the public peace, health or safety, or laws required for the support of government and its existing public institutions.

The amendment removes this restriction and allows such laws to be referred if a petition is filed within ninety days after the law goes into effect. The referred law remains in effect unless repealed by majority vote at the following general election. In even-numbered years, referrals under this amendment may conflict with current state election laws and may violate federal absentee voting laws.

In addition, under the Constitution the people may enact state and municipal laws by initiated measure. The amendment changes the Constitution to prohibit the amendment or repeal of an initiated law without a two-thirds vote of each house of the legislature. A municipality would likewise be prohibited from amending or repealing an initiated law without a two-thirds vote of the governing body.

Filed this 29th day of
May, 2015

Shantal Krebs

SECRETARY OF STATE

Title: An Amendment to the South Dakota Constitution relating to initiatives and referendum.

Section 1. That Article III, section 1 of the Constitution of the State of South Dakota, be amended to read as follows:

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

This section shall not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. However, the Legislature may only repeal or amend an initiated measure by a two-thirds vote of all the members elect of each branch of the Legislature. The veto power of the Executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.

Section 2. The provisions of this Amendment are effective on November 9, 2016, and apply to any initiated measure approved by the electors on November 8, 2016.