

# INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

Title: **An initiated measure to criminalize the transfer of alcoholic beverages**

**Attorney General Explanation:** The initiated measure prohibits a person or business from transferring any alcoholic beverage containing more than one percent ethyl alcohol to another person or business in this state. "Transfer" includes the sale, delivery, trade, or gift of the alcoholic beverage. A transfer of an alcoholic beverage in violation of this measure is a crime. The severity of the maximum criminal penalty increases based upon the quantity of the alcoholic beverage transferred. In addition, a civil penalty up to ten thousand dollars may be imposed.

If approved, this measure will result in a loss of state and local tax and license revenues. Also, this measure will likely be challenged in court on constitutional grounds. If the challenge is successful, the State of South Dakota may be required to pay money damages, attorney fees and costs.

**RECEIVED**

**JUN 09 2015**

The text of the proposed law is as follows:

**S.D. SEC. OF STATE**

**BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA.**

Section 1. No person or business may transfer an alcoholic beverage, as defined in SDCL 35-1-1, containing more than one per-cent ethyl alcohol to another person or business in the State of South Dakota. It is a Class 1 misdemeanor to transfer two ounces or less of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 6 felony to transfer more than two ounces but less than one-half pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 5 felony to transfer one-half pound but less than one pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 4 felony to transfer one to ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 3 felony to transfer more than ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. In addition to any criminal penalty imposed upon conviction of a violation of this section, a civil penalty, not to exceed ten thousand dollars, may be imposed.

**INSTRUCTIONS TO SIGNERS:**

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 2 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 3 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 4 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

*Shantal Krebs*  
**SECRETARY OF STATE**

Filed this 10<sup>th</sup> day of June 2015

Consistent South Dakota  
345 Jennings Ave  
Hot Springs SD 57747

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JUN 01 2015  
S.D. SEC. OF STATE

27 May 2015

Honorable Shantel Krebs, Secretary of State  
Capitol Building  
500 East Capitol Avenue Ste 204  
Pierre, SD 57501-5070

Secretary Krebs;

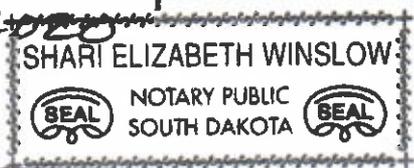
Attached is the petition form we propose to circulate to initiate a law in South Dakota, titled by the Attorney General, "An initiated measure to criminalize the transfer of alcoholic beverages."

Bob Newland, Sponsor  
345 Jennings Ave, Hot Springs SD 57747

Sworn to before me this 26<sup>th</sup> day of May, 2015.

My commission expires:  
12-30-2015

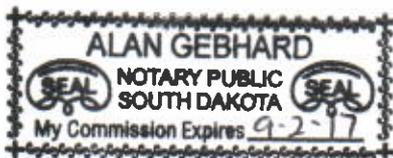
Signature of officer administering oath



Title of officer administering oath

Andrew Ziegler, Sponsor  
2901 S Hawthorne Ave, Sioux Falls SD 57105

Sworn to before me this 29<sup>th</sup> day of May, 2015.



Signature of officer administering oath

Title of officer administering oath