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**RECEIVED**

**JUN 05 2017**

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

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

HAND DELIVERED

June 5, 2017

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

RE: **Attorney General's Statement for initiated constitutional amendment  
(regarding initiated and referred measures)**

Dear Secretary Krebs,

This Office received a proposed initiated constitutional amendment that the sponsor will seek to place on the November 2018 general election ballot. Enclosed is a copy of the constitutional 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 this amendment.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Marty Jackley", with a long horizontal line extending to the right.

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/PA/lde  
Enc.

cc/enc.: Roxanne Weber  
Jason Hancock, Director of LRC

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S.D. SEC. OF STATE

CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL'S STATEMENT

Title: An initiated amendment to the South Dakota Constitution regarding initiated and referred measures.

Explanation:

Currently, most laws enacted by the Legislature or a municipality may be referred to a vote of the people. Laws that cannot be referred are those necessary for public peace, health or safety, or for the support of government and its existing public institutions, including laws containing an emergency clause (with an immediate effective date). The amendment removes this restriction and permits referral of all laws except general appropriation bills.

Under the amendment, if an initiated or referred measure is approved by voters and becomes law, it cannot be repealed or amended by the Legislature for 7 years, except by a two-thirds vote of each legislative chamber. This restriction likewise applies to municipal governing bodies.

If the Legislature enacts certain laws changing the initiative, referendum, or constitutional amendment process, those laws must be referred.

The current Constitution establishes a minimum number of petition signatures required to propose a constitutional amendment: at least 10% of the total votes cast in the last governor's election. Under this amendment, that number becomes a maximum ("cap") instead.

Some of the amendment's provisions lack clarity and may conflict with existing state and federal election laws. Judicial or legislative clarification may be necessary.