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RECEIVED
AUG 03 2017
S.D. SEC. OF STATE

HAND DELIVERED

August 3, 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. This was revised by the sponsor after I filed a ballot explanation on June 5, 2017, for her prior version of the amendment. Enclosed is a copy of the revised proposed 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 revised amendment.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Marty Jackley".

Marty J. Jackley
ATTORNEY GENERAL

MJJ/PA/lde
Enc.

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

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Under the amendment, if an initiated or referred measure is approved by voters and becomes law, it cannot be repealed or amended by the Legislature for 7 years, except by a two-thirds vote of each legislative chamber.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

The amendment further provides that if the Legislature passes laws making changes to certain requirements involving the initiative, referendum, or constitutional amendment process, those laws must be referred.

The current Constitution establishes a minimum number ("floor") 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 ("ceiling") instead.

Some of the amendment's provisions may conflict with existing state and federal election laws.