



RECEIVED

MAY 15 2017

S.D. SEC. OF STATE

May 12, 2017

Mr. Joe Kirby
8 Woodchuck Place
Sioux Falls, SD, 57105

Dear Mr. Kirby:

Pursuant to SDCL 12-13-25, this office is required to review each initiated amendment to the South Dakota Constitution. Further, this office is required by SDCL 12-13-24 to determine if each initiated amendment is written in a clear and coherent manner in the style and form of other legislation and that it is worded so that the effect of the measure is not misleading or likely to cause confusion among voters. You are under no obligation to accept any of the suggestions contained in this letter, but please keep in mind the legal standards established in SDCL 12-13-24.

The proposed amendment provides for open primaries. If approved by the voters, this amendment requires all party and independent candidates seeking the offices specified in the amendment to submit nomination petitions for the primary election. If approved, this amendment also requires a number of provisions in state law and administrative rules to be amended, for example, the procedures and forms for nominating petitions and primary elections.

The candidates for President and Vice President and partisan positions for the county offices would remain on the primary and general election ballots. This may increase the costs of administering the primary election due to the increased number of ballot forms and styles required for each county.

It has been determined during this review that this proposed amendment to the Constitution may have an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions. A request for a fiscal note for your proposed amendment may be submitted to our office at the time you submit the amendment in final form to the Attorney General pursuant to SDCL 12-13-25.1.

Attached is a copy of your proposed constitutional amendment with our suggested style and form changes.

This letter constitutes neither an endorsement of your initiated amendment nor a guarantee of its statutory sufficiency. It does constitute fulfillment of your responsibility pursuant to SDCL 12-13-25 to submit your draft to this office for review and comment. If you proceed with your initiated amendment, please take care to ensure that your statements or advertising do not imply that this office endorses or approves your proposals.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock". The signature is fluid and cursive.

Jason Hancock
Director

Enclosure

CC: The Honorable Shantel Krebs, Secretary of State
The Honorable Marty Jackley, Attorney General

That Article VII of the Constitution of South Dakota be amended by adding thereto NEW SECTION to read as follows:

§ 4. ~~Open Primaries.~~ An open primary election shall be held prior to the general election to nominate candidates for ~~all members of the legislature, members of either house of Congress and~~ the office of Governor. The primary election shall be open to all registered voters. ~~A registered voter may vote in the primary election for any candidate.~~ The two candidates who receive the most votes in the open primary are the nominees for each office. If more than one candidate is to be elected to an office, the number of nominees shall be twice the number to be elected.

→ for such candidates
↓ , the Legislature, and the United States senate and house of representatives