



**OFFICE OF ATTORNEY GENERAL**

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**MAR 16 2018**

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

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

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

HAND DELIVERED

March 16, 2018

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

**RE: Attorney General's Statement for initiated constitutional amendment  
(allowing people to buy, sell, or rent any property or service)**

Dear Secretary Krebs,

This Office received a proposed initiated constitutional amendment that the sponsor will seek to place on the November 2020 general election ballot. Enclosed is a copy of the proposed constitutional amendment, in final form, that was submitted to this Office. In accordance with SDCL 12-13-25.1, I hereby file the enclosed 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 pursuant to SDCL 12-13-25.1.

Very truly yours

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/PA/lde  
Enc.

cc/enc.: Levi Breyfogle  
Jason Hancock, Director of LRC

Filed this 16<sup>th</sup> day of  
March 2018

  
**SECRETARY OF STATE**

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CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL'S STATEMENT

Title: An initiated amendment to the South Dakota Constitution allowing people to buy, sell, or rent any property or service.

Explanation:

Under this amendment, people who are at least 18 years old may buy, sell, or rent any of their property or services to any willing person who is at least 18 years of age. In addition, any person who is 18 or older may possess or modify any property the person owns.

The amendment prohibits the use of state and local funds, personnel, or property to implement or enforce any federal law that violates this amendment.

The full scope and effect of this amendment are unclear and will likely require judicial clarification. Among other things, a court may determine the amendment decriminalizes the possession, sale, or rental of property or services that are currently illegal under state and local laws.

Attorney General

JAN 31 2018

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Article VI of the Constitution of the State of South Dakota be amended by adding a NEW SECTION to read as follows:

§ 30. Any person eighteen years of age or older may freely buy, sell, or rent any property or service owned by the person to any other willing person eighteen years of age or older. Any person eighteen years of age or older may freely possess or modify any property owned by the person. No public funds of this state, or any political subdivision of this state, may be expended for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation regulating any case that is in violation of this amendment. No personnel or property of this state, or any political subdivision of this state, may be utilized for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that is in violation of this amendment.

Filed this 16<sup>th</sup> day of

March 2018

*Shantal Krebs*

SECRETARY OF STATE

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