

REPRESENTATIVE STEVEN G. HAUGAARD, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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April 17, 2019

By email only

Mr. Oliver Miner
Oliverminer2K19@gmail.com

RECEIVED
APR 18 2019
S.D. SEC. OF STATE

Dear Mr. Miner:

Pursuant to SDCL 12-13-25, this office is required to review each initiated amendment to the Constitution. Further, this office is required by SDCL 12-13-24 and 12-13-25 to determine if each initiated amendment is written in clear and coherent manner in the style and form of other legislation, is worded so that the effect of the initiated amendment is not misleading or likely to cause confusion among voters, does not create unnecessary conflict with existing law, and may be administered effectively. 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 and 12-13-25.

Attached is a copy of your proposed constitutional amendment with our suggested style and form changes in red. If you have any questions regarding our suggested style and form changes, please feel free to contact us.

This letter constitutes neither an endorsement of your initiated constitutional amendment nor a guarantee of its 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 proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock".

Jason Hancock
Director

JH:DO:ct

Enclosure

CC: The Honorable Steve Barnett, Secretary of State
The Honorable Jason Ravnsborg, Attorney General

Section 1. That Article III, Section 3 of the Constitution of the State of South Dakota be amended to read:

§ 3. No person is eligible for the office of senator ~~who is not~~ unless the person is a qualified elector in the district from which ~~such the~~ person is chosen, is a citizen of the United States, ~~and~~ ~~who~~ has ~~not~~ attained the age of twenty-one years, and ~~who~~ has ~~not~~ been a resident of the state for two years ~~next preceeding before~~ election.

No person is eligible for the office of representative ~~who is not~~ unless the person is a qualified elector in the district from which ~~such the~~ person is chosen, ~~and~~ is a citizen of the United States, and ~~who~~ has ~~not~~ been a resident of the state for two years ~~next preceeding before~~ election, ~~and who~~ ~~has not attained the age of twenty-one years.~~

No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of Congress, or person holding any lucrative office under the United States, or this state, or any foreign government, ~~shall~~ may be a member of the Legislature: ~~provided, that . However,~~ appointments in the militia, the offices of notary public and justice of the peace ~~shall not be~~ are not considered lucrative; ~~nor shall any . No~~ person holding any office of honor or profit under any foreign government or under the government of the United States, ~~except postmasters whose annual compensation does not exceed the sum of three hundred dollars,~~ may hold any office in either branch of the Legislature or become a member ~~thereof of the Legislature.~~

Section 1: That Article III, Section 3 of the Constitution of the State of South Dakota be amended to read as follows:

§ 3. Qualifications for legislative office--Officers ineligible. No person is eligible for the office of senator who is not a qualified elector in the district from which such person is chosen, a citizen of the United States, and who has not attained the age of twenty-one years, and who has not been a resident of the state for two years next preceding election.

No person is eligible for the office of representative who is not a qualified elector in the district from which such person is chosen, and a citizen of the United States, and who has not been a resident of the state for two years next preceding election, ~~and who has not attained the age of twenty-one years.~~

No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of Congress, or person holding any lucrative office under the United States, or this state, or any foreign government, shall be a member of the Legislature: provided, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the Legislature or become a member thereof.