



June 22, 2021

Hon. Steve Barnett
Secretary of State
500 E Capitol Avenue
Pierre, SD 57501

Dear Secretary Barnett,

The Legislative Research Council received an initiated amendment to the South Dakota Constitution to establish open primary elections. The initiated amendment requires a fiscal note because it was determined that it may have an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions. SDCL 2-9-31 requires the fiscal note be no longer than fifty words.

The fiscal note examines the fiscal impacts associated with creating open primaries for several types of South Dakota elections. The initiated amendment states primary elections to nominate candidates for the office of Governor, the Legislature, all county elective offices, and the United States Senate and House of Representatives would include all eligible candidates and be open to all registered voters. If there is more than one candidate to be elected to an office, the number of candidates advancing to the general election would be twice the number to be elected.

On average, an additional 68,176 ballots would need to be printed for primary elections by South Dakota counties every two years at a cost of \$0.30 per ballot. The total current cost to all counties for each open primary election would be \$20,453. The estimated increase in the number of ballots needed is based on the average difference between the number of general election ballots printed and the number of primary election ballots printed in 2018 and 2020. The number of ballots needed in future primary elections would depend upon the number of registered voters in South Dakota and past election turnout.

The share of the total cost for each county would vary depending on the number of ballot types available and the number of candidates running in all elections. There would be no expected additional cost to the Secretary of State to manage open primaries. Any other potential costs are subject to speculation and cannot be determined at this time.

Enclosed is a copy of the initiated measure, in final form, that was submitted to this office. In accordance with SDCL 2-9-31, I hereby submit the Legislative Research Council's fiscal note with respect to this initiated measure.

Sincerely,



Reed Holwegner
Director

Enclosures

Cc: Nick Reid

SOUTH DAKOTA LEGISLATIVE RESEARCH COUNCIL

FISCAL NOTE

INITIATED CONSTITUTIONAL AMENDMENT

**AN INITIATED AMENDMENT TO THE SOUTH DAKOTA CONSTITUTION REGARDING
OPEN PRIMARIES.**

Open primaries would require printing additional ballots at a cost of \$0.30 per ballot. The additional cost statewide to counties would currently be \$20,453 for each primary election. The share of the total cost for each county will vary. There is no expected cost to state government.

Approved: Reed Holwegner Date: June 22, 2021

Director, Legislative Research Council

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That Article VII of the Constitution of South Dakota be amended by adding NEW SECTION to read:

§ 11. A primary election shall be held prior to the general election to nominate candidates for the office of Governor, the Legislature, all county elective offices, and the United States Senate and House of Representatives. The primary election for such candidates shall be open to all registered voters. The two candidates who receive the most votes in the 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.

The Legislature shall provide by law any provisions necessary to implement this section.