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MARTY J. JACKLEY
ATTORNEY GENERAL

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FEB 20 2025

SD Secretary of State

BRENT K. KEMPEMA
CHIEF DEPUTY

February 20, 2025

Honorable Monae L. Johnson
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Draft Attorney General's Statement – Initiated Constitutional Amendment Requiring Legislative Changes to Initiative and Referendum to be Approved by a Vote of the People

Dear Secretary Johnson,

Enclosed is a copy of a proposed Initiated Constitutional Amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

Handwritten signature of Marty J. Jackley in black ink.

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Filed this 20th day of
February 2025

Handwritten signature of Monae L. Johnson in black ink.

SECRETARY OF STATE

Cc/encl: James D. Leach
John McCullough – Legislative Research Council

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FEB 20 2025

SD Secretary of State

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Requiring Legislative Changes to Initiative and Referendum Procedures to be Approved by a Vote of the People.

Explanation:

The State Constitution gives citizens the right to propose constitutional amendments and state laws under the initiative process. The Constitution also gives citizens the right to challenge laws passed by the Legislature through the referendum process.

Currently, the procedures for initiative and referendum are set out in state law. Those procedures can be changed or repealed by the Legislature through the regular legislative process.

Under this constitutional amendment, the Legislature may still pass legislation that changes or repeals laws affecting initiative and referendum procedures. But that legislation does not become effective unless approved by the voters at the next general election.

Filed this 20th day of

February 2025

Monae L. Johnson

SECRETARY OF STATE

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SD Secretary of State

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

*That Article III, § 1 of the Constitution of the State of South Dakota be AMENDED
by adding the following:*

**Any law or measure passed by the Legislature affecting the people's
exercise of their right to initiative and referendum is effective only if
approved by the electors of the state at the general election immediately
following Legislative passage.**

Filed this 20th day of

February 2025

Monae L. Johnson

SECRETARY OF STATE