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S.D. SEC. OF STATE

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JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

November 19, 2021

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

RE: Attorney General's Statement (Constitutional Amendment: Requiring
Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees
or Obligating Over \$10 Million)

Dear Secretary Barnett,

Enclosed is a copy of H.J.R. 5003, in final form, through which the Legislature has proposed an amendment to the state Constitution. The proposed amendment will be decided upon by the voters at the next primary election. In accordance with state law, I prepared and filed a draft Attorney General's Statement concerning the proposed amendment for the public to comment upon. I received comments from the following individuals or organizations:

Brendan Johnson
Jim Leach
S.D. Chamber of Commerce & Industry
S.D. Education Association
Sen. Reynold Nesiba

After review of the comments received, I have prepared the enclosed and hereby file the final Attorney General's Statement concerning H.J.R 5003.

Sincerely,

Jason R. Ravensborg
ATTORNEY GENERAL

JRR/dd

Enc.

cc/enc.: Reed Holwegner, Director of LRC

Filed this 19th day of

November, 2021

SECRETARY OF STATE

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S.D. SEC. OF STATE

CONSTITUTIONAL AMENDMENT
ATTORNEY GENERAL'S STATEMENT

Title: A Constitutional Amendment Requiring Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees or Obligating over \$10 Million.

Explanation:

Currently the constitution requires that any new tax or tax increase must be approved either by voters or by two-thirds of the members of each legislative branch. To be approved by voters, such a measure must obtain a majority of the votes cast. This constitutional amendment requires that any initiated measure, proposed constitutional amendment, or referred measure imposing or increasing taxes must obtain three-fifths of the votes cast to be approved.

This constitutional amendment also adds the requirement that any initiated measure, proposed constitutional amendment, or referred measure obligating the state to appropriate \$10 million or more in any of the first five fiscal years must obtain three-fifths of the votes cast to be approved.

This constitutional amendment additionally requires any initiated measure, proposed constitutional amendment, or referred measure which imposes or increases fees to obtain three-fifths of the votes cast to be approved.

Filed this 19th day of

November, 2021

Steve Barnett

SECRETARY OF STATE

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21.523.15

96th Legislative Session

NOV 19 2021

901



S.D. SEC. OF STATE
2021 South Dakota Legislature

House Joint Resolution 5003

ENROLLED

AN ACT

A JOINT RESOLUTION, Proposing and submitting to the voters at the next primary election a new section to Article XI of the Constitution of the State of South Dakota, relating to a three-fifths vote requirement for certain initiated or Legislature-proposed constitutional amendments and initiated or Legislature-referred measures.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

Section 1. That at the next primary election held in the state, the following amendment to Article XI of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article XI of the Constitution of the State of South Dakota, be amended by adding a NEW SECTION to read:

§16. Constitutional amendments or measures--Taxes or fees--Certain funding obligations--Vote required.

Any initiated constitutional amendment, initiated measure, constitutional amendment proposed and submitted to the people by the Legislature, or measure referred to the people by the Legislature that imposes or increases taxes or fees, and any initiated constitutional amendment, initiated measure, constitutional amendment proposed and submitted to the people by the Legislature, or measure referred to the people by the Legislature that obligates the state to appropriate funds of ten million dollars or more in any of the first five fiscal years after enactment, to be annually adjusted for inflation as determined by the Legislature, shall become part of the Constitution or statute only if approved by three-fifths of the votes cast thereon.

Filed this 19th day of

November, 2021

Steve Barnett

SECRETARY OF STATE

A JOINT RESOLUTION, Proposing and submitting to the voters at the next primary election a new section to Article XI of the Constitution of the State of South Dakota, relating to a three-fifths vote requirement for certain initiated or Legislature-proposed constitutional amendments and initiated or Legislature-referred measures.

I certify that the attached Resolution originated in the:

House as Joint Resolution No. 5003

Patricia Miller
Chief Clerk

STATE OF SOUTH DAKOTA,

Office of the Secretary of State

ss.

Filed March 9, 2021
at 9:15 o'clock A.M.

James York
Speaker of the House

Steve Barnett
Secretary of State

Attest:

By _____
Asst. Secretary of State

Patricia Miller
Chief Clerk

Tammy Brock
President of the Senate

Attest:

Larry Johnson
Secretary of the Senate

House Joint Resolution No. 5003

File No. _____

Chapter No. 122