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June 29, 2017

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

RECEIVED

JUN 29 2017

S.D. SEC. OF STATE

Dear Secretary Krebs,

This office received four versions of an initiated amendment regarding amending the South Dakota Constitution to change campaign finance and lobbying laws, create a government accountability board, and/or change certain initiative and referendum provisions. The initiated amendment requires a prison or jail cost estimate statement because the amendment contains various misdemeanor and felony penalties.

Enclosed is a copy of all versions of the initiated measure, in final form, that were submitted to this office. In accordance with SDCL 2-1-19, I hereby submit the Legislative Research Council's prison or jail cost estimate with respect to each version of this initiated amendment.

It is my understanding that the Attorney General's statement pursuant to 12-13-25.1 will be filed directly with you by the Office of the Attorney General.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock". The signature is fluid and cursive.

Jason Hancock
Director

jml/skg

Enclosures

CC: The Honorable Marty Jackley, Attorney General

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

LEGISLATIVE RESEARCH COUNCIL

INITIATED AMENDMENT

AN INITIATED AMENDMENT TO THE SOUTH DAKOTA CONSTITUTION CHANGING CAMPAIGN FINANCE AND LOBBYING LAWS, CREATING A GOVERNMENT ACCOUNTABILITY BOARD, AND CHANGING CERTAIN INITIATIVE AND REFERENDUM PROVISIONS. (VERSION #2)

This initiated measure to amend the South Dakota Constitution establishes five misdemeanor penalties and three felony penalties, to be punished as provided by law. If passed, the Legislature would be required to set the class levels for each of the penalties created. However, it is the opinion of the Legislative Research Council that the penalties in this initiated amendment are administrative penalties. The nature of these laws encourages regular compliance with the provisions to which they adhere. Hence, the impact on jail and prison populations is likely negligible.

Approved:  Date: 6/29/17
Director, Legislative Research Council

Section 1. This amendment shall be known as the South Dakota Voter Protection and Anti-Corruption Amendment.

Section 2. That the Constitution of the State of South Dakota be amended by adding a new Article to read as follows:

§1. Whereas the motto of the state of South Dakota is "Under God the People Rule" and whereas the Legislature inherently derives its power from the consent of the people, the people of South Dakota hereby find and declare that in order to protect the public trust:

- (1) Public officials, candidates, and lobbyists must be subject to robust ethics, conflict-of-interest, and anti-corruption laws;
- (2) A strong and independent citizen ethics commission is necessary to oversee and enforce those laws in the name of the people of South Dakota; and
- (3) The will of the people, especially when voiced to ensure the integrity, honesty, and accountability of their government, must be respected.

§2. The offenses of bribery and corrupt solicitation provided under Article III § 28 are felonies punishable as provided by law.

§3. A lobbyist may not knowingly give or offer to give a gift to an individual who they know or should know is a senior public servant. The prohibition under this section does not apply if the lobbyist is the spouse, fiancée, or fiancé of the senior public servant, or is, whether by blood or marriage, a child, parent, sibling, grandparent, grandchild, aunt, uncle, niece, or nephew of the senior public servant. A violation of this section is a misdemeanor punishable as provided by law.

§4. No public official may knowingly use state resources for improper personal gain. A violation of this section is a misdemeanor punishable as provided by law, but a violation of this section where a public official knowingly uses state resources for improper personal gain exceeding ten thousand dollars is a felony punishable as provided by law.

§5. A foreign government outside of the United States may not make a contribution or expenditure in connection with any state or local candidate election.

§6. A candidate or person holding elective office may not knowingly use a campaign contribution for personal use. A violation of this section is a felony punishable as provided by law.

§7. A labor union or corporation may not, directly or through an intermediary, make a campaign contribution to a candidate or political party.

§8. A candidate may not knowingly solicit, accept, or receive a campaign contribution within the South Dakota capitol building. A violation of this section is a misdemeanor punishable as provided by law.

§9. A senior public servant may not become a lobbyist, other than a public lobbyist for state or local government, while holding office as a senior public servant and for a period of two years after holding office as a senior public servant. A violation of this section is a misdemeanor punishable as provided by law.

§10. A lobbyist may not knowingly deliver a campaign contribution made by another individual or entity. A violation of this section is a misdemeanor punishable as provided by law.

As used in this section, "deliver" means to transport, carry, transfer, or otherwise transmit, either