



**RECEIVED**

JUN 28 2023

SD Secretary of State

**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**MARK W. BARNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

June 28, 2023

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

RE: Draft Attorney General's Statement (An Amendment to the South Dakota Constitution Prohibiting the Legislature from Amending or Repealing Ballot Measures for Seven Years)

Dear Secretary Johnson,

Enclosed is a copy of a proposed amendment to the SD Constitution, 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,

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/dd  
Enc.

Filed this 28<sup>th</sup> day of

June 2023

**SECRETARY OF STATE**

Cc/encl: Brian L. Bengs  
Reed Holwegner – Legislative Research Council

RECEIVED

JUN 28 2023

CONSTITUTIONAL AMENDMENT

SD Secretary of State

DRAFT ATTORNEY GENERAL'S STATEMENT

**Title:** An Amendment to the South Dakota Constitution Prohibiting the Legislature from Amending or Repealing Ballot Measures for Seven Years.

**Explanation:**

Laws are enacted in South Dakota by the Legislature or through ballot measures approved by the voters of the State. Currently, once a ballot measure becomes a law, the Legislature can amend or repeal the law.

Under this proposal, any ballot measure approved by the voters may not be amended or repealed by the Legislature for seven years from the date the measure is enacted.

Filed this 28<sup>th</sup> day of

June 2023

*Monae L. Johnson*

SECRETARY OF STATE



RECEIVED

JUN 28 2023

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:

§ 1. The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions. Not more than five percent of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

A measure approved by the electors may not be repealed or amended by the Legislature for seven years from the enacted date of the measure.

This section shall not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. The veto power of the Executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.

Filed this 28<sup>th</sup> day of

June 2023

*Monae L. Johnson*