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MARTY J. JACKLEY
ATTORNEY GENERAL

RECEIVED

APR 26 2024

SD Secretary of State

BRENT K. KEMPEMA
CHIEF DEPUTY

April 26, 2024

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 Updating Gender References for Certain Officeholders and Persons)

Dear Secretary Johnson,

Enclosed submitted to our office is a copy of SJR 505, 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 general election. 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 Legislative Research Council.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Marty J. Jackley".

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Filed this 26th day of

April 2024

A handwritten signature in blue ink, appearing to read "Monae L. Johnson".

SECRETARY OF STATE

Cc/encl: John McCullough Legislative Research Council

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SD Secretary of State

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Updating Gender References for Certain Officeholders and Persons.

Explanation:

The South Dakota Constitution became effective upon the State joining the United States in 1889. The generic male pronouns he, his, and him are used in the text of the State Constitution to reference certain officeholders or individuals.

This amendment changes the text of the State Constitution to remove the use of generic male pronouns when referencing certain officeholders or individuals. For example, when referencing the Governor, instead of saying "he shall be commander-in-chief of the armed forces of the state," the text will be changed to read "the Governor shall be commander-in-chief of the armed forces of the state." The amendment makes similar changes to other references to the Governor, as well as to references to other officeholders including Lieutenant Governor, Supreme Court Justices, and Circuit Court Judges. The amendment also makes similar changes to references in the Constitution to general classes of people such as persons, electors, and public officers.

Filed this 26th day of

April 2024

Monae L. Johnson

SECRETARY OF STATE



2023 South Dakota Legislature
Senate Joint Resolution 505

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APR 26 2024

AN ACT

SD Secretary of State

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, updating references to certain officeholders and persons.

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

Section 1. That at the next general election held in the state, the following amendments to the Constitution of the State of South Dakota, as set forth in sections 2 through 23 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article IV, § 3 of the Constitution of the State of South Dakota, be **AMENDED:**

§ 3. The Governor shall be responsible for the faithful execution of the law. The Governor may, by appropriate action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its civil divisions. This authority shall not authorize any action or proceedings against the Legislature.

The Governor shall be commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and may call them out to execute the laws, to preserve order, to suppress insurrection or to repel invasion.

The Governor shall commission all officers of the state. The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office or agency upon any subject relating to the respective offices.

The Governor shall at the beginning of each session, and may at other times, give the Legislature information concerning the affairs ~~of the state~~ ^{26th} and recommend ~~the~~ ^{day of} measures the Governor considers necessary.

April 2024

Monae L. Johnson