

INITIATED CONSTITUTIONAL AMENDMENT PETITION

RECEIVED

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be amended and that this proposal be submitted to the voters of the state of South Dakota at the general election on November 5, 2024 for their approval or rejection.

APR 11 2023

SD Secretary of State

Title: An Amendment to the South Dakota Constitution Establishing Top-Two Primary Elections

Attorney General Explanation: Currently, to appear on the general election ballot, major party candidates for the following offices must participate in a partisan primary election: Governor, State Legislature, U.S. Senate and House of Representatives, and elected county offices. Only members of the candidate's party may vote for that candidate unless that party has opened the primary to voters not affiliated with the party.

Minor party candidates may be chosen by primary or party convention.

Unaffiliated candidates (independents) are only required to file nominating petitions to appear on the general election ballot.

For the listed offices, this amendment requires one primary election wherein all candidates run against each other in their respective races, including major and minor party and unaffiliated candidates. A candidate may list any party next to their name on the ballot regardless of party affiliation or registration. All voters may vote for any candidate. The two candidates receiving the most votes advance to the general election. If there is more than one candidate to be elected to an office, the number of candidates advancing to the general election is twice the number to be elected.

Primary elections may be held for other offices.

The amendment may be challenged on constitutional grounds.

Filed this 11th day of

April 2023

Be it enacted by the People of South Dakota:

That Article VII of the Constitution of South Dakota be amended by adding a NEW SECTION to read:

§ 4. A primary election held for the office of governor, a legislative office, a county office, the United States Senate, or the United States House of Representatives candidates and all qualified voters without regard to the candidates' or voters' party registration or affiliation, or lack thereof.

In a primary election covered by this section, each candidate must be listed on a single primary ballot regardless of the candidate's political party. A voter may vote for any primary candidate regardless of the voter's party affiliation or lack thereof. The two candidates receiving the highest number of votes cast in a primary election advance to the general election. If more than one candidate is to be elected to an office at the general election, the number of candidates advancing from the primary election is twice the number to be elected in the general election.

The general election ballot may only include those candidates advancing from the primary election. The legislature may, by law, establish procedures for replacing a candidate who advanced from the primary election but will not participate in the general election due to death, withdrawal from the race, or disqualification.

A candidate may select the name of a political party to be listed next to the candidate's name on the primary ballot. The same political party designation shall appear next to the candidate's name on the general election ballot if the candidate advances to the general election.

Both the primary and general election ballots must state that a candidate's indicated political party designation does not constitute or imply an endorsement of the candidate by the political party designated.

The legislature may establish any necessary procedures to implement this section.

If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity will not affect any other provision or application of the section that can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.

Monae L. Johnson

SECRETARY OF STATE