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MARTY J. JACKLEY
ATTORNEY GENERAL

RECEIVED

MAY 18 2026

SD Secretary of State

BRENT K. KEMPEMA
CHIEF DEPUTY

May 18, 2026

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

RE: Attorney General's Statement (An Amendment to the South Dakota Constitution that Repeals Expanded Medicaid Coverage if Federal Funding for the Program Drops below 90%)

Dear Secretary Johnson,

Enclosed submitted to our office is a copy of HJR 5001 (2025), 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 *final* Attorney General's Statement.

By copy of this letter, I am providing a copy of the *final* 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 18th day of
May 2026

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

ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution that Repeals Expanded Medicaid Coverage if Federal Funding for the Program Drops below 90%.

Explanation:

Medicaid is a program, funded by the State and the federal government, to provide medical coverage for low-income children, pregnant women, disabled individuals, and the elderly. In the 2022 General Election the voters approved Constitutional Amendment D, which expanded Medicaid eligibility in South Dakota. Amendment D requires the State to also provide Medicaid benefits to anyone over the age of 18 and under 65 whose income is at or below 133% of the federal poverty level, plus 5% of the federal poverty level for the applicable family size. Currently, federal law requires the federal government to fund 90% of South Dakota's Medicaid expansion.

This proposed Constitutional Amendment ends the expanded Medicaid coverage if the federal funding for expansion drops below 90%. If federal funding drops below that 90% threshold, Medicaid coverage will once again only apply to low-income children, pregnant women, disabled individuals, and the elderly.

"Vote 'Yes' to adopt the amendment." "Vote 'No' to leave the Constitution as it is."

Word Count: 161

Filed this 18th day of
May 2026

Monae L. Johnson

SECRETARY OF STATE