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SD Secretary of State

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MARTY J. JACKLEY
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BRENT K. KEMPEMA
CHIEF DEPUTY

April 28, 2026

Filed this 28th day of
April 2026

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

SECRETARY OF STATE

RE: Draft Attorney General's Statement (An Amendment to the South Dakota Constitution Clarifying that an Individual Must Be a Citizen of the United States to be Eligible to Vote)

Dear Secretary Johnson,

Enclosed submitted to our office is a copy of SJR 503 (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 *draft* Attorney General's Statement for the purpose 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,

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Cc/encl: John McCullough Legislative Research Council

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CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Clarifying that an Individual Must Be a Citizen of the United States to be Eligible to Vote.

Explanation:

Article VII, § 2 of the South Dakota Constitution defines who is qualified to vote in state elections. Among these qualifications are age, residency, and United States citizenship requirements. Article VII, § 2 also establishes that individuals may be disqualified from voting because of mental incompetence or a felony conviction.

This constitutional amendment adds people who are not United States citizens to the list of individuals disqualified from voting, clarifying the existing requirement that only citizens may vote in state elections.

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

Word Count: 96



2025 South Dakota Legislature
Senate Joint Resolution 503

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SD Secretary of State

AN ACT

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, clarifying that an individual must be a citizen of the United States to be eligible to vote.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

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

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

§ 2. Every individual who is a citizen of the United States, is eighteen years of age or older, and has met all residency and registration requirements is entitled to vote in all elections and upon all questions submitted to the voters of the state. An individual may be disqualified by law for mental incompetence or the conviction of a felony. An individual who is not a citizen of the United States is disqualified from voting in any election or upon any question submitted to the voters of this state. The Legislature may by law establish reasonable requirements to ensure the integrity of the vote.

Each elector who qualifies to vote within a precinct is entitled to vote in that precinct until the elector establishes another voting residence. An elector may never lose residency for voting solely by reason of the elector's absence from the state.

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, clarifying that an individual must be a citizen of the United States to be eligible to vote.

I certify that the attached Resolution
originated in the;

STATE OF SOUTH DAKOTA,

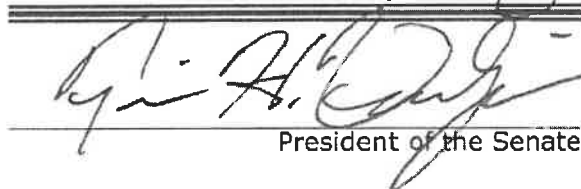
SS.

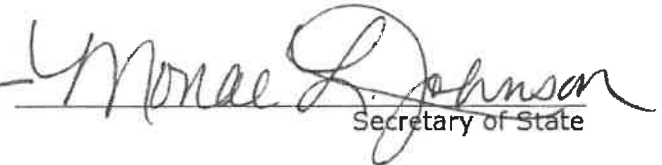
Office of the Secretary of State

Senate as Joint Resolution No. 503

at 9:40 Filed March 12 2025
o'clock A M.


Secretary of the Senate

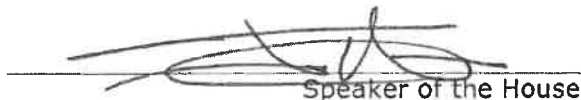

President of the Senate


Secretary of State

Attest:

By _____
Asst. Secretary of State


Secretary of the Senate


Speaker of the House

Attest:


Chief Clerk

Senate Joint Resolution No. 503

File No. _____
Chapter No. 101