



MAR 28 2023

March 27, 2023

Senator B.R. Hoffman
South Dakotans for Term Limits
2608 N. Career Avenue, #213
Sioux Falls, SD 57107

Dear Senator Hoffman:

SDCL 12-13-25 requires the South Dakota Legislative Research Council (LRC) to review each proposed initiated constitutional amendment submitted to it by a sponsor, for the purpose of assisting the sponsor in writing the amendment "in a clear and coherent manner in the style and form of other legislation" that "is not misleading or likely to cause confusion among voters."

The initiated constitutional amendment proposes to amend S.D. Const. Art. III, § 6, the constitutional provision providing for legislative terms of office. Specifically, the amendment changes the term limits for both the House of Representatives and Senate from "four consecutive terms or a total of eight consecutive years" to "eight years in the senate" and "eight years in the house."

The proposed constitutional amendment is drafted as follows:

That at the next general election held in the state, the following amendment to Section 2, Article III (6b) of the Constitution of the State of South Dakota, shall be submitted to the electors of the state for approval:

"No person may serve more than eight years in the senate and more than eight years in the house of representatives."

The amended text of the proposed amendment to Article III (6b) is as follows:

"No person may serve more than ~~four consecutive terms or a total of eight consecutive~~ years in the senate and more than ~~four consecutive terms or a total of eight consecutive~~ years in the house of representatives. However, this restriction does not apply to partial terms to which a legislator may be appointed."

SDCL 12-13-24 requires an initiated amendment to the Constitution to be written in the "form of other legislation." The LRC suggests several form changes to conform to this requirement.

1. The typical lead-in clause for proposed constitutional amendments is as follows: "That Article III, § 6 of the Constitution of the State of South Dakota, be AMENDED:". The LRC recommends that this lead-in clause be used to be consistent with the form of other legislation. Further, S.D. Const. Art. III, § 6 does not letter its paragraphs; so, the reference to "(b)" in the proposal should not be included.
2. S.D. Const. Art. III, § 1 provides that the enacting clause of all laws approved by vote of the electors is as follows: "Be it enacted by the people of South Dakota." The LRC recommends that this enacting clause be used for the proposal.