



MJJ

Attorney General

APR 17 2023

April 14, 2023

Quincy Hanzen, Associate
4510 W. 35th St. N. #204
Sioux Falls, SD 57107

Dear Quincy Hanzen:

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 clear and coherent manner in the style and form of other legislation" that "is not misleading or likely to cause confusion among voters."

The proposed amendment to the South Dakota Constitution, Article XXIII, § 1, removes the single-subject requirement for proposed initiated constitutional amendments.

The proposed initiated constitutional amendment is drafted as follows:

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Article XXIII, section 1 of the Constitution of the State of South Dakota, be amended to read:

§ 1. Amendments to this Constitution may be proposed by initiative or by a majority vote of all members of each house of the Legislature. An amendment proposed by initiative shall require a petition signed by qualified voters equal in number to at least ten percent of the total votes cast for Governor in the last gubernatorial election. The petition containing the text of the proposed amendment and the names and addresses of its sponsors shall be filed at least one year before the next general election at which the proposed amendment is submitted to the voters. A proposed amendment may amend one or more articles and related subject matter in other articles as necessary to accomplish the objectives of the amendment; ~~however, no proposed amendment may embrace more than one subject.~~ If more than one amendment is submitted at the same election, each amendment shall be so prepared and distinguished that it can be voted upon separately.

The LRC does not have any style and form suggestions or comments on the proposed initiated constitutional amendment.

SDCL 12-13-25 also requires the issuance of a written opinion "as to whether the initiated amendment embraces only one subject under S.D. Const., Art. XXIII, § 1" and whether it is in fact an "amendment under S.D. Const., Art. XXIII, § 1," or a "revision under S.D. Const., Art. XXIII, § 2." The proposed constitutional amendment embraces only one subject, the removal of the single-subject requirement for proposed initiated constitutional amendments. Given the limited nature of the proposed language, the proposal is an amendment and not a revision of the constitution.