

---

**From:** Gene Fennell <gene@fendesinc.com>  
**Sent:** Tuesday, May 30, 2023 8:56 AM  
**To:** ATG Ballot Comments  
**Subject:** [EXT] Comments to Joint Resolution 504

Comments to Joint Resolution 504:

- Does not resolve the issue

Line 16: No person may serve (2) Two consecutive Terms (4 consecutive years)

Line 17: in the Senate and more than (2) Two consecutive terms (4 consecutive years)

Line 18: in the house of representatives, unless that same person has held no State Government position for (4) four years, at which time they may again run for election to one of the State Legislative branches, Governor or hold other State Office.

Line 18 & 19: If a person has reached the above term limits, they are not eligible for appointment to either of the State legislative branches until after their (4) four year hiatus.



**Gene Fennell**  
(605) 574-1084  
gene@fendesinc.com

---

**From:** Brent Hoffman <brent.hoffman@att.net>  
**Sent:** Thursday, June 1, 2023 9:16 AM  
**To:** ATG Ballot Comments  
**Cc:** Brent Hoffman; Brent Hoffman  
**Subject:** [EXT] Comments: Legislative Term Limits

I'd like to submit the following comments in response to the Attorney General's Explanation (Draft), dated May 25th, 2023, for the Amendment to Revise Term Limits.

1. Change sentence one to "Members of the South Dakota Legislature are limited by the State Constitution to four *consecutive* terms of service, or eight *consecutive* years, in either the House of Representatives or the Senate.

Explanation: Italicizes the word "consecutive" as this is the key word of emphasis for voters.

2. Change sentence two to "Currently, a legislator can serve an indefinite number of years ~~in the Legislature if a break in service occurs in either chamber~~ as long as there is a break in service or the legislator is elected to the other chamber.

Explanation: Since the amendment is about the legislature and introduced in the opening sentence, the words "in the Legislature" are unnecessary, and it lengthens the explanation. However, more important, there is no actual "break in service" if a senator is elected to the house (or a representative is elected to the senate). Since the current language in the constitution lists each chamber separately, it can be interpreted that service between chambers is non-consecutive, though I'm not aware of a legal challenge to that interpretation. But it's clear that serving in one chamber while being elected to the other doesn't constitute a "break in service" and so I think it's important to make that distinction more clear, as that is currently the practice.

3. Change sentence three to "The proposed amendment limits legislators to serving a ~~lifetime~~ total of eight years in the State House of Representatives and a total of eight years in the State Senate or a maximum total of 16 years."

Explanation: Including the word "lifetime" is unnecessary and confusing, and I've not seen that language in another state-level proposal. It also could be argued that it doesn't apply to the senate since the word appears once, but the word confuses or prejudices voters. In addition, no matter how the language is written, some voters will interpret "and" as an "or" and presume a total of eight years in both chambers so it's important for clarity to include the maximum total of 16 years.

Please respond to verify you've received these comments. I appreciate your time and consideration.

Sen. Brent (B.R.) Hoffman (D-9)  
2608 N. Career Ave (Unit 213)  
Sioux Falls, SD 57107  
[Brent.Hoffman@att.net](mailto:Brent.Hoffman@att.net)  
605.215.7014