



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**RECEIVED**

JUN 22 2023

**SD Secretary of State**

**MARK W. BARNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

June 22, 2023

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

RE: Draft Attorney General's Statement (An Initiated Amendment to the South Dakota Constitution Repealing the Single Subject Rule)

Dear Secretary Johnson,

Enclosed is a copy of a proposed initiated amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed Attorney General's Statement for this initiated amendment.

By copy of this letter, I am providing a copy of the Statement to the sponsor.

Very truly yours,

Handwritten signature of Marty J. Jackley in black ink.

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/dd  
Enc.

Cc/encl: Quincy Hanzen  
Reed Holwegner – Legislative Research Council

Filed this 22nd day of  
June 2023

Handwritten signature of Monae L. Johnson in black ink.

**SECRETARY OF STATE**

CONSTITUTIONAL AMENDMENT  
ATTORNEY GENERAL'S STATEMENT

**RECEIVED**

JUN 22 2023

**SD Secretary of State**

**Title:** An Amendment to the South Dakota Constitution Removing the Limitation That a Proposed Constitutional Amendment Embrace Only One Subject.

**Explanation:**

The South Dakota Constitution provides that a proposed constitutional amendment may not embrace more than one subject. This requirement is known as the single subject rule.

This proposed amendment removes that provision from the Constitution. If this measure is approved, voters may be asked to vote on an amendment which contains multiple subjects.

Filed this 22nd day of

June 2023

*Monae L. Johnson*

SECRETARY OF STATE

**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.

**RECEIVED**

JUN 22 2023

**SD Secretary of State**

Filed this 22nd day of  
June 2023

*Monae L. Johnson*

**SECRETARY OF STATE**



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**From:** Matthew Schweich <matt@eaglecampaigns.com>  
**Sent:** Friday, June 16, 2023 2:08 PM  
**To:** ATG Ballot Comments  
**Subject:** [EXT] Comment regarding the Initiated Constitutional Amendment Removing the Constitution's Single Subject Requirement

Attorney General Jackley,

My name is Matthew Schweich and I am one of the three sponsors (along with Quincy Hanzen and Ned Horsted) of the proposed constitutional amendment to repeal the single subject rule.

I am writing to respectfully submit a comment, in my capacity as a South Dakota registered voter, regarding the draft title and draft explanation that you proposed on June 6 for our constitutional amendment.

My comment relates specifically to the draft explanation.

Your draft explanation violates SDCL 12-13-25.1, which states: "The explanation shall be an objective, clear, and simple summary to educate the voters of the purpose and effect of the proposed initiated measure or initiated amendment to the Constitution."

The draft statement is indeed clear and simple. However, it is not objective. This is the result of the final sentence, which states: "If this measure is approved, voters may be asked to vote on an amendment which contains multiple subjects."

There is a difference between: (a) explaining the status quo and the technical policy change effectuated by a constitutional amendment (which is accomplished in the preceding sentences of your draft explanation); and (b) making predictions regarding hypothetical impacts of a constitutional amendment.

The final sentence of your draft explanation makes such a prediction. This subjective assertion has the capacity to influence voters to oppose the initiative and therefore fails to meet the standard established by SDCL 12-13-25.1. While that final sentence could end up proving accurate, it is also hypothetically possible that future proposed ballot initiatives will not contain multiple subjects and voters will not vote on them.

I think there are two options for fixing the draft statement so that it complies with South Dakota law:

1. Remove the final sentence entirely; or
2. Add an additional sentence that provides a counterpoint to the existing final sentence such as: "If this measure is approved, it would no longer be possible for South Dakota courts, on the basis of the single subject rule, to overturn initiated measures and initiated amendments approved by voters."

I strongly prefer the first option because it upholds the letter and the spirit of SDCL 12-13-25.1. I offer the second option because if voters are going to be presented with subjective messaging regarding the impact of our proposed amendment, then they should hear from both sides.

In other words, if we are going to disregard the requirement of objectivity then, at the very least, the subjectivity should be balanced.

Thank you for considering my comment.

Respectfully,  
Matthew Schweich

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**From:** ATG Website Contact Form <webmaster@state.sd.us>  
**Sent:** Sunday, June 11, 2023 1:16 PM  
**To:** ATG Help  
**Subject:** Contact Us Form

## Contact us by Email Form

**Name:** Jim Rudolph  
**Department:** ATGHelp@state.sd.us  
**Address:**  
**City:**  
**State:**  
**Zip Code:**  
**Phone:** 605-341-1753  
**Email:** jpr1947@live.com

**Message:** Please keep proposed constitutional amendments to only one subject. Also, proposed initiated measures should be a single subject. The proposed repeal of the single subject rule should clarify if this applies to initiated measures and amendments to the state contitution.



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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**RECEIVED**

JUN 06 2023

**SD Secretary of State**

**MARK W. BARNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

June 6, 2023

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

RE: Draft Attorney General's Statement (An Initiated Amendment to the South Dakota Constitution Repealing the Single Subject Rule)

Dear Secretary Johnson,

Enclosed is a copy of a proposed initiated amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

Handwritten signature of Marty J. Jackley in black ink.

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/dd  
Enc.

Cc/encl: Quincy Hanzen  
Reed Holwegner – Legislative Research Council

Filed this 6<sup>th</sup> day of

June 2023

Handwritten signature of Monae L. Johnson in black ink.

**SECRETARY OF STATE**



CONSTITUTIONAL AMENDMENT  
DRAFT ATTORNEY GENERAL'S STATEMENT

**RECEIVED**

JUN 06 2023

**SD Secretary of State**

**Title:** An Amendment to the South Dakota Constitution Removing the Limitation That a Proposed Constitutional Amendment Embrace Only One Subject.

**Explanation:**

The South Dakota Constitution provides that a proposed constitutional amendment may not embrace more than one subject. This requirement is known as the single subject rule.

This proposed amendment removes that provision from the Constitution. If this measure is approved, voters may be asked to vote on an amendment which contains multiple subjects.

Filed this 6<sup>th</sup> day of

June 2023

*Monae L. Johnson*

SECRETARY OF STATE



**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.

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June 2023

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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**MARK W. BARNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

April 27, 2023

Quincy Hanzen  
4510 W 35<sup>th</sup> St N, Apt 204  
Sioux Falls, SD 57107

Re: **Proposed Initiated Amendment to the Constitution to Repeal the  
Single Subject Rule**

Dear Quincy Hanzen;

This letter acknowledges our receipt of the proposed initiated constitutional measure that you submitted to this Office. Your proposed measure was received by email on April 24, 2023. As required by SDCL 12-13-25.1, the Attorney General will prepare a draft title and explanation for the measure and file it with the Secretary of State on or before June 23, 2023. You will be provided a copy of the title and explanation at the time it is filed.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", followed by a horizontal line.

Steven R. Blair  
Assistant Attorney General

SRB/dd

cc: Reed Holwegner, Director – Legislative Research Council  
Hon. Monae L. Johnson, Secretary of State  
Matthew Schweich  
Ned Horsted



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**From:** McGuigan, Charles  
**Sent:** Wednesday, April 26, 2023 2:33 PM  
**To:** Blair, Steven  
**Cc:** Dougherty, Debbie  
**Subject:** FW: [EXT] Filing a proposed initiated amendment to the Constitution to repeal the one subject rule  
**Attachments:** 2024 One Subject Repeal Constitutional Amendment April 24 2023.docx

**From:** Quincy Hanzen <quincy@eaglecampaigns.com>  
**Sent:** Monday, April 24, 2023 3:38 PM  
**To:** reed.holwegner@sdlegislature.gov; McGuigan, Charles <Charles.McGuigan@state.sd.us>; Elections <Elections@state.sd.us>; Johnson, Monae <Monae.Johnson@state.sd.us>  
**Cc:** Matthew Schweich <matt@eaglecampaigns.com>; Ned Horsted <nedhorsted@gmail.com>  
**Subject:** [EXT] Filing a proposed initiated amendment to the Constitution to repeal the one subject rule

To:  
**Attorney General Marty Jackley**  
**Secretary of State Monae Johnson**  
**Director of the Legislative Research Council Reed Holwegner**

We, the undersigned, are hereby submitting a proposed initiated amendment to the Constitution in final form to your offices in accordance with SDCL 12-13-25.1. The amendment would repeal the one subject rule. The three sponsors of the initiative are Quincy Hanzen, Matthew Schweich, and Ned Horsted.

We previously filed a draft of this initiative with the Director of the Legislative Research Council and received written comments on April 14, 2023.

From:  
**Quincy Hanzen**, 4510 W 35th St N, Apt 204, Sioux Falls, SD 57107  
**Matthew Schweich**, 421 N Phillips Ave, Apt 205, Sioux Falls, SD 57104  
**Ned Horsted**, 27058 S Southeastern Ave, Sioux Falls, SD 57108

**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.



SPEAKER HUGH M. BARTELS, CHAIR | PRESIDENT PRO TEMPORE LEE SCHOENBECK, VICE CHAIR  
REED HOLWEGNER, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | JUSTIN GOETZ, CODE COUNSEL  
500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



April 14, 2023

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

APR 17 2023

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.

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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.



Hanzen - Single Subject

April 14, 2023

Page 2

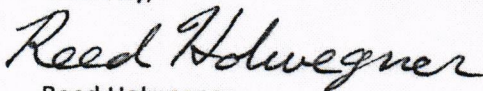
**Fiscal Impact**

It has been determined during this review that this proposed initiated constitutional amendment will not have an impact on the revenues, expenditures, or fiscal liability of the state and its agencies and political subdivisions.

**Compliance**

This letter is issued in compliance with statutory requirements placed upon the LRC. It is neither an endorsement of the proposed initiated constitutional amendment nor a guarantee of its sufficiency. If you proceed with the initiated constitutional amendment, please ensure that neither your statements nor any advertising contain any suggestion of endorsement or approval by the LRC.

Sincerely,



Reed Holwegner

Director

CC: The Honorable Monae L. Johnson, Secretary of State  
The Honorable Marty Jackley, Attorney General  
Matthew Schweich  
Ned Horsted