

JUN 21 2022

PRESIDENT PRO TEMPORE LEE SCHOENBECK, CHAIR | SPEAKER SPENCER GOSCH, VICE CHAIR
REED HOLWEGNER, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | JOHN McCULLOUGH, CODE COUNSEL
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June 17, 2022

Mr. James D. Leach
Attorney at Law
1617 Sheridan Lake Road
Rapid City, SD 57702-3483

Dear Mr. Leach:

SDCL 12-13-24 and 12-13-25 requires the South Dakota Legislative Research Council (LRC) to review each initiated measure submitted to it by a sponsor, for the purpose of determining whether the measure is "written in a clear and coherent manner in the style and form of other legislation" and for the purpose of ensuring that the "effect of the measure is not misleading or likely to cause confusion among voters." Comments and suggestions in compliance with the cited sections are included below.

LRC encourages you to consider the edits and suggestions to the proposed text. The edits are suggested for sake of clarity and to bring the proposed measure into conformance with the style and form of South Dakota legislation. The latter is based upon the Guide to Legislative Drafting, which may be found as one of the online references via the [website](#) of the South Dakota Legislature.

Measure as Submitted with Suggested Changes and Explanations

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Article VI of the Constitution of the State of South Dakota be amended by adding a NEW SECTION to read:

It is not necessary to utilize an italicized font.

~~Before the end of the first trimester, the abortion decision and its effectuation must be left to the judgment of the pregnant woman.~~

As proposed, this sentence does not require any action on the part of the state. If the intent is to prohibit action on the part of the state, that prohibition should be clearly articulated. In its current form, the sentence appears to be merely explanatory and is therefore an unnecessary addition to the South Dakota Constitution. It is suggested that either the sentence: (1) be stricken, or (2) rewritten to establish a pregnant woman's right to abortion before the end of the first trimester, if that is the intent of the sentence.

After the end of the first trimester, the State, ~~in promoting its interest in the health of the pregnant woman,~~ may regulate by law the abortion decision and its effectuation only in ways that are reasonably related to ~~her~~ the health of the pregnant woman.

Attorney General

JUN 9 1967

REPORT

UNITED STATES DEPARTMENT OF JUSTICE

THE ATTORNEY GENERAL'S OFFICE HAS RECEIVED A REPORT FROM THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA...

THE REPORT STATES THAT THE CALIFORNIA ATTORNEY GENERAL HAS ADVISED THAT HE HAS BEEN ADVISED BY THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA...

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