


APR 20 2022

The logo for the South Dakota Legislature Legislative Research Council. It features a central illustration of the South Dakota State Capitol building. Above the building, the text "Attorney General" is written in a curved path. Below the building, the date "APR 20 2022" is stamped. The main text "SOUTH DAKOTA LEGISLATURE" is prominently displayed in a large, bold, serif font. Below that, "LEGISLATIVE RESEARCH COUNCIL" is written in a smaller, all-caps, sans-serif font. The entire logo is framed by a stylized outline of the state of South Dakota.

SOUTH DAKOTA
LEGISLATURE
LEGISLATIVE RESEARCH COUNCIL

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April 19, 2022

Arthur Taylor, President
Families for America, Inc.
familiesforamerica@gmail.com

Re: LRC Review of Proposed Constitutional Amendment to Reserve Certain Parental Rights

Dear Mr. Taylor:

In accordance with SDCL 12-13-24 and 12-13-25, the Legislative Research Council (LRC) is required 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." Based on this review, the LRC provides written comments to the proposal's sponsor for the purpose of assisting the sponsor in meeting these requirements. This includes providing "assistance . . . to minimize any conflict with existing law and to ensure the [proposal]'s . . . effective administration." While there is no obligation to accept any of the suggestions contained in this letter, including the edits below, you are asked to keep in mind the legal standards established in SDCL 12-13-24 and 12-13-25.

The LRC encourages you to consider edits and suggestions to the proposed text. The edits are recommended for the 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 (<https://mylrc.sdlegislature.gov/api/Documents/127102.pdf>). Should you have any questions of clarification about the attached edits, or about the suggestions made in this letter, please feel free to contact this office. Please reference the enclosed, marked-up copy while reviewing the bulleted changes:

- A new article of the South Dakota Constitution was proposed for this measure. Insofar as this measure would be intended to protect certain parental rights against state infringement, and would not protect against wholly private actors, this section might be best present as an amendment to Article VI of the South Dakota Constitution, and the bill of rights depicted therein.
- Proposed catchlines were struck, reflecting the fact that catchlines are not law, but are merely indexing that is set by the LRC's Code Counsel on authority delegated by law from the Code Commission.
- In keeping with the above suggestion, it is unclear what "any other institution" means in the context provided in Section 1. Would it be a public institution? Or would it be a private entity? Either "public" or "private" should be specified.
- The law should not both indicate that "all" parental rights are protected under a specific constitutional provision, and then provide a non-exhaustive list of those rights in the provision, as indicated by the phrase "including, but not limited to." LRC recommends for sake of clarity that