



April 19, 2022

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

**Re: LRC Review of Proposed Constitutional Amendment Regarding Vaccine or Medication Mandates**

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.

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:

General:

- 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.
- Pursuant to SDCL 12-13-25, I am to provide a written opinion "as to whether the initiated amendment embraces only one subject under S.D. Const., Art. XXIII, § 1" and whether the proposed change to the constitution is indeed an "amendment under S.D. Const., Art. XXIII, § 1," or if it is rather a "revision under S.D. Const., Art. XXIII, § 2." The plain language of SDCL 12-13-25 indicates that this opinion has no legal effect. It is my opinion that this proposed constitutional change is an amendment, not a revision. There may be a single subject concern with this proposal. Section 1 involves a prohibition on vaccine and medication mandates. Section 2 creates an escrow account specific to vaccines that is for the payment of medical claims associated with certain vaccines. This escrow account exists regardless of any mandate. Please review the case of *Thom & Miller v. Barnett et al*, 2021 S.D. 65, 967 N.W.2d 261, for more information on this concern.