

STATE OF SOUTH DAKOTA



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**RECEIVED**

**NOV 02 2021**

**S.D. SEC. OF STATE**

**JASON R. RAVNSBORG**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

November 2, 2021

Honorable Steve Barnett  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

RE: Attorney General's Statement (Constitutional Amendment: Requiring Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees or Obligating Over \$10 Million)

Dear Secretary Barnett,

Enclosed is a copy of H.J.R. 5003, in final form, through which the Legislature has proposed an amendment to the state constitution. The proposed amendment will be decided upon by the voters at the next primary election. 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.

Very truly yours,

Handwritten signature of Jason R. Ravensborg in black ink.

Jason R. Ravensborg  
ATTORNEY GENERAL

JRR/dd  
Enc.

Filed this 2<sup>nd</sup> day of

November, 2021

Handwritten signature of Steve Barnett in black ink.  
SECRETARY OF STATE

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S.D. SEC. OF STATE

CONSTITUTIONAL AMENDMENT  
DRAFT ATTORNEY GENERAL'S STATEMENT

Title: A Constitutional Amendment Requiring Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees or Obligating over \$10 Million.

Explanation:

Currently the constitution requires that any new tax or tax increase must be approved either by voters or by two-thirds of the members of each legislative branch. To be approved by voters, such a measure must obtain only a majority of the votes cast. This constitutional amendment requires that any initiated measure, proposed constitutional amendment, or referred measure imposing or increasing taxes must obtain three-fifths of the votes cast to be approved.

This constitutional amendment also adds the requirement that any initiated measure, proposed constitutional amendment, or referred measure obligating the state to appropriate \$10 million or more in any of the first five fiscal years must obtain three-fifths of the votes cast to be approved.

This constitutional amendment additionally requires any initiated measure, proposed constitutional amendment, or referred measure which imposes or increases fees to obtain three-fifths of the votes cast to be approved.

Filed this 2<sup>nd</sup> day of

November, 2021

*Steve Barnett*

SECRETARY OF STATE



2021 South Dakota Legislature  
**House Joint Resolution 5003**

**ENROLLED**

AN ACT

**A JOINT RESOLUTION, Proposing and submitting to the voters at the next primary election a new section to Article XI of the Constitution of the State of South Dakota, relating to a three-fifths vote requirement for certain initiated or Legislature-proposed constitutional amendments and initiated or Legislature-referred measures.**

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

**Section 1.** That at the next primary election held in the state, the following amendment to Article XI of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

**Section 2.** That Article XI of the Constitution of the State of South Dakota, be amended by adding a NEW SECTION to read:

**§16. Constitutional amendments or measures--Taxes or fees--Certain funding obligations--Vote required.**

Any initiated constitutional amendment, initiated measure, constitutional amendment proposed and submitted to the people by the Legislature, or measure referred to the people by the Legislature that imposes or increases taxes or fees, and any initiated constitutional amendment, initiated measure, constitutional amendment proposed and submitted to the people by the Legislature, or measure referred to the people by the Legislature that obligates the state to appropriate funds of ten million dollars or more in any of the first five fiscal years after enactment, to be annually adjusted for inflation as determined by the Legislature, shall become part of the Constitution or statute only if approved by three-fifths of the votes cast thereon.

A JOINT RESOLUTION, Proposing and submitting to the voters at the next primary election a new section to Article XI of the Constitution of the State of South Dakota, relating to a three-fifths vote requirement for certain initiated or Legislature-proposed constitutional amendments and initiated or Legislature-referred measures.

I certify that the attached Resolution originated in the:

House as Joint Resolution No. 5003

Patricia Miller  
Chief Clerk

STATE OF SOUTH DAKOTA,

Office of the Secretary of State

SS.

Filed March 9, 2021  
at 9:15 o'clock A.M.

Janet York  
Speaker of the House

Steve Barnett  
Secretary of State

Attest:

By \_\_\_\_\_  
Asst. Secretary of State

Patricia Miller  
Chief Clerk

Ray D. Hood  
President of the Senate

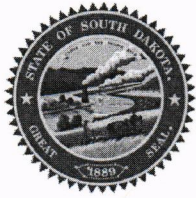
Attest:

Lay Johnson  
Secretary of the Senate

House Joint Resolution No. 5003

File No. \_\_\_\_\_

Chapter No. 122



## NEWS RELEASE

**Jason R. Ravensborg**  
South Dakota Attorney General

**Charles McGuigan**  
Chief Deputy Attorney General  
**Tim Bormann**  
Attorney General Chief of Staff

**FOR IMMEDIATE RELEASE:** Tuesday, November 2, 2021

### **ATTORNEY GENERAL RELEASES DRAFT EXPLANATION FOR PROPOSED AMENDMENT TO THE SOUTH DAKOTA CONSTITUTION**

**PIERRE, S.D.** -- South Dakota Attorney General Jason Ravensborg has released the following Attorney General's ballot draft explanation for the November 2022 general election.

The draft amendment is entitled: A Constitutional Amendment Requiring Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees or Obligating over \$10 Million.

State law requires the Attorney General to draft a title and explanation for each initiated measure, initiated constitutional amendment, constitutional amendment proposed by the Legislature, or referred measure that may appear on an election ballot. See SDCL 12-13-9 & 12-13-25.1.

The Attorney General's explanation is meant to be an "objective, clear, and simple summary" intended to "educate the voters of the purpose and effect of the proposed" measure, as well as identify the "legal consequences" of each measure. SDCL 12-13-9 & 12-13-25.1. Each explanation is limited to 200 words.

The public can comment on draft Attorney General explanations. Once the Attorney General has filed and posted the draft explanation, the public has 10 days to provide written comment. The Attorney General must review all accepted comments and may revise the draft explanation as deemed necessary. The final explanation from the Attorney General must be filed with the Secretary of State no later than 20 days after filing the draft explanation.

For more information regarding ballot measures, please visit the Secretary of State's website.

State law may be reviewed by visiting the Legislative Research Council webpage.

To file written comments on a draft Attorney General's explanation please use one of the following methods. Copies of all received comments will be posted on this website. The deadline for comments on this amendment explanation is November 12, 2021 at the close of business. The final explanation is due to the Secretary of State on November 22, 2021.

Comments may be submitted via mail, or through hand delivery, to the Attorney General's Office at the following address:

Office of the Attorney General  
Ballot Comment  
1302 E. Hwy. 14, Suite 1  
Pierre, SD 57501

Comments that are hand delivered must be received by the close of business on the day the time

to accept comments expires. Comments that are mailed must be received by the Attorney General's Office before the deadline to accept comments expires.

Comments may also be emailed to [ATGhelp@state.sd.us](mailto:ATGhelp@state.sd.us). Emailed comments must be received by the Attorney General's Office before the deadline to accept comments expires. Your comments should be clearly expressed in the body of the email. The Attorney General's Office will not open attachments in an effort to prevent malware or other digital threats. Please include your name and contact information when submitting your comment, and the title of the comment must be included in the subject line of the email

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*The Office of the Attorney General is the chief legal officer for the State of South Dakota and provides legal advice to agencies, boards, and commissions of the State as well as representing the State in state and federal court. The Office of Attorney General also handles prosecutions, felony criminal appeals, civil matters, consumer protection issues, and issues formal opinions interpreting statutes for agencies of the state. Visit [www.atg.sd.gov](http://www.atg.sd.gov) to learn more.*

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