

DEC 19 2022

PRESIDENT PRO TEMPORE LEE SCHOENBECK, CHAIR | SPEAKER SPENCER GOSCH, VICE CHAIR
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December 12, 2022

Quincy Hanzen, Associate
Eagle Campaigns, LLC
4510 W. 35th St. N. #204
Sioux Falls, SD
57107

Dear Quincy Hanzen:

SDCL 12-13-25 requires the South Dakota Legislative Research Council (LRC) to review each initiated constitutional amendment submitted to it by a sponsor, for the purpose of assisting the sponsor in writing the amendment "in a clear and coherent manner in the style and form of other legislation" that "is not misleading or likely to cause confusion among voters."

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. LRC comments are based upon the Guide to Legislative Drafting, which may be found on the South Dakota legislative website—sdlegislature.gov.

The sponsors' proposed initiative constitutional amendment is as follows:

PROPOSED AMENDMENT TO THE SOUTH DAKOTA CONSTITUTION

That Article XXIII, section 1 of the Constitution of the State of South Dakota, be amended to read as follows:

§ 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 as necessary to accomplish the objectives of the amendment.

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1. The proposed amendment to the South Dakota Constitution, Article XXIII, § 1, appears to remove the single-subject requirement for initiated constitutional amendments, but that removal is not clearly depicted. The sponsors did not include in the proposal the language they seek to strike from the existing section of the constitution. Therefore, the proposal is not written "in the style and form of other legislation" as required by SDCL 12-13-24.

The style and form for drafting legislation requires that the words to be eliminated by amendment must be stricken with a line running through them. In this case, the drafting convention ensures that the reader of the amendment, when reviewing the text of the amendment on the petition, fully understands the changes being proposed. To not include the overstricken language may result in confusion among potential petition signatories and voters.

Also, an enacting clause (as styled below) is required by S.D. Const., Art. III, § 1. Please consider adding one to your proposal.

The LRC recommends that the initiated constitutional amendment be redrafted 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 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.~~

By showing the constitutional language being proposed to be removed, any potential petition signatories and voters may better understand the proposed changes and the overall impact on the constitutional language.

2. Although a sponsor is not statutorily required to make changes based upon the suggestions and comments provided above, you are encouraged to be cognizant of the standards established in SDCL 12-13-24 and 12-13-25 and ensure that your language is in conformity.
3. 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 change 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.

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 this office. It is neither an endorsement of the proposed initiated constitutional amendment nor a guarantee of its sufficiency. If you proceed with the

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initiated constitutional amendment, please ensure that neither your statements nor any advertising contain any suggestion of endorsement or approval by the Legislative Research Council.

Sincerely,

A handwritten signature in blue ink that reads "Reed Holwegner". The signature is fluid and cursive, with the first name "Reed" and last name "Holwegner" clearly distinguishable.

Reed Holwegner

Director

CC: The Honorable Monae L. Johnson, Secretary of State

✓ The Honorable Mark Vargo, Attorney General

Matthew Schweich

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