



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

September 9, 2024

Monae L. Johnson
South Dakota Secretary of State
500 E. Capitol Avenue, Suite 204
Pierre, SD 57501

RE: Must a Sponsor of Initiated Measure be South Dakota Citizen

Dear Secretary Johnson,

This letter is in response to your inquiry on whether a sponsor of an initiated measure must be a South Dakota citizen. Upon reviewing the relevant state law and our Constitution it is my opinion that a sponsor of an initiated measure must be a citizen of South Dakota.

There is no explicit statute requiring a sponsor of an initiated measure be a citizen of South Dakota. However, the South Dakota Constitution provides that a sponsor of an initiated measure is reserved to the "people". "[T]he people expressly reserve to themselves the right to propose measures..." S.D. Const. art. 3, § 1.

My interpretation is that in 1889 our founding fathers were referring to "people" in our Constitution as citizens of the State of South Dakota. It is my understanding after consultation that you agree with my interpretation. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Jackley", with a long horizontal flourish extending to the right.

Marty J. Jackley
South Dakota Attorney General

cc: Linda Lee M. Viken
4760 Trout Court
Rapid City, SD 57702

Legislative Research Council
500 East Capitol Ave.
Pierre, SD 57501