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SD Secretary of State

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MARTY J. JACKLEY
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BRENT K. KEMPEMA
CHIEF DEPUTY

February 20, 2025

Honorable Monae L. Johnson
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Draft Attorney General's Statement – Proposed Initiated Constitutional Amendment Concerning Legislative Changes to Initiated Measures

Dear Secretary Johnson,

Enclosed is a copy of a proposed Initiated Constitutional Amendment, in final form, that the sponsor submitted to this Office. 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.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Filed this 20th day of
February 2025

SECRETARY OF STATE

Cc/encl: James D. Leach
John McCullough – Legislative Research Council

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SD Secretary of State

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Requiring Legislative Changes to Voter-Approved Initiated Measures, for Seven Years After Approval, to Pass by a Three-Fourths Vote of the Legislature and be Approved by a Vote of the People.

Explanation:

The State Constitution gives citizens the right to propose state laws under the initiative process. Through that process, if an initiated measure is approved by the voters, it goes into effect on July 1 of the following year.

Currently, the Legislature can repeal or change initiated measures approved by the voters through the regular legislative process.

This constitutional amendment restricts the Legislature's ability to change or repeal voter-approved initiated measures for seven years after a measure goes into effect. Within those seven years, the Legislature may still pass legislation that changes or repeals laws approved by initiated measure, but that legislation must pass by a three-fourths vote of all members in each house of the Legislature. The voters must also approve that legislation at the next general election before the legislation becomes effective.

Filed this 20th day of

February 2025

Monae L. Johnson

SECRETARY OF STATE

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BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Article III, Section 1 of the Constitution of the State of South Dakota be AMENDED by adding the following:

The Legislature may not repeal or amend a measure proposed by the people and approved by the electors for seven years from the measure's effective date, except by a three-fourths vote of the members elected to each house, and only if the repeal or amendment is approved by the electors of the state at the general election immediately following Legislative passage.

Filed this 20th day of
February 2025

Monae L. Johnson

SECRETARY OF STATE