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MARTY J. JACKLEY
ATTORNEY GENERAL

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AUG 20 2024

SD Secretary of State

BRENT K. KEMPEMA
CHIEF DEPUTY

August 20, 2024

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

RE: Draft Attorney General's Statement (Proposed Initiated Measure
To Require a Daily Non-denominational Prayer in Public Schools)

Dear Secretary Johnson,

Enclosed is a copy of a proposed Initiated Measure, 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
August 2024

SECRETARY OF STATE

Cc/encl: Hillel Hellinger
John McCullough – Legislative Research Council

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AUG 20 2024

SD Secretary of State

INITIATED MEASURE

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Initiated Measure to Require a Daily Non-denominational Prayer in Public Schools.

Explanation:

This initiated measure requires each public-school teacher, in grades Kindergarten through 12th grade, to lead students every morning in the following prayer: "Almighty God, who is aware of His creation, who keeps it going and judges it, please have mercy on us." The measure requires students to repeat each phrase after the teacher. The measure allows both teachers and students who object to the prayer on religious grounds to seek an exemption from participating in the prayer. The request for an exemption must be submitted in writing to the school principal.

The measure may be challenged in court on constitutional grounds. Judicial or legislative clarification of the measure may be necessary.

Filed this 20th day of
August 2024

Monae L. Johnson

SECRETARY OF STATE