State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

166Z0107

HOUSE BILL NO. _____

Introduced by: _____

FOR AN ACT ENTITLED, An Act to create a commission to review initiated measures and initiated amendments to the Constitution and to prescribe the commission's powers and duties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 12-1 be amended by adding a NEW SECTION to read:

There is created an Initiated Measure and Initiated Amendment Review Commission to be composed of nine members, one member to be the secretary of state who is the chair of the commission. The remaining members shall include the attorney general; the director of the Legislative Research Council; four members of the State Board of Elections to be appointed by the members of the State Board of Elections; one member of the House of Representatives to be appointed by the Speaker of the House; and one member of the Senate to be appointed by the President Pro Tempore. The members appointed by the State Board of Elections and the members appointed from each house of the Legislature shall serve on the commission for two-year terms. No more than two members appointed by the State Board of Elections may be from the same political party. The members appointed from each house of the Legislature shall each have served in the Legislature for not less than one full term to be qualified for appointment to

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

the commission. Neither member appointed from each house of the Legislature may be from the same political party as the other. Any vacancy on the commission shall be filled in the same manner as the original appointment. All members of the commission shall file with the secretary of state an oath in the form prescribed by § 3-1-5.

Section 2. That chapter 12-1 be amended by adding a NEW SECTION to read:

The per diem and expenses of the commission shall be established by the Executive Board of the Legislative Research Council.

Section 3. That chapter 12-1 be amended by adding a NEW SECTION to read:

The Office of the Secretary of State shall serve as the secretariat of the commission and shall assist the commission as may be requested by the commission.

Section 4. That chapter 12-1 be amended by adding a NEW SECTION to read:

The commission shall conduct hearings for any proposed initiated measure and initiated amendment to the Constitution to review for style and form in accordance with § 12-13-24. No petition for any initiated measure or initiated amendment to the Constitution may be submitted to the attorney general under § 12-13-25.1 until the petition has been reviewed in the hearing conducted by the commission under this section. During the hearing of each petition, the commission shall consider the language and content of the initiated measure or initiated amendment to the Constitution in comparison with any recommendations provided by the director of the Legislative Research Council pursuant to § 12-13-25, take testimony from the petition sponsor or the sponsor's designee regarding the purpose of the initiated measure or initiated amendment, review any filings made pursuant to chapter 12-27, recommend changes to the language of the initiated measure or initiated amendment, and take public testimony.

Section 5. That chapter 12-1 be amended by adding a NEW SECTION to read:

Following the hearing under section 4 of this Act, the commission shall file a report

including the minutes of the meeting for each initiated measure or initiated amendment to the Constitution heard during each hearing to be published on the website maintained by the Office of the Secretary of State. In addition to the report under this section, and including information regarding referred laws under section 6 of this Act, the commission shall cause to be mailed to each registered voter in the state and published on the website maintained by the Office of the Secretary of State a ballot measure education brochure to include: the name of each measure or amendment to appear on the next general election ballot; followed by the name of the petition sponsor and any organization or committee that participated in any effort to draft the language of the measure or amendment, circulate petitions or campaign on behalf of the measure or amendment; followed by a statement of the total contributions received by the ballot measure committee and the name of any person or organization that donated to the committee; followed by a summary of the minutes of the hearing conducted for each measure or amendment not to exceed two hundred fifty words and including the statement "The complete minutes of the hearing held by the commission are available on the secretary of state's website"; followed by a statement in support of the measure or amendment written by its proponents, if any can be identified, and a statement against the measure or amendment written by its opponents, if any can be identified, neither of which statement to exceed two hundred fifty words; followed by the attorney general statement and recitation of the effect of a "Yes" or "No" vote on each measure or amendment written pursuant to chapter 12-13; followed by any fiscal note prepared pursuant to chapter 2-9.

Section 6. That chapter 12-1 be amended by adding a NEW SECTION to read:

The commission shall include in the ballot measure education brochure under section 5 of this Act information regarding any referred law to appear on the next general election ballot, including: the name of the referred law; followed by the name of the petition sponsor and any

organization or committee that participated in any effort to circulate petitions or campaign on behalf of the referred law; followed by a statement of the total contributions received by the ballot measure committee and the name of any person or organization that donated to the committee; followed by a statement in support of the referred law written by its proponents, if any can be identified, and a statement against the referred law written by its opponents, if any can be identified, neither of which statement to exceed two hundred fifty words; followed by the attorney general statement and recitation of the effect of a "Yes" or "No" vote on each referred law written pursuant to chapter 12-13; followed by any fiscal note prepared pursuant to chapter 2-9.

Section 7. That § 12-13-23 be repealed.

~~12-13-23. The secretary of state shall distribute public information on any constitutional amendment, initiated, or referred measure submitted to the electors for approval. The secretary of state shall compile the public information by printing a statement in support of the constitutional amendment, initiated, or referred measure written by its proponents, if any can be identified, and a statement against the constitutional amendment, initiated, or referred measure written by its opponents, if any can be identified. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents. The pamphlet shall also include the attorney general's title, explanation, and a clear and simple recitation of the effect of a "Yes" or "No" vote; number of pages and sections in the proposed or referred language; and, if applicable, a prison or jail population cost estimate and fiscal note.~~