

# State of South Dakota

## NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

562Z0083

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to provide certain requirements for a recitation regarding  
2 the effect of a vote on certain ballot measures.

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

4 Section 1. That § 12-13-1 be amended to read:

5 12-13-1. The secretary of state, at least twelve weeks prior to the general election, shall  
6 deliver to each county auditor a certified copy of each initiated measure, referred law, or  
7 proposed amendment to the Constitution to be voted on at the election, together with a  
8 statement, title, explanation, and recitation ~~of the effect of a "Yes" or "No" vote as written~~  
9 pursuant to § 12-13-9 or § 12-13-25.1 to be published preceding the text of the initiative,  
10 referendum, or proposed amendment. The attorney general shall prepare each statement, title,  
11 explanation, and recitation.

12 Section 2. That § 12-13-9 be amended to read:

13 12-13-9. Before the third Tuesday in May, the attorney general shall deliver to the secretary  
14 of state an attorney general's statement for each amendment to the Constitution proposed by the  
15 Legislature, and any referred law from an odd year. The attorney general's statement for each  
16 referred law from an even year shall be delivered to the secretary of state before the second



1 Tuesday in July. The attorney general's statement shall be written by the attorney general and  
2 shall consist of a title, an explanation, and a ~~clear and simple recitation of the effect of a "Yes"~~  
3 ~~or "No" vote as provided in this section.~~ The title shall be a concise statement of the subject of  
4 the proposed amendment to the Constitution or referred law. The explanation shall be an  
5 objective, clear, and simple summary to educate the voters of the purpose and effect of the  
6 proposed amendment to the Constitution or the referred law. The recitation for each proposed  
7 amendment to the Constitution shall state "Vote 'Yes' to adopt the amendment" and "Vote 'No'  
8 to leave the Constitution as it currently provides". The recitation for each referred law shall state  
9 "Vote 'Yes' to repeal the Act of the Legislature" and "Vote 'No' to allow the Act of the  
10 Legislature to become law". The attorney general shall include a description of the legal  
11 consequences of the proposed amendment to the Constitution or the referred law, including the  
12 likely exposure of the state to liability if the proposed amendment to the Constitution or the  
13 referred law is adopted. The explanation may not exceed two hundred words in length. On the  
14 printed ballots, the title shall be followed by the explanation and the explanation shall be  
15 followed, if applicable, by any cost estimate prepared pursuant to § 2-9-34 or fiscal note  
16 prepared pursuant to § 2-9-32 and then followed by the recitation.

17 Section 3. That § 12-13-25.1 be amended to read:

18 12-13-25.1. Following receipt of the written comments of the director of the Legislative  
19 Research Council, the sponsors shall submit a copy of the proposed initiative or initiated  
20 amendment to the Constitution in final form, to the attorney general. The attorney general shall  
21 prepare an attorney general's statement that consists of a title and explanation. The title shall be  
22 a concise statement of the subject of the proposed initiative or initiated amendment to the  
23 Constitution. The explanation shall be an objective, clear, and simple summary to educate the  
24 voters of the purpose and effect of the proposed initiative or initiated amendment to the

1 Constitution. The attorney general shall include a description of the legal consequences of the  
2 proposed initiative or initiated amendment to the Constitution, including the likely exposure of  
3 the state to liability if the proposed initiative or initiated amendment to the Constitution is  
4 adopted. The explanation may not exceed two hundred words in length. The attorney general  
5 shall file the title and explanation with the secretary of state and shall provide a copy to the  
6 sponsors within sixty days of receipt of the proposed initiative or initiated amendment to the  
7 Constitution.

8 If the petition is filed as set forth in §§ 2-1-1.1 and 2-1-1.2, the attorney general shall deliver  
9 to the secretary of state before the third Tuesday in May a ~~simple~~ recitation of a "Yes" or "No"  
10 vote as provided in this section. The recitation for an initiated amendment to the Constitution  
11 shall state "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it  
12 currently provides". The recitation for an initiative shall state "Vote 'Yes' to adopt the initiative"  
13 and "Vote 'No' to leave South Dakota law as it currently provides". On the printed ballots, the  
14 title shall be followed by the explanation and the explanation shall be followed, if applicable,  
15 by any cost estimate prepared pursuant to § 2-9-34 or fiscal note prepared pursuant to § 2-9-31,  
16 and then followed by the recitation.