

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

742Z0108

SENATE BILL NO. _____

Introduced by: _____

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

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

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

6 The Citizen Initiative Review Commission shall be composed of eleven members appointed
7 by the State Board of Elections. At least two members but no more than four members of the
8 commission shall be current or former members of the Legislature. No current or former
9 member of the Legislature is qualified for appointment to the commission unless the member
10 has served at least two full terms in the Legislature. The members appointed to the commission
11 shall choose the chair of the commission who may not also be a current member of the
12 Legislature. Each appointment to the commission shall be for a period of four years except for
13 five of the initial members, who shall be appointed for two years. Not more than six of the
14 members may be from the same political party. No member of the commission may be affiliated
15 with any ballot measure to be considered by the commission under this Act. Any vacancy on the
16 commission shall be filled in the same manner as the original appointment. All members of the



1 commission shall file with the secretary of state an oath in the form prescribed by § 3-1-5.

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

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

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

6 The commission shall conduct a hearing to be held in Pierre for any initiated measure and
7 initiated amendment to the Constitution that is certified for placement on the next general
8 election ballot pursuant to § 2-1-17. During each hearing under this section the commission
9 shall take testimony from the petition sponsor regarding the purpose of the initiated measure or
10 initiated amendment and shall take public testimony. The commission may request testimony
11 from the director of the Legislative Research Council regarding any questions from the members
12 of the commission about the review and comment issued pursuant to § 12-13-25. After any
13 hearing conducted under this section, the commission shall provide an objective written
14 summary not to exceed three hundred words for each initiated measure or initiated amendment
15 to the Constitution for purposes of sections 5 and 6 of this Act.

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

17 At the conclusion of any hearing for an initiated measure or initiated amendment to the
18 Constitution conducted under section 3 of this Act, the chair of the commission shall appoint
19 a committee of five members, subject to the approval of the members of the whole commission.
20 The appointed members of each committee shall provide two written statements for purposes
21 of sections 5 and 6 of this Act. One written statement shall be in favor of the measure or
22 amendment and the other written statement shall be in opposition to the measure or amendment.

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

24 Not less than sixty days prior to the next general election, the commission shall cause to be

1 published on the website maintained by the Office of the Secretary of State, for each initiated
2 measure and initiated amendment to the Constitution certified under § 2-1-17 for placement on
3 the ballot, the title of the measure or amendment, the full text of the measure or amendment, the
4 summary of the measure or amendment written pursuant to section 3 of this Act, the statements
5 provided by each committee under section 4 of this Act, the review and comment issued by the
6 director of the Legislative Research Council pursuant to § 12-13-25, the attorney general's
7 statement provided under chapter 12-13, any fiscal note prepared under § 2-9-31, and the
8 minutes of the hearings for each petition.

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

10 Not less than sixty days prior to the next general election, the commission shall cause to be
11 mailed to each address in the state having a registered voter, a voter information brochure to
12 include for all initiated measures and initiated amendments to the Constitution certified under
13 § 2-1-17 for placement on the next general election ballot the titles of the measures and
14 amendments, the full text of the measures and amendments, the summaries written pursuant to
15 section 3 of this Act, and the statements provided by each committee under section 4 of this Act.
16 The voter information brochure shall also include for each initiated measure or initiated
17 amendment to the Constitution reference to the website maintained by the Office of the
18 Secretary of State where information required to be published under section 5 of this Act may
19 be accessed.

20 Section 7. That chapter 12-1 be amended by adding a NEW SECTION to read:

21 The commission may accept contributions and donations of money from any source and use
22 any accepted money solely for purposes permitted under this section. The commission may
23 deposit any money accepted under this section to the credit of the commission and expend any
24 money necessary to mail the voter information brochure pursuant to section 6 of this Act and

1 to carry on a campaign for public contributions or donations of money to the commission.
2 Expenditures from the fund shall be budgeted through the normal budget process. Unexpended
3 funds and interest shall remain in the fund until appropriated by the Legislature.

4 Section 8. That § 12-13-23 be amended to read:

5 12-13-23. The secretary of state shall distribute public information on any ~~constitutional~~
6 ~~amendment, initiated, or referred measure~~ law submitted to the electors for approval. The
7 secretary of state shall compile the public information by printing a statement in support of the
8 ~~constitutional amendment, initiated, or referred measure~~ law written by its proponents, if any
9 can be identified, and a statement against the ~~constitutional amendment, initiated, or referred~~
10 ~~measure~~ law written by its opponents, if any can be identified. The secretary of state is not
11 responsible for the contents, objectivity, or accuracy of the statements written by the proponents
12 and opponents. The pamphlet shall also include the attorney general's title, explanation, and a
13 clear and simple recitation of the effect of a "Yes" or "No" vote; number of pages and sections
14 in the ~~proposed or referred language~~ law; and, if applicable, a prison or jail population cost
15 estimate and fiscal note.