

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

562Z0083

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1005** - 1/12/2018

Introduced by: Representatives Peterson (Kent), Reed, and Soli and Senators Bolin, Nesiba, and Otten (Ernie) at the request of the Initiative and Referendum Task Force

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for a recitation regarding the
2 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~~ initiated
10 measure, referendum ~~referred law~~, or proposed amendment. The attorney general shall prepare
11 each statement, title, 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



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

19 Section 3. That § 12-13-23 be amended to read:

20 12-13-23. The secretary of state shall distribute public information on any ~~constitutional~~
21 amendment to the Constitution, initiated measure, or referred ~~measure~~ law submitted to the
22 electors for approval. The secretary of state shall compile the public information by printing a
23 statement in support of the ~~constitutional~~ amendment to the Constitution, initiated measure, or
24 referred ~~measure~~ law written by its proponents, if any can be identified, and a statement against

1 the ~~constitutional~~ amendment to the Constitution, initiated measure, or referred ~~measure~~ law
2 written by its opponents, if any can be identified. The secretary of state is not responsible for
3 the contents, objectivity, or accuracy of the statements written by the proponents and opponents.
4 The pamphlet shall also include the attorney general's title, explanation, and a ~~clear and simple~~
5 recitation of the effect of a "Yes" or "No" vote as written pursuant to § 12-13-9 or 12-13-25.1;
6 number of pages and sections in the proposed or referred language; and, if applicable, a prison
7 or jail population cost estimate and fiscal note.

8 Section 4. That § 12-13-25.1 be amended to read:

9 12-13-25.1. Following receipt of the written comments of the director of the Legislative
10 Research Council, the sponsors shall submit a copy of the proposed ~~initiative~~ initiated measure
11 or initiated amendment to the Constitution in final form; to the attorney general. The attorney
12 general shall prepare an attorney general's statement that consists of a title and explanation. The
13 title shall be a concise statement of the subject of the proposed ~~initiative~~ initiated measure or
14 initiated amendment to the Constitution. The explanation shall be an objective, clear, and simple
15 summary to educate the voters of the purpose and effect of the proposed ~~initiative~~ initiated
16 measure or initiated amendment to the Constitution. The attorney general shall include a
17 description of the legal consequences of the proposed ~~initiative~~ initiated measure or initiated
18 amendment to the Constitution, including the likely exposure of the state to liability if the
19 proposed ~~initiative~~ initiated measure or initiated amendment to the Constitution is adopted. The
20 explanation may not exceed two hundred words in length. The attorney general shall file the title
21 and explanation with the secretary of state and shall provide a copy to the sponsors within sixty
22 days of receipt of the proposed ~~initiative~~ initiated measure or initiated amendment to the
23 Constitution.

24 If the petition is filed as set forth in §§ 2-1-1.1 and 2-1-1.2, the attorney general shall deliver

1 to the secretary of state before the third Tuesday in May a ~~simple~~ recitation of a "Yes" or "No"
2 ~~vote~~ as provided in this section. The recitation for an initiated amendment to the Constitution
3 shall state "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it
4 is". The recitation for an initiated measure shall state "Vote 'Yes' to adopt the initiated measure"
5 and "Vote 'No' to leave South Dakota law as it is". On the printed ballots, the title shall be
6 followed by the explanation and the explanation shall be followed, if applicable, by any cost
7 estimate prepared pursuant to § 2-9-34 or fiscal note prepared pursuant to § 2-9-31, and then
8 followed by the recitation.