

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

637N0118

HOUSE BILL NO. 1090

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the explanation of
2 ballot issues and to provide for the procedure to challenge such explanations.

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

4 Section 1. That § 12-13-9 be amended to read as follows:

5 12-13-9. Before the third Tuesday in May, the attorney general shall deliver to the secretary
6 of state an attorney general's statement for each proposed amendment to the Constitution ~~and,~~
7 each initiated measure, and any referred measure from an odd year. The attorney general's
8 statement for each referred measure from an even year shall be delivered to the secretary of state
9 before the second Tuesday in July. The attorney general's statement shall consist of the title, the
10 explanation, and a clear and simple recitation of the effect of a "Yes" or "No" vote. The
11 explanation shall be an objective, clear, and simple summary to educate the voters of the
12 purpose and effect of the proposed amendment to the Constitution, the initiated measure, or the
13 referred law. The attorney general shall include a description of the legal consequences of the
14 proposed amendment, the initiated measure, or the referred law, including the likely exposure
15 of the state to liability if the proposed amendment, the initiated measure, or the referred law is
16 adopted. The explanation may not exceed two hundred words in length. On the printed ballots,



1 the title shall be followed by the explanation and the explanation shall be followed by the
2 recitation.

3 Section 2. That § 12-13-9.1 be amended to read as follows:

4 12-13-9.1. The secretary of state shall, ~~within five days of~~ immediately upon delivery from
5 the attorney general, make the attorney general's statement for each proposed amendment to the
6 Constitution, each initiated measure, and each referred law available to any person upon request.

7 Section 3. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If the proponents or opponents of a proposed amendment to the Constitution, initiated
10 measure, or referred measure believe that the attorney general's statement does not satisfy the
11 requirements of § 12-13-9, they shall, within seven days of delivery of the statement to the
12 secretary of state, file an action in circuit court challenging the adequacy of the statement. The
13 action takes precedence over other cases in circuit court and a final order shall be filed within
14 fifteen days of the commencement of the action. Any party appealing the circuit court order to
15 the Supreme Court shall file a notice of appeal within five days of the date of the circuit court
16 order.