



2021 South Dakota Legislature

Senate Bill 123

Introduced by: **Senator Diedrich**

1 **An Act to require a comment period for the attorney general's statement regarding**
 2 **initiated measures and initiated amendments.**

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

4 **Section 1.** That § 12-13-25.1 be AMENDED.

5 **12-13-25.1. Attorney general's statement--Initiated measure--Initiated**
 6 **amendment.**

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

20 The attorney general shall file the draft statement with the secretary of state, post
 21 the draft statement on the attorney general's website, and release a press release
 22 announcing a draft statement has been posted for comment. The attorney general shall
 23 accept written comments via the attorney general's website for ten days from the date
 24 the draft was filed. The attorney general shall review all comments submitted and revise
 25 the statement in response to the comments as deemed necessary.

1 ~~The~~Once the comment period has expired and any revisions have been completed,
2 the attorney general shall file the ~~title and explanation~~final statement with the secretary
3 of state, which shall serve as the attorney general's statement, and shall provide a copy
4 to the sponsors within sixty days of receipt of the proposed initiated measure or initiated
5 amendment to the Constitution.

6 If the petition is filed as set forth in §§ 2-1-1.1 or 2-1-1.2, the attorney general shall
7 deliver to the secretary of state before the third Tuesday in May a recitation as provided
8 in this section. The recitation for an initiated amendment to the Constitution shall state
9 "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it is". The
10 recitation for an initiated measure shall state "Vote 'Yes' to adopt the initiated measure"
11 and "Vote 'No' to leave South Dakota law as it is". On the printed ballots, the title shall be
12 followed by the explanation and the explanation shall be followed, if applicable, by any
13 fiscal note prepared pursuant to § 2-9-30, and then followed by the recitation.