

## 2021 South Dakota Legislature

**Senate Bill 123****AMENDMENT 123A FOR THE INTRODUCED BILL**

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, the secretary  
10 of state, and the director of the Legislative Research Council. The attorney general shall  
11 prepare ~~an a draft~~ attorney general's statement that consists of a title and explanation.  
12 The title shall be a concise statement of the subject of the proposed initiated measure or  
13 initiated amendment to the Constitution. The explanation shall be an objective, clear, and  
14 simple summary to educate the voters of the purpose and effect of the proposed initiated  
15 measure or initiated amendment to the Constitution. The attorney general shall include a  
16 description of the legal consequences of the proposed initiated measure or initiated  
17 amendment to the Constitution, including the likely exposure of the state to liability if the  
18 proposed initiated measure or initiated amendment to the Constitution is adopted. The  
19 explanation may not 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 within sixty days of receipt  
23 of the proposed initiated measure or initiated amendment to the Constitution. The  
24 attorney general shall accept written comments via the attorney general's website-hand  
25 delivery or postmarked mail for ten days from the date the draft statement was filed. The

1 attorney general shall review all comments submitted and revise the statement in  
2 response to the comments as deemed necessary.

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

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