



2021 South Dakota Legislature

Senate Bill 123

SENATE STATE AFFAIRS ENGROSSED

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, 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 hand delivery or postmarked mail for
 25 ten days from the date the draft statement was filed. The attorney general shall review

1 all comments submitted and revise the statement in response to the comments as deemed
2 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.