



## 2025 South Dakota Legislature

# House Joint Resolution 5004

Introduced by: **Representative Mulally**

1 **A JOINT RESOLUTION, Proposing and submitting to the voters at the next general**  
 2 **election amendments to the Constitution to the State of South Dakota,**  
 3 **increasing the number of required signatures on a petition to initiate an**  
 4 **amendment or measure.**

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 **Section 1.** That at the next general election held in the state, the following amendments to  
 7 Article III and Article XXIII of the Constitution of the State of South Dakota, as set forth in  
 8 sections 2 and 3 of this Joint Resolution, which is hereby agreed to, be submitted to the  
 9 electors of the state for approval.

10 **Section 2. That Article III, § 1 of the Constitution of the State of South Dakota, be**  
 11 **AMENDED:**

12 **§ 1.** The legislative power of the state ~~shall be~~ is vested in a Legislature ~~which shall~~  
 13 ~~consist~~ that consists of a senate and house of representatives. ~~However, the~~

14 The people expressly reserve to themselves the right to propose measures, which  
 15 ~~shall~~ must be submitted to a vote of the electors of the state, ~~and also.~~

16 The people expressly reserve to themselves the right to require that ~~any laws which~~  
 17 ~~the any law enacted by the~~ Legislature ~~may have enacted~~ shall be submitted to a vote of  
 18 the electors of the state before going into effect, ~~except such laws as~~ any law that may  
 19 be necessary for the immediate preservation of the public peace, health or safety, support  
 20 of the state government and its existing public institutions. ~~Not more than five percent of~~  
 21 ~~the qualified electors of the state shall be required to invoke either the initiative or the~~  
 22 ~~referendum~~

23 A measure proposed by initiative may be presented only by a petition signed by  
 24 qualified voters equal in number to at least ten percent of the total votes cast for Governor  
 25 in the last gubernatorial election. A petition to submit a law enacted by the Legislature to

1 a vote of the electors of this state must be signed by qualified voters equal in number to  
2 at least five percent of the total votes cast for Governor in the last gubernatorial election.

3 This section ~~shall~~ may not be construed so as to deprive the Legislature or any  
4 member thereof of the right to propose any measure. The veto power of the Executive  
5 ~~shall~~ may not be exercised as to measures referred to a vote of the people.

6 This section ~~shall apply~~ applies to municipalities.

7 The enacting clause of all laws approved by vote of the electors of the state ~~shall~~  
8 be is: "Be it enacted by the people of South Dakota." The Legislature shall make suitable  
9 provisions for carrying into effect the provisions of this section.

10 **Section 3. That Article XXIII, § 1 of the Constitution of the State of South Dakota,**  
11 **be AMENDED:**

12 **§ 1. Amendments** ~~An amendment~~ An amendment to this Constitution may be proposed by  
13 initiative or by ~~a majority~~ an affirmative vote of a majority of all members of each house  
14 of the Legislature.

15 An amendment proposed by initiative ~~shall require~~ may be presented only by a  
16 petition signed by qualified voters equal in number to at least ~~ten~~ fifteen percent of the  
17 total votes cast for Governor in the last gubernatorial election. The petition ~~containing~~  
18 must contain the text of the proposed amendment and the ~~names and addresses of its~~  
19 ~~sponsors shall be~~ name and address of the sponsor of the petition. A petition may not be  
20 circulated unless the petition has been filed with the secretary of state at least one year  
21 before the next general election at which the proposed amendment is submitted to the  
22 voters.

23 A proposed amendment may amend one or more articles and related subject  
24 matter in other articles as necessary to accomplish the objectives of the amendment;  
25 ~~however,~~ provided that no proposed amendment may embrace more than one subject. If  
26 more than one amendment is submitted at the same election, each amendment ~~shall~~ must  
27 be so prepared and distinguished that it can be voted upon separately.