



2025 South Dakota Legislature

Senate Bill 92

Introduced by: **Senator Hulse**

1 **An Act to require that the secretary of state review an initiated measure and**
 2 **determine if the measure embraces more than one subject.**

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

4 **Section 1. That § 12-13-26.2 be AMENDED:**

5 **12-13-26.2.** If the secretary of state does not certify a proposal for an initiated
 6 amendment to the South Dakota Constitution pursuant to § 12-13-26.1 or an initiated
 7 measure pursuant to section 2 of this Act, any interested party may directly appeal the
 8 secretary of state's decision to the Supreme Court within fifteen days of the secretary of
 9 state publishing notice of the decision not to certify on the secretary of state's website.

10 Any interested party may directly appeal the secretary of state's certification of a
 11 proposal for an initiated amendment to the Constitution pursuant to § 12-13-26.1 or an
 12 initiated measure pursuant to section 2 of this Act to the Supreme Court within fifteen
 13 days of the secretary of state publishing notice of certification on the secretary of state's
 14 website.

15 The Supreme Court shall promulgate rules, pursuant to chapter 16-3, defining the
 16 procedures for an appeal taken under this section.

17 **Section 2. That a NEW SECTION be added to chapter 12-13:**

18 Upon receiving a proposal for an initiated measure, the secretary of state shall
 19 determine if the proposal embraces more than one subject, in violation of S.D. Const.,
 20 Art. III, § 21.

21 If the secretary of state determines that the proposed initiated measure complies
 22 with the single subject requirement, the secretary of state must provide a written
 23 certification to the petition sponsor, the attorney general, and the director of the
 24 Legislative Research Council, stating that the proposed initiated measure embraces only
 25 one subject. The secretary of state shall publish on the secretary's website notice of this

1 certification not more than fifteen working days following receipt of the proposed initiated
2 measure.

3 The secretary of state may not certify the proposed initiated measure if the
4 secretary of state determines that the proposed initiated measure embraces more than
5 one subject in violation of S.D. Const., Art. III, § 21. If the secretary of state determines
6 that the proposed initiated measure embraces more than one subject, the secretary of
7 state must provide written notice to the petition sponsor explaining the reason that the
8 proposed initiated measure was not certified. The secretary of state shall publish the notice
9 on the secretary of state's website not more than fifteen working days following receipt of
10 the proposed initiated measure.

11 The sponsor of a proposed initiated measure may amend the initiated measure in
12 accordance with the secretary of state's explanation and may resubmit the amended
13 initiated measure to the director of the Legislative Research Council for review under §
14 12-13-25.