



2025 South Dakota Legislature

House Joint Resolution 5006

Introduced by: **Representative Lems**

1 **A JOINT RESOLUTION, Proposing and submitting to the voters at the next general**
 2 **election amendments to the Constitution of the State of South Dakota,**
 3 **requiring an intervening general election before consideration of an initiated**
 4 **constitutional amendment or initiated measure having the same subject as a**
 5 **previously rejected initiated amendment or measure.**

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

7 **Section 1.** That at the next general election held in the state, the following amendments to
 8 Article III, Article V, and Article XXIII of the Constitution of the State of South Dakota, as set
 9 forth in sections 2, 3, and 4 of this Joint Resolution, which is hereby agreed to, shall be
 10 submitted to the electors of the state for approval.

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

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

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

23 If an initiated measure has been determined to address, directly or indirectly, the
 24 same subject and has the same purpose as, or a purpose that is substantially similar to,
 25 an initiated measure or initiated amendment to this constitution that was previously voted
 26 on and rejected by the electors of this state, the initiated measure may not be submitted

1 to a vote of the electors until at least one general election has intervened since the election
2 at which the previous initiated measure or initiated amendment was rejected.

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."

9 The Legislature shall make suitable provisions for carrying into effect ~~the provisions~~
10 of this section.

11 **Section 3. That Article V, § 5 of the Constitution of the State of South Dakota, be**
12 **AMENDED:**

13 **§ 5.** The Supreme Court ~~shall have such~~ has appellate jurisdiction as ~~may be~~
14 provided by the Legislature, and the Supreme Court or any justice thereof may issue any
15 original or remedial writ which ~~shall~~ must then be heard and determined by that court.
16 The Governor has authority to require opinions of the Supreme Court upon important
17 questions of law involved in the exercise of ~~his~~ the Governor's executive power and upon
18 solemn occasions.

19 The Supreme Court has original jurisdiction in a proceeding to determine if an
20 initiated amendment or initiated measure addresses, indirectly or directly, the same
21 subject and has the same purpose as, or a purpose that is substantially similar to, an
22 initiated amendment or initiated measure that was voted on and rejected at the previous
23 general election. If the Supreme Court determines that an initiated amendment or initiated
24 measure addresses, indirectly or directly, the same subject and has the same purpose as,
25 or a purpose that is substantially similar to, an initiated amendment or initiated measure
26 that was voted on and rejected at the previous general election, the initiated amendment
27 or initiated measure may not be certified for placement on the ballot.

28 The circuit courts have original jurisdiction in all cases except as to any limited
29 original jurisdiction granted to other courts by the Legislature. The circuit courts and
30 judges thereof have the power to issue, hear and determine all original and remedial writs.
31 The circuit courts have such appellate jurisdiction as may be provided by law.

32 Imposition or execution of a sentence may be suspended by the court empowered
33 to impose the sentence unless otherwise provided by law.

1 **Section 4. That Article XXIII, § 1 of the Constitution of the State of South Dakota,**
2 **be AMENDED:**

3 **§ 1.** Amendments to this Constitution may be proposed by initiative or by a
4 majority vote of all members of each house of the Legislature. An amendment proposed
5 by initiative ~~shall require~~ requires a petition signed by qualified voters equal in number to
6 at least ten percent of the total votes cast for Governor in the last gubernatorial election.
7 The petition containing the text of the proposed amendment and the names and addresses
8 of its sponsors ~~shall must~~ be filed at least one year before the ~~next~~ general election at
9 which the proposed amendment is submitted to the voters. A proposed amendment may
10 amend one or more articles and related subject matter in other articles as necessary to
11 accomplish the objectives of the amendment; ~~however, provided that~~ no proposed
12 amendment ~~may embrace~~ embraces more than one subject. If more than one amendment
13 is submitted at the same election, each amendment ~~shall must~~ be so prepared and
14 distinguished ~~that it can to~~ be voted upon separately.

15 If an initiated amendment has been determined to address, directly or indirectly,
16 the same subject and has the same purpose as, or a purpose that is substantially similar
17 to, an initiated amendment or initiated measure that was previously voted on and rejected
18 by the electors of this state, the initiated amendment may not be submitted to a vote of
19 the electors until at least one general election has intervened since the election at which
20 the previous initiated amendment or initiated measure was rejected.