

2025 South Dakota Legislature

Senate Bill 92**AMENDMENT 92A
FOR THE INTRODUCED BILL**

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

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

5 **Section 1. That § 12-13-25 be AMENDED:**

6 **12-13-25.** The sponsors of each initiated measure or initiated amendment to the
7 Constitution shall submit a copy of each version of the initiated measure or initiated
8 amendment to the Constitution to the director of the Legislative Research Council for
9 review and comment not more than six months before it may be circulated for signatures
10 under § 2-1-1.1 or 2-1-1.2. The director shall review each version of the submitted
11 initiated measure or initiated amendment to the Constitution to determine if the
12 requirements of § 12-13-24 are satisfied and if the initiated measure or initiated
13 amendment to the Constitution may have any impact on revenues, expenditures, or fiscal
14 liability of the state or its agencies and subdivisions.

15 Unless as otherwise provided under § 12-13-25.2, not more than fifteen workdays
16 following receipt of an initiated measure or initiated amendment to the Constitution, the
17 director shall provide written comments on the initiated measure or initiated amendment
18 to the Constitution to the sponsors of the initiated measure or initiated amendment, the
19 attorney general, and the secretary of state for the purpose of assisting the sponsors in
20 complying with § 12-13-24. The director's written comments under this section shall
21 include assistance regarding the substantive content of the initiated measure or initiated
22 amendment in order to minimize any conflict with existing law and to ensure the measure's
23 or amendment's effective administration. ~~If the sponsors submit an initiated amendment~~
24 ~~to the Constitution, the~~

1 ~~The director shall~~ must provide, with the written comments, a written opinion to
 2 the sponsors, the attorney general, and the secretary of state as to ~~whether the initiated~~
 3 ~~amendment embraces~~;

4 (1) If an initiated measure, whether the initiated measure embraces only one subject
 5 under S.D. Const., Art. III, § 21; or

6 (2) If an initiated amendment, whether the initiated amendment:

7 (a) Embraces only one subject under S.D. Const., Art. XXIII, § 1 ~~and whether~~
 8 ~~it is; and~~

9 (2) Is an amendment under S.D. Const., Art. XXIII, § 1 or a revision under S.D.
 10 Const., Art. XXIII, § 2.

11 The sponsors may, but are not required to, amend the initiated measure or initiated
 12 amendment to the Constitution to comply with the director's comments.

13 **Section 2. That § 12-13-26.2 be AMENDED:**

14 **12-13-26.2.** If the secretary of state does not certify a proposal for an initiated
 15 amendment to the South Dakota Constitution pursuant to § 12-13-26.1 or an initiated
 16 measure pursuant to section 2 of this Act, any interested party may directly appeal the
 17 secretary of state's decision to the Supreme Court within fifteen days of the secretary of
 18 state publishing notice of the decision not to certify on the secretary of state's website.

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

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

26 **Section 3. That a NEW SECTION be added to chapter 12-13:**

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

30 If the secretary of state determines that the proposed initiated measure complies
 31 with the single subject requirement, the secretary of state must provide a written
 32 certification to the petition sponsor, the attorney general, and the director of the
 33 Legislative Research Council, stating that the proposed initiated measure embraces only

1 one subject. The secretary of state shall publish on the secretary's website notice of this
2 certification not more than fifteen working days following receipt of the proposed initiated
3 measure.

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

12 The sponsor of a proposed initiated measure may amend the initiated measure in
13 accordance with the secretary of state's explanation and may resubmit the amended
14 initiated measure to the director of the Legislative Research Council for review under §
15 12-13-25.