



2025 South Dakota Legislature
Senate Bill 92
ENROLLED

AN ACT

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

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

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

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

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

The director must provide, with the written comments, a written opinion to the sponsors, the attorney general, and the secretary of state as to:

- (1) If an initiated measure, whether the initiated measure embraces only one subject under S.D. Const., Art. III, § 21; or
- (2) If an initiated amendment, whether the initiated amendment:
 - (a) Embraces only one subject under S.D. Const., Art. XXIII, § 1; and
 - (b) Is an amendment under S.D. Const., Art. XXIII, § 1 or a revision under S.D. Const., Art. XXIII, § 2.

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

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

12-13-26.2. If the secretary of state does not certify a proposal for an initiated amendment to the South Dakota Constitution pursuant to § 12-13-26.1 or an initiated measure pursuant to section 3 of this Act, any interested party may directly appeal the secretary of state's decision to the Supreme Court within fifteen days of the secretary of state publishing notice of the decision not to certify on the secretary of state's website.

Any interested party may directly appeal the secretary of state's certification of a proposal for an initiated amendment to the Constitution pursuant to § 12-13-26.1 or an initiated measure pursuant to section 3 of this Act to the Supreme Court within fifteen days of the secretary of state publishing notice of certification on the secretary of state's website.

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

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

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

If the secretary of state determines that the proposed initiated measure complies with the single subject requirement, the secretary of state must provide a written certification to the petition sponsor, the attorney general, and the director of the Legislative Research Council, stating that the proposed initiated measure embraces only one subject. The secretary of state shall publish on the secretary's website notice of this certification not more than fifteen working days following receipt of the proposed initiated measure.

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

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

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I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 92

2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Filed _____, 2025
at _____ o'clock __ M.

Attest:

Chief Clerk

Secretary of State

Senate Bill No. 92
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State