



2026 South Dakota Legislature

Senate Bill 5

Introduced by: **Senator Rohl**

1 **An Act to require the disclosure of whether a ballot question was proposed by**
 2 **initiative or by the Legislature.**

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

4 **Section 1. That § 12-13-9 be AMENDED:**

5 **12-13-9.** The attorney general shall deliver a statement for each amendment to
 6 the South Dakota Constitution proposed by the Legislature and referred law from an odd
 7 year to the secretary of state before the third Tuesday in May, in the year of the election.
 8 The attorney general shall deliver a statement for each referred law from an even year to
 9 the secretary of state before the second Tuesday in July, in the year of the election. The
 10 attorney general's statement must be written by the attorney general and must consist
 11 of:

12 (1) ~~—A~~The title, which is a concise statement of the subject of the proposed amendment
 13 to the constitution or referred law;

14 (2) A disclosure indicating that the amendment was proposed by the Legislature or the
 15 law was referred after enactment by the Legislature;

16 (3) An objective, clear, and simple explanation that:

17 (a) Educates the voters on the purpose and effect of the proposed amendment
 18 to the constitution or referred law; and

19 (b) Describes the legal consequences of the proposed amendment to the
 20 constitution or referred law, including any likely exposure of the state to
 21 liability if the proposed amendment to the constitution or referred law is
 22 adopted; and

23 ~~(3)~~(4) A recitation:

24 (a) For a proposed amendment to the constitution, stating "Vote 'Yes' to adopt
 25 the amendment" and "Vote 'No' to leave the Constitution as it is"; or

- 1 (b) For a referred law, stating "Vote 'Yes' to allow the Act of the Legislature to
2 become law" and "Vote 'No' to reject the Act of the Legislature.

3 The explanation may not exceed two hundred words in length.

4 On the printed ballots, the title of the proposed amendment to the constitution or
5 referred law must be followed by the disclosure, the attorney general's explanation, the
6 most recent fiscal note prepared pursuant to § 2-9-32 or 2-9-30.2, and the recitation. The
7 title, disclosure, explanation, fiscal note, and recitation must be printed on the ballot in
8 the order provided by this section.

9 **Section 2. That § 12-13-25.1 be AMENDED:**

10 **12-13-25.1.** Following receipt of the written comments of the director of the
11 Legislative Research Council, the sponsors shall submit a copy of the proposed initiated
12 measure or initiated amendment to the South Dakota Constitution in final form to the
13 attorney general, the secretary of state, and the director of the Legislative Research
14 Council.

15 The attorney general shall prepare a draft statement that consists of:

- 16 (1) The title, which is a concise statement of the subject of the proposed ~~initiated~~
17 measure or ~~initiated~~ amendment to the constitution;
18 (2) A disclosure indicating that the measure or amendment to the constitution was
19 proposed by a citizen-initiated petition; and
20 (3) An objective, clear, and simple explanation that:
21 (a) Educates the voters on the purpose and effect of the ~~initiated~~ proposed
22 measure or amendment to the constitution; and
23 (b) Describes the legal consequences of the proposed ~~initiated~~ measure or
24 ~~initiated~~ amendment to the constitution, including any likely exposure of
25 the state to liability as the result of the proposed ~~initiated~~ measure or
26 ~~initiated~~ amendment to the constitution.

27 The explanation may not exceed two hundred words in length.

28 The attorney general shall file the draft statement with the secretary of state, post
29 the draft statement on the attorney general's website, and release a press release
30 announcing a draft statement has been posted for comment within sixty days of receipt
31 of the proposed ~~initiated~~ measure or ~~initiated~~ amendment to the constitution. The attorney
32 general shall accept comments for ten days from the date the draft statement was filed.
33 The attorney general shall review all comments submitted and revise the statement in
34 response to the comments as deemed necessary.

1 Once the comment period has expired and any revisions have been completed, the
2 attorney general shall file the final statement with the secretary of state and shall provide
3 a copy to the sponsors within twenty days of the filing of the draft statement.

4 If the signatures on a petition for a proposed initiated measure or initiated
5 amendment to the constitution are filed pursuant to § 2-1-1.1 or 2-1-1.2, the attorney
6 general must deliver a recitation to the secretary of state before the third Tuesday in May.
7 The recitation for an initiated amendment to the constitution must state "Vote 'Yes' to
8 adopt the amendment" and "Vote 'No' to leave the Constitution as it is". The recitation for
9 an initiated measure must state "Vote 'Yes' to adopt the initiated measure" and "Vote 'No'
10 to leave South Dakota law as it is".

11 On the printed ballots, the title of the proposed initiated measure or initiated
12 amendment to the constitution must be followed by the disclosure, the attorney general's
13 explanation, the most recent fiscal note prepared pursuant to § 2-9-30 or 2-9-30.2, and
14 the recitation. The title, disclosure, explanation, fiscal note, and recitation must be printed
15 on the ballot in the order provided by this section.