

2026 South Dakota Legislature
Senate Joint Resolution 504

**AMENDMENT SJR504B
FOR THE INTRODUCED RESOLUTION**

1 **A JOINT RESOLUTION proposing and submitting to the voters at the next general**
2 **election an amendment to the Constitution of the State of South Dakota,**
3 **providing for wagering on sporting events via a mobile or electronic platform**
4 **in Deadwood and on Indian lands, and requiring a model online sports**
5 **wagering agreement.**

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 amendment to
8 Article III of the Constitution of the State of South Dakota, as set forth in section 2 of this
9 Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for
10 approval.

11 **Section 2. That Article III, § 25 of the Constitution of the State of South Dakota, be**
12 **AMENDED:**

13 **§ 25.** ~~The~~ Except as otherwise provided in this section, the Legislature may not
14 authorize any game of chance, lottery, or gift enterprise, under any pretense, or for any
15 purpose ~~whatever provided, however, it shall be.~~

16 It is lawful for the Legislature to authorize by law, bona fide veterans, charitable,
17 educational, religious or fraternal organizations, civic and service clubs, volunteer fire
18 departments, or such other ~~public spirited~~ public-spirited organizations as it may
19 recognize, to conduct games of chance when the entire net proceeds of ~~such~~ the games
20 of chance are ~~to be~~ devoted to educational, charitable, patriotic, religious, or other ~~public~~
21 spirited public-spirited uses. ~~However, it shall be~~

22 It is lawful for the Legislature to authorize by law a state lottery or video games of
23 chance, or both, which are regulated by the State of South Dakota, either separately by
24 the state or jointly with one or more states, and which are owned and operated by the
25 State of South Dakota, either separately by the state or jointly with one or more states or
26 persons, provided any ~~such~~ video games of chance may not directly dispense coins or

1 tokens. ~~However, the~~ The Legislature may not expand the statutory authority existing as
2 of June 1, 1994, regarding any private ownership of state lottery games or video games
3 of chance, or both. The Legislature shall establish the portion of proceeds due the state
4 from ~~such the~~ lottery or video games of chance, or both, and the purposes for which those
5 proceeds are to be used. SDCL chapter 42-7A, and its amendments, regulations, and
6 related laws, and all acts and contracts relying for authority upon ~~such the~~ laws and
7 regulations, beginning July 1, 1987, to the effective date of this amendment, are ratified
8 and approved. ~~Further, it shall be~~

9 It is lawful for the Legislature to authorize by law, roulette, keno, craps, wagering
10 on sporting events, limited card games, and slot machines within the city limits of
11 Deadwood.

12 ~~It is lawful for the Legislature to authorize by law wagering~~ Wagering on sporting
13 events by ~~individuals an individual~~ located within and outside the city limits of Deadwood,
14 by means of a mobile or electronic platform, is lawful, provided the mobile or electronic
15 platform is offered by or in partnership with a licensed casino ~~and~~, the platform has its
16 servers located within the city limits of Deadwood, and the individual is not located on
17 Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(4)
18 (January 1, 2026). Ninety percent of the proceeds from all taxes imposed on the non-
19 tribal casino or its non-tribal partners for wagering on sports events by means of a mobile
20 or electronic platform must be used for property tax relief or to reduce property taxes in
21 this state.

22 ~~The, and the~~ entire net-Municipal municipal proceeds of ~~such~~ roulette, keno, craps,
23 wagering on sporting events by means other than a mobile or electronic platform, card
24 games, and slot machines ~~shall must~~ be devoted to the ~~Historic Restoration and~~
25 Preservation historic restoration and preservation of Deadwood.

26 Wagering on sporting events is lawful by individuals located within and outside of
27 Indian lands, by means of a mobile or electronic platform, provided the mobile or
28 electronic platform is offered by or in partnership with a federally recognized Indian tribe
29 with Indian lands located within the exterior boundaries of the State of South Dakota, and
30 the platform has its servers located within the tribe's Indian lands.

31 All sports wagering offered by or in partnership with an Indian tribe is deemed to
32 be exclusively conducted by the tribe on the Indian lands on which the servers and devices
33 used to conduct the wagering and receive the wagers are located.

34 Any federally recognized Indian tribe with Indian lands within the exterior
35 boundaries of the State of South Dakota may, by means of a mobile or electronic platform,

1 offer wagering on sporting events by individuals physically located within the State of
2 South Dakota or on Indian lands upon acceptance of a model online sports wagering
3 agreement by the tribe and approval by the Secretary of the Interior pursuant to 25 U.S.C.
4 § 2710(d) (January 1, 2026).

5 The model online sports wagering agreement may contain only the following
6 elements:

7 (1) The tribe may, by means of a mobile or electronic platform, offer wagering on
8 sporting events by individuals physically located within the State of South Dakota
9 or on Indian lands;

10 (2) The wagering on sporting events by means of a mobile or electronic platform must
11 be offered in compliance with rules adopted by the tribe, which include consumer
12 protection provisions;

13 (3) The wagering on sporting events by means of a mobile or electronic platform must
14 be regulated pursuant to an ordinance approved by the Chairman of the National
15 Indian Gaming Commission pursuant to 25 U.S.C. § 2710 (January 1, 2026);

16 (4) The conduct of the wagering on sporting events by means of a mobile or electronic
17 platform must comply with all applicable provisions of 25 U.S.C. §§ 2701 to 2721,
18 inclusive (January 1, 2026), and the implementing regulations; and

19 (5) Wagering on sporting events by means of a mobile or electronic platform by
20 individuals physically located within the State of South Dakota or on Indian lands
21 is deemed to be exclusively conducted by the Indian tribe on its Indian lands on
22 which the servers and devices used to conduct the wagering and receive the wagers
23 are located.