



2025 South Dakota Legislature
House Bill 1063
ENROLLED

AN ACT

ENTITLED An Act to revise the provisions for preparing a fiscal note for ballot questions.

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

Section 1. That § 2-9-30 be AMENDED:

2-9-30. If the director of the Legislative Research Council determines in the review and comment under § 12-13-25 that an initiated measure or initiated amendment to the South Dakota Constitution may impact the revenues, expenditures, or fiscal liability of the state or any agency or political subdivision of this state, the director must notify the petition sponsor.

If the director of the Legislative Research Council determines that an initiated measure or initiated amendment to the constitution in final form under § 12-13-25.1 may impact the revenues, expenditures, or fiscal liability of the state or any agency or political subdivision of this state, the director must prepare a fiscal note. The fiscal note must include an estimate of the impact that the provisions of the initiated measure or initiated amendment to the constitution may have on the revenues, expenditures, or fiscal liability of the state or any agency or political subdivision of this state, for at least the first full fiscal year after the initiated measure or initiated amendment to the constitution takes effect. The fiscal note expenditure estimate must also include any impact to the prison or county jail population. A fiscal note prepared pursuant to this section may not exceed fifty words.

Any state agency, as defined in § 1-26-1, or institution of state government must provide the information requested by the director for the purpose of preparing the fiscal note. The director shall file the fiscal note with the secretary of state and shall provide a copy to the sponsors not more than sixty days following receipt of the initiated measure or initiated amendment in final form pursuant to § 12-13-25.1.

Section 2. That a NEW SECTION be added to chapter 2-9:

If after an initiated measure, initiated amendment to the South Dakota Constitution, or referred law is certified for the ballot pursuant to § 2-1-17, the director must review any fiscal note prepared pursuant to § 2-9-30 or as described in § 2-9-32.

If the director determines that, because of changes to the state budget, state law, or other factors, the estimated impact of the provisions of the initiated measure, initiated amendment to the constitution, or referred law on the revenues, expenditures, or fiscal liability of the state or any agency or political subdivision of this state, described in the fiscal note, provided pursuant to § 2-9-30 or 2-9-32, is no longer substantially accurate, the director must prepare an updated fiscal note, no earlier than July first nor later than August first, in the year of the election. The updated fiscal note may not exceed fifty words.

The updated fiscal note must include an estimate of the impact that the provisions of the initiated measure, initiated amendment, or referred law may have on the revenues, expenditures, or fiscal liability of the state or its agencies or political subdivisions, for at least the first full fiscal year after the initiated measure, initiated amendment to the constitution, or referred law takes effect. The updated fiscal note expenditure estimate must also include any impact to the prison or county jail population.

Any state agency, as defined in § 1-26-1, or institution of state government must provide the information requested by the director for the purpose of preparing the updated fiscal note. The director shall file the updated fiscal note with the secretary of state and shall provide a copy to the sponsors not later than August first in the year of the election.

Section 3. That § 12-13-9 be AMENDED:

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

- (1) A title, which is a concise statement of the subject of the proposed amendment to the constitution or referred law;
- (2) An objective, clear, and simple explanation that:
 - (a) Educates the voters on the purpose and effect of the proposed amendment to the constitution or referred law; and

- (b) Describes the legal consequences of the proposed amendment to the constitution or referred law, including any likely exposure of the state to liability if the proposed amendment to the constitution or referred law is adopted; and
- (3) A recitation:
 - (a) For a proposed amendment to the constitution, stating "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it is"; or
 - (b) For a referred law, stating "Vote 'Yes' to allow the Act of the Legislature to become law" and "Vote 'No' to reject the Act of the Legislature.

The explanation may not exceed two hundred words in length. On the printed ballots, the title of the proposed amendment to the constitution or referred law must be followed by the explanation, the most recent fiscal note prepared pursuant to § 2-9-32 or section 2 of this Act, and the recitation. The title, explanation, fiscal note, and recitation must be printed on the ballot in the order provided by this section.

Section 4. That § 12-13-25.1 be AMENDED:

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

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

- (1) The title, which is a concise statement of the subject of the proposed initiated measure or initiated amendment to the constitution;
- (2) An objective, clear, and simple explanation that:
 - (a) Educates the voters on the purpose and effect of the initiated amendment to the constitution; and
 - (b) Describes the legal consequences of the proposed initiated measure or initiated amendment to the constitution, including any likely exposure of the state to liability as the result of the proposed initiated measure or initiated amendment to the constitution.

The explanation may not exceed two hundred words in length.

The attorney general shall file the draft statement with the secretary of state, post the draft statement on the attorney general's website, and release a press release announcing a draft statement has been posted for comment within sixty days of receipt

of the proposed initiated measure or initiated amendment to the constitution. The attorney general shall accept comments for ten days from the date the draft statement was filed. The attorney general shall review all comments submitted and revise the statement in response to the comments as deemed necessary.

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

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

On the printed ballots, the title of the proposed initiated measure or initiated amendment to the constitution must be followed by the explanation, the most recent fiscal note prepared pursuant to § 2-9-30 or section 2 of this Act, and the recitation. The title, explanation, fiscal note, and recitation must be printed on the ballot in the order provided by this section.

Section 5. That § 2-9-30.1 be REPEALED.

An Act to revise the provisions for preparing a fiscal note for ballot questions.

I certify that the attached Act originated in
the:

House as Bill No. 1063

Received at this Executive Office
this _____ day of _____,
2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

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

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

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

Secretary of the Senate

Secretary of State

House Bill No. 1063
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State