

Initiated Constitutional Amendment: Voter Initiative Protection

<http://sdvoterprotection.info/>

*Section 1: That Article III, Section 1 of the Constitution of the State of South Dakota be amended to read as follows:*

§1. The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be the general appropriation bill. A law enacted by the Legislature that is necessary for the immediate preservation of the public peace, health or safety, or support of the state government and its existing public institutions may be referred within ninety days of the law going into effect. A law enacted with an emergency clause but referred to a public vote shall remain in effect until the law is voted upon by the people. If a law enacted with an emergency clause is rejected by a majority vote in a general or special election, the law is repealed. Not more than five percent of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

If a majority of votes cast upon an initiated or referred measure are affirmative, the measure shall be enacted. An initiated or referred measure which is approved is effective thirty days after the election. If conflicting measures are approved, the measure receiving the highest number of affirmative votes shall be law. A measure approved by the electors may not be repealed or amended by the Legislature for seven years from its effective date, except by a two-thirds vote of the members elected to each house.

This section ~~shall~~ may not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. The veto power of the Executive ~~shall~~ may not be exercised as to measures referred to a vote of the people. This section ~~shall apply~~ also applies to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.

*Section 2: That Article III of the Constitution of the State of South Dakota be amended by adding a new section to read as follows:*

§33. The Legislature shall refer to a vote of the electors of the state any law effectively changing the number of electors required to submit an initiated measure, referred law, or constitutional amendment to a public vote; the time available for electors to circulate an initiative, referendum, or constitutional amendment petition; or the number of electors who must vote to pass an initiated measure, referred law, or constitutional amendment. No law changing the criteria enumerated in this section may take effect until after that law has received a majority vote in a general or special election.

*Section 3: That Article XXIII, Section 1 of the Constitution of the State of South Dakota be amended to read as follows:*

§1. Amendments to this Constitution may be proposed by initiative or by a majority vote of all members of each house of the Legislature. An amendment proposed by initiative shall require a petition signed by qualified voters, ~~equal in number to at least~~ A number of qualified electors of the state not greater than ten percent of the total votes cast for Governor in the last gubernatorial election shall be required to sign the petition to submit an amendment to a vote of the electors of the state. The petition containing the text of the proposed amendment and the names and addresses of its sponsors shall be filed at least one year before the next general election at which the proposed amendment is submitted to the voters. A proposed amendment may amend one or more articles and related subject matter in other articles as necessary to accomplish the objectives of the amendment.