

South Dakota



2020 Ballot Questions

2020 Ballot Question Pamphlet compiled by the Office of the Secretary of State

For immediate election returns on November 3rd, call the Secretary of State toll free at 1-888-703-5328 or browse the results on the Secretary of State's web page at electionresults.sd.gov. The text of this pamphlet is available on our website at www.sdsos.gov and also available in large print, braille, or on tape by calling the South Dakota State Library at 1-800-423-6665.

The title, explanation and effect of a vote for each ballot question were provided by the Attorney General. No other statements on this pamphlet reflect the opinion of the Secretary of State or Attorney General.

The information was compiled by the Secretary of State as supplied by the authors, was not verified by the Secretary of State and does not reflect the position of the Secretary of State's office regarding the legality or effect of the amendments or measures. The Secretary of State is not responsible for the contents, objectivity or accuracy of the statements written by the proponent and opponent authors in this brochure.

12-13-23. Distribution of public information. The secretary of state shall distribute public information on any amendment to the Constitution, initiated measure, or referred law submitted to the electors for approval. The secretary of state shall compile the public information by printing a statement in support of the amendment to the Constitution, initiated measure, or referred law written by its proponents, if any can be identified, and a statement against the amendment to the Constitution, initiated measure, or referred law written by its opponents, if any can be identified. No statement written by a proponent or an opponent may exceed three hundred words in length. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents. The pamphlet shall also include the attorney general's title, explanation, and a recitation of the effect of a "Yes" or "No" vote as written pursuant to § 12-13-9 or 12-13-25.1; number of pages and sections in the proposed or referred language; and, if applicable, a fiscal note.

Please feel free to photocopy and distribute this pamphlet. You may also bring the pamphlet with you to vote at your polling place.

Steve Barnett

Secretary of State

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Constitutional amendments, initiated and referred measures approved by majority vote will become effective on the first day of July after the completion of the official canvass by the State Canvassing Board. (SDCL 2-1-12)

2020 Ballot Question Contact Information

PRO

CON

Initiated Measure 26 – An initiated measure on legalizing marijuana for medical use.

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Constitutional Amendment A – An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.

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Constitutional Amendment B – An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.

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For more information on ballot questions, Attorney General explanations, and the full text of the ballot question, please visit our website.

<https://sdsos.gov/elections-voting/upcoming-elections/general-information/2020-ballot-questions.aspx>

Initiated Measure 26

Title: An initiated measure to legalize marijuana for medical use.

Attorney General Explanation: This measure legalizes medical use of marijuana by qualifying patients, including minors. “Medical use” includes the use, delivery, manufacture – and for State residents, cultivation – of marijuana and marijuana-based products to treat or alleviate debilitating medical conditions certified by the patients’ practitioners.

South Dakota patients must obtain a registration card from the State Department of Health. Non-residents may use out-of-state registration cards. Patients may designate caregivers to assist their use of marijuana; the caregivers must register with the Department.

Cardholders may possess 3 ounces of marijuana and additional amounts of marijuana products. Additionally, if a resident cardholder is allowed to grow marijuana plants the cardholder may possess a minimum of 3 plants, as well as marijuana and products made from those plants.

The measure legalizes marijuana testing, manufacturing, and cultivation facilities, as well as marijuana dispensaries. These establishments must register with the Department.

The measure legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law. The measure limits State and local law enforcement’s ability to assist Federal law enforcement authorities.

The 95-section measure contains numerous other provisions not described here. It will likely require judicial or legislative clarification.

Fiscal Note: Legalizing cannabis for medical use would have an initial cost to the state of \$677,309. Once the medical cannabis program is operational, it is expected that ongoing program revenues would cover program costs for a net to zero. This measure will likely have minimal impact on prison and jail costs.

Vote “Yes” to adopt the initiated measure.

Vote “No” to leave South Dakota law as it is.

The text of this initiated measure is 26 pages long containing 95 sections.

Pro – Initiated Measure 26	Con – Initiated Measure 26
<p>South Dakotans should vote “Yes” on Measure 26 so that those with serious health conditions, including veterans, children with seizures, and cancer patients, are treated with compassion and allowed to make the best medical decisions for themselves and their loved ones. Measure 26 will:</p> <ul style="list-style-type: none"> Establish a well-regulated program administered by the Department of Health to allow patients diagnosed with serious medical conditions to access medical cannabis upon the recommendation and advice of their physician. Allow families, patients, and physicians to make the best decision about the patient’s health without fear of arrest. Create an additional tool for healthcare professionals to alleviate suffering and help patients in cases where other medications are ineffective or less safe. Align South Dakota’s cannabis laws with those already established in 33 other states. <p>South Dakota we pride ourselves on trusting our citizens to make individual choices that are best for us and our families. Governor Noem often praises South Dakotans for being responsible and hardworking and recently emphasized our “commitment to that American ideal, to freedom, and to trusting our citizens to exercise their personal responsibility to do what’s best for themselves and their loved ones.”</p> <p>This trust should extend to medical cannabis. Patients and families should be empowered to make their own health decisions. It is our duty as voters to support freedom and these fundamental South Dakota values of compassion and personal responsibility.</p> <p>Measure 26 was put before South Dakota voters thanks to the dedication of hundreds of volunteers who believed that seriously ill patients deserve this choice. We humbly ask for a “Yes” vote on Measure 26.</p> <p>Melissa Mentele, campaign manager, mother, small business owner, executive director for New Approach South Dakota, advocate George Hendrickson, father of a child with Dravet Syndrome, former police officer, small business owner, advocate Kristin Hendrickson, mother, MSN, RN, disability rights advocate</p>	<p>South Dakota State Medical Association urges a “no” vote and maintains that marijuana is a hazardous drug and a public health concern. The use of non-FDA approved marijuana for medical purposes carries serious safety risks by circumventing FDA processes.</p> <p>Marijuana for medical purposes is federally classified as schedule I, meaning there is no accepted medical use and a high potential for abuse. The majority of clinical research has failed to identify a medical use for the drug while showing marijuana to be highly addictive and to have negative consequences with both short- and long-term use, including impaired short-term memory, decreased concentration and attention span. Alterations in motor control, coordination, judgement and reaction time have also been documented as well as having a negative impact on lung function. Studies have also linked marijuana use with higher rates of psychosis in patients with a predisposition to schizophrenia. In addition, marijuana use has the potential to cause brain atrophy and permanently change the structure and physiology of the developing brain.</p> <p>Unstandardized prescribing and documenting, along with the inability to rapidly and effectively detect use or overuse creates a significant barrier to good patient care. Moreover, non-standardized medical use creates health risks including the possibility of death due to toxicity, drug interaction or unrecognized adverse effects.</p> <p>Marijuana does not possess characteristics to be considered legitimate medication.</p> <p>The United States’ drug approval process for evaluating potential medicines has worked effectively for over 50 years – it is a thorough, deliberate, and exacting process grounded in science, and properly so, because safety relies on it. Marijuana is not FDA approved and should not be used as treatment for medical conditions. This measure seeks to undermine the FDA process. It is important to vote “no” to ensure that patients have a right to safe and properly approved drugs.</p> <p>Benjamin Aaker, MD-SDSMA President</p>

Constitutional Amendment A

Title: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.

Attorney General Explanation: This constitutional amendment legalizes the possession, use, transport, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess or distribute one ounce or less of marijuana. Marijuana plants and marijuana produced from those plants may also be possessed under certain conditions.

The amendment authorizes the State Department of Revenue (“Department”) to issue marijuana – related licenses for commercial cultivators and manufacturers, testing facilities, wholesalers, and retailers. Local governments may regulate or ban the establishment of licensees within their jurisdictions.

The Department must enact rules to implement and enforce this amendment. The amendment requires the Legislature to pass laws regarding medical use of marijuana. The amendment does not legalize hemp; it requires the Legislature to pass laws regulating the cultivation, processing, and sale of hemp.

The amendment imposes a 15% tax on marijuana sales. The tax revenue will be used for the Department’s costs incurred in implementing this amendment, with remaining revenue equally divided between the support of public schools and the State general fund.

Judicial clarification of the amendment may be necessary. The amendment legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law.

Fiscal Note: Legalizing cannabis would provide revenues from licensing fees, sales tax, and a 15% excise tax. After regulatory costs, the State would distribute 50% of net revenues annually to public schools and 50% to the general fund. Incarceration costs would decrease due to a decriminalization of several current laws.

Estimated Net Revenues:

FY2021: \$355,705 FY2023: \$19,589,466
 FY2022: \$10,765,004 FY2024: \$29,372,397

Vote “Yes” to adopt the amendment.

Vote “No” to leave the Constitution as it is.

The text of this amendment is 7 pages long containing 15 sections.

Pro – Constitutional Amendment A	Con – Constitutional Amendment A
<p>Amendment A will legalize, regulate, and tax marijuana for adults 21 and older and require that patients be protected for medical use.</p> <p>Amendment A is designed specifically for South Dakota to work for South Dakotans. Amendment A:</p> <ul style="list-style-type: none"> • Includes strong protections for children. Marijuana will only be sold to adults age 21 or older in regulated, licensed businesses that check I.D. before every single sale. • Protects health. When marijuana is sold on the illicit market it can be contaminated with chemicals or laced with other drugs. Amendment A will ensure that consumers know what they are buying and consuming and that products are safe. • Creates jobs: All marijuana sold in South Dakota must be grown and packaged inside our borders, which will lead to hundreds of jobs for construction workers, plumbers, electricians, HVAC workers, laborers, and retail workers. • Creates new revenue: According to the Legislative Research Council, Amendment A will generate \$60M by 2024, including millions of dollars for schools. • Saves law enforcement resources. By reducing prosecutions and arrests for minor marijuana-related offenses, law enforcement will save money and be able to focus on serious crime. • Protects patients: Amendment A will require that South Dakota protect patients whose doctors recommend marijuana, including veterans who need marijuana as an alternative to opioids to treat PTSD and pain. • Rebuilds lives: South Dakota’s current marijuana laws can ruin a person’s life. One youthful mistake for minor conduct can result in a criminal record preventing someone from going to school or getting a job. Amendment A will stop this. <p>South Dakota’s current approach to marijuana just doesn’t make sense. It’s time to put an end to our broken system and implement proven reforms so marijuana will be safe, legal, controlled, and taxed for adults, and patients will be protected for medical use.</p> <p>Brendan Johnson, former South Dakota U.S. Attorney Chuck Parkinson, former Associate Commissioner, U.S. Customs Service, Presidents Ronald Reagan and George H.W. Bush Bill Stocker, retired Marine, disabled veteran, retired Sioux Falls Police Officer Drey Samuelson, Campaign Manager</p>	<p>The South Dakota State Medical Association urges a “no” vote and maintains that marijuana is a hazardous drug and a public health concern. As such, the SDSMA believes the sale and possession of marijuana – especially for recreational purposes – should not be legalized.</p> <p>At the time of this writing, the DEA has more than doubled the number of individuals and institutions allowed to conduct research on marijuana, as well as increasing the amount of marijuana to study due to public demand – this includes over 90 researchers registered to conduct CBD research on humans.</p> <p>Marijuana remains classified by the federal government as a schedule 1 drug – meaning there is no accepted medical use and a drug with a high potential for abuse. Research has shown marijuana to be highly addictive with well documented negative consequences with both short- and long-term use. Consequences include impaired short-term memory and decreased concentration, attention span, and problem solving. Alterations in motor control, coordination, judgement, reaction time and tracking ability have also been documented.</p> <p>Negative health effects on lung function associated with smoking marijuana have also been documented, and studies have linked marijuana use with higher rates of psychosis in patients with a predisposition to schizophrenia. Marijuana use has the potential to cause brain atrophy and permanently change the structure and physiology of the developing brain.</p> <p>Furthermore, it is important to understand that marijuana use harms more than just the person using the drug. Societal costs of marijuana use include paying for increased emergency room visits, medical care, and addiction treatment for the uninsured; more victims of drugged driving accidents; increased crime; and a negative impact on the health of those exposed to secondhand smoke. The SDSMA further believes marijuana will create a steep cost for society and taxpayers that far outweighs its tax revenues. Vote no.</p> <p>Benjamin Aaker, MD- SDSMA President</p>

Constitutional Amendment B

Title: An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.

Attorney General Explanation: The constitution currently authorizes the Legislature to allow certain types of gaming in the City of Deadwood: roulette, keno, craps, limited card games, and slot machines. The constitution amendment authorizes the Legislature to also include wagering on sporting events as a type of gaming allowed in Deadwood.

Under federal law, any gaming authorized by the Legislature to be offered in Deadwood would also be allowed at on-reservation tribal casinos upon amendments to current tribal gaming compacts.

Vote “Yes” to adopt the amendment.

Vote “No” to leave the Constitution as it is.

The text of this amendment is 2 pages long containing 2 sections.

Pro – Constitutional Amendment B	Con – Constitutional Amendment B
<p>Deadwood is in my district and as such I’ve willingly carried legislative bills as the prime sponsor in the SD Senate. While some do not gamble or support gaming, I have always supported gaming in Deadwood as it is permissive. No one has to participate. Whether one chooses to wager is solely their own decision. With that said My sponsorship of bills for the Deadwood gaming industry has been successful in adding Keno, Craps, and Roulette. This past session I was successful in helping to add Sports Wagering to be voted on in the upcoming General Election. If passed will add another option for people to support and wager on sporting events. Deadwood will then be on a level playing field competing with other states that allow sports wagering. The tax dollars raised by Deadwood gaming are enjoyed by local cities, schools and the State of South Dakota. I am a proponent of adding sports wagering to assist Deadwood in attracting more people to the beautiful Black Hills which has become a destination city. The whole state enjoys the dollars spent by tourist traveling across South Dakota on their way to Deadwood.</p> <p>Senator Bob Ewing – State Senator, District 31</p>	<p>Lots of people gamble and you see it every day at the gas station and corner casinos. Conservative estimates indicate nearly 15,000 South Dakotans are PROBLEM GAMBLERS. Many of those are ADDICTED to gambling. That’s equal to the population of Mitchell, Spearfish, Huron, Yankton or Pierre. Many are suffering and some take their own life. Addiction brings deep regret and shame. Many of our friends, family and neighbors are overwhelmed by their gambling addiction. You know them personally. If their pain is too great, they will use a gun, a rope, or pills. That addiction is partly due to the fact that we, the State of South Dakota, cared more about revenue than human lives. Suicides are happening every week across our state.</p> <p>Sports betting would be a stumbling block for many people. The pandemic has taught us that we need to respect and care for our fellow man.</p> <p>Some say that you cannot legislate morality. If this was true, then we wouldn’t have any laws. It would simply be survival of the fittest, but that isn’t who we are. We do make laws for the public good. South Dakotans care for one another.</p> <p>This isn’t a liberty issue or a revenue issue, this is a life issue. Sports can already be an obsession. It shouldn’t be a training ground for young people to develop a gambling addiction. The few dollars that would come from sports betting pales in comparison to the damage it causes. We are the second most gambling dependent state in the nation. We don’t need to make that worse.</p> <p>No one should take advantage of vulnerable people. Don’t vote for a new form of suffering. Join me in voting for families free from addiction.</p> <p><u>VOTE NO</u> on Sports Betting.</p> <p>Steve Haugaard – Representative, District 10 Speaker of the House</p>