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MAY 01 2026

SD Secretary of State

OFFICE OF ATTORNEY GENERAL

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MARTY J. JACKLEY  
ATTORNEY GENERAL

BRENT K. KEMPEMA  
CHIEF DEPUTY

May 1, 2026

Filed this 1<sup>st</sup> day of  
May 2026

Honorable Monae L. Johnson  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

SECRETARY OF STATE

RE: Draft Attorney General's Statement (An Amendment to the South Dakota Constitution Requiring that a Proposed Constitutional Amendment or Revision Receive an Affirmative Vote of Sixty Percent of the Votes Cast)

Dear Secretary Johnson,

Enclosed submitted to our office is a copy of HJR 5003 (2025), in final form, through which the Legislature has proposed an amendment to the state Constitution. The proposed amendment will be decided upon by the voters at the next general election. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purpose of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the Legislative Research Council.

Very truly yours,

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/dd  
Enc.

Cc/encl: John McCullough Legislative Research Council

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SD Secretary of State

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Requiring that a Proposed Constitutional Amendment or Revision Receive an Affirmative Vote of Sixty Percent of the Votes Cast.

Explanation:

The State Constitution provides that any proposed constitutional amendment or revision must be submitted to the voters for approval. Currently, a proposed constitutional amendment or revision becomes part of the Constitution if approved by a majority of the votes cast.

This proposed Constitutional Amendment increases the number of votes required for a proposed constitutional amendment or revision to become part of the Constitution. If passed, further constitutional amendments must receive an affirmative vote of sixty percent of the votes cast to be implemented.

"Vote 'Yes' to adopt the amendment." "Vote 'No' to leave the Constitution as it is."

Filed this 1<sup>st</sup> day of

May 2026

*Monae L. Johnson*

SECRETARY OF STATE



2025 South Dakota Legislature  
**House Joint Resolution 5003**  
**ENROLLED**

AN ACT

**A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.**

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

**Section 1.** That at the next general election held in the state, the following amendment to Article XXIII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

**Section 2.** That Article XXIII, § 3 of the Constitution of the State of South Dakota, be **AMENDED:**

§ 3. A constitutional amendment or revision must be submitted to the voters and becomes a part of the Constitution only if approved by an affirmative vote of sixty percent of the votes cast on the question. The Legislature may provide for the withdrawal of an initiated amendment, by its sponsors, at any time prior to its submission to the voters.

Filed this 1<sup>st</sup> day of  
May 2026

*Monae L. Johnson*

SECRETARY OF STATE

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VCT

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.

\_\_\_\_\_

\_\_\_\_\_

I certify that the attached Resolution originated in the:

**STATE OF SOUTH DAKOTA,** ss.  
Office of the Secretary of State

House as Joint Resolution No. 5003

at 11:30 Filed March 12, 2025  
o'clock AM.

Patricia Miller  
Chief Clerk

Monae L. Johnson  
Secretary of State

[Signature]  
Speaker of the House

Attest:

By \_\_\_\_\_  
Asst. Secretary of State

Patricia Miller  
Chief Clerk

[Signature]  
President of the Senate

Attest:

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MAY 01 2026  
SD Secretary of State

[Signature]  
Secretary of the Senate

Filed this 1st day of  
May 2026

House Joint Resolution No. 5003  
File No. \_\_\_\_\_  
Chapter No. 103

Monae L. Johnson  
SECRETARY OF STATE