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MAY 19 2026

SD Secretary of State

OFFICE OF ATTORNEY GENERAL

1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

May 19, 2026

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

RE: 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 *final* Attorney General's Statement.

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

Very truly yours,

Marty J. Jackley
ATTORNEY GENERAL

Filed this 19th day of
May 2026

SECRETARY OF STATE

MJJ/dd
Enc.

Cc/encl: John McCullough Legislative Research Council

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SD Secretary of State

CONSTITUTIONAL AMENDMENT

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."

Word Count: 98

Filed this 19th day of

May 2026

Monae L. Johnson

SECRETARY OF STATE

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STATE OF SOUTH DAKOTA



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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

May 1, 2026

Filed this 1st day of

May 2026

Monae L. Johnson

SECRETARY OF STATE

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

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

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Filed this 19th day of

May 2026

Monae L. Johnson

SECRETARY OF STATE

Cc/encl: John McCullough Legislative Research Council

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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 1st day of May 2026

Monae L. Johnson

SECRETARY OF STATE

Filed this 19th day of May 2026

Monae L. Johnson

SECRETARY OF STATE



2025 South Dakota Legislature
House Joint Resolution 5003

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MAY 19 2026

AN ACT

SD Secretary of State

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 1st day of
May 2026

Monae L. Johnson

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Filed this 19th day of
May 2026

Monae L. Johnson

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HJR5003

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SD Secretary of State

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

Filed this 19th day of

Monae L. Johnson

May 2026

SECRETARY OF STATE

Monae L. Johnson

SECRETARY OF STATE