



2023 South Dakota Legislature  
**House Bill 1140**  
**ENROLLED**

AN ACT

**ENTITLED An Act to require the secretary of state to determine if a legislatively proposed constitutional amendment complies with the single subject requirement and is not a constitutional revision.**

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

**Section 1. That § 12-13-26.1 be AMENDED:**

**12-13-26.1.** Upon receiving a proposal for an amendment to the Constitution, whether initiated by petition or proposed by a joint resolution of the Legislature, the secretary of state shall determine if the proposal embraces more than one subject in violation of S.D. Const., Art. XXIII, § 1, and if it is a revision under S.D. Const., Art. XXIII, § 2.

If the secretary of state determines that the proposal complies with the single subject requirement and is not a revision, the secretary of state shall provide written certification to the sponsors, the attorney general, and the director of the Legislative Research Council that the proposal embraces only one subject and would be an amendment to the Constitution under S.D. Const., Art. XXIII, § 1, if approved by the voters. The secretary of state shall publish on the secretary of state's website notice of this certification not more than fifteen working days following receipt of the proposal.

The secretary of state may not certify the proposal if it embraces more than one subject in violation of S.D. Const., Art. XXIII, § 1. The secretary of state may not certify the proposal if it is a revision under S.D. Const., Art. XXIII, § 2. If the secretary of state determines that the proposal embraces more than one subject or is a revision, the secretary of state shall provide written notice to the sponsors explaining the reason the proposal is not certified and shall publish the notice on the secretary of state's website, not more than fifteen working days following receipt of the proposal. The sponsors of an initiated amendment may amend the initiated amendment to the Constitution in accordance with the secretary of state's explanation and resubmit the amended initiated

amendment to the Constitution to the director of the Legislative Research Council for review under § 12-13-25.

For purposes of this section, the sponsors of a constitutional amendment proposed by a joint resolution of the Legislature are the presiding officers of the Legislature.

**Section 2. That § 12-13-26.2 be AMENDED:**

**12-13-26.2.** If the secretary of state does not certify a proposal for an amendment to the Constitution pursuant to § 12-13-26.1, any interested party may directly appeal the secretary of state's decision to the Supreme Court within fifteen days of the secretary of state publishing notice of the decision not to certify on the secretary of state's website.

Any interested party may directly appeal the secretary of state's certification of a proposal for an amendment to the Constitution pursuant to § 12-13-26.1 to the Supreme Court within fifteen days of the secretary of state publishing notice of certification on the secretary of state's website.

The Supreme Court shall promulgate rules, pursuant to chapter 16-3, defining the procedures for an appeal taken under this section.

An Act to require the secretary of state to determine if a legislatively proposed constitutional amendment complies with the single subject requirement and is not a constitutional revision.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1140

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1140  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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