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**SD Secretary of State Elections & Voter Registration Past Elections**  
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**2002 Constitutional Amendments**

The following amendments to the State Constitution are submitted to the voters by initiative or by the Legislature. The amendments will not become effective unless approved by majority vote.

**Constitutional Amendment A**

**Title:** An amendment to Article VI, Section 7 of the Constitution, relating to the rights of a criminal defendant.

**Attorney General Explanation:**

The Constitution currently guarantees certain rights to a person accused of a crime. Amendment A would amend the Constitution to state that a criminal defendant may argue the merits, validity, and applicability of the law, including sentencing laws.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is.

**Full Text of Constitutional Amendment A:**

That [Article VI, section 7 of the Constitution of the State of South Dakota](#), be amended to read as follows:

§ 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf; ~~and~~ to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; and to argue the merits, validity, and applicability of the law, including the sentencing laws.

**Constitutional Amendment B**

**Title:** An amendment to Article III, Section 5 of the Constitution to clarify the responsibility of the Legislature to provide for its own apportionment.

**Attorney General Explanation:**

The Constitution requires the Legislature to establish legislative districts every ten years. Voters from each legislative district elect one state senator and one or two state representatives to the South Dakota Legislature. Amendment B would require the Legislature to adopt a new plan, in a regular or special legislative session, if a court invalidates the districts established by the Legislature.

A vote "Yes" would change the Constitution.

A vote "No" would leave the Constitution as it is.

**Full Text of Constitutional Amendment B:**

That Article III, section 5 of the Constitution, of the State of South Dakota, be amended to read as follows:

§ 5. The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state

senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in ~~1983 and in 1994~~ 2001, and every ten years after ~~1994-2001~~. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment. However, if any federal or state court invalidates, in whole or in part, an apportionment made by the Legislature, the Legislature, meeting in regular or special session, shall make a new apportionment as prescribed by federal and state constitutional and statutory law or court order.

### **Constitutional Amendment C**

**Title:** An amendment to Article IV, Section 4 of the Constitution, extending the time allowed for the Governor's review of legislation passed by the Legislature.

#### **Attorney General Explanation:**

The Governor must veto legislation within five days of presentation while the Legislature is in session, and within fifteen days of presentation if presented within five days of adjournment or recess. Amendment C would alter these time periods by excluding weekends and holidays from the five-day presentation period, and would clarify when the fifteen-day time period is applicable.

A vote "Yes" will change the Constitution.

A vote "No" will leave the Constitution as it is.

#### **Full Text of Constitutional Amendment C:**

That Article IV, section 4 of the Constitution, of the State of South Dakota, be amended to read as follows:

§ 4. Whenever the Legislature is in session, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days , not including Saturdays, Sundays, or holidays, of presentation. A vetoed bill shall be returned by the Governor to the Legislature together with ~~his~~ the Governor's objections within five days , not including Saturdays, Sundays, or holidays, of presentation if the Legislature is in session or upon the reconvening of the Legislature from a recess. Any vetoed bill shall be reconsidered by the Legislature and, if two-thirds of all members of each house shall pass the bill, it shall become law.

Whenever a bill has been presented to the Governor and the Legislature has adjourned sine die or recessed for more than five days within five days from presentation, the bill shall become law when the Governor signs the bill or fails to veto it within fifteen days after such adjournment or start of the recess.

The Governor may strike any items of any bill passed by the Legislature making appropriations. The procedure for reconsidering items struck by the Governor shall be the same as is prescribed for the passage of bills over the executive veto. All items not struck shall become law as provided herein.

Bills with errors in style or form may be returned to the Legislature by the Governor with specific recommendations for change. Bills returned shall be treated in the same manner as vetoed bills except that specific recommendations for change as to style or form may be approved by a majority vote of all the members of each house. If the Governor certifies that the bill conforms with ~~his~~ the Governor's specific recommendations, the bill shall become law. If the Governor fails to certify the bill, it shall be returned to the Legislature as a vetoed bill.

## **INITIATED MEASURE**

The following initiated measure was proposed by petition for submission to the voters. This initiated measure will not become effective unless approved by majority vote.

### **Initiated Measure 1**

**Title:** An initiated measure adopting a law relating to industrial hemp (cannabis).

### **Attorney General Explanation:**

Initiated Measure 1 proposes a law that would make it legal under state law, but not under federal law, for a person to plant, cultivate, harvest, possess, process, transport, sell or buy industrial hemp (cannabis) or any of its by-products with a tetrahydrocannabinol (THC) content of one percent or less.

A vote "Yes" would adopt the state law.

A vote "No" would leave state law as it is.

### **Full Text of Initiated Measure 1:**

Any person may plant, cultivate, harvest, possess, process, transport, sell or buy industrial hemp (cannabis) or any of its by-products with a tetrahydrocannabinol (THC) content of one percent or less.

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