

South Dakota's Constitution Single-Subject Rule

ISSUE: South Dakota Farm Bureau's position on the single subject rule found in the South Dakota Constitution.

OVERVIEW:

The South Dakota Constitution explains that a proposed constitutional amendment may not embrace more than one subject. Furthermore, the State Constitution requires that multiple amendments proposed in the same election must be individually presented and voted on separately. These rules are known as the **single-subject rule** and the **separate vote requirement**. There is a proposed constitutional amendment that would remove these provisions from the Constitution. If the measure is approved, South Dakota voters would be asked to vote on an amendment containing multiple subjects. Additionally, if approved, voters would no longer be asked to vote separately on each constitutional change.

Going into 2018, South Dakota did not have a single-subject rule for constitutional amendments or initiated state statutes, which meant that multiple topics could be addressed in one ballot measure. The Legislature reacted to this absence by passing House Joint Resolution 1006. This legislation placed constitutional amendment Z on the 2018 ballot. Amendment Z established a requirement that constitutional amendments need to concern only one single subject. Amendment Z was successful in the general election with 62.41% of the vote.

Constitutional Amendment Z has been tested in the South Dakota Supreme Court. In 2020, South Dakota voters approved Constitutional Amendment A which was written to legalize recreational marijuana use, medical marijuana and hemp cultivation. The Supreme Court ruled this amendment unconstitutional because it embraced more than one subject. This ruling caused controversy as 54% of voters approved Amendment A. Consequently, Quincy Hanzen, the deputy campaign manager for the Yes on 27 campaigns, is sponsoring the potential 2024 initiative to remove the single-subject rule from the constitution. Initiated Measure 27

would have legalized recreational marijuana for adults over 21. This measure failed in the 2022 general election with 52.92% of voters placing a no vote.

CONSIDERATIONS:

1. The proposed constitutional amendment will be placed on the 2024 general ballot if the required 35,017 valid signatures are gathered and are approved by the South Dakota Secretary of State's Office. A majority of the votes cast in the general election will be needed to pass the measure.
2. Adopting policy on this topic places SDFB into the 2024 general election political arena.
3. Some have made the argument that restricting ballot measures to the single-subject rule is a two-edged sword. Just as recreational marijuana was defeated, good ballots measures could be struck down for the same reason.
4. Many voters find ballot measures to be confusing or do not have the time to study them appropriately. If the single-subject rule is taken out, does that allow for more opportunities to confuse the voter?

SDFB POLICY: SDFB does not have specific policy pertaining to the single-subject rule.

DISCUSSION/QUESTIONS:

1. What is SDFB's position on the single-subject rule currently found in the South Dakota Constitution?