

GENERAL PUBLICATION BALLOT

INSTRUCTIONS TO THE VOTER:

To vote for a group of presidential electors **FILL IN** the oval (●) next to the names.

Use only a pencil or pen.

If you make a mistake, give the ballot back and get a new one.

DO NOT cast more votes than are allowed in each race.

NONPOLITICAL BALLOT

Supreme Court Justice Retention

Vote on each justice. Shall the justice of the Supreme Court named on this ballot, whose term expires January 1, 2025, be retained in office?

Justice Scott P. Myren,
representing the Fifth Supreme Court District

- Yes
- No

Constitutional Amendment F

Title: An Amendment to the South Dakota Constitution Authorizing the State to Impose a Work Requirement on Individuals Eligible for Expanded Medicaid Benefits

Attorney General Explanation:

The Medicaid program is funded by the State and the federal government to provide medical coverage for certain low-income people who qualify for the program. In 2022, the voters approved a Constitutional provision that expanded Medicaid eligibility for any person over age 18 and under 65 whose income is at or below 133% of the federal poverty level, plus 5% of the federal poverty level for the applicable family size.

This constitutional amendment authorizes the State to impose work requirements on any person eligible to receive benefits under the expanded Medicaid program, except for those persons who are physically or mentally disabled. The amendment does not identify any specific work requirement that may be imposed on those receiving expanded Medicaid benefits. Any work requirement proposed by the State must be approved by the federal government prior to implementation.

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

For Presidential Electors

You may vote for one slate or leave it blank.

- Harris & Walz Electors**
Democratic Party
Mary Susanne Larson
Donn Larson
Larry Olsen
- Oliver & ter Maat Electors**
Libertarian Party
Randy "Uriah" Luallin
Gregory Baldwin
Brian DeYoung
- Trump & Vance Electors**
Republican Party
Marty Jackley
Kristi Noem
Larry Rhoden
- Kennedy, Jr. & Shanahan Electors**
Independent
Jordan Thomas
Jared Degraaf
Edward Dykstra

INSTRUCTIONS TO THE VOTER:

To vote on a ballot question **FILL IN** the oval (●) next to "yes" or "no".

DO NOT cast more votes than are allowed in each race.

Constitutional Amendments

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

Constitutional Amendment E

Title: An Amendment to the South Dakota Constitution Updating Gender References for Certain Officeholders and Persons.

Attorney General Explanation:

The South Dakota Constitution became effective upon the State joining the United States in 1889. The generic male pronouns he, his, and him are used in the text of the State Constitution to reference certain officeholders or individuals.

This amendment changes the text of the State Constitution to remove the use of generic male pronouns when referencing certain officeholders or individuals. For example, when referencing the Governor, instead of saying "he shall be commander-in-chief of the armed forces of the state," the text will be changed to read "the Governor shall be commander-in-chief of the armed forces of the state." The amendment makes similar changes to other references to the Governor, as well as to references to other officeholders including Lieutenant Governor, Supreme Court Justices, and Circuit Court Judges. The amendment also makes similar changes to references in the Constitution to general classes of people such as persons, electors, and public officers.

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

INSTRUCTIONS TO THE VOTER:

To vote for a person **FILL IN** the oval (●) next to the name.

DO NOT cast more votes than are allowed in each race.

For United States Representative

You may vote for one or leave it blank.

- Sheryl Johnson** Democratic Party
- Dusty Johnson** Republican Party

For Public Utilities Commissioner

You may vote for one or leave it blank.

- Forrest Wilson** Democratic Party
- A. Gideon Oakes** Libertarian Party
- Kristie Fiegen** Republican Party

For State Senator, District 21

You may vote for one or leave it blank.

- Dan Andersson** Democratic Party
- Mykala Voita** Republican Party

For State Representative, District 21

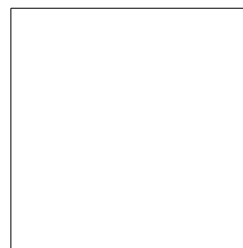
You may vote for up to two or leave it blank.

- Jim Halverson** Republican Party
- Marty Overweg** Republican Party

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Election Official Ballot Stamp



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INSTRUCTIONS TO THE VOTER:

To vote on a ballot question **FILL IN** the oval (●) next to "yes" or "no".

DO NOT cast more votes than are allowed in each race.

Constitutional Amendments

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

Constitutional Amendment G

Title: An Initiated Amendment Establishing a Right to Abortion in the State Constitution.

Attorney General Explanation:

This initiated amendment establishes a constitutional right to an abortion and provides a legal framework for the regulation of abortion. This framework would override existing laws and regulations concerning abortion.

The amendment establishes that during the first trimester a pregnant woman's decision to obtain an abortion may not be regulated nor may regulations be imposed on the carrying out of an abortion.

In the second trimester, the amendment allows the regulation of a pregnant woman's abortion decision, and the regulation of carrying out an abortion. Any regulation of a pregnant woman's abortion decision, or of an abortion, during the second trimester must be reasonably related to the physical health of the pregnant woman.

In the third trimester, the amendment allows the regulation or prohibition of abortion except in those cases where the abortion is necessary to preserve the life or health of the pregnant woman. Whether an abortion is necessary during the third trimester must be determined by the pregnant woman's physician according to the physician's medical judgment.

Judicial clarification of the amendment may be necessary. The Legislature cannot alter the provisions of a constitutional amendment.

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

Constitutional Amendment H

Title: An Amendment to the South Dakota Constitution Establishing Top-Two Primary Elections

Attorney General Explanation:

Currently, to appear on the general election ballot, major party candidates for the following offices must participate in a partisan primary election: Governor, State Legislature, U.S. Senate and House of Representatives, and elected county offices. Only members of the candidate's party may vote for that candidate unless that party has opened the primary to voters not affiliated with the party.

Minor party candidates may be chosen by primary or party convention.

Unaffiliated candidates (independents) are only required to file nominating petitions to appear on the general election ballot.

For the listed offices, this amendment requires one primary election wherein all candidates run against each other in their respective races, including major and minor party and unaffiliated candidates. A candidate may list any party next to their name on the ballot regardless of party affiliation or registration. All voters may vote for any candidate. The two candidates receiving the most votes advance to the general election. If there is more than one candidate to be elected to an office, the number of candidates advancing to the general election is twice the number to be elected.

Primary elections may be held for other offices.

The amendment may be challenged on constitutional grounds.

Fiscal Note:

Open primaries would require printing additional ballots at a cost of \$0.47 per ballot. The additional cost statewide to counties would currently be approximately \$23,667 for each primary election. The share of the total cost for each county will vary. There is no expected cost to state government.

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

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Initiated Measures

The following initiated measures were proposed by petition for submission to the voters. These initiated measures will not become effective unless approved by majority vote.

Initiated Measure 28

Title: An Initiated Measure Prohibiting Taxes on Anything Sold for Human Consumption.

Attorney General Explanation:

Currently, the State collects tax on the sale or use of certain goods, including foods and drinks. Many municipalities also collect these taxes.

This initiated measure prohibits the State from collecting sales or use tax on anything sold for human consumption. The measure eliminates these sources of revenue for the State.

Human consumption is not defined by state law. However, its common definition includes more than foods and drinks.

The measure does not prohibit the collection of sales or use tax on alcoholic beverages or prepared food. Prepared food is defined by law to include food that is sold heated or with utensils.

The measure may affect the State's obligations under the tobacco master settlement agreement and the streamlined sales tax agreement. The master settlement agreement resulted from multi-state lawsuits against cigarette manufacturers for the public health effects of smoking. South Dakota's annual share of the master settlement agreement is approximately \$20 million. The streamlined sales tax agreement is a multistate program designed to simplify the collection of sales and use tax for companies selling in multiple jurisdictions.

Judicial or legislative clarification of the measure will be necessary.

Fiscal Note:

Beginning July 1, 2025, the State could see a reduction in sales tax revenues of \$123.9 million annually from no longer taxing the sale of anything sold for human consumption, except alcoholic beverages and prepared food. Municipalities could continue to tax anything sold for human consumption.

- Yes** Vote "Yes" to adopt the initiated measure.
- No** Vote "No" to leave South Dakota law as it is.

Initiated Measure 29

Title: An Initiated Measure Legalizing the Recreational Use, Possession, and Distribution of Marijuana.

Attorney General Explanation:

This initiated measure allows individuals 21 years of age or older to possess, grow, ingest, and distribute marijuana or marijuana paraphernalia. Individuals may possess up to two ounces of marijuana in a form other than marijuana concentrate or other marijuana products. Individuals may possess up to six marijuana plants with no more than twelve plants per household. The measure also places limits on the possession of other forms of marijuana and marijuana products.

Under the measure, the possession, ingestion, and distribution of marijuana and marijuana paraphernalia remains illegal for individuals under the age of 21. Driving under the influence of marijuana remains illegal.

The measure restricts where individuals may possess or consume marijuana, such as schools or where tobacco is prohibited.

The measure allows employers to restrict an employee's use of marijuana. Property owners may also regulate the use of marijuana on their property.

The measure does not affect State laws dealing with hemp. It also does not change laws concerning the State's medical marijuana program.

The measure legalizes marijuana-derived substances considered felony controlled substances under State law. Marijuana remains illegal under federal law.

Judicial or legislative clarification of this measure may be necessary.

Fiscal Note:

The state and municipalities would collect minimal additional sales tax revenue, as the measure would not decriminalize the sale of cannabis but would decriminalize the sale of cannabis accessories. Counties could see incarceration expenses reduced by \$581,556 every year.

- Yes** Vote "Yes" to adopt the initiated measure.
- No** Vote "No" to leave South Dakota law as it is.

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Referred Law

The following law was adopted by the Legislature and referred to the voters by petition. This referred measure will not become effective unless approved by majority vote.

Referred Law 21

Title: A Referred Act to Provide New Statutory Requirements for Regulating Linear Transmission Facilities, to Allow Counties to Impose a Surcharge on Certain Pipeline Companies, and to Establish a Landowner Bill of Rights.

Attorney General Explanation:

The Act authorizes counties to impose, for any tax year in which the pipeline operator receives a tax credit, a \$1.00 per foot surcharge on carbon dioxide pipelines. Revenue from the surcharge must be distributed as tax relief to each property owner in the county where the pipeline is installed. Any remaining revenue can be allocated at each county's discretion. No other fee may be imposed except property taxes, or fees associated with road agreements.

The Act also imposes certain requirements on carbon dioxide pipelines: pipelines must be installed to a minimum depth; each pipeline operator is responsible for damages to drain tile, and to the surface owner, caused by the pipeline; each operator is also responsible for leaks or failures of the pipeline; and any land agent acting on behalf of the pipeline must be a pipeline employee, State resident, or State licensed real estate agent. The Act also includes requirements that carbon pipeline easements be in writing, and only enforceable for a specified period of time; pipeline operators must initiate business operations within five years of the easement; and each easement is void after five years of nonuse.

- Yes** Vote "Yes" to allow the Act of the Legislature to become law.
- No** Vote "No" to reject the Act of the Legislature.

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