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### **South Dakota Voters File Lawsuit to Protect the Ballot Measure Process**

*Plaintiffs argue Amendment C violates their right to vote on all ballot issues separately*

**Sioux Falls, South Dakota** – Today, two South Dakota voters filed a lawsuit in Minnehaha County alleging that Amendment C violates the single subject provision of the South Dakota constitution. The suit, brought by David Owen of Sioux Falls and Jim Holbeck of Renner, argues that Amendment C is an attempt to aggregate votes by forcing South Dakota voters to cast one vote to decide two distinct issues. This is a classic example of logrolling.

Such vote aggregation violates the single subject and single vote requirements in South Dakota's Constitution. Voters shouldn't be forced to vote on the two different provisions at the same time.

The suit is brought on the heels of a South Dakota Supreme Court ruling on Amendment A, which was passed by voters in 2020. In that ruling, the Supreme Court held that Amendment A contained multiple subjects because a voter who wanted to vote to legalize hemp had no choice but to also vote to legalize recreational marijuana, and vice versa.

The plaintiffs ask the Court to apply the same logic to Amendment C, because Amendment C contains two distinct subjects. It imposes a supermajority requirement on citizen initiatives that raise taxes *and* a supermajority requirement on citizen initiatives that appropriate money. Not all new appropriations require increasing taxes, so the two subjects are not linked.

Clearly, some voters may support a 60% win threshold on initiatives that raise taxes, but not a 60% win threshold for new appropriations. Those voters, and the plaintiffs in this suit, have a constitutional right to consider distinct issues separately.

#### **The plaintiffs jointly released the following statement:**

"South Dakota has a long, proud, bipartisan history of making their voices heard through our initiative process. Unfortunately, Amendment C silences our voice and fundamentally undermines the one issue, one vote principle of our ballot measure process – it forces us to vote on the two distinct subjects contained in this single measure at the same time. We have a constitutional right to vote on them separately. Since our state's founding, voters have passed and amended laws by majority rule, guided by the idea of voting on one issue at a time. In 2018, the people of South Dakota reiterated our approval of the single-subject principle by explicitly adding it to our constitution. Overwhelmingly, South Dakotans said they did not want to be forced to vote for multiple policies in one measure, but that's exactly what Amendment C does. We hope the courts will agree."

Plaintiffs are seeking immediate relief in the form of a permanent injunction barring Amendment C from being placed on the primary ballot and placing Amendment C into the South Dakota Constitution.

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