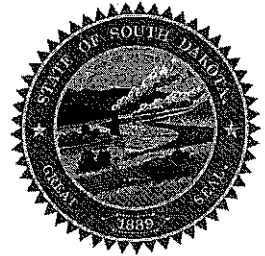


# South Dakota



## 2022 Ballot Questions

### 2022 Ballot Question Pamphlet compiled by the Office of the Secretary of State

For immediate election returns on November 8th, call the Secretary of State toll free at 1-888-703-5328 or browse the results on the Secretary of State's web page at [electionresults.sd.gov](http://electionresults.sd.gov). The text of this pamphlet is available on our website at [www.sdsos.gov](http://www.sdsos.gov). It's also available in large print, braille, or on tape by calling the South Dakota State Library at 1-800-423-6665.

The title, explanation, and effect of a vote for each ballot question were provided by the Attorney General. No other statements on this pamphlet reflect the opinion of the Secretary of State or Attorney General.

The information was compiled by the Secretary of State as supplied by the authors, was not verified by the Secretary of State, and does not reflect the position of the Secretary of State's office regarding the legality or effect of the amendments or measures. The Secretary of State is not responsible for the contents, objectivity, or accuracy of the statements written by the proponent and opponent authors in this brochure.

12-13-23. Distribution of public information. The secretary of state shall distribute public information on any amendment to the Constitution, initiated measure, or referred law submitted to the electors for approval. The secretary of state shall compile the public information by printing a statement in support of the amendment to the Constitution, initiated measure, or referred law written by its proponents, if any can be identified, and a statement against the amendment to the Constitution, initiated measure, or referred law written by its opponents, if any can be identified. No statement written by a proponent or an opponent may exceed three hundred words in length. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents. The pamphlet shall also include the attorney general's title, explanation, and a recitation of the effect of a "Yes" or "No" vote as written pursuant to § 12-13-9 or 12-13-25.1; number of pages and sections in the proposed or referred language; and, if applicable, a fiscal note.

**Please feel free to photocopy and distribute this pamphlet. You may also bring the pamphlet with you to vote at your polling place.**

*Steve Barnett*

**Secretary of State**

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**Constitutional amendments, initiated and referred measures approved by majority vote will become effective on the first day of July after the completion of the official canvass by the State Canvassing Board. (SDCL 2-1-12)**

20,000 copies of this publication were printed by the Office of the Secretary of State at a cost of \$0.26 each.

## Initiated Measure 27

**Title:** An initiated measure legalizing the possession, use, and distribution of marijuana.

**Attorney General Explanation:** This initiated measure legalizes the possession, use, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess one ounce or less of marijuana. They may also distribute one ounce or less of marijuana without payment or other consideration.

Marijuana plants, and the marijuana produced from those plants, may be possessed under specific conditions. Marijuana plants may only be grown, and the marijuana from those plants may only be possessed, in counties or cities where no licensed retail marijuana store is available or where allowed by county or city ordinances.

Certain violations of the restrictions the measure places on the possession, use, and distribution of marijuana and marijuana paraphernalia are subject to various civil penalties. Individuals under age 21 can attend drug education or counseling instead of paying a civil penalty.

The measure legalizes substances considered felony controlled substances under State law. Marijuana remains illegal under Federal law.

Judicial or legislative clarification of the measure may be necessary.

**Fiscal Note:** The State and counties could see a minimal decrease in expenses due to decreased incarceration for marijuana-related offenses, and the State could see marginal additional revenue in the form of new civil penalty fines.

Vote "Yes" to adopt the initiated measure.

Vote "No" to leave South Dakota law as it is.

The text of this initiated measure is 3 pages long containing 6 sections.

### Pro – Initiated Measure 27

We encourage South Dakota voters to approve Initiated Measure 27 so that we can legalize cannabis for adults 21 and older and restore the will of the people.

Criminalizing cannabis is a waste of time and resources for law enforcement. Legalization allows police, investigators, and courts to focus on serious crime. Furthermore, cannabis arrests lead to criminal records that deprive South Dakotans of jobs, education, housing, military service, and other opportunities.

South Dakota's medical cannabis law, approved by voters in 2020, is still in the process of being implemented. In the meantime, it remains very difficult for patients to access the program. Many patients cannot easily find a doctor who will issue a medical cannabis recommendation. For some, the combined cost of the recommendation and the state ID card is an additional barrier.

For many seriously ill people (including veterans with PTSD, epilepsy patients, MS patients, and cancer patients) cannabis is the only medicine that relieves their pain and suffering without debilitating side effects. Measure 27 will guarantee that all medical cannabis patients 21 and older in South Dakota are free from arrest.

Measure 27 only legalizes cannabis for adults who are 21 and older. Public health reports analyzing tens of thousands of high school students in Colorado and Washington show that teen cannabis use did not increase after those states legalized cannabis for adults in 2012. National studies and research in other states have found similar results.

Legalization policies in other states have created over 400,000 new jobs and generated over \$10 billion in tax revenue, which is being allocated to public schools, drug treatment, healthcare services, and other programs.

South Dakota voters already approved cannabis legalization in 2020 but that law was repealed in court. Measure 27 is shorter, simpler, and written to withstand a future lawsuit.

**Brendan Johnson, former South Dakota U.S. Attorney, partner with Robins Kaplan LLP**

**Melissa Mentele, Executive Director for New Approach South Dakota**

**Matthew Schweich, Yes on 27 campaign manager for South Dakotans for Better Marijuana Laws**

**Bill Stocker, retired Marine, disabled veteran, retired Sioux Falls police officer**

### Con – Initiated Measure 27

IM 27 would swing the door wide open for **higher crime rates, increased suicide rates, traffic fatalities, workplace injuries, and mental health problems.** This measure would harm our South Dakota children, families and communities. **The measure:**

- **Harms children.** Although it's advertised as "adult use," when states legalize marijuana the rates of adolescent use increase substantially.
- **Increases mental health problems.** There are over 20,000 peer-reviewed articles linking marijuana use to severe mental health issues. Common outcomes include psychosis, depression, and suicide.
- **Fuels the "black market."** Marijuana commercialization often leads to a dramatic increase in the black market, and this measure would hinder law enforcement from stopping it.

If the door is opened to the marijuana industry to push drug activity, **we will see:**

- **Increased crime rates:** The crime rate in Colorado has increased 11 times faster than the rest of the nation since legalization. South Dakota would be no different.
- **Increased costs to communities:** Many states that have legalized marijuana have seen an increased number of emergency room visits. For every \$1 in tax revenue generated, Colorado spends \$4.50 on counteracting the damaging impact of legalization.
- **Increased addiction rates:** Marijuana is highly addictive and states that legalize the drug see increases in addiction rates, as well as increased abuse of opioids, alcohol, and other illicit drugs.

South Dakota already has laws that allow people to use marijuana products for health reasons. We can't sacrifice the health and safety of our children and communities so the industry can come in and make a profit, leaving South Dakotans to pay the price.

Don't let South Dakota go "Up In Smoke". **Vote no on IM 27.**

**Jim Kinyon, Chairman, Protecting South Dakota Kids**

## Constitutional Amendment D

**Title:** An initiated amendment to the South Dakota Constitution expanding Medicaid eligibility.

**Attorney General Explanation:** Medicaid is a program, funded by the State and the federal government, to provide medical coverage for low-income people who are in certain designated categories. This constitutional amendment expands Medicaid eligibility in South Dakota. It requires the State to provide Medicaid benefits to 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, as provided in federal law. For people who qualify under this amendment, the State may not impose burdens or restrictions that are greater than those imposed on any other person eligible for Medicaid benefits under South Dakota law.

The South Dakota Department of Social Services must submit to the federal government all documentation required to implement this amendment, and must take all actions necessary to maximize federal funding for this expansion.

**Fiscal Note:** The proposed expansion of Medicaid could cover an additional 42,500 eligible individuals, with a total estimated cost over the first five years of \$1,515,214,000. For the first five years under current federal law, the state's share of expenses could be \$166,244,000 with the state recognizing additional general fund savings of \$162,473,000.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

**The text of this amendment is 1 page long containing 1 section.**

Pro – Constitutional Amendment D	Con – Constitutional Amendment D
<p>No one should have to decide if they can afford life-saving health care, for themselves or their families. But right now, thousands of South Dakotans are stuck in the middle. They can't get insurance through their jobs, and they can't afford insurance on their own because costs are sky high.</p> <p>Voting YES on Amendment D means thousands of South Dakotans who work, but don't make enough money to afford health insurance will be able to get it. South Dakotans who make less than \$18,000 per year will be able to get health care, including:</p> <ul style="list-style-type: none"> <li>● Hard-working near retirees who don't have jobs that provide health care</li> <li>● Small business owners who can't afford health care for themselves and their workers</li> <li>● Farmers and ranchers</li> </ul> <p>Currently, Washington politicians send \$350 million of South Dakota's tax dollars each year to California, New York, and 37 other states to pay for their health care instead. Voting YES on Amendment D ends that. It means we can keep those dollars right here in South Dakota, so hardworking South Dakotans can get health care coverage without raising taxes.</p> <p>Amendment D will strengthen health care in South Dakota, which will generate an estimated \$3.5 billion in new economic output in South Dakota by 2025, including \$800 million in 2023. Amendment D will ensure our workforce remains healthy, which leads to healthy businesses and a healthy economy.</p> <p>Amendment D will strengthen rural hospitals and clinics and make it easier for people in rural South Dakota to get health care.</p> <p>It's common sense to keep our tax dollars for our citizens' health care. Vote YES on Amendment D to keep South Dakota's tax dollars in South Dakota to help OUR communities.</p> <p><b>Steve Allender, Mayor of Rapid City</b> <b>Jim Woster, retired businessman</b></p>	<p>Amendment D – expanding Medicaid shreds our Constitution and expands services to able-bodied adults under ObamaCare. Expanding Medicaid is wrong for South Dakota for five reasons.</p> <p>#1: It will either lead to higher taxes or reduced spending on education. South Dakota already spends approximately 20 percent of our budget on Medicaid. Expansion always costs more than projected. South Dakota will either need to raise taxes or cut spending for schools, public safety, or infrastructure as a result.</p> <p>#2: It is unfair to the truly needy in South Dakota. Low-income kids, seniors, and individuals with disabilities will now have to compete with able-bodied working-age adults for the pool of money available to Medicaid. It will also hurt rural hospitals as fewer of their patients will have private insurance.</p> <p>#3: It forcibly removes families from their private health care plans and moves them to government-run Medicaid.</p> <p>Most South Dakotans who would be enrolled already have their own free or low-cost private plans. Expanding Medicaid means removing tens of thousands of low-income South Dakotans from those plans without their consent and enrolling them into plans which fewer doctors accept. Also, if South Dakota expands under ObamaCare, waiting lists will get longer.</p> <p>#4: It is bad for South Dakota's workers and businesses. The only qualification for Medicaid will be that South Dakotans must agree to stay poor - which leads to more welfare and less work.</p> <p>#5 The Constitution was never intended to contain language about specific government programs. This is a plainly bad idea. More government welfare is not the solution to our health care system— it is the problem.</p> <p>For our families and the future of our kids and grandkids, please vote "no" on Amendment D.</p> <p><b>Keith Moore – State Director, Americans for Prosperity</b></p>

# 2022 Ballot Question Contact Information

PRO	CON
<b>Initiated Measure 27</b> – An initiated measure legalizing the possession, use, and distribution of marijuana	
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<b>Constitutional Amendment D</b> – An initiated amendment to the South Dakota Constitution expanding Medicaid eligibility	
Steve Allender Jim Woster	Keith Moore

Authors are not required to provide email addresses or phone numbers.

For more information on ballot questions, Attorney General explanations, and the full text of the ballot question, please visit our website.

<https://sdsos.gov/elections-voting/upcoming-elections/general-information/2022-ballot-questions.aspx>