



South Dakotans for Better Marijuana Laws

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September 20, 2023

South Dakota Secretary of State Monae Johnson
Capitol Building
500 East Capitol Avenue Ste 204
Pierre, SD 57501-5070

Secretary Johnson,

I am writing to you as a South Dakota voter, the leader of South Dakotans for Better Marijuana Laws, and a committed defender of the constitutional ballot initiative rights of the people of our state.

My organization spearheaded the effort to pass Initiated Measure 26 in 2020, which was approved by 69.9% of voters. Over the last three legislative sessions, we have defended South Dakota's medical cannabis law to ensure that the will of the people is upheld.

It is our opinion that Travis Ismay's petition, titled "An Initiated Measure Repealing South Dakota's Medical Marijuana Program" and approved for circulation on September 7, 2023, is in violation of section 2-1-1.2 of the South Dakota Codified Laws.

Specifically, we believe the phrase "See Exhibit A for the 95 sections that will be repealed," violates SDCL 2-1-1.2, which requires that petitions "Contain the full text of the initiated measure in fourteen point font." Our interpretation of this statute is that a reference to additional text, in this case an exhibit, is not permissible.

And even if a reference were permitted, in this instance "Exhibit A" is not included anywhere on the petition. Furthermore, "Exhibit A" is never defined in any previous initiative-related filing by Ismay with your office, the South Dakota Legislative Research Council, or the South Dakota Attorney General.

We strongly believe that the rules of our state's initiative process should be applied consistently to all South Dakotans. Therefore, we respectfully recommend that your office take the following action: revoke Ismay's approved petition and direct him to refile it. This simple remedy would allow Ismay to collect signatures for his petition in full accordance with state law.

Sincerely,

A handwritten signature in black ink, appearing to read "MS", written over a horizontal line.

Matthew Schweich
Executive Director
South Dakotans for Better Marijuana Laws