



STATE OF SOUTH DAKOTA

OFFICE OF THE GOVERNOR

LARRY RHODEN | GOVERNOR

March 25, 2025

The Honorable Jon Hansen
Speaker of the House
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Mr. Speaker and Members of the House of Representatives,

I respectfully return to you House Bill 1169 with my VETO. This bill has a worthy goal: placing safeguards on the process to add constitutional amendments to the ballot in South Dakota. However, I am concerned that this bill will not withstand scrutiny in the courts. This bill attempts to change the South Dakota Constitution in statute, and I believe that approach to be misguided.

In particular, if a court determines that the new signature requirement imposes a severe burden on the ability to engage in political speech, strict scrutiny applies, which raises doubts to the bill's constitutionality under the United States Constitution. That is the current precedent in the Eighth Circuit, which includes South Dakota.

From a practical standpoint, the additional burden of collecting signatures from each of the 35 senatorial districts, each on a separate petition sheet, risks creating a system where only those with substantial financial resources can effectively undertake a statewide petition drive. This undermines the bill's intent by putting South Dakotans at a disadvantage to dark money out-of-state groups.

The requirement that all 35 senatorial districts sign off on a potential constitutional amendment gives veto power to any one district. This grants too much influence to a single group, allowing them to assert more control than is fair or balanced – be they a big city, a small town, or a tribal community.

In addition, this bill could raise questions under the South Dakota Constitution. It is not clear whether the baseline level of signatures, which is set in Article III, Sec. 1 of the South Dakota Constitution, can be modified by statute. I prefer the approach of House Joint Resolution 5003, which puts a constitutional amendment on the ballot to require that 60% of South Dakota voters support any future constitutional amendments.

We must have faith in the discernment of the people who rule this State. "Under God, the People Rule," and they have ruled well. Their votes have safeguarded our values and institutions.

I swore an oath to support both the South Dakota and United States Constitutions – and I am concerned about this bill in both regards. For these reasons, I return House Bill 1169 with my VETO and ask that you sustain it.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Larry Rhoden". The signature is fluid and cursive, with a large initial "L" and "R".

Larry Rhoden
Governor

cc: The Honorable Monae L. Johnson, Secretary of State
The Honorable Tonnis H. Venhuizen, Lieutenant Governor