

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

32CIV20-

SHERIFF KEVIN THOM, IN HIS
OFFICIAL CAPACITY AS PENNINGTON
COUNTY SHERIFF, and COLONEL RICK
MILLER, IN HIS OFFICIAL CAPACITY AS
SUPERINTENDENT OF THE SOUTH
DAKOTA HIGHWAY PATROL,

Plaintiffs,

v.

STEVE BARNETT, IN HIS OFFICIAL
CAPACITY AS SOUTH DAKOTA
SECRETARY OF STATE,

Defendant.

**COMPLAINT FOR
DECLARATORY RELIEF**

COMES NOW, Plaintiffs Kevin Thom, in his official capacity as the Pennington County Sheriff, and Colonel Rick Miller, in his official capacity as the Superintendent of the South Dakota Highway Patrol (collectively, "Plaintiffs"), by and through their counsel of record, and for their Complaint for Declaratory Relief, state and allege as follows:

INTRODUCTION AND CASE SUMMARY

The South Dakota Constitution can only be revised or amended in the manner prescribed in the Constitution itself. A purported amendment or revision that fails to adhere to the requirements set forth in the Constitution is void and of no effect. Constitutional Amendment A, as submitted to the South Dakota electorate on November 3, 2020, proposed a drastic revision to the Constitution that could not be proposed by

initiative under Article XXIII because it addressed multiple subjects and purported to add an entirely new article to the Constitution. Constitutional Amendment A was therefore void at its inception and could never be ratified by South Dakota voters.

No challenge is made to Initiated Measure 26 (marijuana for medical purposes).

PARTIES

1. Plaintiff Kevin Thom is an individual who resides in Pennington County, South Dakota, is registered to vote in the state of South Dakota, was entitled to vote on Amendment A in the South Dakota general election held on November 3, 2020, and is the duly elected Sheriff of Pennington County, South Dakota.

2. Colonel Rick Miller is an individual who resides in Hughes County, South Dakota, is registered to vote in the state of South Dakota, was entitled to vote on Amendment A in the South Dakota general election held on November 3, 2020, and is the duly appointed superintendent of the South Dakota Highway Patrol.

3. Sheriff Thom and Colonel Miller bring this action in their official capacities in connection with a separate election contest to provide for full, complete, and expedited relief.

JURISDICTION AND VENUE

4. This Court has the jurisdiction and authority to declare Amendment A unconstitutional and void pursuant to SDCL chapter 21-24.

5. Venue is proper because Defendant is a State official located in Hughes County, South Dakota.

BACKGROUND

6. On or about September 11, 2019, Brendan Johnson filed with Defendant a

form for an “Initiated Constitutional Amendment Petition” (“Petition”), seeking approval to circulate a Petition proposing a change to the South Dakota Constitution entitled, “An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.” A copy of the Petition is attached hereto as Exhibit 1.

7. On or about November 4, 2019, Brendan Johnson submitted petitions to Defendant for validation.

8. On or about January 6, 2020, Defendant announced that the Petition received 36,707 valid signatures, which allowed the Petition to be validated and submitted to South Dakota voters for approval. The Petition was titled Constitutional Amendment A (“Amendment A”) and was certified by Defendant to be placed on the 2020 General Election ballot to be conducted on November 3, 2020.

9. Amendment A, as it was submitted to South Dakota voters, purports to add a new article to the South Dakota Constitution. The first page of the Amendment A Petition states, in part, as follows:

That the Constitution of the State of South Dakota be amended to add a new Article to read as follows:

10. The new Article is comprised of 15 sections and 55 subsections prescribing detailed and extensive rules and regulations across a multitude of different subjects, including:

- a. Decriminalizing the possession, use, ingestion, inhalation, processing, transporting, delivery of without consideration, or distribution of without consideration less than 1 ounce of marijuana or less than 8 grams of marijuana in a concentrated form;
- b. Decriminalizing the possession, planting, cultivation, harvesting, drying, processing, or manufacturing of up to 3 marijuana plants, subject to certain

specific restrictions;

- c. Imposing civil penalties for various violations of certain portions of Amendment A;
- d. Granting the Department of Revenue the exclusive power “to license and regulate the cultivation, manufacture, testing, transport, delivery, and sale of marijuana,” and requiring the Department of Revenue to promulgate specific rules and regulations to implement Amendment A;
- e. Decriminalizing actions of a licensee pursuant to a license;
- f. Granting political subdivisions the authority to regulate certain operations of licensees or prohibit the establishment of licensees entirely;
- g. Precluding political subdivisions from prohibiting the transportation of marijuana;
- h. Imposing a 15% excise tax on all commercial sales of marijuana, appropriating tax revenue to the Department of Revenue to cover its costs related to marijuana, requiring the Legislature to appropriate 50% of the remaining revenue to support public schools, and appropriating the remainder to the general fund;
- i. Creating a civil cause of action for any resident to compel the Department of Revenue to promulgate rules;
- j. Requiring the Department of Revenue to publish annual reports relative to licenses, enforcement, disciplinary actions, revenues, and expenses;
- k. Requiring the Legislature to pass laws ensuring access to medical marijuana; and
- l. Requiring the Legislature to pass laws regulating the cultivation, processing, and sale of hemp.

11. At least five separate subjects are identified in the title alone, which describes Amendment A as “An amendment to the South Dakota Constitution to”: (a) “legalize marijuana”; (b) “regulate recreational marijuana”; (c) “tax marijuana”; (d) “require the Legislature to pass laws regarding hemp”; and (e) “require the Legislature to pass laws . . . ensuring access to marijuana for medical use.”

12. According to the official canvass dated November 10, 2020, Amendment A was approved by a majority of voters during the 2020 general election, receiving a total

of 225,260 "Yes" votes and 190,477 "No" votes. A copy of the official canvass is attached hereto as Exhibit 2.

13. Amendment A will purportedly go into effect on July 1, 2021.

14. For historical context, prior to the 2020 general election, South Dakotans rejected separate initiated measures that addressed some of the many subjects that were packaged together in Amendment A. For example:

- a. Initiated Measure 1 regarding Hemp was rejected by South Dakota voters in 2002;
- b. Initiated Measure 4 regarding Medical Marijuana was rejected by South Dakota voters in 2006; and
- c. Initiated Measure 13 regarding Medical Marijuana was rejected by South Dakota voters in 2010.

15. Since the right to amend the Constitution by the initiative process was granted to voters in 1972, the voters have not ratified any proposed initiated constitutional amendment that purported to create an entirely new article.¹

Count I: Declaratory Judgment

16. Plaintiffs reallege the allegations of each of the above paragraphs as though fully set forth herein and incorporate the same by reference.

17. Article XXIII of the South Dakota Constitution provides that the Constitution may be changed by (1) amendments or (2) revisions. The South Dakota Constitution makes a substantive distinction between "amendments" and "revisions," and it sets forth an entirely separate procedure for adopting each type of constitutional change.

18. Purported revisions or amendments that fail to adhere to the procedures for ratification as set forth in the Constitution are void and of no effect.

¹ In 2018, the South Dakota voters rejected proposed Amendment W, which attempted to amend the Constitution to add a new article.

19. Amendments to the Constitution may be proposed either by initiative or by the Legislature. Article XXIII, § 1 of the Constitution describes the requirements that must be met for a constitutional change to qualify as an “amendment.” It states that a “proposed amendment may amend one or more articles and related subject matter in other articles as necessary to accomplish the objectives of the amendment; however, no proposed amendment may embrace more than one subject.”

20. While an amendment can be used to change existing articles of the Constitution, it cannot be used to adopt an entirely new article, effectuate broad changes to the Constitution, or make changes that address entirely new subjects not encompassed within pre-existing articles.

21. Only a proposed amendment that meets the requirements of Article XXIII, § 1 can be submitted to the South Dakota electorate for ratification.

22. Constitutional changes that do not qualify as “amendments” may be “revisions” to the Constitution. Revisions are separately addressed under Article XXIII, § 2 of the Constitution. Because revisions involve more comprehensive changes to the Constitution that often have obscure implications, Article XXIII, § 2 imposes a more stringent procedure for presenting them to the public for a vote. This procedure, which is both public and transparent, is designed to ensure that revisions are properly scrutinized and the integrity of the Constitution is preserved.

23. While an amendment may be proposed by initiative through a petition signed by the requisite number of qualified voters, a revision cannot be adopted unless it is approved by members of a constitutional convention in accordance with Article XXIII, § 2 of the Constitution.

24. Specifically, Article XXIII, § 2 states that a convention to “revise” the Constitution may be called by “a three-fourths vote of all the members of each house,” or it may be “initiated and submitted to the voters in the same manner as an amendment.” Once a constitutional convention has been called, its members must be elected “on a nonpolitical ballot in the same districts and in the same number as the house of representatives.” Article XXIII, § 2. The elected members of the constitutional convention must then approve proposed revisions “by a majority” before the proposed revision can be “submitted to the electorate at a special election in a manner to be determined by the convention.” Article XXIII, § 2.

25. Approval of constitutional revisions through a constitutional convention preserves the integrity of the Constitution and the system of government that it creates by promoting transparency, public input, and informed debate and discussion.

Amendment A was not Constitutionally Ratified

26. Plaintiffs reallege the allegations of each of the above paragraphs as though fully set forth herein and incorporate the same by reference.

27. Amendment A is a revision to the Constitution and does not qualify as an amendment under Under Article XXIII, § 1 for the following reasons:

- a. It embraces more than one subject;
- b. It establishes an entirely new article of the Constitution, rather than amending an existing article or articles;
- c. It addresses new subjects that are not related to the subjects of any existing article;
- d. It imposes broad and comprehensive changes to the Constitution that will have vast implications for our system of government; and
- e. It results in a fundamental alteration to the structure of the Constitution and

the powers afforded to each respective branch of government.

28. Amendment A is a drastic revision of the Constitution with implications that extend far beyond the legalization of marijuana.

29. The 15 sections and 55 subsections that comprise Amendment A set forth a complicated web of rules and regulations covering an array of subjects that voters were forced to consider as a whole.

30. The provisions of Amendment A are so pervasive that even certain fines are constitutionally decreed, meaning that even a minor adjustment to the amount of these fines could not be made without the ratification of yet another Constitutional amendment.

31. Rather than embracing the separate powers afforded to the legislative and executive branches of our government under the Constitution, Amendment A grants the Department of Revenue the "exclusive power" to "regulate the cultivation, manufacture, testing, transport, delivery, and sale of marijuana in the state," with only limited exceptions applicable to local governments. Not only is the Department of Revenue granted the exclusive power to "promulgate rules and issue regulations," it is also granted sole authority to "administer and enforce" those rules. If Amendment A is upheld, it will result in a fundamental alteration of the governmental structure previously defined by the Constitution.

32. Because Amendment A was a revision to the Constitution submitted in violation of Article XXIII, Amendment A could not have been initiated and submitted to the voters when it bypassed the constitutionally required convention. Proponents of Amendment A failed to follow the proper constitutional procedure and deprived South

Dakota voters of the opportunity to have a substantial revision to the Constitution properly scrutinized and presented for ratification. Therefore, the election as to Amendment A is a nullity, did not result in a free and fair expression of the will of the voters, and must be stricken from the South Dakota Constitution.

Amendment A Violates the One-Subject Rule

33. Plaintiffs reallege the allegations of each of the above paragraphs as though fully set forth herein and incorporate the same by reference.

34. In 2018, South Dakota voters ratified Amendment Z, which amended Article XXIII, § 1 of the Constitution. Amendment Z provides as follows (excerpt below from the Senate Engrossed version of 2018 HJR 1006):²

7 articles as necessary to accomplish the objectives of the amendment; however, no proposed
8 amendment may embrace more than one subject. If more than one amendment is submitted at
9 the same election, each amendment shall be so prepared and distinguished that it can be voted
10 upon separately.

35. With the ratification of Amendment Z, the South Dakota Constitution now prohibits proposed amendments from embracing more than one subject, regardless of whether the amendment is proposed by the Legislature or by initiative. A proposed amendment that embraces more than one subject violates Article XXIII, § 1, and cannot be approved by the electorate.

36. This rule, known as the “one-subject rule,” was approved by South Dakota voters through Amendment Z and became part of the Constitution in 2018. A major purpose of the one-subject rule is to avoid requiring voters to accept part of a proposed amendment that they oppose in order to obtain a change in the constitution that they

² <https://mylrc.sdlegislature.gov/api/Documents/50375.pdf>

support, resulting in votes that do not accurately reflect the electorate's approval of the proposed amendment.

37. The one-subject rule ensures that the voters are able to express their will in one vote as to only one subject.

38. Amendment A violates the one-subject rule because it embraces at least five separate subjects, including, but not limited to:

- a. Legalization of recreational marijuana;
- b. Regulation, licensing, and taxation of the commercial sale of recreational marijuana;
- c. Regulation and licensing of recreational marijuana by political subdivisions;
- d. Regulation of marijuana for strictly medicinal use as prescribed by a medical professional; and
- e. Regulation of hemp.

39. Amendment A purports to confer personal rights upon individuals to use medical and recreational marijuana, while simultaneously conferring property rights upon private entities to grow and sell marijuana to others. These personal and private rights are fundamentally distinct.

40. Amendment A was submitted to the electorate in violation of Article XXIII, § 1 because it embraced multiple subjects that should have been presented as separate amendments that voters could evaluate separately.


41. Because Amendment A was submitted in violation of Article XXIII, § 1, Amendment A could never be initiated and submitted to the voters for approval. Therefore, the election as to Amendment A is a nullity, did not result in a free and fair expression of the will of the voters, and must be stricken from the South Dakota Constitution.

WHEREFORE, Petitioners pray that the Court enter a judgment as follows:

1. Declaring that Constitutional Amendment A was unconstitutionally submitted to the South Dakota electorate and is void and of no effect;
2. Declaring that Amendment A has not been ratified and is not part of the South Dakota Constitution; and
3. Such other and further relief as the Court deems just and equitable.

Dated this 20th day of November, 2020.

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Exhibit 1

INITIATED CONSTITUTIONAL AMENDMENT PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be amended and that this proposal be submitted to the voters of the state of South Dakota at the general election on November 3, 2020 for their approval or rejection.

Title: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.

Attorney General Explanation:

This constitutional amendment legalizes the possession, use, transport, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess or distribute one ounce or less of marijuana. Marijuana plants and marijuana produced from those plants may also be possessed under certain conditions.

The amendment authorizes the State Department of Revenue ("Department") to issue marijuana-related licenses for commercial cultivators and manufacturers, testing facilities, wholesalers, and retailers. Local governments may regulate or ban the establishment of licensees within their jurisdictions.

The Department must enact rules to implement and enforce this amendment. The amendment requires the Legislature to pass laws regarding medical use of marijuana. The amendment does not legalize hemp; it requires the Legislature to pass laws regulating the cultivation, processing, and sale of hemp.

The amendment imposes a 15% tax on marijuana sales. The tax revenue will be used for the Department's costs incurred in implementing this amendment, with remaining revenue equally divided between the support of public schools and the State general fund.

Judicial clarification of the amendment may be necessary. The amendment legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law.

That the Constitution of the State of South Dakota be amended to add a new Article to read as follows:

§ 1. Terms used in this article mean:

- (1) "Department," the Department of Revenue or its successor agency;
- (2) "Hemp," the plant of the genus *cannabis*, and any part of that plant, including the seeds thereof and all derivatives, extracts,

cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

- (3) "Local government," means a county, municipality, town, or township;
- (4) "Marijuana," the plant of the genus *cannabis*, and any part of that plant, including, the seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including hash and marijuana concentrate. The term includes an altered state of marijuana absorbed into the human body. The term does not include hemp, or fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;
- (5) "Marijuana accessory," any equipment, product, material, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

§2. Notwithstanding the provisions of this article, this article does not limit or affect laws that prohibit or otherwise regulate:

- (1) Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;
- (2) Purchase, possession, use, or transport of marijuana or marijuana accessories by a person younger than twenty-one years of age;
- (3) Consumption of marijuana by a person younger than twenty-one years of age;
- (4) Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;
- (5) Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- (6) Smoking marijuana within a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- (7) Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional facility;
- (8) Smoking marijuana in a location where smoking tobacco is prohibited;
- (9) Consumption of marijuana in a public place, other than in an area licensed by the department for consumption;
- (10) Consumption of marijuana as part of a criminal penalty or a diversion program;
- (11) Conduct that endangers others;
- (12) Undertaking any task under the influence of marijuana, if doing so would constitute negligence or professional malpractice; or

(13) Performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol, unless licensed for this activity by the department.

§3. Notwithstanding the provisions of this article, this article does not:

- (1) Require that an employer permit or accommodate conduct allowed by this article;
- (2) Affect an employer's ability to restrict the use of marijuana by employees;
- (3) Limit the right of a person who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitted by this article on or in that property; or
- (4) Limit the ability of the state or a local government to prohibit or restrict any conduct otherwise permitted under this article within a building owned, leased, or occupied by the state or the local government.

§4. Subject to the limitations in this article, the following acts are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government, if the person is at least twenty-one years of age:

- (1) Possessing, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration one ounce or less of marijuana, except that not more than eight grams of marijuana may be in a concentrated form;
- (2) Possessing, planting, cultivating, harvesting, drying, processing, or manufacturing not more than three marijuana plants and possessing the marijuana produced by the plants, provided:
 - (a) The plants and any marijuana produced by the plants in excess of one ounce are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place;
 - (b) Not more than six plants are kept in or on the grounds of a private residence at one time; and
 - (c) The private residence is located within the jurisdiction of a local government where there is no licensed retail store where marijuana is available for purchase pursuant to this article.
- (3) Assisting another person who is at least twenty-one years of age, or allowing property to be used, in any of the acts permitted by this section; and
- (4) Possessing, using, delivering, distributing, manufacturing, transferring, or selling to persons twenty-one years of age or older marijuana accessories.

§5.

- (1) A person who, pursuant to §4 of this article, cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two-hundred and fifty dollars.

(2) A person who, pursuant to §4 of this article, cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two-hundred and fifty dollars.

(3) A person who, pursuant to §4 of this article, cultivates marijuana plants within the jurisdiction of a local government where marijuana is available for purchase at a licensed retail store is subject to a civil penalty not exceeding two-hundred and fifty dollars, unless the cultivation of marijuana plants is allowed through local ordinance or regulation pursuant to §10.

(4) A person who smokes marijuana in a public place, other than in an area licensed for such activity by the department, is subject to a civil penalty not exceeding one-hundred dollars.

(5) A person who is under twenty-one years of age and possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration one ounce or less of marijuana or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one-hundred dollars. The person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

§ 6. The department shall have the exclusive power, except as otherwise provided in § 10, to license and regulate the cultivation, manufacture, testing, transport, delivery, and sale of marijuana in the state and to administer and enforce this article. The department shall accept applications for and issue, in addition to any other types of licenses the department deems necessary:

- (1) Licenses permitting commercial cultivators and manufacturers of marijuana to cultivate, process, manufacture, transport, and sell marijuana to marijuana wholesalers;
- (2) Licenses permitting independent marijuana testing facilities to analyze and certify the safety and potency of marijuana;
- (3) Licenses permitting marijuana wholesalers to package, process, and prepare marijuana for transport and sale to retail sales outlets; and
- (4) Licenses permitting retail sales outlets to sell and deliver marijuana to consumers.

§ 7. Not later than April 1, 2022, the department shall promulgate rules and issue regulations necessary for the implementation and enforcement of this article. The rules shall be reasonable and shall include:

- (1) Procedures for the issuance, renewal, suspension, and revocation of licenses;
- (2) Application, licensing, and renewal fees, not to exceed the amount necessary to cover the costs to the department of implementing and enforcing this article;
- (3) Time periods, not to exceed ninety days, by which the department must issue or deny an application;
- (4) Qualifications for licensees;
- (5) Security requirements, including lighting and alarm requirements, to prevent diversion;
- (6) Testing, packaging, and labeling requirements, including maximum tetrahydrocannabinol levels, to ensure consumer safety

and accurate information;

- (7) Restrictions on the manufacture and sale of edible products to ensure consumer and child safety;
- (8) Health and safety requirements to ensure safe preparation and to prohibit unsafe pesticides;
- (9) Inspection, tracking, and record-keeping requirements to ensure regulatory compliance and to prevent diversion;
- (10) Restrictions on advertising and marketing;
- (11) Requirements to ensure that all applicable statutory environmental, agricultural, and food and product safety requirements are followed;
- (12) Requirements to prevent the sale and diversion of marijuana to persons under twenty-one years of age; and
- (13) Civil penalties for the failure to comply with rules adopted pursuant to this article.

§ 8. In determining the appropriate number of licenses to issue, as required under this article, the department shall:

- (1) Issue enough licenses to substantially reduce the illicit production and sale of marijuana throughout the state; and
- (2) Limit the number of licenses issued, if necessary, to prevent an undue concentration of licenses in any one municipality.

§ 9. Actions and conduct by a licensee, a licensee's employee, and a licensee's agent, as permitted pursuant to a license issued by the department, or by those who allow property to be used by a licensee, a licensee's employee, or a licensee's agent, as permitted pursuant to a license issued by the department, are not unlawful and shall not be an offense under state law, or the laws of any local government within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law, or the laws of any local government within the state. No contract is unenforceable on the basis that marijuana is prohibited by federal law. A holder of a professional or occupational license is not subject to professional discipline for providing advice or services related to marijuana licenses or applications on the basis that marijuana is prohibited by federal law.

§10. A local government may enact ordinances or regulations governing the time, place, manner, and number of licensees operating within its jurisdiction. A local government may ban the establishment of licensees or any category of licensee within its jurisdiction. A local government may allow for cultivation at private residences within its jurisdiction that would otherwise not be allowed under §4(2)(c) so long as the cultivation complies with §4(2)(a) and §4(2)(b) and the other requirements of this article. A local government may not prohibit the transportation of marijuana through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this article.

§11. An excise tax of fifteen percent is imposed upon the gross receipts of all sales of marijuana sold by a person licensed by the department pursuant to this article to a consumer. The Legislature

may adjust this rate after November 3, 2024. The department shall by rule establish a procedure for the collection of this tax and shall collect the tax. The revenue collected under this section shall be appropriated to the department to cover costs incurred by the department in carrying out its duties under this article. Fifty percent of the remaining revenue shall be appropriated by the Legislature for the support of South Dakota public schools and the remainder shall be deposited into the state general fund.

§ 12. Any rule adopted by the department pursuant to this article must comply with chapter 1-26 of the South Dakota Codified Laws. Any person aggrieved by a decision of the department is entitled to appeal the decision in accordance with chapter 1-26 of the South Dakota Codified Laws. If by April 1, 2022, the department fails to promulgate rules required by this article, or if the department adopts rules that are inconsistent with this article, any resident of the state may commence a mandamus action in circuit court to compel performance by the department in accordance with this article.

§13. The department shall publish an annual report that includes the number and type of licenses issued, demographic information on licensees, a description of any enforcement or disciplinary action taken against licensees, a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this article, and a statement of taxes collected in accordance with this article, and an accounting for how those revenues were disbursed.

§14. Not later than April 1, 2022, the Legislature shall pass laws to:

- (1) Ensure access to marijuana beyond what is set forth in this article by persons who have been diagnosed by a health care provider, acting within the provider's scope of practice, as having a serious and debilitating medical condition and who are likely to receive therapeutic or palliative benefit from marijuana; and
- (2) Regulate the cultivation, processing, and sale of hemp.

§15. This article shall be broadly construed to accomplish its purposes and intents. Nothing in this article purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this article or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this article are severable.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 2 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 3 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 4 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 5 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 6 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 7 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 8 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 9 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 10 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

RECEIVED
SEP 11 2019
S.D. SEC. OF STATE

Filed this 17th day of September 2019
Steve Barnett
SECRETARY OF STATE

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator _____ Residence Address _____ City _____ State _____

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this _____ day of _____, _____.
(Seal)

Signature of Circulator

My Commission Expires _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

Exhibit 2

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES)

CERTIFICATE

We, Steve Barnett, Shirley Jameson-Fergel, Katie Hruska and Jeff Tronvold, the Board of Canvassers in the State of South Dakota for the General Election held in said state on November 3, 2020, hereby certify that the attached is a true and correct record of the votes for the candidates as shown by returns certified to the Secretary of State of South Dakota.

Steve Barnett
Secretary of State

Shirley Jameson-Fergel
for the Supreme Court

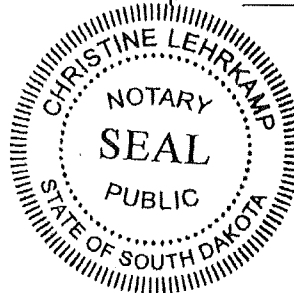
Katie Hruska
for the Governor

Jeff Tronvold
for the Attorney General

Sworn to before me this 10th day of November, 2020.

Christine Lehrkamp
Notary Public

My commission expires 1.21.21



General Election - November 3, 2020

County	Presidential Electors		
	Donald J. Trump and Michael R. Pence - REP	Jo Jorgensen and Jeremy "Spilke" Cohen - LIB	Joseph R. Biden and Kamala Harris - DEM
Aurora	1,052	36	317
Beadle	4,808	166	2,107
Bennett	694	23	466
Bon Homme	2,235	45	721
Brookings	8,000	457	6,110
Brown	10,580	429	6,538
Brule	1,750	67	673
Buffalo	183	14	352
Butte	3,731	132	939
Campbell	747	9	117
Charles Mix	2,552	54	1,177
Clark	1,373	40	437
Clay	2,456	159	3,083
Codington	8,958	366	3,837
Corson	647	14	622
Custer	3,852	120	1,522
Davison	5,613	193	2,648
Day	1,869	43	1,052
Deuel	1,699	42	609
Dewey	790	45	1,131
Douglas	1,468	23	216
Edmunds	1,538	30	417
Fall River	2,878	111	1,053
Faulk	964	20	198
Grant	2,618	71	1,056
Gregory	1,771	32	455
Haakon	1,026	6	105
Hamlin	2,372	64	647
Hand	1,433	30	373
Hanson	1,793	38	557
Harding	748	16	49
Hughes	5,522	248	2,953
Hutchinson	2,944	61	762
Iyde	564	10	136
Jackson	738	18	359
Jerauld	721	15	270
Jones	498	11	90
Kingsbury	1,904	56	819
Lake	3,681	124	2,068
Lawrence	8,753	538	4,537
Lincoln	19,617	798	11,981
Lyman	1,042	30	525
Marshall	1,287	33	858
McCook	2,068	63	769
McPherson	1,075	27	222
Meade	9,875	510	3,285
Mellette	449	22	298
Miner	787	31	320
Minnehaha	49,249	2,595	40,482
Moody	1,951	76	1,179
Oglala Lakota	297	74	2,829
Pennington	35,063	1,849	20,606
Perkins	1,401	29	239
Potter	1,139	14	227
Roberts	2,404	75	1,828
Sanborn	905	23	257
Spink	2,104	61	998
Stanley	1,203	28	421
Sully	726	19	185
Todd	532	44	1,963
Tripp	2,161	40	495
Turner	3,290	119	1,139
Union	5,944	186	2,725
Walworth	1,966	49	565
Yankton	6,581	303	4,016
Ziebach	404	21	481
Total	261,043	11,095	150,471

General Election - November 3, 2020

County	United States Senator	
	Mike Rounds - REP	Dan Ahlers - DEM
Aurora	1,002	403
Beadle	5,104	1,986
Bennett	729	437
Bon Homme	2,156	834
Brookings	8,792	5,746
Brown	11,168	6,283
Brule	1,735	756
Buffalo	223	322
Butte	3,809	961
Campbell	745	122
Charles Mix	2,542	1,259
Clark	1,397	450
Clay	2,857	2,807
Codington	9,479	3,626
Corson	681	583
Custer	3,973	1,483
Davison	5,893	2,540
Day	1,895	1,069
Deuel	1,714	628
Dewey	884	1,062
Douglas	1,469	235
Edmunds	1,539	448
Fall River	3,009	993
Faulk	975	213
Grant	2,723	1,026
Gregory	1,766	488
Haakon	1,032	106
Hamlin	2,413	657
Hand	1,480	378
Hanson	1,796	564
Harding	727	73
Hughes	6,217	2,546
Hutchinson	2,982	772
Hyde	568	143
Jackson	756	357
Jerauld	720	277
Jones	497	99
Kingsbury	1,970	809
Lake	3,816	2,069
Lawrence	9,385	4,358
Lincoln	21,221	11,013
Lyman	1,066	533
Marshall	1,334	853
McCook	2,072	835
McPherson	1,086	235
Meade	10,355	3,176
Mellette	468	303
Miner	807	339
Minnehaha	52,773	38,799
Moody	1,877	1,343
Oglala Lakota	510	2,691
Penningson	37,694	19,184
Perkins	1,395	249
Potter	1,160	224
Roberts	2,529	1,767
Sanborn	898	281
Spink	2,178	986
Stanley	1,274	378
Sully	759	168
Todd	706	1,796
Tripp	2,188	502
Turner	3,416	1,126
Union	6,364	2,407
Walworth	2,040	525
Yankton	6,994	3,848
Ziebach	450	458
Total	276,232	143,987

General Election - November 3, 2020

County	United States Representative	
	Dusty Johnson - REP	Randy "Uriah" Luallin - LIB
Aurora	1,224	144
Beadle	5,857	936
Bennett	807	288
Bon Homme	2,519	389
Brookings	10,741	2,791
Brown	13,706	2,841
Brule	2,073	338
Buffalo	306	196
Butte	3,977	672
Campbell	790	64
Charles Mix	2,921	703
Clark	1,571	222
Clay	3,750	1,378
Codington	10,685	1,881
Corson	755	365
Custer	4,336	902
Davison	7,101	1,069
Day	2,336	485
Deuel	2,005	294
Dewey	1,065	693
Douglas	1,568	106
Edmunds	1,741	184
Fall River	3,142	735
Faulk	1,065	90
Grant	3,164	462
Gregory	2,009	179
Haakon	1,061	59
Hamlin	2,644	359
Hand	1,647	159
Hanson	1,938	275
Harding	747	48
Hughes	7,148	1,276
Hutchinson	3,301	351
Hyde	628	68
Jackson	809	253
Jerauld	847	115
Jones	528	65
Kingsbury	2,314	361
Lake	4,717	834
Lawrence	10,481	2,521
Lincoln	25,298	5,290
Lyman	1,228	312
Marshall	1,670	364
McCook	2,479	369
McPherson	1,181	114
Meade	10,983	2,178
Mellette	548	198
Miner	964	133
Minnehaha	65,473	19,600
Moody	2,425	631
Oglala Lakota	855	1,865
Pennington	41,982	11,679
Perkins	1,427	176
Potter	1,255	102
Roberts	3,100	934
Sanborn	1,016	129
Spink	2,645	400
Stanley	1,399	180
Sully	807	92
Todd	961	1,247
Tripp	2,360	267
Turner	3,885	541
Union	6,862	1,345
Walworth	2,222	267
Yankton	8,404	1,887
Ziebach	531	297
Total	321,984	75,748

General Election - November 3, 2020

County	Public Utilities Commissioner		
	Gary Hanson - REP	Devin Saxon - LJB	Remi W. B. Bald Eagle - DEM
Aurora	1,073	55	207
Beadle	5,131	301	1,372
Bennett	631	51	429
Bon Homme	2,193	137	491
Brookings	8,523	735	4,389
Brown	11,118	814	4,531
Brule	1,774	124	486
Buffalo	174	15	340
Butte	3,577	294	737
Campbell	734	26	75
Charles Mix	2,532	97	1,036
Clark	1,382	95	275
Clay	2,778	252	2,299
Codington	9,285	646	2,352
Corson	605	33	605
Custer	3,692	301	1,243
Davison	6,010	406	1,631
Day	1,999	127	666
Deuel	1,704	115	416
Dewey	694	63	1,149
Douglas	1,475	36	121
Edmunds	1,533	71	280
Fall River	2,789	254	836
Faulk	942	39	133
Grant	2,721	163	671
Gregory	1,732	60	358
Haakon	1,015	18	62
Hamlin	2,384	113	421
Hand	1,485	58	245
Hanson	1,758	76	404
Harding	690	32	50
Hughes	6,155	337	2,002
Hutchinson	3,002	107	449
Hyde	559	19	105
Jackson	708	34	334
Jerauld	752	24	186
Jones	481	26	68
Kingsbury	2,034	91	541
Lake	4,014	234	1,342
Lawrence	8,818	946	3,433
Lincoln	21,904	1,460	7,421
Lyman	1,043	52	445
Marshall	1,422	85	555
McCook	2,140	117	486
McPherson	1,074	43	133
Meade	9,489	967	2,468
Mellette	437	32	275
Miner	836	52	200
Minnehaha	55,106	4,569	27,568
Moody	2,041	116	915
Oglala Lakota	257	78	2,824
Pennington	34,684	3,697	15,847
Perkins	1,302	85	191
Potter	1,155	37	133
Roberts	2,593	144	1,410
Sanborn	874	42	197
Splink	2,229	132	634
Stanley	1,234	48	308
Sully	735	29	133
Todd	479	68	1,915
Tripp	2,125	79	377
Turner	3,474	184	707
Union	6,013	375	1,941
Walworth	1,978	81	420
Yankton	6,737	573	2,748
Ziebach	361	52	473
Total	272,378	20,622	107,494

General Election - November 3, 2020

State Senator District 01		
County	Michael H. Rohl - REP	Susan Wismer - DEM
Brown	1,130	622
Day	1,663	1,218
Marshall	1,117	1,043
Roberts	2,141	2,030
Total	6,051	4,913

State Senator District 02	
County	Brock L. Greenfield - REP
Brown	2,602
Clark	1,305
Hamlin	2,286
Spink	1,961
Total	8,154

State Senator District 03	
County	Al Novstrup - REP
Brown	7,496
Total	7,496

State Senator District 04		
County	John Wiik - REP	Daryl Root - LIB
Brookings	3,365	774
Codington	1,405	250
Deuel	1,851	371
Grant	2,917	612
Total	9,538	2,007

State Senator District 05		
County	Lee Schoenbeck - REP	Adam Jewell - LIB
Codington	8,272	2,193
Total	8,272	2,193

State Senator District 06		
County	Herman Otten - REP	Nancy Kirstein - DEM
Lincoln	10,194	5,081
Total	10,194	5,081

State Senator District 07	
County	V. J. Smith - REP
Brookings	6,650
Total	6,650

State Senator District 08	
County	Casey Crabtree - REP
Lake	4,218
Miner	788
Moody	2,000
Sanborn	823
Total	7,829

State Senator District 09		
County	Wayne H. Steinhauer - REP	Suzanne "Suzie" Jones Pranger - DEM
Minnehaha	7,654	5,552
Total	7,654	5,552

State Senator District 10		
County	Maggie Sutton - REP	Nichole Cauwels - DEM
Minnehaha	7,205	4,261
Total	7,205	4,261

General Election - November 3, 2020

State Senator District 11		
County	Jim Stalzer - REP	Tom Cool - DEM
Minnehaha	8,244	5,389
Total	8,244	5,389

State Senator District 12		
County	R Blake Curd - REP	Jessica Meyers - DEM
Lincoln	3,219	2,178
Minnehaha	3,380	3,428
Total	6,599	5,606

State Senator District 13		
County	Jack Kolbeck - REP	Elizabeth "Liz" Larson - DEM
Lincoln	3,969	2,017
Minnehaha	3,521	3,802
Total	7,490	5,819

State Senator District 14		
County	Larry P. Zikmund - REP	Timothy Reed - DEM
Minnehaha	7,391	5,808
Total	7,391	5,808

State Senator District 15		
County	Thor Bardon - REP	Reynold F. Nesiba - DEM
Minnehaha	3,411	4,127
Total	3,411	4,127

State Senator District 16	
County	Jim Bolin - REP
Lincoln	3,383
Union	6,582
Total	9,965

State Senator District 17			
County	Arthur Rusch - REP	Gregory Baldwin - LIB	Ailee Johns - DEM
Clay	3,065	218	2,250
Turner	3,220	216	872
Total	6,285	434	3,122

State Senator District 18		
County	Jean Hunhoff - REP	Jordan Foos - DEM
Yankton	6,342	4,255
Total	6,342	4,255

State Senator District 19	
County	Kyle Schoenfish - REP
Bon Homme	1,395
Douglas	1,403
Hanson	1,750
Hutchinson	3,111
McCook	2,107
Total	9,766

State Senator District 20		
County	Joshua Klumb - REP	Alexander Martin - LIB
Aurora	1,165	156
Davison	6,567	1,215
Jerauld	784	121
Total	8,516	1,492

General Election - November 3, 2020

State Senator District 21		
County	Erin Tobin - REP	Dan Kerner Andersson - DEM
Bon Homme	892	208
Charles Mix	2,593	1,093
Gregory	1,874	335
Tripp	2,270	366
Total	7,629	2,002

State Senator District 22	
County	David Wheeler - REP
Beadle	5,417
Kingsbury	1,980
Total	7,397

State Senator District 23		
County	Bryan J. Breiding - REP	CJ Abernathy - LIB
Campbell	756	57
Edmunds	1,679	170
Faulk	938	106
Hand	1,557	198
McPherson	1,117	117
Potter	1,166	110
Spink	266	45
Walworth	2,040	307
Total	9,519	1,110

State Senator District 24	
County	Mary Duvall - REP
Hughes	6,656
Hyde	565
Stanley	1,242
Sully	791
Total	9,254

State Senator District 25			
County	Marsha Symens - REP	Seth William Van't Hof - IND	Rick W Knobe - IND
Minnehaha	7,580	1,093	4,205
Total	7,580	1,093	4,205

State Senator District 26		
County	Joel Koskan - REP	Troy Heinert - DEM
Brule	1,505	898
Buffalo	158	381
Jones	452	133
Lyman	918	635
Mellette	404	357
Todd	504	2,012
Total	3,941	4,416

State Senator District 27		
County	Judd W Schomp - REP	Red Dawn Foster - DEM
Bennett	618	511
Haakon	1,013	81
Jackson	713	361
Oglala Lakota	324	2,842
Pennington	310	34
Total	2,978	3,829

State Senator District 28	
County	Ryan M. Maher - REP
Butte	2,915
Corson	788
Dewey	1,074
Harding	743
Perkins	1,439
Ziebach	547
Total	7,506

General Election - November 3, 2020

State Senator District 29		
County	Gary L. Cammack - REP	Kent Wisey - LIB
Butte	811	171
Meade	7,919	2,177
Pennington	620	308
Total	9,350	2,656

State Senator District 30		
County	Julie Frye-Mueller - REP	A. Gideon Oakes - LIB
Custer	3,506	1,542
Fall River	2,728	1,058
Pennington	3,809	1,446
Total	10,043	4,046

State Senator District 31	
County	Timothy R. Johns - REP
Lawrence	9,911
Total	9,911

State Senator District 32		
County	Helene Duhamel - REP	Michael Calabrese - DEM
Pennington	7,397	4,143
Total	7,397	4,143

State Senator District 33		
County	David Johnson - REP	Ryan A. Ryder - DEM
Meade	1,960	692
Pennington	9,409	4,625
Total	11,369	5,317

State Senator District 34		
County	Michael G Diedrich - REP	George Nelson - DEM
Pennington	8,079	4,470
Total	8,079	4,470

State Senator District 35		
County	Jessica Castleberry - REP	Brian Gentry - IND
Pennington	6,012	3,747
Total	6,012	3,747

State Representative District 01			
County	Tamara St. John - REP	Jennifer Healy Keintz - DEM	Steven D. McCleerey - DEM
Brown	1,126	595	599
Day	1,607	1,304	1,031
Marshall	1,107	1,110	807
Roberts	2,310	1,493	1,812
Total	6,150	4,502	4,249

State Representative District 02		
County	Kaleb W. Weis - REP	Lana Greenfield - REP
Brown	2,200	2,025
Clark	945	1,071
Hamlin	1,769	1,739
Splink	1,467	1,593
Total	6,381	6,428

State Representative District 03				
County	Drew Dennert - REP	Carl E Perry - REP	Leslie McLaughlin - DEM	Justin Roemnick - DEM
Brown	7,108	6,087	3,843	3,720
Total	7,108	6,087	3,843	3,720

State Representative District 04			
County	Fred Deutsch - REP	John Mills - REP	Becky Holtquist - DEM
Brookings	2,842	2,800	1,369
Codington	1,201	865	460
Deuel	1,497	1,380	663
Grant	2,472	1,956	1,150
Total	8,012	7,001	3,642

State Representative District 05		
County	Hugh M. Bartels - REP	Nancy York - REP
Codington	7,311	6,182
Total	7,311	6,182

General Election - November 3, 2020

State Representative District 06			
County	Ernie Otten - REP	Aaron Aylward - REP	Cody Ingle - DEM
Lincoln	9,504	6,504	5,084
Total	9,504	6,504	5,084

State Representative District 07				
County	Timothy Reed - REP	Larry Tidemann - REP	Louise Snodgrass - DEM	Bill Adamson - DEM
Brookings	5,821	5,235	3,635	2,786
Total	5,821	5,235	3,635	2,786

State Representative District 08				
County	Marli Wiese - REP	Randy Gross - REP	John P. Kessinger - DEM	Val Parsley - DEM
Lake	3,921	3,163	1,095	2,264
Miner	700	641	188	404
Moody	1,682	1,795	685	1,291
Sanborn	726	728	194	301
Total	7,029	6,327	2,162	4,260

State Representative District 09				
County	Rhonda Milstead - REP	Bethany Soye - REP	Michael Saba - DEM	Toni Miller - DEM
Minnehaha	7,656	6,720	4,679	4,368
Total	7,656	6,720	4,679	4,368

State Representative District 10			
County	Steven Haugaard - REP	Doug Barthel - REP	Michelle L. Hentschel - DEM
Minnehaha	6,527	6,188	4,736
Total	6,527	6,188	4,736

State Representative District 11				
County	Mark Willadsen - REP	Chris Karr - REP	Sheryl Johnson - DEM	Margaret M Kuipers - DEM
Minnehaha	7,172	7,253	5,900	4,429
Total	7,172	7,253	5,900	4,429

State Representative District 12			
County	Greg Jamison - REP	Arch Beal - REP	Erin Royer - DEM
Lincoln	3,212	2,750	2,152
Minnehaha	3,587	2,871	3,403
Total	6,799	5,621	5,555

State Representative District 13				
County	Richard L Thomason - REP	Sue Peterson - REP	Norman B. Bliss - DEM	Kelly A. Sullivan - DEM
Lincoln	3,346	3,605	1,766	2,078
Minnehaha	2,869	3,141	3,328	3,768
Total	6,215	6,746	5,094	5,846

State Representative District 14				
County	Taylor Rae Rehfeldt - REP	Tom Holmes - REP	Mike Huber - DEM	Erin Healy - DEM
Minnehaha	6,933	5,782	5,228	6,388
Total	6,933	5,782	5,228	6,388

State Representative District 15				
County	Matt Rosburg - REP	Cole Heisey - REP	Jamie Smith - DEM	Linda Duba - DEM
Minnehaha	2,943	2,987	3,727	3,918
Total	2,943	2,987	3,727	3,918

State Representative District 16		
County	David L. Anderson - REP	Kevin D. Jensen - REP
Lincoln	2,784	2,253
Union	5,599	4,257
Total	8,383	6,510

State Representative District 17				
County	Richard Vasgaard - REP	Sydney Davis - REP	Caitlin F. Collier - DEM	Al Leber - DEM
Clay	1,989	2,521	2,374	2,708
Turner	2,797	2,757	807	937
Total	4,786	5,278	3,181	3,645

State Representative District 18		
County	Mike Stevens - REP	Ryan Cwach - DEM
Yankton	6,778	5,109
Total	6,778	5,109

General Election - November 3, 2020

State Representative District 19		
County	Kent Peterson - REP	Marty Overweg - REP
Bon Homme	1,188	842
Douglas	991	1,249
Hanson	1,559	1,183
Hutchinson	2,695	1,953
McCook	2,070	1,337
Total	8,503	6,564

State Representative District 20		
County	Paul R Miskimins - REP	Lance Koth - REP
Aurora	974	693
Davison	5,860	4,804
Jerauld	569	567
Total	7,403	6,064

State Representative District 21			
County	Rocky Blare - REP	Caleb Finck - REP	Jessica Hegge - DEM
Bon Homme	615	794	268
Charles Mix	1,898	1,845	1,620
Gregory	1,595	1,226	537
Tripp	2,222	1,173	486
Total	6,330	5,038	2,911

State Representative District 22				
County	Roger Chase - REP	Lynn Schneider - REP	Mark S Smith - DEM	C. John McEnelly - DEM
Beadle	4,409	4,310	1,910	1,734
Kingsbury	1,756	1,545	730	614
Total	6,165	5,855	2,640	2,348

State Representative District 23		
County	Spencer Gosch - REP	Charlie Hoffman - REP
Campbell	729	566
Edmunds	1,337	1,211
Faulk	806	715
Hand	1,214	1,045
McPherson	907	989
Potter	1,032	837
Spink	212	186
Walworth	2,088	1,242
Total	8,325	6,791

State Representative District 24			
County	Will D Mortenson - REP	Mike Welsgram - REP	Amanda Bachmann - DEM
Hughes	6,012	5,736	2,421
Hyde	526	401	155
Stanley	1,186	1,067	331
Sully	686	582	172
Total	8,410	7,786	3,079

State Representative District 25				
County	Tom Pischke - REP	Jon Hansen - REP	Jeff Barth - DEM	Jared Nieuwenhuis - DEM
Minnehaha	7,784	7,826	4,460	3,720
Total	7,784	7,826	4,460	3,720

State Representative District 26A	
County	Shawn Bordeaux - DEM
Mellette	387
Todd	1,867
Total	2,254

State Representative District 26B		
County	Rebecca L Reimer - REP	Tim Feliciano - DEM
Brule	1,826	597
Buffalo	200	338
Jones	491	75
Lyman	1,061	492
Total	3,578	1,502

State Representative District 27			
County	Liz May - REP	Ernest Weston Jr - DEM	Peri Pourier - DEM
Bennett	778	320	397
Haakon	1,013	104	92
Jackson	765	212	331
Oglala Lakota	448	1,814	2,380
Pennington	316	30	34
Total	3,320	2,480	3,234

General Election - November 3, 2020

State Representative District 28A	
County	Oren Lee Lesmeister - DEM
Corson	732
Dewey	1,215
Ziebach	638
Total	2,585

State Representative District 28B	
County	Sam Marty - REP
Butte	2,745
Harding	731
Perkins	1,371
Total	4,847

State Representative District 29			
County	Dean Wink - REP	Kirk J. Chaffee - REP	Jade Addison - IND
Butte	679	571	194
Meade	6,911	5,356	2,634
Pennington	577	454	346
Total	8,167	6,381	3,174

State Representative District 30		
County	Trish Ladner - REP	Tim R. Goodwin - REP
Custer	3,039	3,075
Fall River	2,372	2,156
Pennington	3,257	3,204
Total	8,668	8,435

State Representative District 31			
County	Scott Odenbach - REP	Mary Fitzgerald - REP	Brooke Abdallah - DEM
Lawrence	8,104	6,920	4,590
Total	8,104	6,920	4,590

State Representative District 32				
County	Chris Johnson - REP	Becky Drury - REP	Toni Diamond - DEM	James Preston - DEM
Pennington	6,391	5,587	3,826	3,932
Total	6,391	5,587	3,826	3,932

State Representative District 33		
County	Phil Jensen - REP	Taffy Howard - REP
Meade	1,711	1,337
Pennington	8,540	6,565
Total	10,251	7,902

State Representative District 34				
County	Mike Derby - REP	Jess Olson - REP	Nick Anderson - DEM	Rick Stracqualursi - DEM
Pennington	7,225	6,756	3,776	3,806
Total	7,225	6,756	3,776	3,806

State Representative District 35				
County	Tina L. Mulally - REP	Tony Randolph - REP	David A. Hubbard - DEM	Pat Cromwell - DEM
Pennington	5,777	5,375	2,916	2,740
Total	5,777	5,375	2,916	2,740

General Election - November 3, 2020

County	SUPREME COURT RETENTION: SHALL JUSTICE STEVEN JENSEN REPRESENTING THE FIRST SUPREME COURT DISTRICT, WHOSE TERM EXPIRES JANUARY 1, 2021, BE RETAINED IN OFFICE?	
	Yes	No
Aurora	1,074	181
Beadle	5,239	940
Bennett	726	294
Bon Homme	2,272	391
Brookings	10,069	1,957
Brown	12,450	2,517
Brule	1,860	381
Buffalo	308	179
Butte	3,611	675
Campbell	665	86
Charles Mix	2,670	744
Clark	1,368	226
Clay	3,935	1,053
Codington	9,161	1,716
Corson	759	383
Custer	3,882	852
Davison	6,466	1,138
Day	2,135	448
Deuel	1,718	307
Dewey	1,145	590
Douglas	1,330	158
Edmunds	1,474	274
Fall River	2,777	730
Faulk	897	128
Grant	2,743	500
Gregory	1,745	303
Haakon	872	126
Hamlin	2,261	335
Hand	1,450	184
Hanson	1,758	274
Harding	608	83
Hughes	7,019	1,019
Hutchinson	2,872	390
Hyde	564	71
Jackson	769	231
Jerauld	757	133
Jones	477	71
Kingsbury	2,098	293
Lake	4,363	746
Lawrence	9,685	2,308
Lincoln	23,388	4,650
Lyman	1,107	311
Marshall	1,576	317
McCook	2,163	393
McPherson	1,009	174
Meads	9,682	2,271
Mellette	536	145
Miner	846	126
Minnehaha	61,774	16,025
Moody	2,302	554
Oglala Lakota	1,397	1,537
Pennington	38,701	10,395
Perkins	1,232	185
Potter	1,088	143
Roberts	2,977	834
Sanborn	922	114
Spink	2,391	386
Stanley	1,337	173
Sully	729	116
Todd	1,259	1,012
Tripp	2,053	386
Turner	3,443	596
Union	6,681	1,169
Walworth	1,927	357
Yankton	7,746	1,668
Ziebach	526	265
Total	296,824	67,717

General Election - November 3, 2020

James River Water Development District Director James River WDD 4		
County	Leroy Braun - NON	Robert J. Roeber - NON
Beadle	731	509
Spink	1,510	856
Total	2,241	1,365

West Dakota Water Development District Director West Dakota WDD 6		
County	James A. Kammert Sr. - NON	Cheryl Rowe - NON
Pennington	1,266	2,370
Total	1,266	2,370

General Election - November 3, 2020

County	Constitutional Amendment A: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.	
	Yes	No
Aurora	531	850
Beadle	3,432	3,536
Bennett	637	518
Bon Homme	1,269	1,647
Brookings	8,056	6,280
Brown	9,666	7,632
Brule	1,141	1,301
Buffalo	366	162
Butte	2,221	2,524
Campbell	344	507
Charles Mix	1,678	2,036
Clark	751	1,058
Clay	3,742	1,891
Codington	6,603	6,355
Corson	665	573
Custer	2,617	2,794
Davison	4,135	4,228
Day	1,419	1,479
Deuel	920	1,373
Dewey	1,222	685
Douglas	460	1,195
Edmunds	796	1,158
Fall River	2,065	1,881
Faulk	413	751
Grant	1,649	2,027
Gregory	876	1,337
Haakon	305	809
Hamlin	1,114	1,933
Hand	619	1,195
Hanson	1,037	1,245
Harding	251	541
Hughes	4,348	4,346
Hutchinson	1,267	2,408
Hyde	264	430
Jackson	515	578
Jerauld	392	594
Jones	220	376
Kingsbury	1,234	1,490
Lake	3,001	2,818
Lawrence	7,934	5,813
Lincoln	17,741	14,432
Lyman	808	777
Marshall	1,121	1,023
McCook	1,327	1,531
McPherson	475	810
Meade	6,999	6,525
Mellette	376	387
Miner	514	614
Minnehaha	54,663	36,018
Moody	1,667	1,529
Oglala Lakota	2,523	582
Pennington	32,991	23,367
Perkins	616	1,020
Potter	530	825
Roberts	2,297	1,916
Sanborn	535	620
Spink	1,349	1,724
Stanley	788	849
Sully	402	526
Todd	1,906	562
Tripp	999	1,651
Turner	1,975	2,512
Union	5,090	3,609
Walworth	1,032	1,478
Yankton	5,839	4,870
Ziebach	522	366
Total	225,260	190,477

General Election - November 3, 2020

County	Constitutional Amendment B: An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.	
	Yes	No
Aurora	637	735
Beadle	3,627	3,251
Bennett	644	504
Bon Homme	1,456	1,426
Brookings	8,062	6,044
Brown	9,914	7,138
Brule	1,291	1,137
Buffalo	297	221
Butte	2,589	2,141
Campbell	411	419
Charles Mix	1,867	1,832
Clark	889	890
Clay	3,422	2,077
Codington	7,068	5,595
Corson	623	612
Custer	2,893	2,477
Davison	4,669	3,625
Day	1,491	1,374
Deuel	1,127	1,154
Dewey	1,124	765
Douglas	653	988
Edmunds	1,037	889
Fall River	2,224	1,696
Faulk	562	583
Grant	1,857	1,758
Gregory	1,031	1,158
Haakon	491	620
Hamlin	1,254	1,759
Hand	838	950
Hanson	1,194	1,062
Harding	423	367
Hughes	5,010	3,630
Hutchinson	1,714	1,947
Hyde	352	333
Jackson	581	505
Jerauld	477	499
Jones	265	320
Kingsbury	1,345	1,350
Lake	3,243	2,518
Lawrence	8,484	5,139
Lincoln	19,848	11,668
Lyman	938	633
Marshall	1,136	977
McCook	1,566	1,273
McPherson	538	730
Meade	8,082	5,280
Mellette	419	340
Miner	553	561
Minnehaha	55,388	33,472
Moody	1,845	1,310
Oglala Lakota	2,106	974
Pennington	33,966	21,609
Perkins	754	875
Potter	709	643
Roberts	2,217	1,955
Sanborn	629	516
Spink	1,648	1,414
Stanley	1,016	623
Sully	520	402
Todd	1,610	822
Tripp	1,332	1,315
Turner	2,409	2,035
Union	5,653	2,944
Walworth	1,269	1,228
Yankton	5,827	4,730
Ziebach	506	374
Total	239,620	170,191

General Election - November 3, 2020

County	Initiated Measure 26: An initiated measure to legalize marijuana for medical use.	
	Yes	No
Aurora	793	598
Beadle	4,577	2,409
Bennett	786	374
Bon Homme	1,749	1,180
Brookings	10,454	3,942
Brown	12,442	4,952
Brule	1,624	835
Buffalo	403	123
Butte	2,888	1,875
Campbell	466	381
Charles Mix	2,317	1,426
Clark	1,157	662
Clay	4,466	1,180
Codington	9,000	4,029
Corson	800	445
Custer	3,464	1,970
Davison	5,563	2,818
Day	1,916	998
Deuel	1,402	913
Dewey	1,431	489
Douglas	734	926
Edmunds	1,213	746
Fall River	2,472	1,385
Faulk	648	515
Grant	2,416	1,277
Gregory	1,260	961
Haakon	494	628
Hamlin	1,665	1,388
Hand	991	829
Hanson	1,480	824
Harding	361	433
Hughes	5,802	2,922
Hutchinson	1,977	1,720
Hyde	400	298
Jackson	635	464
Jerauld	589	404
Jones	324	269
Kingsbury	1,748	990
Lake	4,058	1,792
Lawrence	9,712	4,077
Lincoln	23,476	8,718
Lyman	1,070	519
Marshall	1,591	570
McCook	1,862	1,009
McPherson	672	619
Meade	8,952	4,571
Mellette	496	269
Miner	741	387
Minnehaha	69,052	22,036
Moody	2,234	973
Oglala Lakota	2,668	443
Pennington	40,732	15,813
Perkins	840	803
Potter	773	602
Roberts	3,035	1,202
Sanborn	751	417
Spink	1,956	1,147
Stanley	1,097	550
Sully	536	388
Todd	2,063	410
Tripp	1,472	1,194
Turner	2,939	1,571
Union	6,483	2,244
Walworth	1,432	1,095
Yankton	7,539	3,216
Ziebach	615	275
Total	291,754	125,488