2026 BALLOT QUESTIONS

2026 Ballot Question Pamphlet compiled by the Office of the Secretary of State

The text of this pamphlet is available on our website at www.sdsos.gov.

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 office of the Secretary of State as required by law and provided by the authors. The information 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.

Monae L. Johnson
Secretary of State

500 East Capitol Ave., Ste. 204
Pierre, SD 57501
Phone 605.773.3537
Email: elections@state.sd.us

Constitutional amendments and 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)

30,000 copies of this publication were printed by the Office of the Secretary of State at a cost of $.32 each.

Constitutional Amendment I

Title: An Amendment to the South Dakota Constitution that Repeals Expanded Medicaid Coverage if Federal Funding for the Program Drops below 90%.

Attorney General Explanation: Medicaid is a program, funded by the State and the federal government, to provide medical coverage for low-income children, pregnant women, disabled individuals, and the elderly. In the 2022 General Election the voters approved Constitutional Amendment D, which expanded Medicaid eligibility in South Dakota. Amendment D requires the State to also provide Medicaid benefits to anyone over the age of 18 and under 65 whose income is at or below 133% of the federal property level, plus 5% of the federal poverty level for the applicable family size. Currently, federal law requires the federal government to fund 90% of South Dakota's Medicaid expansion.

This proposed Constitutional Amendment ends the expanded Medicaid coverage if the federal funding for expansion drops below 90%. If federal funding drops below that 90% threshold, Medicaid coverage will once again only apply to low-income children, pregnant women, disabled individuals, and the elderly.

Vote "Yes" to adopt the amendment.
Vote "No" to leave the Constitution as it is.

The text of this constitutional amendment is two pages long with two sections.

Pro – Constitutional Amendment I	Con – Constitutional Amendment I
Amendment I is about making sure that South Dakotans get to make their own decisions about how to spend state money. It would NOT automatically end Medicaid expansion. It would let South Dakotans make that decision. In 2022, voters approved Medicaid expansion. The state has honored that vote, and today about 30,000 South Dakotans receive coverage through the program. A major reason voters supported expansion was a promise from the federal government: Washington would pay 90% of the cost, while South Dakota would pay 10%. Amendment I says that as long as Washington keeps that promise, nothing changes. But what if Washington changes the deal? Think about any service you buy at a set price. If the company raises the price, you get to decide whether the service is still worth the cost. South Dakota deserves the same choice. For every 10% of Medicaid expansion costs shifted from Washington to South Dakota, our state would have to find about $36 million more each year. That could mean higher taxes or cuts elsewhere. Our state has many important needs. We fund schools, law enforcement, nursing homes, and services for people with disabilities. Medicaid expansion for able-bodied, working-age adults should not have a guaranteed place at the front of the line if Washington stops paying its promised share. Amendment I does not prevent South Dakota from continuing Medicaid expansion. It simply ends the constitutional requirement if federal funding falls below 90%. Legislators and voters could then decide whether expansion is still worth the new cost. Our state has participated in Medicaid programs for more than fifty years, without having it in the constitution. South Dakotans made the decision to expand Medicaid. If Washington changes the deal, South Dakotans should make the next decision too. **Vote YES on Amendment I.** Lt. Governor Tony Venhuizen; Sen. Casey Crabtree, Madison; and Rep. Will Mortenson, Ft. Pierre	A vote **NO** would keep the South Dakota Constitution unchanged and preserve Medicaid expansion as approved by South Dakota voters in 2022. Medicaid expansion provides health insurance to adults with incomes up to $1,835 per month (about $22,00 per year) for a single individual or $3,142 per month ($37,700 per year) for a family of three. Before expansion, many low-income South Dakotans had no affordable way to see a doctor or fill prescriptions. A vote **NO** would allow approximately 30,000 South Dakotans who receive insurance through Medicaid expansion to keep their insurance and access the care needed to stay healthy, support their families, work, and contribute to their communities. A vote **NO** would ensure that changes in federal funding do not automatically take health coverage from South Dakotans. Statement from Deb Fischer-Clemens, RN, BSN, MHA

Constitutional Amendment J

Title: An Amendment to the South Dakota Constitution Clarifying that an Individual Must Be a Citizen of the United States to be Eligible to Vote.

Attorney General Explanation: Article VII, § 2 of the South Dakota Constitution defines who is qualified to vote in state elections. Among these qualifications are age, residency, and United States citizenship requirements. Article VII, § 2 also establishes that individuals may be disqualified from voting because of mental incompetence or a felony conviction.

This constitutional amendment adds people who are not United States citizens to the list of individuals disqualified from voting, clarifying the existing requirement that only citizens may vote in state elections.

Vote "Yes" to adopt the amendment.
Vote "No" to leave the Constitution as it is.

The text of this constitutional amendment is one page long with two sections.

Pro – Constitutional Amendment J	Con – Constitutional Amendment J
Amendment J protects the integrity of South Dakota elections by making it clear that only United States citizens may vote in elections in South Dakota. Vote YES if you agree. The South Dakota Constitution currently states that every United States citizen who is eighteen years of age or older and has met all residency requirements is entitled to vote in all elections, unless disqualified by law for mental incompetence or conviction of a felony. However, our Constitution does not explicitly state that individuals who are not United States citizens are prohibited from voting. As long as United States citizens who meet the requirements are allowed to vote, nothing currently prohibits non-citizens also being allowed to vote. Amendment J closes that constitutional loophole. Currently, the South Dakota Constitution recognizes only two reasons a person may be disqualified from voting: mental incompetence and conviction of a felony. Amendment J adds a third disqualification: not being a citizen of the United States. Vote YES to make it unmistakably clear that only United States citizens may vote in South Dakota elections. This amendment does not change the voting rights of any eligible United States citizen. It does not change voter registration requirements, residency requirements, or election procedures. It simply adds clear language to our Constitution stating that non-citizens are not eligible to vote. If approved by a majority of voters at the general election, this amendment will become part of the South Dakota Constitution. If rejected, the current constitutional loophole would remain in place. South Dakotans deserve confidence that our Constitution clearly protects the integrity of our elections. Vote YES on Amendment J. Taffy Howard, State Senator, District 34	Today, under South Dakota's Constitution, only United States citizens can vote. Non-citizens cannot. Amendment J does not solve any problems. Instead, it creates one: you, a citizen, could be denied the right to vote over a challenge to your citizenship. The first line of Amendment J restates what our state's Constitution already says: "Every individual who is a citizen of the United States" is entitled to vote. The problem is what Amendment J adds—"an individual who is not a citizen of the United States is disqualified from voting"—paired with a recently enacted law. Effective July 1, 2026, any registered voter may challenge your registration by claiming you are not a citizen. There is no simple document to prove a person is not a citizen. When a challenge is filed, the burden shifts to you to prove that you are a citizen, with no clear timeline for when your citizenship is recognized. In practice, this means a challenge from anyone could keep you from casting a timely absentee or Election Day ballot. Amendment J was sold in the Legislature as stopping non-citizens from voting. Instead, it makes ordinary citizens prove their status—most often naturalized citizens or citizens questioned over their name or background. Amendment J does not solve anything. In 2024, the state found and removed 273 non-citizens from its rolls. Those people had marked "no" to citizenship on their driver's license applications, and the Department of Public Safety registered them as a result of human error. There has been no attempt to commit mass election fraud by noncitizens in South Dakota. Only citizens can vote in South Dakota. Amendment J does not change that, but it gives bad actors a tool to deny your vote through an unclear citizenship challenge process. Vote No on Amendment J. Representative Erik Muckey, District 15

Constitutional Amendment K

Title: An Amendment to the South Dakota Constitution Establishing the Trust for Unclaimed Property Fund.

Attorney General Explanation: Under South Dakota statute, intangible property is presumed to be abandoned if it remains unclaimed by the owner for more than three years after it became payable or distributable. Examples of intangible property are traveler's checks, money orders, bank deposits, refunds, stocks, funds owed under a life insurance policy, and property held in a safe deposit box. Abandoned intangible property is transferred to the State Treasurer to hold while waiting for the owner to claim it. The State Treasurer must provide public notice of the abandoned property.

This proposed constitutional amendment establishes a trust fund where unclaimed abandoned property will be deposited. Portions of the interest and income from this fund will be distributed into the general fund for the benefit of the state. This proposed amendment requires the Legislature to determine the amount to be distributed that promotes the growth of the trust fund and the distributed amount.

Vote "Yes" to adopt the amendment.
Vote "No" to leave the Constitution as it is.

The text of this constitutional amendment is two pages long containing two sections.

Pro – Constitutional Amendment K	Con – Constitutional Amendment K
Vote YES on Amendment K Amendment K is a win-win for all South Dakotans. If voters approve it, unclaimed property dollars will be held in a permanent trust fund. The interest those dollars earn becomes a new permanent source of state revenue for roads, schools, and other public services without raising taxes. Unclaimed funds like forgotten bank accounts, refunds, and insurance proceeds stay protected for their rightful owners. Amendment K also delivers stronger returns. Today, those dollars sit in a temporary fund earning only 3 to 4 %. Our other state trust funds, managed by the South Dakota Investment Council are doing considerably better; School and Public Lands at 8.3 % and Education Enhancement at 7.9 %. Voting yes puts unclaimed property dollars in the same hands. Unreturned dollars go into the permanent trust fund and stay there, so when a rightful owner comes forward, the money is still there to pay the claim in full. Only interest earned each year goes to the Legislature, which gives the state a steady source of revenue without costing claimants or taxpayers a thing. For anyone claiming property through the State Treasurer's Unclaimed Property Program, nothing changes. It keeps returning money to rightful owners just as it always has. What changes is the protection behind those dollars. Pass Amendment K, and that protection is permanent. Vote it down, and the Legislature can change the law whenever it likes and spend whatever isn't claimed, just as it could under the old system. Amendment K follows the proven model of South Dakota's other permanent trusts managed by the Investment Council, and it asks nothing of anyone. Vote YES to protect unclaimed property dollars permanently, put them to work for stronger returns, and give the state a stable source of revenue without a single new tax. Josh Haeder State Treasurer	"No statement provided"

Constitutional Amendment L

Title: An Amendment to the South Dakota Constitution Requiring that a Proposed Constitutional Amendment or Revision Receive an Affirmative Vote of Sixty Percent of the Votes Cast.

Attorney General Explanation: The State Constitution provides that any proposed constitutional amendment or revision must be submitted to the voters for approval. Currently, a proposed constitutional amendment or revision becomes part of the Constitution if approved by a majority of the votes cast.

This proposed Constitutional Amendment increases the number of votes required for a proposed constitutional amendment or revision to become part of the Constitution. If passed, further constitutional amendments must receive an affirmative vote of sixty percent of the votes cast to be implemented.

Vote "Yes" to adopt the amendment.
Vote "No" to leave the Constitution as it is.

The text of this constitutional amendment is one page long containing two sections.

Pro – Constitutional Amendment L	Con – Constitutional Amendment L
We encourage you to **VOTE YES on AMENDMENT L** to **Protect Our Constitution**. In recent years, political activists have tried to change South Dakota's Constitution by inserting policy changes into our state's founding document. Currently, South Dakota's Constitution can be changed by a simple majority of votes cast. Amendment L raises that threshold to sixty percent. By contrast, the U.S. Constitution is much harder to amend. Changes to the U.S. Constitution require a 2/3 vote of the U.S. House and Senate, followed by ratification of 3/4 of the states. Our state Constitution provides a framework of governance, while laws passed by the Legislature or by voter initiative outline policy within the framework. A simple majority works well for ordinary laws, but a higher threshold is needed for changing our Constitution, which is meant to protect core rights. With Amendment L, only changes with broad, strong support from South Dakotans become part of our framework of governance. This doesn't mean we can't make changes; it simply means that our foundational document should not be subject to the political whims of a given election cycle. Let's keep our Constitution secure for future generations. **VOTE YES on AMENDMENT L**. **John Hughes**, State Representative **Dale Bartscher**, South Dakota Right to Life **Nathan Sanderson**, South Dakota Retailers	At its core, Amendment L seeks to establish minority rule in South Dakota. It removes important checks and balances, making it easier for insiders in Pierre to make backroom deals and listen to out-of-state donors instead of the people who live here. Voters have already rejected this idea twice in recent years. In 2018, they defeated Amendment X, which proposed a 55% threshold. In 2022, they overwhelmingly rejected Amendment C, which would have required 60% approval for constitutional amendments with fiscal impacts. Amendment L goes even further by applying the 60% requirement to every future constitutional amendment. At some point, supporters of these proposals need to just listen to voters as they have spoken. South Dakota was the first state to give citizens the power to propose and vote on laws directly. That tradition exists so ordinary people, not just politicians or powerful interests, can shape their government when needed. That power has been an important part of our political tradition for decades. Within that power lies a simple principle: the majority decides. If Amendment L passes, a small minority could block our state from holding politicians accountable. Our state motto says, "Under God, the People Rule." Amendment L would make it much harder for the people to have their say, even when a clear majority agrees. Protect majority rule. Don't give away your power. Vote **NO** on Amendment L. Chase Jensen, Dakota Rural Action Ryan Rolfs, South Dakota Education Association

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

https://sdsos.gov/elections-voting/upcoming-elections/general-information/2026%20Election%20Information/2026-ballot-questions.aspx