

# OFFICIAL GENERAL ELECTION BALLOT

November 8, 2016

South Dakota

Custer County

**INSTRUCTIONS TO THE VOTER:**  
To vote for a group of presidential electors **FILL IN** the oval (○) next to the names.  
Use only a pencil or pen.  
If you make a mistake, give the ballot back and get a new one.  
**DO NOT** cast more votes than are allowed in each race.

## NONPOLITICAL BALLOT

**INSTRUCTIONS TO THE VOTER:**  
To vote on a ballot question **FILL IN** the oval (○) next to "yes" or "no".  
**DO NOT** cast more votes than are allowed in each race.

### Constitutional Amendment

The following amendment to the State Constitution is submitted to the voters by the Legislature. The amendment will not become effective unless approved by majority vote.

### CONSTITUTIONAL AMENDMENT R

**Title:** An Amendment to the South Dakota Constitution regarding postsecondary technical education institutes.

**Attorney General Explanation:** Under the South Dakota Constitution, the Board of Regents is responsible for postsecondary educational institutions funded entirely or in part by the State. Constitutional Amendment R applies to postsecondary technical education institutes that receive state funding and offer career and technical associate of applied science degrees, certificates, or their equivalents. Currently, there are four such institutes: Lake Area Technical Institute, Mitchell Technical Institute, Southeast Technical Institute, and Western Dakota Technical Institute. Under the amendment, postsecondary technical institutes will be governed separately in a manner to be determined by the Legislature.

The amendment also clarifies that the Board of Regents retains control over state-funded postsecondary educational institutions offering associate of arts, associate of sciences, bachelor's, and postgraduate degrees.

**Yes** A vote "Yes" is for adding a provision to the Constitution regarding postsecondary technical educational institutes.

**No** A vote "No" will leave the Constitution as it is.

### CONSTITUTIONAL AMENDMENT T

**Title:** An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission

**Attorney General Explanation:** State senators and representatives are elected from within legislative districts. The South Dakota Constitution currently requires the Legislature to establish these legislative districts every ten years. This measure removes that authority from the Legislature and grants it to a redistricting commission.

The commission is made up of nine registered voters selected each redistricting year by the State Board of Elections from a pool of up to 30 applicants. This pool consists of applicants registered with South Dakota's two largest political parties (ten from each), and ten not registered with either of those parties. A commission member must have the same party registration, or be registered as unaffiliated with a party, for three continuous years immediately prior to appointment.

No more than three commission members may belong to the same political party. For three years immediately prior to and three years immediately after appointment, commission members may not hold office in certain state or local public offices, or in a political party organization.

The commission will redistrict in 2017, in 2021, and every ten years thereafter. The commission must produce a draft map and allow for public comment. The districts must be drawn in compliance with state and federal law.

**Yes** A vote "Yes" is for changing the Constitution to provide for state legislative redistricting by a commission.

**No** A vote "No" will leave the Constitution as it is.

### CONSTITUTIONAL AMENDMENT U

**Title:** An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans

**Attorney General Explanation:** Under this constitutional amendment, there is no limit on the amount of interest a lender may charge for a loan of money if the interest rate is agreed to in writing by the borrower. If there is no written agreement, however, a lender may not charge more than 18% interest per year. A law setting an interest rate for loans is not valid unless the law gives the lender and borrower the ability to agree to a different rate. If an interest rate for loans is established by law, it must apply to every type of lender.

The amendment eliminates the ability to set statutory interest rates that are inconsistent with this amendment.

**Yes** A vote "Yes" is for adding provisions to the Constitution that limit the ability to set statutory interest rates for loans.

**No** A vote "No" will leave the Constitution as it is.

### For Presidential Electors

You may vote for one slate or leave it blank.

**Trump & Pence Electors**  
Republican Party  
Dennis Daugaard  
Matt Michels  
Marty Jackley

**Johnson & Weld Electors**  
Libertarian Party  
Jon Boon McNutt  
Elaine Kub  
Richard Shelatz

**Clinton & Kaine Electors**  
Democratic Party  
JR LaPlante  
Susan Kelts  
Ann Tomberg

**Castle & Bradley Electors**  
Constitution Party  
Frank Howe  
Joel Bergan  
Melvin Van Den Top

**INSTRUCTIONS TO THE VOTER:**  
To vote for a person **FILL IN** the oval (○) next to the name.  
**DO NOT** cast more votes than are allowed in each race.

### For United States Senator

You may vote for one or leave it blank.

**John R. Thune**  
Republican Party

**Jay Williams**  
Democratic Party

### For United States Representative

You may vote for one or leave it blank.

**Kristi Noem**  
Republican Party

**Paula Hawks**  
Democratic Party

### For Public Utilities Commissioner

You may vote for one or leave it blank.

**Chris Nelson**  
Republican Party

**Henry Red Cloud**  
Democratic Party

### For State Senator District 30

You may vote for one or leave it blank.

**Lance Russell**  
Republican Party

**Karla R. LaRive**  
Democratic Party

### For State Representatives District 30

You may vote for up to two or leave it blank.

**Julie Frye-Mueller**  
Republican Party

**Tim R. Goodwin**  
Republican Party

**Kristine Ina Winter**  
Democratic Party

**Sandy Arseneault**  
Democratic Party

### Constitutional Amendments

The following amendments to the State Constitution are submitted to the voters by a petition. The amendments will not become effective unless approved by majority vote.

### CONSTITUTIONAL AMENDMENT S

**Title:** An initiated amendment to the South Dakota Constitution to expand rights for crime victims

**Attorney General Explanation:** Currently, state statutes provide certain rights to crime victims. This measure expands these rights and places them in the State Constitution.

Under the amendment, the rights provided to a victim generally include: protection from harassment or abuse; the right to privacy; timely notice of all trial, sentence, and post-judgment proceedings including pardon or parole; the right to confer with the attorney for the government; and the opportunity to provide input during all phases of the criminal justice process. Victims will be given written notification of their rights.

The rights may be enforced by the victim, the victim's attorney or representative, or the attorney for the government. They may be enforced in any trial court, appeals court, or other proceeding affecting the victim's rights.

The definition of "victim" includes a person who suffers direct or threatened harm as the result of any crime, attempted crime, or act of juvenile delinquency. It also includes that person's spouse, children, extended family members, guardians, and others with a substantially similar relationship.

If a victim's rights provided by this amendment conflict with a criminal defendant's rights under the South Dakota and United States Constitutions, a court may determine that the defendant's rights take priority.

**Yes** A vote "Yes" is for expanding statutory rights of victims and placing the rights in the Constitution.

**No** A vote "No" will leave the Constitution as it is.

Hermosa 1  
Fairburn 2  
Buffalo Gap 3  
Pringle 4  
Sentinel Hill 5  
Custer 6  
Custer 7  
Custer 8  
Custer 8  
Bear Rock 9  
Elk Mountain 10

**INSTRUCTIONS TO THE VOTER:**  
To vote on a ballot question **FILL IN** the oval (●) next to "yes" or "no".  
**DO NOT** cast more votes than are allowed in each race.

**CONSTITUTIONAL AMENDMENT V**  
**Title:** An initiated amendment to the South Dakota Constitution establishing nonpartisan elections

**Attorney General Explanation:** Currently, most general election candidates for federal, state, and county offices are selected through a partisan primary or at a state party convention. This Constitutional amendment eliminates those methods by establishing a nonpartisan primary to select candidates for all federal, state, and county elected offices. This amendment does not apply to elections for United States President and Vice President.

Under the amendment, candidates are not identified by party affiliation on the primary or general election ballot. All qualified voters, regardless of party affiliation, may vote for any candidate of their choice.

The two candidates with the most votes advance to the general election. For certain offices where more than one candidate is elected at the general election, the number of candidates advancing to the general election will be double the number of seats to be filled.

If the amendment is approved, a substantial re-write of state election laws will be necessary.

- Yes** A vote "Yes" is for adding provisions to the Constitution to establish nonpartisan elections.
- No** A vote "No" will leave the Constitution as it is.

**Initiated Measures**  
The following initiated measures were proposed by petition for submission to the voters. These initiated measures will not become effective unless approved by majority vote.

**INITIATED MEASURE 21**  
**Title:** An initiated measure to set a maximum finance charge for certain licensed money lenders  
**Attorney General Explanation:** The initiated measure prohibits certain State-licensed money lenders from making a loan that imposes total interest, fees and charges at an annual percentage rate greater than 36%. The measure also prohibits these money lenders from evading this rate limitation by indirect means. A violation of this measure is a misdemeanor crime. In addition, a loan made in violation of this measure is void, and any principal, fee, interest, or charge is uncollectable.

The measure's prohibitions apply to all money lenders licensed under South Dakota Codified Laws chapter 54-4. These licensed lenders make commercial and personal loans, including installment, automobile, short-term consumer, payday, and title loans. The measure does not apply to state and national banks, bank holding companies, other federally insured financial institutions, and state chartered trust companies. The measure also does not apply to businesses that provide financing for goods and services they sell.

- Yes** A vote "Yes" is for prohibiting certain money lenders from charging more than 36% interest on loans.
- No** A vote "No" is against the measure.

**INITIATED MEASURE 22**

**Title:** An initiated measure to revise State campaign finance and lobbying laws, create a publicly funded campaign finance program, create an ethics commission, and appropriate funds

**Attorney General Explanation:** This measure extensively revises State campaign finance laws. It requires additional disclosures and increased reporting. It lowers contribution amounts to political action committees; political parties; and candidates for statewide, legislative, or county office. It also imposes limits on contributions from candidate campaign committees, political action committees, and political parties.

The measure creates a publicly funded campaign finance program for statewide and legislative candidates who choose to participate and agree to limits on campaign contributions and expenditures. Under the program, two \$50 "credits" are issued to each registered voter, who assigns them to participating candidates. The credits are redeemed from the program, which is funded by an annual State general-fund appropriation of \$9 per registered voter. The program fund may not exceed \$12 million at any time.

The measure creates an appointed ethics commission to administer the credit program and to enforce campaign finance and lobbying laws.

The measure prohibits certain State officials and high-level employees from lobbying until two years after leaving State government. It also places limitations on lobbyists' gifts to certain state officials and staff members.

If approved, the measure may be challenged in court on constitutional grounds.

**Legislative Research Councils Prison/Jail Population Cost Estimate Statement:** The penalties in this Act are administrative misdemeanors, with one class B felony. Their purpose is to enforce compliance with the provisions to which they adhere. These crimes are presently in statute, and past violations of these statutes show minimal charges and even fewer convictions. It is the opinion of the Legislative Research Council that the nature of these laws encourages regular compliance. When an offense is prosecuted, it will not likely result in a jail sentence. Hence, the impact on jail populations is likely negligible.

- Yes** A vote "Yes" is for revising State campaign finance and lobbying laws.
- No** A vote "No" is against the measure.

**INITIATED MEASURE 23**

**Title:** An initiated measure to give certain organizations the right to charge fees

**Attorney General Explanation:** The measure gives corporate organizations and non-profit organizations the right to charge a fee for any service provided. This measure takes effect on July 1, 2017.

- Yes** A vote "Yes" is for allowing certain organizations the right to charge fees.
- No** A vote "No" is against the measure.

**Referred Laws**  
The following laws were adopted by the Legislature and referred to the voters by petition. These laws will not become effective unless approved by majority vote.

**REFERRED LAW 19**

**Title:** An Act to revise State laws regarding elections and election petitions

**Attorney General Explanation:** Currently, primary election candidates for certain offices must circulate and submit nominating petitions between January 1 and the last Tuesday in March. Referred Law 19 changes that timeframe to between December 1 and the first Tuesday in March. The referred law also changes other election-related submission deadlines, adjusting them from the last Tuesday in March to the first Tuesday in March.

Certain election-related documents, including nominating petitions, are currently considered timely submitted if sent by registered mail before the deadline. The referred law changes this to require that these documents be received by the submission deadline. It also changes the method for calculating the number of signatures required on nominating petitions for certain elective offices.

The referred law prohibits a person registered with a recognized political party from signing an independent candidate's nominating petition. The current law does not contain that prohibition.

Under the referred law, an independent governor candidate cannot appear on the ballot if the corresponding lieutenant governor candidate withdraws and a replacement is not certified by the second Tuesday in August. It also restricts the circumstances under which a political party may replace a candidate who has withdrawn from consideration after the primary election.

- Yes** A vote "Yes" is for revising State laws regarding elections and election petitions.
- No** A vote "No" is against the referred law.

**REFERRED LAW 20**

**Title:** An Act lowering the State minimum wage for non-tipped employees under age 18

**Attorney General Explanation:** State law requires employers to pay all non-tipped employees a minimum wage, with limited exceptions. Currently, that amount is \$8.55 per hour. State law also requires that the minimum wage be adjusted, effective on January 1 of each year, by any increase in the cost of living as measured by the U. S. Department of Labor's Consumer Price Index.

Referred Law 20, if approved, would lower the existing State minimum wage to \$7.50 per hour for non-tipped employees under age 18. In addition, no annual cost-of-living wage adjustment would be required for the youth minimum wage.

The referred law would also prohibit employers from taking any action to displace an employee or reduce an employee's hours, wages, or benefits, in order to hire someone at the youth minimum wage.

- Yes** A vote "Yes" is for lowering the minimum wage to \$7.50 per hour for non-tipped employees under age 18.
- No** A vote "No" is against the referred law.