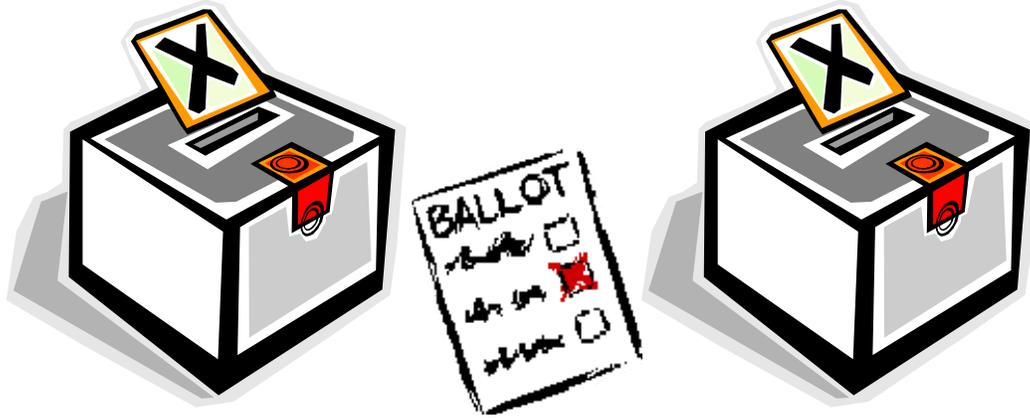


South Dakota

2008 Ballot Questions



For immediate election returns on November 4th, call the Secretary of State toll free at 1-888-70-ELECT or browse the results on the Secretary of State's web page at www.sdsos.gov. The text of this pamphlet is also available on that web page.

This pamphlet is available in large print, Braille, or on tape by calling the SD State Library at 1-800-423-6665.

SDCL 12-13-23 requires the Office of Secretary of State to prepare and distribute public information concerning constitutional amendments, initiatives and referred measures. This pamphlet is prepared by soliciting statements from the proponents and opponents of amendments and measures.

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 State or the Attorney General.

The information was compiled by the Secretary of State as supplied by the writers, was not verified by the Secretary of State and does not reflect the position of the State 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 writers in this brochure.

Please feel free to photocopy and distribute this pamphlet.

Chris Nelson
Secretary of State

Kea Warne, Election Supervisor

500 East Capitol Avenue, Ste 204, Pierre, SD 57501
Phone: 605-773-3537 Fax: 605-773-6580

sdsos@state.sd.us
www.sdsos.gov

Constitutional Amendment G

Title: An Amendment to the South Dakota Constitution, to repeal certain reimbursement restrictions for travel by legislators to and from a legislative session.

Attorney General Explanation

The Constitution fixes the mileage reimbursement rate for legislators at five cents per mile for their travel to and from a legislative session.

Constitutional Amendment G would repeal this constitutional limitation.

A vote "Yes" will change the Constitution.

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

Pro -- Constitutional Amendment G

Amendment G will remove the outdated five cent per mile reimbursement that legislators receive for traveling to and from the capital for the annual meeting of the legislature. The five cent per mile reimbursement relates back to 1891. Removing this language from our constitution will allow for an accurate and fair method of mileage reimbursement as provided for by law.

With the exception of the first travel day for legislators to the Capitol and the return trip home at the end of Session, legislators are reimbursed for their travel at the designated state rate per mile. A vote in favor of this amendment will allow for all legislative travel to be at the state rate of reimbursement.

This amendment was a recommendation of the 2004 Constitutional Revision Commission. Since the purpose of a constitution is to establish the framework for a government and to subject everyone fairly to the law, placing a rate of travel reimbursement within this document is inappropriate. Rates of reimbursement are more appropriately addressed in an adopted budget following legislative guidelines.

Submitted by: Representative Larry Lucas, District 26A, PO Box 182, Mission, SD 57555

Con -- Constitutional Amendment G

This proposal changes a provision that has been in our South Dakota Constitution for 116 years, and during that time it hasn't hurt anybody. There are serious constitutional revisions that could be considered, that would affect the lives of people in our state, and this is not one of them. I oppose adding meaningless amendments to our fall ballot, that makes it longer than it needs to be for our state's work to get done.

In 1891 five cents a mile was a large sum. Today, this payment for one of the trips to Pierre each year, is a reminder to our legislators of our humble roots. It is a reminder of the need for fiscal restraint. Finally, if it hurts just a little bit, it reminds those of us in Pierre that we have to be mindful of the burdens we have the power to place on the people we are here to serve.

Submitted by: Senator Gene M. Abdallah, District 10, 4908 S. Glenview Road, Sioux Falls, SD 57108

Constitutional Amendment H

Title: An Amendment to the South Dakota Constitution, to repeal certain provisions relating to corporations.

Attorney General Explanation

The Constitution limits “corporations” to business entities with powers or privileges not possessed by individuals or partnerships. The Constitution also requires the payment of money, property or labor for issuance of corporate stock and bonds; prohibits the increase of corporate stock and debt without consent of stockholders holding a larger value of stock first obtained; and protects cumulative voting rights of stockholders.

Constitutional Amendment H would repeal the above provisions and permit a 2008 Legislative Session bill (HB 1139) to become law. The new law would allow a corporation to restrict cumulative voting and to issue corporate stock for any consideration determined to be adequate by its board of directors.

A vote “Yes” will change the Constitution.

A vote “No” will leave the Constitution as it is.

Pro -- Constitutional Amendment H

Amendment H is the result of a review of the Corporation Articles of the Constitution by the State Bar of South Dakota. Amendment H represents the concluding act in the process of updating South Dakota’s corporate laws, which began with the adoption of an updated Business Corporation Act in 2005. Several of the best parts of the updated Act could not be adopted in South Dakota because of conflict with the Constitution. Amendment H will allow those provisions to become law, help existing businesses, big or small, and will also help South Dakota remain competitive in attracting economic development.

Amendment H removes the requirement of electing corporate directors by cumulative voting. Cumulative voting is a method entitling shareholders to multiply the number of votes they are entitled to cast by the number of directors up for election and then cast the resulting number of votes for a single candidate or distribute the votes among the candidates. Upon the passage of Amendment H, a new state law will take effect still requiring cumulative voting unless a corporation opts out. Corporations will have cumulative voting unless it takes affirmative steps requiring shareholder approval to eliminate it.

Amendment H eliminates a provision that bars a corporation from issuing stock for limited forms of payment. Upon passage of Amendment H, a new law will take effect explaining the forms of payment permitted for issuing stock.

Amendment H eliminates a provision requiring an impractical method of increasing the amount of corporate debt. Current state law adequately addresses increasing corporate debt.

Amendment H eliminates the outdated definition of the term “Corporation” from our Constitution. South Dakota law already defines the term with a definition that reflects corporations as they are today.

A vote YES for Amendment H is a vote YES for South Dakota businesses.

Submitted by: Representative Marc S. Feinstein, 3205 E. Marson Dr., Sioux Falls, SD 57103 and Patrick Goetzinger, 440 Mt. Rushmore Rd., Rapid City, SD 57701, co-chairs of the Business Law Committee of the State Bar of South Dakota

Con -- Constitutional Amendment H

No opponent writer could be identified.

Constitutional Amendment I

Title: An Amendment to the South Dakota Constitution, to provide for a maximum of forty legislative days each year.

Attorney General Explanation

The Constitution limits the length of regular legislative sessions held during odd-numbered years to no more than forty legislative days, and those held during even-numbered years to no more than thirty-five legislative days.

Constitutional Amendment I would set all regular legislative sessions at a maximum of forty legislative days.

A vote "Yes" will change the Constitution.

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

Pro -- Constitutional Amendment I

"Under God the People Rule" is the state motto of South Dakota, and this principle is expressed in the Legislative Article of our Constitution. This Article establishes a citizen Legislature and makes the Legislature part-time, limits terms of office to two years and allows for initiative and referendum.

To protect the people's right to rule, the Legislature must be closely tied to the people. The people expect the Legislature will have the time and expertise to make sound policy for South Dakota and to watch over the actions of the Executive Branch.

The Legislative Article is nearly unchanged since statehood; however, the world has become more complex, making the creation of sound laws more difficult. In 1972, South Dakotans voted to revise and dramatically strengthen the Executive Branch. This made the Executive very powerful in relation to the Legislature because the Governor is full-time and the Legislature is part-time, creating an imbalance between the branches that has grown over the last 35 years.

Amendment I would make a small but important change to the Legislature and help it fulfill its responsibilities and redress the imbalance between branches. It allows the Legislature to meet annually in a session not exceeding 40 days. (Currently, the Legislature meets 40 days in odd number years and 35 days in even number years and, other than tradition, there is no reason why one session is five days shorter than the other.) The additional five days every two years would be optional for the Legislature to use. Given the complexities of the world and the reality of our strong Executive, the Legislature could very well decide that it needed these extra days.

It is in our interest as citizens to give our Legislature this modest flexibility to ensure that "Under God the People Rule."

Submitted by: Bill Peterson, Majority Leader, South Dakota House of Representatives, 2001 – 2004, 3808 E. Marson Dr., Sioux Falls, SD 57103

Con -- Constitutional Amendment I

Until 1964 the legislature met every other year, and then a 30 day off-year session was created just to address that year's budget. Those sessions have now morphed into two full legislative sessions where more laws are proposed and enacted. This Constitutional Amendment proposes to increase the session length; an idea the voters have rejected in the past. Constitutional Amendment I is an expansion of government and I urge you to vote no for the following reasons.

In the past the legislature has finished its work and gone home early on a number of occasions; the old days of "covering the clock" have become rare. But know this, if you give the legislature more time to decide issues, the most important issues will just be pushed off to the new last day of the longer session.

Additionally there is cost to the taxpayer for the added five days. Each legislator will draw an additional five hundred fifty dollars in per diem, there will be additional travel costs, and staff expenses for the extra week will have to be paid. The additional costs will be at least \$115,000. This does not include the costs to various groups, including cities, counties, and schools in our state, that will be paying lobbyists to be in Pierre, for an additional week, defending these groups from proposed legislation.

Last, but not least, is the old adage, "if it isn't broke don't fix it." Presently the legislative sessions of forty days and thirty-five days are more than adequate for your legislators to do the people's work. It is already too long and many people, willing to serve, cannot afford to take a leave of absence from their job to serve in the legislature.

Once again, I urge you to vote no on Constitutional Amendment I.

Submitted by: Senator Jerry Apa, Chair, Senate Appropriations Committee, 137 Grand Ave, Lead, SD 57754

Constitutional Amendment J

Title: An Amendment to the South Dakota Constitution, to eliminate term limits for legislators.

Attorney General Explanation

The Constitution establishes term limits for legislators. No legislator may serve in the state house of representatives or the state senate for more than four consecutive terms, or a total of eight consecutive years.

Constitutional Amendment J would repeal legislator term limits.

A vote "Yes" will change the Constitution.

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

Pro -- Constitutional Amendment J

Term Limits were first passed in South Dakota in 1992 for congressional, legislative and constitutional office holders. The constitutional amendment was immediately challenged and the Congressional Term Limits section was declared unconstitutional in 1993. Fifteen states have term limits and South Dakota's only affects legislators and constitutional officers.

Measure J only repeals term limits for state legislators. Here are two reasons why this repeal should be passed by the voters.

1. Term limits have destroyed your freedom to decide who you want to represent you. Valuable experienced legislators have been forced from office, only to be replaced with inexperienced candidates with no prior governmental experience, resulting in the dumbing down of our legislative process.

South Dakota has the shortest session in the U.S. Our part time legislature, meets for two months each year. We have seen up to a 30% turnover rate every election, while many county commissions, school boards, and city councils are full time (year around) with no term limits.

2. After 16 years, the effect of inexperienced legislators has placed tremendous power in the hands of lobbyists, bureaucrats, and the governor's office. In many instances the legislature has neither the institutional memory nor experience to deal with complex issues that have drastic consequences to the citizens of South Dakota.

Term limits for our part time legislators have been a disaster. I was one of the people who worked for term limits. I thought term limits would help our state. I was wrong. I have seen decorum and courtesy for our legislature disappear. Rules of conduct have been replaced with disrespect.

Measure J Only Repeals Terms Limits For Legislators.

VOTE YES FOR AMENDMENT J, and restore integrity and your vote for freedom of choice to our legislative process.

Submitted by: Senator Bill Napoli, 6180 S. Hwy. 79, Rapid City, SD 57702

Con -- Constitutional Amendment J

Eliminate South Dakota's voter-approved Term Limits law?

No way! Vote NO on 'J'!

Should incumbent politicians in Pierre – desperate to hold on to the powers and perks of political office -- be allowed to overturn the Term Limits law approved by over 64 percent of South Dakota voters?

No way! Vote NO on 'J'!

Should South Dakota turn back the clock and return to a system that let a handful of powerful politicians cut deals with special interest lobbyists in return for campaign cash they could use to get reelected, decade after decade, with no limit on how long they could stay in office?

No way! Vote NO on 'J'!

Should legislators who voted to put repeal of Term Limits on the ballot be allowed to get away with a blatant power grab -- trying to remove term limits on themselves, but leaving term limits in place for the governor and lieutenant governor?

No way! Vote NO on 'J'!

Since voters overwhelmingly approved Term Limits, this good government law has encouraged a more frequent influx of new citizen legislators rather than the old system in which career politicians used the perks and privileges of incumbency and special interest lobbyists' campaign donations to dominate challenging candidates and win reelection over 90 percent of the time.

Instead, South Dakota's Term Limits law has given us new faces, fresh thinking in Pierre, and more competitive elections in which average citizens and taxpayers have a greater chance of being elected, serving a maximum four consecutive terms, and then leaving office to allow other citizens to serve. No on J preserves openness in government which is vital to keeping legislators honest and more accountable and responsive to South Dakota voters.

Should we let self-serving incumbents take those benefits away?

No way! Vote NO on 'J'!

Submitted by: Rick Skorupski, Chairman, 18562 402nd Ave., Frankfort, South Dakota 57440 and Jeff Partridge, 7174 Prestwick Rd., Rapid City, South Dakota 57702. Affiliated with Don't Touch Term Limits BQC

Initiated Measure 9

Title: An Initiative to make certain securities practices and transactions unlawful.

Attorney General Explanation

State and federal law regulates the purchase and sale of stocks and other securities.

A common “stock market” transaction is a “short sale” where, for example, an investor who believes a publicly traded stock is over-priced will borrow that stock from an owner, sell the borrowed stock, and repurchase the stock later at a lower price to repay the loan, thereby making money if the price has fallen. If the price goes up, the investor must repurchase the stock at the higher price to repay the loan, and will lose money. Measure 9 would prohibit short sales.

State law currently does not regulate the time frame for the delivery of securities upon sale. Measure 9 would prohibit anyone from routinely taking longer than three business days to deliver securities they have sold.

If adopted, Measure 9 will likely be challenged in court and may be declared to be preempted by federal law and the United States Constitution.

A vote “Yes” will adopt the proposed law.

A vote “No” will reject the proposed law.

Pro – Initiated Measure 9

Initiated Measure 9 -- **The South Dakota Small Investor Protection Act** -- allows for action within the State of South Dakota if the seller of stock in publicly traded companies:

“Has engaged in a pattern of commercially unreasonable delay in the delivery of securities sold, or has sold securities that the person did not own or have a bona fide contract to purchase.

For the purposes of this subdivision, commercially unreasonable is presumed to be more than three business days.”

This means that when a South Dakotan buys stock, it must be timely delivered from seller to buyer.

The same existing requirements under Federal law are not being enforced. According to testimony before the US Senate, each day more than \$6 billion in stock is sold but not delivered to buyers -- including stock in some of South Dakota’s best-known companies.

This illegal activity puts South Dakota small investors at risk, as well as South Dakota public pension funds that invest in stocks, and ultimately South Dakota taxpayers.

The Securities & Exchange Commission recently began enforcing its 3-day delivery rule – but only for 19 large banks and Wall Street firms – leaving investors in the rest of America’s publicly-traded companies at risk.

Voting “YES” on 9 will allow our courts to intervene when Federal bureaucrats and New York courts don’t.

The initiative, written by former South Dakota Attorney General Mark Meierhenry, does not end short selling. It does not even mention short selling. The law enables Federal law to be enforced in South Dakota courts.

When someone robs a South Dakota bank, they face both Federal and state prosecution. Under Initiated Measure 9, when someone cheats a South Dakota investor, they too will face both Federal and South Dakota action.

To protect South Dakotans, vote “YES” on 9.

Submitted by: Mark V. Meierhenry, Danforth & Meierhenry, LLP, 315 S. Phillips Avenue, Sioux Falls, SD 57104 and Mr. Tim Mooney, Arno Political Consultants, 38060 N. Miramonte Drive, Cave Creek, AZ 85331

Con – Initiated Measure 9

Because this initiative outlaws a practice called “short selling” that is already authorized and regulated by federal law, the courts will undoubtedly strike it down as unconstitutional under the Supremacy Clause of the United States Constitution. South Dakota taxpayers will bear the financial burden of defending this unnecessary new measure if it passes, even though out of state private interests brought it to South Dakota.

A short sale is the sale of a security that the seller does not own and does not have a contract to purchase, such as a sale for which a seller delivers, or will deliver, borrowed securities.

Of immediate concern, the initiative will have negative consequences for our economy as the case drags through the judicial system. The proposal is not restricted to in state transactions, but rather applies to transactions anywhere by any company registered to do business in South Dakota, which includes all major national broker-dealers. Because of the broad sweep of the act, it applies not only to in state broker-dealer employees but to officers and directors wherever located. The companies will have only one choice, to exit the state. Even if companies found ways to do business here they would probably choose not to do so, because the initiative would disrupt their national trading systems. Small business issuers would also be hurt raising capital.

Under current South Dakota and federal securities law, manipulative short selling constitutes fraudulent activity and a crime. Current regulatory, criminal and civil remedies under both state and federal law adequately govern those persons or entities that fraudulently manipulate short sale transactions. No need exists for additional state law to protect investors or small businesses from abusive short sale practices.

The initiative would be unnecessary, expensive, and economically harmful to South Dakota. Vote No.

Submitted by: Gail Sheppick, Director of the South Dakota Division of Securities, 445 E Capitol Avenue Pierre, SD 57501

Initiated Measure 10

Title: An Initiative to prohibit tax revenues from being used for lobbying or campaigning, to prohibit governmental bodies from lobbying, to prohibit government contractors from making campaign contributions, to prohibit government contracts when the contractor employs a legislator or legislative staff member, and to require contracts with governmental bodies to be published.

Attorney General Explanation

State law prohibits the acceptance of campaign contributions from all government and tribal entities, expenditure of public funds to support or oppose ballot measures, and certain state and county contracts which financially benefit legislators.

Measure 10 would prohibit state and local governments, their officers, employees, independent contractors, consultants and candidates, from using government revenues or resources for campaigning or lobbying. Some communications and appearances before legislators and public bodies are exempted.

It would prohibit persons who employ legislators or recent legislators from obtaining government contracts. It would prohibit, until two years after contract termination: some public officers, candidates and their agents from soliciting, accepting or directing contributions from some holders of competitively bid government contracts and their family members; and no-bid government contract holders, their officers, employees, agents, vendors and family members from making contributions to, or independent expenditures for, all candidate campaigns.

The Secretary of State would be required to summarize government contracts over \$500 on its website.

If approved, all or part of Measure 10 will likely be challenged in court and may be declared to be in violation of the United States Constitution. If so, the State may be required to pay attorney fees and costs.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 10

VOTE YES on 10 to bring common sense public disclosure and ethics reform to our state and local governments, the same standards we already require by law of our federal officials in Washington.

VOTE YES on 10 to stop politicians from handing out "pay to play" government contracts in exchange for campaign money, stop retiring politicians and bureaucrats from trading their political influence for high-paying jobs after leaving office, and require that relationships between government officials and contractors be made transparent by disclosing contract information on a public website.

VOTE YES on 10 to stop the use of taxpayer dollars for lobbying and political campaigns, and stop politicians from spending tax dollars to funnel money to government employee union officials who spend their funds lobbying and campaigning against South Dakota values.

Over 26,000 South Dakotans signed the petition to place Measure 10 -- South Dakota's Open and Clean Government Act -- on our November ballot, and a recent poll found that 63 percent of South Dakotans say they plan to **VOTE YES on 10**.

So who are the tiny minority -- only ten percent, the poll found -- who *oppose* common sense public disclosure and ethics reform?

- Certain politicians and bureaucrats who want to *continue* their cozy financial relationship with lobbyists and government contractors, including campaign contributions in return for no-bid contracts and the chance of being hired after leaving office.
- Lobbyists and no-bid contractors who want to *continue* benefiting financially by rewarding politicians and bureaucrats who have authority to spend our tax dollars.
- Lobbyists and government employee union officials who want to *continue* using tax dollars -- or union dues withheld from government paychecks at taxpayers' expense -- to pay for their lobbying and political activities.

But in South Dakota, thankfully, the people rule.

Please VOTE YES on 10.

Submitted by: Former State Treasurer Richard D. Butler, D-Faith
P.O. Box 100, Faith, South Dakota 57783 and Samuel R. Kephart, R-Spearfish
401 Aspen Drive, Spearfish, South Dakota 57783. Affiliated with South Dakotans for Open and Clean Government

Con – Initiated Measure 10

We seldom agree. But we both believe Initiated Measure 10 is really bad law. And we're not alone. Numerous statewide associations representing education, business, government, unions, agriculture, political parties, health care, public service, communications, and seniors have signed on to oppose 10.

Initiated Measure 10 is a cynical, deceptive attempt to manipulate South Dakota's voters by **restricting political participation** in the name of open government. The proponents make unsubstantiated claims about the broken political system, can't get mainstream groups to support their cause and won't reveal the source of their own funding, despite their calls for transparency.

If passed, **out-of-state groups** will have fewer restrictions and, therefore, **more power** to impact our elections and laws than South Dakotans will have. It helps them and gags us.

Measure #10 could easily **make you a criminal**.

It lists twenty categories of your relatives (plus "domestic partner"). If any of them receive \$500 or more from state/local governments and you contribute anything to any political campaign, then you are guilty of a crime unless you can prove in court that you "didn't" know about the \$500. Proving a negative is very hard. Your punishment could be **thirty days in jail, \$500 fine, or both**.

Also, if you sell anything to state/local government, you can't even say anything nice about your mother if she runs for a state or local elective office because that would be "inducing" or "soliciting" under Measure #10.

If the local states attorney doesn't arrest you within 15 days, Measure #10 gives any citizen the new power to go directly to court and **have you immediately charged** with these crimes.

Please read all 1,967 words of Measure #10 below and ask yourself if you understand all of its potential impacts. It is a mess. **Please vote NO on Measure #10.**

Submitted by: Karl Adam, Chair, South Dakota Republican Party, 415 S. Pierre St., Pierre, SD 57501 and Jack Billion, Chair, South Dakota Democratic Party, PO Box 1485, Sioux Falls, SD 57101

Initiated Measure 11

Title: An Initiative to prohibit abortions except in cases where the mother's life or health is at a substantial and irreversible risk, and in cases of reported rape and incest.

Attorney General Explanation

Currently a woman may obtain an abortion during the first 24 weeks of pregnancy. Beyond 24 weeks, abortions may be performed only if necessary to preserve the life or health of the woman.

Measure 11 would prohibit all abortions performed by medical procedures or substances administered to terminate a pregnancy, except for: abortions medically necessary to prevent death or the serious risk of substantial and irreversible impairment of a major bodily organ or system of the woman; and abortions to terminate a pregnancy of less than 20 weeks resulting from rape or incest reported to law enforcement.

When an abortion is performed as a result of reported rape or incest, the woman must consent to biological sampling from herself and the embryo or fetus for DNA testing by law enforcement.

Measure 11 would allow the provision of contraception substances prior to the time pregnancy can be determined by conventional medical testing, or assistance in obtaining abortions in states where the procedure is legal.

If approved, Measure 11 will likely be challenged in court and may be declared to be in violation of the United States Constitution. The State may be required to pay attorneys fees and costs.

A vote "Yes" will adopt the proposed law.

A vote "No" will reject the proposed law.

Pro – Initiated Measure 11

Abortion on demand without any reason, as current law permits, is wrong for two reasons: it kills an innocent human being, and it harms the pregnant mother in numerous ways.

Initiative 11 would prohibit the vast majority of abortions.

However, the Law would permit abortions in three situations: where an abortion is necessary to save the life of the mother; where there is serious risk that continuation of the pregnancy would cause substantial permanent injury to the mother; and where the pregnancy is the result of rape or incest. Initiative 11 contains provisions that would deter fraudulent claims, and in the case of rape and incest it helps ensure that those who commit such crimes can be prosecuted and will be prevented from hurting women in the future.

It is estimated that Initiative 11 would stop over 90% of the abortions currently being performed in South Dakota.

Every law that South Dakota passes can be challenged in court. If abortion providers challenge this Initiative in court claiming it is unconstitutional, legal experts are confident that the United States Supreme Court will uphold the law as a proper way for the people of South Dakota to protect women and children, particularly since South Dakota is well prepared to defend this Initiative. Three years ago, a Task Force created by the Legislature conducted hearings and then issued a report describing the ways in which abortion harms the rights, interests and health of mothers. In June, the United States Court of Appeals held that South Dakota's law which requires abortion providers to advise the pregnant mothers that an abortion "terminates the life of a whole, separate, unique, living human being" can go into effect.

VOTE YES FOR LIFE! VOTE YES FOR INITIATIVE 11!

Submitted by: Pamela A. Schmagel, M.D., 101 E. Minnesota Street, Rapid City, South Dakota 57701, a practicing obstetrician and gynecologist, and a Fellow of the American College of Obstetrics & Gynecology, on behalf of VoteYesForLife.com

Con – Initiated Measure 11

Measure 11 is a sweeping ban on abortion in South Dakota. This law requires Government to interfere in the most difficult, personal decisions that women and families make.

If Measure 11 passes, a woman would be forced to carry a pregnancy to term even if the fetus couldn't survive on its own after delivery.

Measure 11's vagueness recklessly endangers women's health. By threatening doctors with a felony and jail time, the law would have a chilling effect on a doctor's ability to exercise proper medical judgment and protect the health of his or her patients.

The Attorney General said this abortion ban will likely be challenged in court and South Dakota taxpayers would be required to pay substantial attorneys fees and costs to defend the law.

Put simply, banning abortion has serious consequences, and Measure 11 is a poorly crafted law.

Nowhere is abortion more heavily restricted or difficult to obtain than in South Dakota. South Dakota already has one of the lowest abortion rates of any state. Our current law requires a 24-hour waiting period, mandatory education about the woman's options, and review of a sonogram.

The decision to have an abortion is profoundly difficult for a woman and her family. No woman makes this decision without intense soul-searching and consultation with her family and trusted loved ones. This complex, personal decision should be between a woman, her family, her doctor, and God. But this law will put the ultimate decision in the hands of Government in virtually every instance.

Families need to be making these complex decisions, not the Government.

Abortion is already rare in South Dakota and only performed after carefully considering all options. Let families decide. VOTE NO ON INITIATED MEASURE 11.

Submitted by: Marvin Buehner, MD, Fellow of the American College of Obstetricians and Gynecologists, 1315 Haines Ave, Ste C Rapid City, SD 57701