2026 Statewide Ballot Measures

Underscores indicate new language.

~~Overstrikes~~ indicate deleted language.

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.

Full Text of Constitutional Amendment I:

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, conditioning the requirement of expanded Medicaid on the level of federal medical assistance.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XXI of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be AMENDED:

§ 10. ~~Beginning~~ For the period beginning July 1, 2023, and ending on the day that the federal medical assistance percentage, described in 42 U.S.C. § 1396d(y) (January 1, 2025), is reduced below ninety percent, the State of South Dakota shall provide Medicaid benefits to any person over eighteen and under sixty-five whose income is at or below one hundred thirty-three percent of the federal poverty level plus five percent of the federal poverty level for the applicable family size, as authorized by federal law as of January 1, 2021. Such person shall receive coverage that meets or exceeds the benchmark or benchmark-equivalent coverage requirements, as such terms are defined by federal law as of January 1, 2021.

The State of South Dakota may not impose greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices on any person eligible under this section than on any person otherwise eligible for Medicaid under South Dakota law, except that the State of South Dakota may, to the extent permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, impose a work requirement on any person, eligible under this section, who has not been diagnosed as being physically or mentally disabled.

No later than March 1, 2023, the Department of Social Services shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The State of South Dakota shall take all actions necessary to maximize the federal financial medical assistance percentage in funding medical assistance pursuant to this section.

This section shall be broadly construed to accomplish its purposes and intents. If any provision in this section 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 section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

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.

Full Text of Constitutional Amendment J:

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, clarifying that an individual must be a citizen of the United States to be eligible to vote.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article VII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article VII, § 2 of the Constitution of the State of South Dakota, be AMENDED:

§ 2. Every ~~United States~~ individual who is a citizen of the United States, is eighteen years of age or older ~~who~~, and has met all residency and registration requirements ~~shall be~~ is entitled to vote in all elections and upon all questions submitted to the voters of the state ~~unless~~. An individual may be disqualified by law for mental incompetence or the conviction of a felony. An individual who is not a citizen of the United States is disqualified from voting in any election or upon any question submitted to the voters of this state. The Legislature may by law establish reasonable requirements to ~~insure~~ ensure the integrity of the vote.

Each elector who ~~qualified~~ qualifies to vote within a precinct ~~shall be~~ is entitled to vote in that precinct until ~~he~~ the elector establishes another voting residence. An elector ~~shall~~ may never lose ~~his~~ residency for voting solely by reason of ~~his~~ the elector's absence from the state.

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.

Full Text of Constitutional Amendment K:

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, establishing the trust for unclaimed property fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That a NEW SECTION be added to Article XII of the Constitution of the State of South Dakota:

There is created in the state treasury a trust fund named the trust for unclaimed property fund. Upon passage of this Act and after each receipt of any unclaimed property thereafter, the state treasurer shall, after

paying all claims, expenses authorized by law, and deposits into the general fund as authorized by law, deposit into the trust fund the net receipts from unclaimed property.

Beginning July 1, 2027, and each July first thereafter, the state treasurer shall distribute a portion of the interest and income of the trust fund into the general fund. The calculation of the amount to be distributed must be determined by law and must promote growth of the trust fund and a steadily growing distribution amount.

Neither the interest and income of the trust fund nor its principal may be diverted for any other purpose unless:

(1) The state treasurer determines the amount is necessary for the payment of claims associated with unclaimed property;

(2) The state treasurer determines the amount must, by law, be returned as unclaimed property; or

(3) The amount is appropriated by a three-fourths vote of all the members-elect of each house of the Legislature.

The State Investment Council, or its successor, shall invest the trust fund in stocks, bonds, mutual funds, and other financial instruments, as provided by law.

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.

Full Text of Constitutional Amendment L:

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XXIII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article XXIII, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. ~~Any~~A constitutional amendment or revision must be submitted to the voters and ~~shall become~~ becomes a part of the Constitution only ~~when~~ if approved by ~~a majority of the votes cast thereon~~ an affirmative vote of sixty percent of the votes cast on the question. The Legislature may provide for the withdrawal ~~by its sponsors~~ of an initiated amendment, by its sponsors, at any time prior to its submission to the voters.