OFFICIAL GENERAL AND MUNICIPAL ELECTION BALLOT

A November 7, 2006 | B South Dakota | C Brookings County

Brookings City front.

Precs. 1-6

INSTRUCTIONS TO THE VOTER

To vote for a person fill in the oval (⬬) next to the name. Use only a pencil, pen or marker. DO NOT cast more votes than are allowed in each race.

For United States Representative
you may vote for one or leave it blank

- Bruce W. Whalen, Republican Party
- Stephanie Herseth, Democratic Party
- Larry Rudebusch, Libertarian Party

For Governor and Lieutenant Governor
To Be Elected As A Team
you may vote for one or leave it blank

- Mike Rounds for Governor and Dennis Daugaard for Lieutenant Governor, Republican Party
- Steven J. Willis for Governor and Larry Johnsen for Lieutenant Governor, Constitution Party
- Jack Billion for Governor and Eric Abrahamson for Lieutenant Governor, Democratic Party
- Tom Gerber for Governor and Bette Rose Ryan for Lieutenant Governor, Libertarian Party

For Secretary of State
you may vote for one or leave it blank

- Chris Nelson, Republican Party

For Attorney General
you may vote for one or leave it blank

- Larry Long, Republican Party
- Ron Volesky, Democratic Party
- Randy Ristesund, Libertarian Party

For State Auditor
you may vote for one or leave it blank

- Rich Sattgast, Republican Party

For State Treasurer
you may vote for one or leave it blank

- Vernon L. Larson, Republican Party

For Commissioner of School and Public Lands
you may vote for one or leave it blank

- Jarrod Johnson, Republican Party
- Bryce Healy, Democratic Party
- Jade Ager, Libertarian Party

For Public Utilities Commissioner
you may vote for one or leave it blank

- John Koskan, Republican Party
- Steve Kolbeck, Democratic Party
- Ben Sutter, Libertarian Party

For State Senator District 7
you may vote for one or leave it blank

- Orville B. Smidt, Republican Party
- Harold Widvey, Democratic Party

For State Representatives District 7
you may vote for up to two or leave it blank

- Carol A. Pitts, Republican Party
- Larry J. Tidemann, Republican Party
- Joshua Horton, Democratic Party
- Robert Klein, Democratic Party

For Sheriff
you may vote for one or leave it blank

- Ron Klosterman, Republican Party
- Martin E. "Marty" Stanwick, Independent, Affiliated with the Democratic Party

For County Commissioner at Large
you may vote for up to three or leave it blank

- Owen J. Sundal, Republican Party
- Mary E. Negstad, Republican Party
- Dennis Falken, Democratic Party
- Don Larson, Democratic Party

NONPOLITICAL BALLOT

SUPREME COURT JUSTICE RETENTION BALLOT
Shall the justices of the Supreme Court named on this ballot, whose terms expire January 1, 2007, be retained in office?
VOTE ON EACH JUSTICE

Justice John K. Konenkamp
representing the First Supreme Court District
- YES
- NO

Justice Richard W. Sabers
representing the Second Supreme Court District
- YES
- NO

Justice Steven L. Zinter
representing the Third Supreme Court District
- YES
- NO

Justice Judith K. Meierhenry
representing the Fourth Supreme Court District
- YES
- NO

Justice David Gilbertson
representing the Fifth Supreme Court District
- YES
- NO

FOR JUDGE OF THE CIRCUIT COURT

THIRD CIRCUIT, POSITION A
you may vote for one or leave it blank
- Robert L. Timm

THIRD CIRCUIT, POSITION B
you may vote for one or leave it blank
- Vincent A. Foley
- Sean M. O'Brien

THIRD CIRCUIT, POSITION C
you may vote for one or leave it blank
- Jon R. Erickson

THIRD CIRCUIT, POSITION D
you may vote for one or leave it blank
- David R. Gienapp

THIRD CIRCUIT, POSITION E
you may vote for one or leave it blank
- Ron Roehr

THIRD CIRCUIT, POSITION F
you may vote for one or leave it blank
- Tim D. Tucker

For Rural Landowner or Occupier Brookings County Conservation District Supervisor
you may vote for up to two or leave it blank
- Carl Madsen
- Mark Stime
- Jerry Oines

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 Amendments

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

CONSTITUTIONAL AMENDMENT C

Title: An Amendment to Article XXI of the South Dakota Constitution, relating to marriage.

Attorney General Explanation: South Dakota statutes currently limit marriage to unions between a man and a woman. However, the State Constitution does not address marriage.

Amendment C would amend the State Constitution to allow and recognize marriage only between a man and a woman. It would also prohibit the Legislature from allowing or recognizing civil unions, domestic partnerships or other quasi-marital relationships between two or more persons regardless of sex.

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

CONSTITUTIONAL AMENDMENT D

Title: An Amendment to Article XI, Section 2 of the South Dakota Constitution, relating to real property assessment for taxation.

Attorney General Explanation: The State Constitution currently requires that all taxable property be valued for tax purposes at no more than its actual value, and that all property be classified and taxed uniformly.

The proposed amendment to the State Constitution would base the taxable value of property upon "acquisition value" for property sold after January 1, 2007. The Legislature may authorize the assessed value of such property to be annually adjusted by up to three percent, using the 2003 assessed property valuation as the base year.

The taxable value of the property may be further adjusted if the property has changed use or classification or has been subject to addition, improvement or destruction.

The limitations of this amendment will not apply to centrally assessed property or to any property sold prior to January 1, 2007.

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

CONSTITUTIONAL AMENDMENT E

Title: An Amendment to Article VI of the South Dakota Constitution, relating to judicial decisions.

Attorney General Explanation: Citizens serving on juries, school boards, city councils, county commissions, or in similar capacities, and prosecutors and judges, are all required to make judicial decisions. Their decisions may be reversed on appeal, or they may be removed from office for misconduct or by election. However, they cannot be made to pay money damages for making such decisions. This allows them to do their job without fear of threat or reprisal from either side.

The proposed amendment to the State Constitution would allow thirteen special grand jurors to expose these decision makers to fines and jail, and strip them of public insurance coverage and up to one-half of their retirement benefits, for making decisions which break rules defined by the special grand jurors. Special grand jurors are drawn from those who submit their names and registered voters.

The proposed amendment is retroactive. The special grand jurors may penalize any decision-maker still alive for decisions made many years ago.

If approved, the proposed amendment will likely be challenged in court and may be declared to be in violation of the US Constitution. If so, the State may be required to pay attorneys fees and costs.

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

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GO TO TOP OF NEXT COLUMN GO TO TOP OF NEXT COLUMN TURN PAGE

Brookings City Back

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 F

Title: An Amendment to Article III of the South Dakota Constitution, relating to the Legislature.

Attorney General Explanation: This proposed amendment to the State Constitution includes recommendations by the Constitution Revision Commission.

The amendment would remove the current limitation on expense reimbursements received by legislators, and would allow legislators to receive salary, per diem, expenses and mileage reimbursement as provided by law.

The amendment would remove the current specific prohibitions against enacting private or special laws. The Legislature would be restricted by a general prohibition against enacting a special law when a general or local law can be made applicable.

The amendment would remove the Congressional term limit, which the federal courts have found unconstitutional. The procedure for introduction of a bill would be shortened. The amendment would require a two-thirds vote to close a legislative session to the public and prohibit any vote to be taken in a closed session. The amendment would allow the Legislature to exercise emergency powers in the event of man-made and natural disasters.

⬭ **Yes** A vote "Yes" will change the Constitution.

⬭ **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 2

Title: An Initiative to increase the tax on cigarettes and tobacco products and to dedicate the revenues.

Attorney General Explanation: South Dakota currently taxes tobacco products. The proposed law would increase taxation on tobacco products sold in the state. The tax on a 20 stick cigarette package would be raised by $1.00; the tax on a 25 stick cigarette package would be raised by $1.25. The tax on all other tobacco products such as cigars, roll-your-own, and chewing tobacco, would increase from 10 percent to 35 percent of the wholesale price.

The proposed law would deposit up to $30 million of tobacco tax revenue into the state general fund. The next $5 million, if any, will be deposited in the tobacco prevention and reduction trust fund. Tobacco tax revenue in excess of $35 million, if any, will be divided among the property tax reduction fund, the education enhancement trust fund, and the health care trust fund. The proposed law also establishes continuous appropriations out of the tobacco prevention and reduction trust fund for specified purposes.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

INITIATED MEASURE 3

Title: An Initiative to prohibit starting a school term prior to the last day of August.

Attorney General Explanation: State law currently allows local school boards to establish the start of a regular school term on any date. The proposed law would prohibit local school boards from establishing the start of a regular school term prior to the last day of August.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

INITIATED MEASURE 4

Title: An act to provide safe access to medical marijuana for certain qualified persons.

Attorney General Explanation: This initiative would allow persons, including minors with parental consent, with a debilitating medical condition, to be certified to grow (not more than six plants), possess (not more than one ounce) and use small amounts of marijuana for medical purposes.

"Debilitating medical condition" is defined to include cancer, glaucoma, HIV, AIDS, or a chronic, debilitating condition that produces cachexia, wasting syndrome, severe or chronic pain, severe nausea, seizures, including epileptic seizures, severe or persistent muscle spasms, including spasms caused by spinal injury, multiple sclerosis, Crohn's disease or fibromyalgia or any other medical condition approved by the Department of Health.

Certification may be accomplished by submitting medical records to the Department of Health or by submitting a doctor's recommendation.

A person may not drive while impaired by marijuana and may not smoke marijuana in any place where tobacco smoking is prohibited.

Growth, possession and use of marijuana will still be illegal under federal law but certification is a defense to criminal prosecution under state law.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

INITIATED MEASURE 5

Title: An Initiative to place certain restrictions on the use of state owned or leased aircraft.

Attorney General Explanation: State law currently allows state employees to use vehicles owned or leased by the State only for state business. There is a limited exception for state employees with a supervisor's approval. The Governor and certain law enforcement personnel are exempt.

The proposed law requires aircraft owned or leased by the State to be used only for state business, with no exceptions. A person violating this provision would now be subject to civil and criminal penalties.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

INITIATED MEASURE 7

Title: An Initiative to repeal video lottery.

Attorney General Explanation: The State operates video lottery as authorized by State law. During the last year, the State received approximately one hundred twelve million dollars ($112,000,000.00) from video lottery which is 11% of the state general fund budget.

The proposed law would repeal video lottery and eliminate this source of revenue.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

INITIATED MEASURE 8

Title: An Act to repeal the gross receipts tax on wireless telecommunication services.

Attorney General Explanation: State laws impose a four percent tax on the gross receipts of companies providing wireless telecommunications (cell phone) services instead of a property tax.

Last year the State received approximately eight and one-half million dollars ($8,500,000.00) from the cell phone tax. Forty percent (40%) of these revenues are distributed to counties based on population; the balance goes to the State.

The proposed law would repeal this tax, and eliminate this source of revenue.

⬭ **Yes** A vote "Yes" will adopt the proposed law.

⬭ **No** A vote "No" will reject the proposed law.

REFERRED LAW

The following law was adopted by the Legislature and referred to the voters by petition. This law will not become effective unless approved by majority vote.

REFERRED LAW 6

Title: Referral of HB 1215, entitled "An Act to establish certain legislative findings, to reinstate the prohibition against certain acts causing the termination of an unborn human life, to prescribe a penalty therefore, and to provide for the implementation of such provisions under certain circumstances."

Attorney General Explanation: Current South Dakota law generally allows a pregnant woman to 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 pregnant woman.

House Bill 1215 would prohibit any person, at any time, from providing any medicine or other substance to a pregnant woman for the specific purpose of terminating her pregnancy. However, a person may provide a contraception substance to a woman without penalty prior to the time her pregnancy could be determined by conventional medical testing.

HB 1215 would also prohibit any person, at any time, from using any instrument or procedure on a pregnant woman for the specific purpose of terminating her pregnancy, unless the person is a licensed physician performing a medical procedure to prevent the death of the pregnant woman.

Any person other than the pregnant woman who violates the provisions of HB 1215 would commit a felony.

If approved, HB 1215 will likely be challenged in court and may be declared to be in violation of the US Constitution. If so, the State may be required to pay attorneys fees and costs.

⬭ **Yes** A vote "Yes" will allow the Act to become effective.

⬭ **No** A vote "No" will reject the Act.

MUNICIPAL REFERENDUM

STATEMENT: The following referred decision was proposed by petition for submission to the voters. This referred decision will not become effective unless approved by majority vote.

Title: Shall the decision of the City of Brookings to enter into a Community Partnership Agreement with Dakota, Minnesota & Eastern Railroad Corporation ("DM&E") be accepted or rejected?

CITY ATTORNEY'S EXPLANATION: A referendum petition has been filed in the City of Brookings, South Dakota, requiring submission of the Community Partnership Agreement between the City of Brookings and DM&E to a vote of the voters of Brookings, South Dakota, for rejection or approval. The Brookings City Council approved a Community Partnership Agreement with DM&E, which addresses several issues stemming from the proposed expansion of the DM&E rail line to serve Wyoming's Powder River Basin (the "Project"). The decision to approve the Community Partnership Agreement will not become effective unless approved by a majority vote. The Community Partnership Agreement includes: specific agreements for railroad grade-street crossings within the City of Brookings, including cooperation to implement whistle free operations; an agreement of the City to support and promote the Project; and provides that the mitigation (safety measures) provided in the Community Partnership Agreement are intended to replace any mitigation ordered by the Surface Transportation Board, which has Federal regulatory authority over the Project.

⬭ **YES** A vote "Yes" will approve the decision of the City of Brookings to enter into a Community Partnership Agreement with DM&E.

⬭ **NO** A vote "No" will reject the decision of the City of Brookings to enter into a Community Partnership Agreement with DM&E.

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GO TO TOP OF NEXT COLUMN GO TO TOP OF NEXT COLUMN TURN PAGE