



Convention Resolution Submission

Title of Resolution

RESOLUTION TO SUPPORT PETITIONS AT ALL LEVELS OF GOVERNMENT

Summary of Resolution

The ability to petition our government and carry out fair, trustworthy and transparent elections has been the cornerstone of our Constitutional Republic since our founding; South Dakota Codified Laws 7-18A-9, 2-1-11, and 7-18A-13 have recently been ignored and violated in many counties across South Dakota by the rejection of legally submitted petitions; petitions for ordinances to hand count ballots in the precincts and petitions calling for setbacks from CO2 pipelines have been rejected; this has resulted in usurping the desires of many citizens of South Dakota by denying them the right to vote on something they feel strongly about.

Whereas Statements

WHEREAS, SDCL 7-18A-9 states, "The right to propose ordinances and resolutions for the government of a county shall rest with five percent of the registered voters in the county, based upon the total number of voters at the last general election";

WHEREAS, SDCL 2-1-11 states, "The petitions herein provided for shall be liberally construed, so that the real intention of the petitioners may not be defeated by a mere technicality";

WHEREAS, rejecting legal petitions is a straight forward violation of SDCL 7-18A-13; in regard to petitions this law states, "The board shall submit it to a vote of the voters in the manner prescribed for a referendum within sixty days after the final enactment"; rejecting petitions needs to stop so the intent of these laws is not abrogated and the will of the people can prevail in small and large matters of utmost concern to them;

WHEREAS, according to SDCL 7-18A-13 Board Action on Initiative Petition - Submission to Voters, it is NOT within the executive board's discretion to choose to NOT obey this law and reject the petition or to only obey it when it aligns with their personal interests, be it financial, political or when they think it might violate statutes; this right to have their petitions addressed by the voters clearly belongs to the voters and not to the executive boards, councils, commissions and legislators;

WHEREAS, the duty of elected executives and legislators to act is unequivocal and ministerial to the will of the people; article III, section 1 of the South Dakota Constitution states, "the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state"; article III, section 1 also states, "The veto power of the Executive shall not be exercised as to measures referred to a vote of the people";

WHEREAS, article III section 1 South Dakota Constitutional Fairness Mandate, in line with Amendment I of our Federal Constitution (to petition the government for a redress of grievances) should apply to and be carried out by all executive and legislative bodies of all state and local governments; WHEREAS, article VI (South Dakota Constitution Bill of Rights) section 4. Right of Petition and Peaceable Assembly states, "The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged";

Therefore Statements

NOW, THEREFORE BE IT RESOLVED that the South Dakota Republican Party requires all executive and legislative branches of all state and local governments along with the attorney general and all states attorneys to abide by their oaths of office and uphold and strictly enforce South Dakota's existing statutes involving fair elections and the expressed will of the voters through the petition process.

Conclusion

Supporting Document(s)

Members Who Also Support This Resolution

Dave Spier Chairman Charles Mix County GOP

Confirmation

✓ I affirm I am an active, registered Republican in the State of South Dakota.

Your Name

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Convention Resolution Submission (continued)

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Role / Title

Other

County

Charles Mix

Organization