


Attorney General. For your convenience, I am providing you a copy of Interim Attorney General Mark Vargo's constitutional amendment statement. His explanation clearly sets forth the affect your proposed constitutional amendment would have on abortion in the first, second, and third trimesters. To suggest otherwise may well result in a challenge to the petition process.

Any suggestion that your proposed abortion amendment makes abortion legal only for the first trimester is contrary to the language of the proposed amendment and Interim Attorney General Vargo's ballot explanation. With respect to the "health of the pregnant woman" as used in your proposed Amendment's regulation in the second and third trimesters, there should further be no confusion as the United States Supreme Court has clearly stated, "medical judgment may be exercised in the light of all factors - physical, emotional, psychological, familial, and woman's age - relevant to the well-being of the patient. All these factors may relate to health." See *Doe v. Bolton*, 410 U.S. 179, 193 (1973).

The purpose of this letter is again to encourage you as the sponsor to work with circulators to comply with the requirements of South Dakota law including SDCL ch. 2-1 and to avoid or limit allegations that petition signatories are being misled. The interest of the Attorney General is to ensure compliance with South Dakota law and the petition process, and the Secretary of State will ultimately be responsible for certifying any petitions before being placed on the ballot. As always, I enjoy working with you on these matters, and please do not hesitate to contact me if you have any questions.

Sincerely,



Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd

Enclosure: Interim Attorney General Vargo Explanation

CC: SD Right to Life