

Case Number: 4:22-cv-04085-RAL
Answer to First Amended Complaint (Doc. 3)

6. Defendants admit in paragraph 44 that for the year 2022, the number of signatures needed for an initiated measure petition is 16,961; 16,961 signatures for a referred petition; and 33,921 signatures for an initiated constitutional amendment petition, but deny the rest of the paragraph.

7. Defendants admit that paragraphs 3, 4, 9, 10, 11, 12, 13, 32, 50, 71, 78, 86, and 93 contain accurate quotations to their cited authority, but deny the remaining allegations, insinuations, characterizations, and commentary.

8. Defendants specifically deny that SB 180 is unconstitutional, that Plaintiffs have suffered any federal or state constitutional injury, and that Plaintiffs are entitled to any relief enjoining the enforcement of SB 180.

Affirmative Defenses

9. Defendants affirmatively allege that Plaintiffs lack standing to maintain this lawsuit due to the absence of injury, causation, and redressability.

10. Defendants affirmatively allege that the Court lacks jurisdiction because there is no justiciable case or controversy that is ripe for adjudication.

11. Defendants affirmatively allege that this action is barred by the Eleventh Amendment to the United States Constitution.

12. Defendants affirmatively allege that this action is barred by the doctrine of sovereign immunity, which immunity has not been waived by the State of South Dakota for suits in federal court. SDCL §§ 3-21-7 and 3-21-10.

13. Defendants allege that this action is barred by Article III, § 27 of the South Dakota Constitution and SDCL §§ 21-32-17 and 21-32A-2.

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Wherefore, Defendants respectfully request that the Court dismiss Plaintiffs' complaint with prejudice, award Defendants' costs, and grant any other relief that the Court deems just and equitable.

Dated this 18th day of August, 2022.

WOODS, FULLER, SHULTZ & SMITH, P.C.

By /s/ James E. Moore

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