

South Dakota's abortion fight heads to court

Life Defense Fund files lawsuit alleging Dakotans For Health illegally gathered signatures for Amendment G

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Anti-abortion advocates are asking the courts to keep a proposed constitutional amendment that would legalize abortion in South Dakota off the November ballot.

Life Defense Fund has filed a lawsuit in Minnehaha County Court alleging Dakotans for Health broke South Dakota election laws when gathering signatures for Amendment G, certified for the general election ballot by South Dakota Secretary of State Monae Johnson last month.

Submitted to the court Thursday, Life Defense Fund's 18-page complaint contends Dakotans for Health failed to gather enough qualifying signatures in support of its proposal to end South Dakota's near total abortion ban, while also asserting petitions

were left unattended at signing locations, circulators failed to provide informational handouts to signers and engaged in “bait-and-switch conduct.”

“As the complaint alleges, Dakotans for Health failed to abide by numerous South Dakota statutes, and has misrepresented that noncompliance to the public and the press,” Life Defense Fund attorney Sara Frankenstein told *The Dakota Scout* in an email Saturday.

Dakotans for Health submitted more than 54,000 signatures in support of its proposal to make abortion legal in South Dakota — to varying degrees based on a trimester framework similar to the now defunct *Roe v. Wade* standard. The campaign, launched by former U.S. Senate candidate and progressive activist Rick Weiland, has faced heavy opposition from anti-abortion groups, chief among them Life Defense Fund.

Formed in 2022 by Dell Rapids legislator Jon Hansen and Leslie Unruh, a longtime leader in South Dakota’s anti-abortion politics, Life Defense Fund organized a “decline to sign” campaign in hopes of stymieing Dakotans for Health’s signature gathering efforts, and convinced state legislators this year to OK a new law allowing voters to withdraw signatures from petitions.

Dakotans for Health is calling the lawsuit a “last-ditch attempt” to stop South Dakota voters from deciding their state’s abortion policy.

“The Life Defense Fund (LDF) and their ‘decline to sign, anti-choice, anti-freedom’ campaign has relentlessly tried to impose their religious views on the people of South Dakota, defending a radical abortion ban that forces victims of rape and incest to carry to term, and women with dangerous problem pregnancies to endure unnecessary risks,” said Weiland, who refers to Amendment G as the “freedom amendment.”

The lawsuit alleges that the Secretary of State’s Office certified petitions that violated state law, which Life Defense Fund argues should not count because of irregularities in the office’s review of a random sample of the more than 50,000 signatures Dakotans for Health submitted to qualify for the ballot. The lawsuit also alleges that people gathering signatures for the ballot represented to voters they were gathering signatures to repeal South Dakota’s tax on food, but instead had them sign an abortion petition.

“Such trickery to obtain individual signatures and to induce the general public to support the cause by signing the petition should not be tolerated and the entire petition should be deemed invalid due to such misleading and fraudulent conduct,” the lawsuit asserts.

The secretary of state’s random sample comprised 723 signatures. Of those, 109 were invalidated. But Life Defense Fund argues that more than 257 should have been invalidated under state law. Had that happened, the measure would not have had enough signatures to qualify as a constitutional amendment.

One petition circulator in the random sample did not provide voters with the required language about the ballot, another was from out of state, and another listed a Post Office box as an address instead of a home address as required by law, the lawsuit contends. Still others crossed out their names on the petitions, yet were still counted by the Secretary of State’s Office as valid during the random sample, the lawsuit says.

“Dakotans for Health, their circulators, and their petition’s signers have not complied with the law governing initiative petitions,” the lawsuit contends.