

MONDAY, SEPTEMBER 29, 2008
9:00 A.M.

NO. 1

#24670

SECRETARY OF STATE,
CHRIS NELSON,
Plaintiff and Appellant,

vs.

PROMISING FUTURE, INC., and
ROGER W. HUNT,
Defendants and Appellees.

The Honorable Lawrence E. Long
Attorney General
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(FOR APPELLANT)

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(FOR APPELLEES)

The Honorable Kathleen K. Caldwell
Second Judicial Circuit
Minnehaha County

(CIV 06-4319)

STATEMENT OF LEGAL ISSUE

WHETHER THE CIRCUIT COURT ERRED IN CONCLUDING THAT THE ACTIONS OF DEFENDANTS AND THE UNNAMED THIRD PARTY FAILED TO CREATE A BALLOT QUESTION COMMITTEE UNDER THEN SDCL 12-25-1(1A)?

The trial court concluded that a ballot question committee was not created.

SDCL 12-25-1(1A)

Moss v. Guttormson, 1996 S.D. 76, 551 N.W.2d 14

Common Sense Alliance v. Davidson, 995 P.2d 748 (Colo. 2000)

Copperweld Corporation v. Independence Tube Corporation, 467 U.S. 752, 104 S.Ct. 2731, 81 L.Ed.2d 628 (1984)