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 Mr. Jeffrey P. Hallem Assistant Attorney General 1302 E Hwy 14 Ste 1 Pierre SD 57501-8501 Ph 773-3215

(FOR APPELLANT)

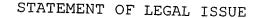
Mr. Steven W. Sanford Mr. Shawn M. Nichols Cadwell, Sanford, Deibert & Garry Attorneys at Law PO Box 1157 Sioux Falls SD 57101-1157 Ph 336-0828

(FOR APPELLEES)

The Honorable Kathleen K. Caldwell Second Judicial Circuit Minnehaha County

(CIV 06-4319)

24670



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. Indpendence Tube Corportation, 467 U.S. 752, 104 S.Ct. 2731, 81 L.Ed.2d 628 (1984)