

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

April 29, 2024

Anthony Kathol
P.O. Box 165
102 School Street
Martin, SD

Re: Official Opinion Request

Dear Mr. Kathol:

You recently requested an Official Opinion from the Attorney General's Office as to whether Sen. Red Dawn Foster has met the legal requirements to submit a nominating petition for the office of State Senator. The Attorney General's Office respectfully declines your opinion request. Official Opinions of the Attorney General are only issued to state or local government entities, officials, or their legal counsel. Further, absentee voting has begun for the primary election. The Attorney General's Office also declines to opine in such a situation.


Thank you for contacting the Attorney General's Office. Please don't hesitate to contact me if you wish to discuss this matter further.


Sincerely,

A handwritten signature in blue ink, appearing to read "SRL", with a horizontal line extending to the right.

Steven R. Blair
Deputy Attorney General

Redd 5/1/2024








From Anthony Kathol <akathol@gwtc.net> 

To Steven.Blair@state.sd.us 

Cc McGuigan, Charles <Charles.McGuigan@state.sd.us> 

Bcc

Subject **Letter from AG dated 4/29/2024**

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5/1/2024, 9:31 PM

Dear Mr. Blair,

I am in receipt of your letter dated 4/29/2024 regarding my request for an official opinion from your office regarding the validity of Ms. Red Dawn Foster's nominating petition for State Senate. I contacted your office today and left a voice mail. Your letter stated that I was to contact your office to discuss the matter. Truthfully, you don't want to discuss the matter and chose not to call me back. Therefore, I have no choice but to send you this email to put on the record that your office chose to abdicate its responsibilities in enforcing South Dakota Codified Law on an important matter within District 27 about residency and voter registration requirements of an elected official who submitted an invalid petition. Your office received my hard copy letter of request for an opinion on Friday, April 12, 2024 - one week from the start of early voting in the South Dakota Primary Election. Your office took 17 calendar days to generate a 1-page response to my letter requesting an official opinion. Moreover, your office intentionally delayed the written response by waiting until absentee/early voting started. The AG needed a scapegoat so you waited long enough for absentee voting to start so that you could sweep the matter under the rug so no one could file a challenge in district court.

It has become quite obvious that the Office of the Attorney General refuses to enforce South Dakota Codified Law (SDCL) because your afraid to broach the subject matter, but yet all other candidates have to play by the rules except this one. Why is that? Do you care to elaborate why the AG chose not to broach the subject matter? Which leaves me no choice, but to take it to the court of public opinion this fall when the voters get to decide who will be their next state senator from District 27. I will be using your letter as further evidence that the State of South Dakota refuses to enforce the voting election laws currently on the books. The voters of District 27 deserve better from their elected officials and will remember this when the AG should decide to run for Governor in 2026.

Sincerely,

Anthony Kathol
Martin, South Dakota