

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

707N0034

SENATE ENGROSSED NO. **SB 3** - 02/13/2007

Introduced by: Senators Gray, Hunhoff, Koetzle, Olson (Ed), and Peterson (Jim) and
Representatives Dennert, Heineman, Pederson (Gordon), and Putnam at the
request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the circulation and
2 signing of initiative and referendum petitions and to provide a penalty for violation thereof.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 2-1-10 be amended to read as follows:
5 2-1-10. Each person, who circulates and secures signatures to a petition to initiate or submit
6 a constitutional amendment or other measure or to refer legislation to the electors ~~any law~~
7 ~~pursuant to S.D. Const., Art. III, § 1~~, shall sign a verification ~~of circulator~~ before filing the
8 petition with the officer in whose office it is by law required to be filed. The verification shall
9 prescribe that the circulator made reasonable inquiry and, to the best of the circulator's
10 knowledge, each person signing the petition is a qualified voter of the state in the county
11 indicated on the signature line and that no state statute regarding the circulation of petitions was
12 knowingly violated. The State Board of Elections shall prescribe the form for the verification
13 ~~of circulator.~~ The verification ~~of circulator~~ shall be witnessed by a notary public commissioned
14 in South Dakota or other officer authorized to administer oaths pursuant to § 18-3-1. Any person
15 who falsely swears to the verification provided for in this section is guilty of a Class 1



1 misdemeanor.

2 Section 2. That § 2-1-6 be amended to read as follows:

3 2-1-6. Every person who is a qualified voter may sign a petition to ~~propose a measure~~
4 initiate a constitutional amendment or other measure or ~~submit~~ to refer a law. ~~Whoever~~ If a
5 person, knowing he or she is not a qualified voter of the state or knowing that he or she has
6 already signed the same petition, signs a petition for initiation ~~or referendum~~ of a constitutional
7 amendment or other measure or for referral of legislation, ~~when he is not a qualified voter of the~~
8 ~~state,~~ or if any person signs a name other than his or her own, that person is guilty of a Class 1
9 misdemeanor.