

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

274Z0077

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding petition forms for
2 initiated measures and initiated amendments to the Constitution.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-1-9 be amended to read:

5 12-1-9. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
6 concerning:

7 (1) Forms for voter registration and voter file maintenance;

8 (2) Forms and color of ballots;

9 (3) Forms for notices;

10 (4) The uniformity of election procedures;

11 (5) The operation of the State Board of Elections;

12 (6) The procedure to accept a petition and verify petition signatures;

13 (7) Petition forms, including petition size and petition font size;

14 (8) Envelopes for absentee voting;

15 (9) Instructions to voters and absentee voters; and

16 (10) Recounts.



1 Section 2. That § 2-1-1.1 be amended to read:

2 2-1-1.1. The petition as it is to be circulated for an initiated ~~constitutional~~ amendment to the
3 Constitution shall be filed with the secretary of state prior to circulation for signatures and shall:

4 (1) Contain the full text of the initiated ~~constitutional~~ amendment;

5 (2) Contain the date of the general election at which the initiated ~~constitutional~~
6 amendment is to be submitted;

7 (3) Contain the title and explanation as prepared by the attorney general;

8 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition
9 sponsor that includes the name and address of each petition sponsor; and

10 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

11 The petition circulator shall provide to each person who signs the petition a form containing
12 the title and explanation of the initiated ~~constitutional~~ amendment to the Constitution as
13 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-31; the name, phone
14 number, and email address of each petition sponsor; and a statement whether the petition
15 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the
16 circulator is being paid. The form shall be approved by the secretary of state prior to circulation.

17 For any initiated ~~constitutional~~ amendment petition, no signature may be obtained more than
18 twenty-four months preceding the general election that was designated at the time of filing of
19 the full text. The initiated ~~constitutional~~ amendment petition shall be filed with the secretary of
20 state at least one year before the next general election. A notarized affidavit form, signed by at
21 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire
22 petition and to the best of the knowledge of the sponsors contains a sufficient number of
23 signatures shall also be filed with the secretary of state. The form of the petition, including
24 petition size and petition font size, and the affidavit shall be prescribed by the State Board of

1 Elections.

2 Section 3. That § 2-1-1.2 be amended to read:

3 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the
4 secretary of state prior to circulation for signatures and shall:

5 (1) Contain the full text of the initiated measure;

6 (2) Contain the date of the general election at which the initiated measure is to be
7 submitted;

8 (3) Contain the title and explanation as prepared by the attorney general;

9 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition
10 sponsor that includes the name and address of each petition sponsor; and

11 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

12 The petition circulator shall provide to each person who signs the petition a form containing
13 the title and explanation of the initiated measure as prepared by the attorney general; any fiscal
14 note prepared pursuant to § 2-9-31; the name, phone number, and email address of each petition
15 sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator
16 and, if a paid circulator, the amount the circulator is being paid. The form shall be approved by
17 the secretary of state prior to circulation.

18 For any initiated measure petition, no signature may be obtained more than twenty-four
19 months preceding the general election that was designated at the time of filing of the full text.

20 The initiated measure petition shall be filed with the secretary of state at least one year before
21 the next general election. A notarized affidavit form, signed by at least two-thirds of the petition
22 sponsors, stating that the documents filed constitute the entire petition and to the best of the
23 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the
24 secretary of state. The form of the petition, including petition size and petition font size, and the

1 affidavit shall be prescribed by the State Board of Elections.

2 Section 4. That § 2-1-3 be amended to read:

3 2-1-3. Any law which the Legislature may have enacted, except one which may be necessary
4 for the immediate preservation of the public peace, health, or safety, or support of the state
5 government and its existing public institutions, shall, upon the filing of a petition as hereinafter
6 provided, be submitted to a vote of the electors of the state at the next general election. Such
7 petition shall be signed by not less than five percent of the qualified electors of the state. The
8 form of the petition, including petition size and petition font size, shall be prescribed by the
9 State Board of Elections.