

State of South Dakota

**EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007**

BILL #1

707N0028

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to establish certain procedures regarding the verification
2 of initiative and referendum signatures.

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

4 Section 1. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Upon the receiving of any initiative petition, referred law petition, or initiated constitutional
7 amendment petition, the secretary of state shall examine the petition. No signature of a person
8 may be counted by the secretary of state unless the person is a registered voter in the county
9 indicated on the signature line. No signature of a person may be counted if the information
10 required on the petition form is not complete.

11 Section 2. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The secretary of state shall verify the signatures pursuant to section 1 of this Act by random
14 sampling. The random sample of signatures to be verified shall be drawn so that every signature
15 received by the secretary of state shall be given an equal opportunity to be included in the
16 sample. The secretary of state shall calculate the number of valid signatures by multiplying the



1 total number of signatures received by the percentage of successfully verified signatures from
2 the random sample. The secretary of state shall, by rules promulgated pursuant to chapter 1-26,
3 establish the methodology for conducting the random sample. The random sampling shall be
4 an examination of five percent of the signatures received.

5 Section 3. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If the random sample indicates that a sufficient number of qualified electors have signed the
8 petition, the secretary of state shall certify that the petition has been signed by the required
9 number of qualified electors and shall place the proposed measure or amendment on the next
10 general election ballot. If the random sample indicates that an insufficient number of qualified
11 electors have signed the petition, the secretary of state shall certify that the petition has not been
12 signed by the required number of qualified electors and may not place the proposed measure or
13 amendment on the next general election ballot. The secretary of state shall, within five days of
14 certifying, notify the petition sponsors of the secretary of state's action pursuant to this section.

15 Section 4. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Nothing in this Act prohibits any person from challenging in circuit court the validity of
18 signatures or other information required on a petition by statute or administrative rule.

A Summary of Bill #1

A bill to establish procedures regarding the verification of initiative and referendum signatures.

The Commission in its review of the initiative and referendum process found that currently petition signatures are not checked against a voter registration list. The commission was also surprised to find how little authority the secretary of state had in statute and rules to challenge petition signatures. The secretary of state office checks that all the blocks of the signature line are completed – printed name, signature, address, county of registry, etc. – the office does not check any further than that. The secretary of state's office doesn't have the personnel and resources to check petition signatures against a voter registration list. The only real check now is that anybody can challenge a petition. The person challenging the petition then has the responsibility to check the signatures against the voter registration list.

The Commission is recommending an addition to state statute which allows the secretary of state to verify petition signatures by a random sample of five percent of the signatures received. If the random sample indicates that a sufficient number of qualified electors have signed the petition, the secretary of state shall place the measure on the ballot. This method has been used in other states and will take less time and personnel than if each signature was checked against a voter registration list. The recommendation also provides that persons can still challenge in circuit court the validity of any signatures.

State of South Dakota

**EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007**

BILL #2

770N0029

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the review of initiated
2 measures.

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

4 Section 1. That § 12-13-25 be amended to read as follows:

5 12-13-25. The proponents of each initiative or initiated amendment to the Constitution shall
6 submit a copy of the initiative or initiated amendment to the Constitution to the director of the
7 Legislative Research Council for review and comment before it may be circulated for signatures.
8 The director shall review each submitted initiative or initiated amendment to the Constitution
9 to determine if the requirements of § 12-13-24 are satisfied. Within fifteen days of receipt of an
10 initiative or initiated amendment to the Constitution, the director shall provide written
11 comments on the initiative or initiated amendment to the Constitution to the proponents of the
12 initiative or initiated amendment and the secretary of state. If appropriate, the comments shall
13 contain suggested editorial changes to promote compliance with § 12-13-24. Except with the
14 permission of the proponents, no comments may be disclosed to any person other than the
15 proponents prior to the public meeting with the proponents of the petition pursuant of section
16 2 of this Act.



1 Section 2. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 No later than two weeks after the director's written comments pursuant to § 12-13-25, unless
4 the submission is withdrawn by the proponents, the director of the Legislative Research Council
5 shall render the director's comments to the proponents of the submission concerning the format
6 or contents of the submission at a meeting open to the public. The director shall give the public
7 the opportunity to comment on the submission at this meeting.

8 Section 3. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 After the public meeting but before filing the initiative or the initiated amendment with the
11 secretary of state, the proponents may amend the petition in response to some or all the
12 comments. If any substantial amendment is made to the initiative or the initiated amendment,
13 other than an amendment in direct response to the comments of the director, the amended
14 petition shall be resubmitted to the director for comment pursuant to § 12-13-25. If the director
15 has no additional comments concerning the amended petition, the director shall so notify the
16 proponents in writing, and, a meeting on the amended petition pursuant to section 2 of this Act
17 is not required.

18 Section 4. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 After any meeting provided by sections 2 and 3 of this Act and after the proponents have
21 filed the final language with the secretary of state, a copy of the original draft submitted to the
22 director of the Legislative Research Council, a copy of the amended draft with changes
23 highlighted or otherwise indicated, if any amendments were made following the last meeting
24 conducted pursuant to sections 2 and 3 of this Act, and copies of comments and responses

1 should be filed with the secretary of state by the director of the Legislative Research Council.

A Summary of Bill #2

A bill to revise certain provisions regarding the review of initiated measures.

This recommendation revises the process by which initiatives and initiated constitutional amendments are reviewed before any petitions are circulated. The primary change in this recommendation is the requirement for a public hearing and an opportunity for the public to comment on the proposed initiative or initiated constitutional amendment before the petition is circulated. The public hearing would take place after the Legislative Research Council had reviewed the petition for style and form. The proponents of the petition would then be given the opportunity to amend the petition in response to some or all the comments made by the public and by the Legislative Research Council.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

BILL #3

707N0034

HOUSE BILL NO. _____

Introduced by: _____

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, to the best of the circulator's knowledge, each person signing the petition is a
10 qualified voter of the state in the county indicated on the signature line and that no state statute
11 regarding the circulation of petitions was knowingly violated. The State Board of Elections shall
12 prescribe the form for the verification ~~of circulator~~. The verification ~~of circulator~~ shall be
13 witnessed by a notary public commissioned in South Dakota or other officer authorized to
14 administer oaths pursuant to § 18-3-1. Any person who falsely swears to the verification
15 provided for in this section is guilty of a Class 1 misdemeanor.

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



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

A Summary of Bill #3

A bill to revise certain provisions relating to the circulation and signing of initiative and referendum petitions and to provide a penalty for violation thereof.

This recommendation requires the petition circulator of an initiative or referendum petition to verify that to the best of the circulator's knowledge, each person signing the petition is a qualified voter and no statute regarding this circulation of the petition was knowingly violated. The recommendation provides that any circulator who falsely swears to the verification is guilty of a Class 1 misdemeanor.

State of South Dakota

**EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007**

BILL #4

770N0004

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to make biennial salary increases for legislators consistent
2 with annual increases for other state officials and employees.

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

4 Section 1. That chapter 2-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The salary of each member of the Legislature for each regular legislative session as provided
7 by § 2-4-2 shall be adjusted biennially by the rate appropriated as the across-the-board increase
8 to base salaries of state employees under the general appropriations bills for the past two fiscal
9 years. The first adjustment for this salary shall be based on the salary in effect on July 1, 2007.
10 The first adjustment shall take place on January 1, 2009. Adjustments after the first adjustment
11 shall take place at the beginning of each new term of legislative office every two years after that
12 date.



A Summary of Bill #4

A bill to make biennial salary increases for legislators consistent with annual increases for other state officials and employees.

This recommendation amends SDCL chapter 2-4 to provide that legislators' salaries for each regular legislative, as established in SDCL 2-4-2, shall be adjusted biennially by the rate appropriated as the across-the-board increase to base salaries of state employees under the general appropriations bills for the past two fiscal years. This would adjust the salaries of legislators in the same manner as the salaries of constitutional officers and judges are adjusted pursuant to SDCL 3-8-2.1.

Under this recommendation the first adjustment of the salary increase for legislators would be based on the salary in effect on July 1, 2007. The first adjustment would take place on January 1, 2009 and subsequent adjustments would take place at the beginning of each new term of legislative office every two years after that date.