

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0141

HOUSE BILL NO. 1018

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections and
2 petitions.

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

4 Section 1. That § 12-4-36 be amended to read as follows:

5 12-4-36. There is a rebuttable presumption that the signer of a petition filed pursuant to
6 chapter 2-1, 6-16, 7-18A, 9-13, 9-20, 12-6, 12-7, or 13-7 is not a qualified elector if the signer's
7 name fails to appear on the active or inactive voter registration list of the county stated on the
8 petition as the signer's county of registration on the date the petition was signed. This rebuttable
9 presumption may only be overcome by clear and convincing evidence presented by the petition
10 sponsor, circulator, or candidate.

11 Section 2. That § 12-5-1 be amended to read as follows:

12 12-5-1. A new political party may be organized and participate in the primary election by
13 filing with the secretary of state not later than the last Tuesday of March at five p.m. prior to the
14 date of the primary election, a written declaration signed by at least two and one-half percent
15 of the voters of the state as shown by the total vote cast for Governor at the last preceding



gubernatorial election, which declaration shall contain:

(1) The name of the proposed party; and

(2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election. No signature on a declaration is valid if the declaration was signed more than one year prior to filing of the declaration.

A political party loses the right to participate in the primary election for failure to meet the definition of political party as defined in § 12-1-3.

The national and state chairperson of a recognized political party may request in writing, subscribed and sworn to by each chairperson before any officer qualified to administer oaths and take acknowledgments, to no longer be recognized as a political party. The political party shall also comply with the requirements for dissolution pursuant to chapter 12-27.

Section 3. That § 12-6-8 be amended to read as follows:

12-6-8. No person ~~shall~~ may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom ~~he~~ the person is not entitled to vote, nor for a political candidate of a party of which ~~he~~ the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by ~~him~~ the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. The original signed declaration shall accompany the group of petitions upon filing. ~~Such~~ The petition shall be verified under oath by the persons circulating the ~~same~~ petition. The verification by the

1 person circulating the petition may not be notarized by the candidate whom the petition is
2 nominating. The provisions of this section ~~shall~~ may not prohibit a person registered with party
3 affiliation from signing either a petition nominating an independent or a nonpolitical candidate
4 for office if ~~he~~ the person has not previously signed a petition for that office to be filled.

5 Section 4. That § 12-26-15 be amended to read as follows:

6 12-26-15. It is a Class 2 misdemeanor for any person, directly or indirectly, by ~~himself~~ the
7 person or through any other person:

8 (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
9 or other valuable consideration, to or for any voter or to or for any other person, to
10 induce ~~such~~ the voter to vote or refrain from voting at any election or to induce any
11 voter to vote or refrain from voting at ~~such~~ any election for any particular person or
12 to induce ~~such~~ the voter to go to the polls or remain away from the polls at ~~such~~ any
13 election, or on account of ~~such~~ the voter having voted, refrained from voting or
14 having voted or refrained from voting for any particular person, or having gone to the
15 polls or remained away from the polls at ~~such~~ any election;

16 (2) To give, offer, or promise any office, place, or employment, or to promise to procure
17 or endeavor to procure any office, place, or employment to or for any voter, or to or
18 for any other person in order to induce ~~such~~ the voter to vote or refrain from voting
19 at ~~such~~ any election for any particular person;

20 (3) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to,
21 for, or with any person in order to induce ~~such~~ the person to procure or endeavor to
22 procure the election of any person, or the vote of any voter at any election;

23 (4) To procure or engage, promise, or endeavor to procure, in consequence of any ~~such~~
24 gift, loan, offer, promise, procurement, or agreement, the election of any person or

1 the vote of any voter at ~~such~~ any election;

2 (5) To advance or pay, or cause to be paid, any money or other valuable thing to or for
3 the use of any other person, with the intent that the same or any part thereof shall be
4 used in bribery at any election, or to knowingly pay or cause to be paid any money
5 or other valuable thing to any person in discharge or repayment of any money wholly
6 or in part expended in bribery at any election;

7 (6) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
8 or other valuable consideration, to or for any voter or to or for any other person, to
9 sign any nominating, referendum, initiated measure, or initiated constitutional
10 amendment petition;

11 (7) To give, offer, or promise any office, place, or employment, or to promise to procure
12 or endeavor to procure any office, place, or employment to or for any voter, or to or
13 for any other person in order to sign any nominating, referendum, initiated measure,
14 or initiated constitutional amendment petition; or

15 (8) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to,
16 for, or with any person in order to sign any nominating, referendum, initiated
17 measure, or initiated constitutional amendment petition.