



## 2023 South Dakota Legislature

# Senate Bill 46

*Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General*

1 **An Act to establish the crime of petition circulation perjury and provide a penalty**  
 2 **therefor.**

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

4 **Section 1. That § 2-1-10 be AMENDED:**

5 **2-1-10.** Before filing a petition to initiate an amendment to the Constitution, for  
 6 an initiated measure, or for a referred law, with the officer in whose office the petition is  
 7 required to be filed, each petition circulator shall sign a verification attesting that ~~the:~~

8 (1) The circulator personally circulated the petition and;

9 (2) The circulator is not attesting to any signature obtained by any other person, that  
 10 the petition;

11 (3) The circulator is a resident of South Dakota, that the;

12 (4) The circulator made reasonable inquiry and, to the best of the circulator's  
 13 knowledge, each person signing the petition is a qualified voter of the state in the  
 14 county indicated on the signature line and that no; and

15 (5) No state statute regarding the circulation of petitions was knowingly violated.

16 The State Board of Elections shall prescribe the form for the verification. The  
 17 circulator's signature on the verification shall be witnessed and notarized by a notary  
 18 public commissioned in South Dakota or other officer authorized to administer oaths  
 19 pursuant to § 18-3-1. Any person who falsely attests to the verification provision provided  
 20 in subdivision (1) is guilty of petition circulation perjury pursuant to section 2 of this Act.  
 21 Any person who falsely attests to the verification under this section provisions provided in  
 22 subdivisions (2) to (5), inclusive, is guilty of a Class 1 misdemeanor.

23 **Section 2. That chapter 22-29 be amended with a NEW SECTION:**

24 Any person who, having taken an oath attesting to having personally circulated  
 25 any petition to initiate an amendment to the Constitution, initiated measure, referred law,

- 1 or to nominate any candidate for any political office, states, intentionally or contrary to
- 2 the oath, any material matter that the person knows to be false, is guilty of perjury
- 3 pursuant to subdivision 22-29-5(3).