

2024 South Dakota Legislature

House Bill 1244**AMENDMENT 1244E
FOR THE INTRODUCED BILL**

1 **An Act to provide a process to withdraw a signature from a petition for an initiated**
2 **measure, constitutional amendment, or a referendum on a law in certain**
3 **situations and to declare an emergency.**

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

5 **Section 1. That a NEW SECTION be added to chapter 2-1:**

6 An individual who has signed a petition to initiate a constitutional amendment or
7 measure, or to refer a law, may submit a written notification to the secretary of state
8 stating that the individual's name be withdrawn from the petition. A signature may be
9 withdrawn as provided in section 2 of this Act.

10 The written notification must include:

- 11 (1) The title of the petition;
12 (2) The printed name, signature, residence address, and county of registration of the
13 individual withdrawing the individual's signature from the petition; and
14 (3) A statement that the individual is withdrawing the individual's signature from the
15 petition.

16 The individual's signature on the written statement must be witnessed and
17 notarized by a notary public commissioned in South Dakota or other officer authorized to
18 administer oaths pursuant to § 18-3-1. For a written notification to withdraw a signature
19 to be valid under this section, an individual must submit the written notification to the
20 secretary of state at any time before ~~the time has expired to bring a challenge under § 2-~~
21 ~~1-17.1 or 2-1-18, or if a challenge has been made under § 2-1-17.1 or 2-1-18, then no~~
22 ~~later than the conclusion of any pretrial discovery related to the court's review of the~~
23 ~~validated petition~~ the petition from which the individual is submitting a written notification
24 for withdrawal under this Act is filed and certified for placement on the next general
25 election ballot under § 2-1-17.

1 The written notification may be delivered by hand, or United States registered mail,
2 or e-mail to the secretary of state.

3 **Section 2. That a NEW SECTION be added to chapter 2-1:**

4 If a challenge to a validated petition is filed pursuant to § 2-1-17.1 or 2-1-18, the
5 secretary of state must provide to each party to the proceeding all written notifications,
6 submitted under section 1 of this Act, that pertain to the validated petition being
7 challenged. If a signature is withdrawn pursuant to section 1 of this Act, the signature is
8 deemed withdrawn from the petition and may not be counted as valid in a challenge.

9 **Section 3.** Whereas, this Act is necessary for the ~~support of the state government and its~~
10 ~~existing public institutions~~ immediate preservation of the public peace, health, or safety, an
11 emergency is hereby declared to exist, and this Act shall be in full force and effect from and
12 after its passage and approval.