

2024 South Dakota Legislature

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

1 **An Act to provide a process to withdraw a signature from a nominating petition or**
2 **a petition for an initiated measure, constitutional amendment, or a**
3 **referendum on a law in certain 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 nominating petition or a petition to initiate a
7 constitutional amendment or measure, or to refer a law, may submit a written notification
8 to the secretary of state stating that the individual's name be withdrawn from the petition.
9 A signature may be withdrawn as provided in section 2 of this Act.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 For a written notification to withdraw a signature from a petition to initiate a
17 constitutional amendment or measure, or to refer a law to be valid under this section, an
18 individual must submit the written notification to the secretary of state at any time before
19 the time has expired to bring a challenge under § 2-1-17.1 or 2-1-18, or if a challenge
20 has been made under § 2-1-17.1 or 2-1-18, then no later than the conclusion of any
21 pretrial discovery related to the court's review of the validated petition. For a written
22 notification to withdraw a signature from a nominating petition to be valid under this
23 section, an individual must submit the written notification to the secretary of state at any
24 time before the last Tuesday in March.

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

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

2 If a challenge to a validated petition to initiate a constitutional amendment or
3 measure, or to refer a law is filed pursuant to § 2-1-17.1 or 2-1-18, or if a challenge to a
4 validated nominating petition is filed pursuant to § 12-1-13 or 12-1-16, the secretary of
5 state must provide to each party to the proceeding all written notifications, submitted
6 under section 1 of this Act, that pertain to the validated petition being challenged. If a
7 signature is withdrawn pursuant to section 1 of this Act, the signature is deemed
8 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, an emergency is hereby declared to exist, and this Act shall be in
11 full force and effect from and after its passage and approval.