



2024 South Dakota Legislature
Senate Bill 182
ENROLLED

AN ACT

ENTITLED An Act to repeal and revise certain provisions regarding the petition circulation process to comply with federal court decisions.

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

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition as it is to be circulated for an initiated amendment to the Constitution must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) Contain the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of

filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. A petition as it is to be circulated for an initiated measure must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated measure in fourteen-point font;
- (2) Contain the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated measure before the petition is circulated.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed

with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 3. That § 2-1-1.3 be AMENDED:

2-1-1.3. Terms used in this chapter mean:

- (1) "Circulates," either:
 - (a) Physically presents or otherwise makes available a ballot measure petition to another person for that person's signature; or
 - (b) Solicits from another person, personally and in the presence of such other person, a signature on a ballot measure petition, while acting in concert with another person who simultaneously physically presents or otherwise makes available the ballot measure petition;
- (2) "Petition circulator," the same as the term is defined under § 12-1-3;
- (3) "Petition sponsor," any person who proposes the placement of a statewide ballot measure on the ballot;
- (4) "Ballot measure," any measure placed on a statewide ballot in accordance with § 2-1-1.1, 2-1-1.2, or 2-1-3.1;
- (5) "Paid circulator," any person who receives money or anything of value as consideration, in whole or in part, for acting as a petition circulator;
- (6) "Volunteer circulator," any person who does not receive money or anything of value as consideration, in whole or in part, for acting as a petition circulator.

Section 4. That § 2-1-3.1 be AMENDED:

2-1-3.1. The petition as it is to be circulated for a referred law must be filed with the secretary of state prior to circulation for signatures and must:

- (1) Contain the title of the referred law;
- (2) Contain the effective date of the referred law;
- (3) Contain the date of the general election at which the referred law is to be submitted;
- (4) Be accompanied by a notarized form signed by each person who is a petition sponsor that includes the names and addresses of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition must be filed with the secretary of state within ninety days after the adjournment of the Legislature that passed the referred law. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The State Board of Elections shall prescribe the form of the petition and affidavit.

The petition circulator shall provide to each person who signs the petition a circulator handout containing the title of the referred law; any fiscal note or summary of a fiscal note obtained pursuant to § 2-9-32; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each referred law before the petition is circulated.

Section 5. That § 12-27-47.1 be AMENDED:

12-27-47.1. Any resident of South Dakota may report a violation of § 12-27-12, 12-27-16(1), or 12-27-19 to the secretary of state, who shall investigate the alleged violation and determine whether a violation occurred. In addition to any criminal penalty imposed under § 12-27-12, 12-27-16(1), or 12-27-19, the court may impose on any person, committee, or entity found in violation of § 12-27-12, 12-27-16(1) or 12-27-19 a civil penalty of five thousand dollars per violation to be deposited in the state general fund.

Section 6. That § 2-1-1.5 be REPEALED.

Section 7. That § 2-1-1.6 be REPEALED.

Section 8. That § 2-1-1.7 be REPEALED.

Section 9. That § 2-1-1.8 be REPEALED.

Section 10. That § 2-1-1.9 be REPEALED.

Section 11. That § 12-27-18.2 be REPEALED.

An Act to repeal and revise certain provisions regarding the petition circulation process to comply with federal court decisions.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 182

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 182
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State