

## 2024 South Dakota Legislature

**House Bill 1140****AMENDMENT 1140H  
FOR THE SENATE ENGROSSED BILL**

1 **An Act to revise certain provisions relating to petitions containing illegal actions and**  
2 **to declare an emergency.**

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

4 **Section 1. That § 7-18A-13 be AMENDED:**

5 **7-18A-13.** If a petition to initiate is filed with the auditor, the auditor shall present  
6 it to the board of county commissioners at its next regular or special meeting. The person  
7 submitting the petition may withdraw the petition at any time prior to the scheduling of  
8 the election. ~~Unless the board determines the petition's proposed measure is in~~  
9 ~~contravention of state or federal law, which determination may be appealed to circuit court~~  
10 ~~in accordance with § 7-8-27, the~~ The board shall enact the proposed ordinance or  
11 resolution and shall submit it to a vote of the voters in the manner prescribed for a  
12 referendum within sixty days after the final enactment. However, if the petition is filed  
13 within three months prior to the primary or general election, the ordinance or resolution  
14 may be submitted at the primary or general election.

15 **Section 2. That § 9-20-4 be AMENDED:**

16 **9-20-4.** When a petition to initiate is filed with the finance officer, the finance  
17 officer shall present the petition to the governing body at its first ensuing regular or special  
18 meeting. The person submitting the petition may withdraw the petition at any time prior  
19 to the scheduling of the election. ~~Unless the governing body determines the petition's~~  
20 ~~proposed measure is in contravention of state or federal law, which determination may be~~  
21 ~~appealed to circuit court in accordance with chapter 21-29 or 21-30, the~~ The governing  
22 body shall submit the petition to a vote of the voters in the manner prescribed for a  
23 referendum.

- 1 **Section 3.** Whereas, this Act is necessary for the support of the state government and its  
2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
3 full force and effect from and after its passage and approval.

AMENDED