



## 2025 South Dakota Legislature

# Senate Bill 106

Introduced by: **Senator Wheeler**

1 **An Act to require an individual be registered as a voter of this state before being**  
 2 **eligible to be a petition sponsor for a ballot measure.**

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

4 **Section 1. That § 2-1-1.1 be AMENDED:**

5 **2-1-1.1.** A petition sponsor must file a petition, as it is to be circulated for an  
 6 initiated amendment to the South Dakota Constitution—must be filed, including an  
 7 electronic copy of the petition, with the secretary of state, ~~including an electronic copy of~~  
 8 ~~the petition, prior to circulation for signatures before the petition may be circulated~~ and  
 9 at least one year before the next general election at which the initiated amendment is  
 10 proposed to be submitted to the voters. The petition filing must:

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

18 Only an individual who is registered as a voter of this state, pursuant to chapter  
 19 12-4, may be a petition sponsor for an initiated amendment to the constitution.

20 Each petition circulator shall provide to each person who signs the petition a  
 21 circulator handout containing the title and explanation of the initiated amendment to the  
 22 Constitution as prepared by the attorney general; any fiscal note prepared pursuant to  
 23 § 2-9-30; the name, phone number, and email address of each petition sponsor; and a  
 24 statement indicating whether the petition circulator is a volunteer or paid circulator and,  
 25 if a paid circulator, the amount the circulator is being paid. The secretary of state shall

1 approve the circulator handout for each initiated amendment to the Constitution before  
2 the petition is circulated.

3 For any initiated amendment petition, no signature may be obtained more than  
4 twenty-four months preceding the general election that was designated at the time of  
5 filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition  
6 sponsors, stating that the documents filed constitute the entire petition and to the best of  
7 the knowledge of the sponsors contains a sufficient number of signatures, must also be  
8 filed with the secretary of state. The initiated amendment petition signatures must be filed  
9 with the secretary of state by the first Tuesday in May of a general election year for the  
10 initiated amendment to qualify for submission to the voters at the next general election.  
11 The State Board of Elections shall prescribe the form of the affidavit and the petition  
12 ~~otherwise~~, including petition size and petition font size for ballot measure language not  
13 prescribed in this section.

14 **Section 2. That § 2-1-1.2 be AMENDED:**

15 **2-1-1.2.** A petition sponsor must file a petition, as it is to be circulated for an  
16 initiated measure ~~must be filed, including an electronic copy of the petition~~, with the  
17 secretary of state, ~~including an electronic copy of the petition, prior to circulation for~~  
18 signatures, before the petition may be circulated and at least one year before the next  
19 general election at which the initiated measure is proposed to be submitted to the voters.

20 The petition filing must:

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

28 Only an individual who is registered as a voter of this state, pursuant to chapter  
29 12-4, may be a petition sponsor for an initiated measure.

30 Each petition circulator shall provide to each person who signs the petition a  
31 circulator handout containing the title and explanation of the initiated measure as  
32 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the  
33 name, phone number, and email address of each petition sponsor; and a statement  
34 indicating whether the petition circulator is a volunteer or paid circulator and, if a paid

1 circulator, the amount the circulator is being paid. The secretary of state shall approve  
2 the circulator handout for each initiated measure before the petition is circulated.

3 For any initiated measure petition, no signature may be obtained more than  
4 twenty-four months preceding the general election that was designated at the time of  
5 filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition  
6 sponsors, stating that the documents filed constitute the entire petition and to the best of  
7 the knowledge of the sponsors contains a sufficient number of signatures, must also be  
8 filed with the secretary of state. The initiated measure petition signatures must be filed  
9 with the secretary of state by the first Tuesday in May of a general election year for the  
10 initiated measure to qualify for submission to the voters at the next general election. The  
11 State Board of Elections shall prescribe the form of the affidavit and the petition ~~otherwise,~~  
12 including petition size and petition font size for ballot measure language not prescribed in  
13 this section.

14 **Section 3. That § 2-1-3.1 be AMENDED:**

15 **2-1-3.1.** ~~The~~ Before a petition to refer a law may be circulated, a petition sponsor  
16 must file the petition, as it is to be circulated ~~for a referred law must be filed,~~ with the  
17 secretary of state prior to circulation ~~for signatures and.~~ The petition must:

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

25 Only an individual who is registered as a voter of this state, pursuant to chapter  
26 12-4, may be a petition sponsor for a petition to refer a law.

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

33 The petition circulator shall provide to each person who signs the petition a  
34 circulator handout containing the title of the referred law; any fiscal note or summary of

1 a fiscal note obtained pursuant to § 2-9-32; the name, phone number, and email address  
2 of each petition sponsor; a statement whether the petition circulator is a volunteer or paid  
3 circulator and, if a paid circulator, the amount the circulator is being paid. The secretary  
4 of state shall approve the circulator handout for each referred law before the petition is  
5 circulated.