

2025 South Dakota Legislature

House Bill 1169**AMENDMENT 1169D
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to modify the signature requirement for a petition to initiate a constitutional**
2 **amendment.**

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

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

5 ~~2-1-1. All measures~~ A measure proposed by initiative shall ~~may~~ be presented only
6 by a petition. ~~The petition shall be signed by not less than~~ at least five percent of the
7 qualified electors of the state.

8 An amendment to the South Dakota Constitution proposed by initiative may be
9 presented only by a petition signed by ~~qualified voters from each senatorial district, equal~~
10 ~~in number to at least five percent of the total votes cast for Governor in the senatorial~~
11 ~~district at the last gubernatorial election, provided that the total number of signatures on~~
12 ~~the petition equals~~ at least ten percent of the total votes cast for Governor in the last
13 gubernatorial election. The petition to propose an amendment to the constitution must
14 include signatures from at least eighteen senatorial districts. A senatorial district may only
15 be counted toward meeting the requirements of this section if the petition contains a
16 number of signatures from the senatorial district equal to at least five percent of the total
17 number of votes cast for Governor in the senatorial district at the last gubernatorial
18 election.

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

20 ~~2-1-1.1. A petition sponsor shall file, in a physical and electronic format, a petition~~
21 for an initiated amendment to the South Dakota Constitution, as it is to be circulated~~for~~
22 ~~an initiated amendment to the Constitution must be filed, with the secretary of state,~~
23 ~~including an electronic copy of the petition, prior to circulation for signatures~~ before the
24 petition may be circulated and at least one year before the next general election at which

1 the initiated amendment to the constitution is proposed to be submitted to the voters.

2 The petition ~~filling~~ must:

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

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

18 ~~For any initiated amendment petition, no signature may be obtained~~ A petition for
19 an initiated amendment to the constitution may not be circulated more than twenty-four
20 months ~~preceding~~ before the general election that was designated ~~at the time of filing of~~
21 ~~the full text~~ pursuant to subdivision (1). Each sheet of the petition must indicate the
22 senatorial district where the signatures were collected and may contain only signatures
23 from that senatorial district. A sworn affidavit, signed by at least two-thirds of the petition
24 sponsors, stating that the documents filed constitute the entire petition and to the best of
25 the knowledge of the sponsors contains a sufficient number of signatures, must also be
26 filed with the secretary of state. The initiated amendment petition signatures must be filed
27 with the secretary of state by the first Tuesday in May of a general election year for the
28 initiated amendment to qualify for submission to the voters at the next general election.

29 The State Board of Elections shall ~~prescribe~~ promulgate rules, pursuant to chapter
30 1-26, prescribing the form of the affidavit and the requirements of the petition not
31 ~~otherwise, including petition size and petition font size for ballot measure language not~~
32 ~~prescribed in this section,~~ specified by this section.