

2025 South Dakota Legislature

Senate Bill 91**AMENDMENT 91E
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to revise the requirements for a petition to initiate a measure or**
 2 **constitutional amendment or to refer a law.**

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 shall file, in a physical and electronic format, a petition
 6 for an initiated amendment to the South Dakota Constitution, as it is to be circulated ~~for~~
 7 ~~an initiated amendment to the Constitution must be filed,~~ with the secretary of state,
 8 ~~including an electronic copy of the petition, prior to circulation for signatures~~ before the
 9 petition may be circulated and at least one year before the next general election at which
 10 the initiated amendment to the constitution is proposed to be submitted to the voters.

11 The petition ~~filling~~ must:

- 12 (1) ~~Contain~~ Be accompanied by the full text of the initiated amendment in fourteen-
 13 point font;
- 14 (2) ~~Contain~~ Designate, in fourteen-point font, the date of the general election at which
 15 the initiated amendment is to be submitted;
- 16 (3) Contain, in fourteen-point font, the title and explanation of the initiated
 17 amendment as prepared by the attorney general, pursuant to § 12-13-25.1;
- 18 (4) ~~Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point~~
 19 ~~font;~~
- 20 (5) Be accompanied by a notarized affidavit form, signed by each person who is a
 21 petition sponsor ~~that, which~~ includes the name and address of each petition
 22 sponsor; ~~and~~
- 23 ~~(5)(6)~~ Be accompanied by a statement of organization as provided in § 12-27-6.

24 The title to be contained on a petition for an initiated amendment, pursuant to
 25 subdivision (3), must be included on both sides of the sheet of paper on which the petition

1 is printed. The title printed on the back side of the petition must be printed in at least
 2 sixteen-point font.

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

12 ~~For any initiated amendment petition, no signature may be obtained~~ A petition for
 13 an initiated amendment to the constitution may not be circulated more than twenty-four
 14 months ~~preceding~~ before the general election that was designated ~~at the time of filing of~~
 15 ~~the full text. A sworn affidavit, signed by at least two thirds of the petition sponsors,~~
 16 ~~stating that the documents filed constitute the entire petition and to the best of the~~
 17 ~~knowledge of the sponsors contains a sufficient number of signatures, must also be filed~~
 18 ~~with the secretary of state. The initiated amendment petition signatures must be filed with~~
 19 ~~the secretary of state by the first Tuesday in May of a general election year for the initiated~~
 20 ~~amendment to qualify for submission to the voters at the next general election~~ pursuant
 21 to subdivision (1).

22 The State Board of Elections shall prescribe the form of ~~the affidavit and~~ the petition
 23 ~~otherwise,~~ including petition size and petition font size for ballot measure language not
 24 prescribed in this section.

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

26 **2-1-1.2.** A petition sponsor shall file, in physical and electronic format, a petition
 27 for an initiated measure, as it is to be circulated ~~for an initiated measure must be filed,~~
 28 with the secretary of state, ~~including an electronic copy of the petition, prior to circulation~~
 29 ~~for signatures before the petition may be circulated~~ and at least one year before the next
 30 general election at which the initiated measure is proposed to be submitted to the voters.

31 The petition ~~filing~~ must:

- 32 (1) ~~Contain~~ Be accompanied by the full text of the initiated measure in fourteen-point
 33 font;

- 1 (2) ~~Contain~~Designate, in fourteen-point font, the date of the general election at which
 2 the initiated measure is to be submitted;
- 3 (3) Contain, in fourteen-point font, the title and explanation of the initiated measure
 4 as prepared by the attorney general, pursuant to § 12-13-25.1;
- 5 (4) Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point
 6 font;
- 7 (5) Be accompanied by a notarized affidavit form signed by each person who is a
 8 petition sponsor ~~that,~~ which includes the name and address of each petition
 9 sponsor; ~~and~~
- 10 ~~(5)~~(6) Be accompanied by a statement of organization as provided in § 12-27-6.

11 The title to be contained on a petition for an initiated amendment, pursuant to
 12 subdivision (3), must be included on both sides of the sheet of paper on which the petition
 13 is printed. The title printed on the back side of the petition must be printed in at least
 14 sixteen-point font.

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

23 ~~For any initiated measure petition, no signature may be obtained. A petition for an~~
 24 initiated measure may not be circulated more than twenty-four months ~~preceding before~~
 25 the general election that was designated ~~at the time of filing of the full text. A sworn~~
 26 ~~affidavit, signed by at least two thirds of the petition sponsors, stating that the documents~~
 27 ~~filed constitute the entire petition and to the best of the knowledge of the sponsors~~
 28 ~~contains a sufficient number of signatures, must also be filed with the secretary of state.~~
 29 The initiated measure petition signatures ~~must be filed with the secretary of state by the~~
 30 first Tuesday in May of a general election year for the initiated measure to qualify for
 31 ~~submission to the voters at the next general election~~ pursuant to subdivision (1).

32 The State Board of Elections shall prescribe the form of ~~the affidavit and~~ the petition
 33 ~~otherwise,~~ including petition size and petition font size for ballot measure language not
 34 prescribed in this section.

35 **Section 3. That a NEW SECTION be added to chapter 2-1:**

1 For an initiated amendment to the South Dakota Constitution or an initiated
 2 measure to qualify for submission to the voters at the general election designated on the
 3 petition, pursuant to § 2-1-1.1 or 2-1-1.2, the petition sponsors must file petition
 4 signatures with the secretary of state by the first Tuesday in ~~February~~ April of the general
 5 election year designated on the petition. The petition signatures must be filed along with
 6 the verifications completed pursuant to § 2-1-10.

7 A sworn affidavit, signed by at least two-thirds of the petition sponsors, must be
 8 filed with the secretary of state along with the signatures on the petition, stating:

9 (1) The documents filed constitute the entire petition; and

10 (2) The petition contains, to the best knowledge of the petition sponsors, at least the
 11 number of valid signatures required by S.D. Const., Art. III, § 1, or S.D. Const.,
 12 Art. XXIII, § 1.

13 The State Board of Elections shall prescribe the form of the affidavit.

14 **Section 4. That § 2-1-3.1 be AMENDED:**

15 2-1-3.1. ~~The~~A petition sponsor shall file, in physical and electronic format, a
 16 petition to refer a law, 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 before the petition may be
 18 circulated. The petition must:

19 (1) Contain, in fourteen-point font, the title of the referred law;

20 (2) Contain the effective date of the referred law in fourteen-point font;

21 (3) Contain the date of the general election at which the referred law is to be submitted
 22 in fourteen-point font;

23 (4) Be accompanied by a notarized form signed by each person who is a petition
 24 sponsor that, which includes the names and addresses of each petition sponsor;
 25 and

26 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

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 title required to be contained on a petition to refer a law, pursuant to
 34 subdivision (1), must be included on both sides of the sheet of paper on which the petition

1 is printed. The title printed on the back side of the petition must be printed in at least
2 sixteen-point font.

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

10 The signatures on a petition to refer a law must be filed with the secretary of state
11 within ninety days after the Legislature that passed the referred law adjourned sine die.
12 A sworn affidavit, stating that the documents filed constitute the entire petition and, to
13 the best knowledge of the sponsors, contain at least the number of valid signatures
14 required by S.D. Const., Art. III § 1, must be signed by at least two-thirds of the petition
15 sponsors and filed with the secretary of state, along with the petition signatures.

16 The State Board of Elections shall prescribe the form of the petition and affidavit.