

2025 South Dakota Legislature

House Bill 1256**AMENDMENT 1256B
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to require the inclusion of certain information on a candidate's nominating**
2 **petition or on a ballot question petition and to declare an emergency.**

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 proposed by initiative ~~shall~~ must be presented by petition.
6 The A petition ~~shall to propose a measure by initiative must~~ be signed by not less than
7 five percent of the qualified electors of the state.

8 All proposals requiring that a law enacted by the Legislature be submitted to a vote
9 of the electors of the state must be presented by petition, signed by not less than five
10 percent of the qualified electors of the state.

11 When signing a petition to propose a measure or an amendment to the Constitution
12 by initiative, or to refer a law to a vote of the electors of the state, an individual must
13 provide the individual's name, signature, address at which the individual is currently
14 registered to vote, the county in which the individual is registered as a voter, and the date
15 of signing.

16 **Section 2. That § 2-1-15 be AMENDED:**

17 **2-1-15.** Upon ~~the receiving of any initiative petition, referred law petition, or~~
18 ~~initiated constitutional amendment petition~~ receipt of a petition to initiate an amendment
19 to the South Dakota Constitution, initiate a measure, or refer a law to a vote of the electors
20 of the state, the secretary of state shall promptly examine and catalogue the petition and
21 petition signatures and make them available to the public upon request and payment of
22 ~~reasonable fees in accordance with the fee required by § 1-8-10.~~ No

23 An individual's signature of a person may not be counted by the secretary of state
24 unless the person if:

(1) The individual is not a registered voter in the county indicated on the signature line. ~~No signature of a person may be counted if the; or~~

(2) The information required provided by the individual on the petition form is not accurate or complete.

If the address provided by the individual is not substantially the same as the address at which the individual is currently registered to vote, the secretary of state may not count the signature.

The secretary of state shall generate the random sample under § 2-1-16 within five days of completing the examination and cataloguing of the petition signatures and shall make the random sample validation sheets available to the public ~~the random sample validation sheets,~~ upon request and payment of ~~reasonable fees in accordance with the~~ fee required by § 1-8-10.

Section 3. That § 12-6-8 be AMENDED:

12-6-8. ~~No person~~ An individual may not sign the nominating petition of a candidate ~~before;~~

(1) Before January first in the year in which the election is to be held, ~~nor for;~~

(2) For whom the person is not entitled to vote, ~~nor for;~~

(3) For a political candidate of a party of which the person is not a member, ~~nor for;~~
or

(4) For more than the number of candidates required to be nominated for the same office.

~~The signer or circulator~~ or the individual who signs the petition shall add the ~~signer's place of residence~~ address at which the individual is currently registered to vote, the county in which the individual is registered as a voter, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. ~~A~~

A candidate shall sign a formal declaration of ~~the candidate shall be signed by the~~ candidate candidacy before the ~~circulation of petitions~~ petition may be circulated. The signed declaration of ~~the candidate shall~~ candidacy must accompany ~~and be a part of the~~ petition. An original signed declaration ~~shall~~ of candidacy must accompany the ~~group of~~ petition upon filing.

The petition ~~shall~~ must be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by

1 the candidate whom the petition is nominating. Any person circulating a petition who
2 falsely attests to the verification is guilty of a Class 6 felony.

3 A nominating petition for any election shall be a self-contained sheet of paper in
4 order to have the candidate's name placed on the ballot. The provisions of this section
5 may not prohibit a person registered with party affiliation from signing either a petition
6 nominating an independent or a nonpolitical candidate for office if the person has not
7 previously signed a petition for that office to be filled.

8 **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,
9 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
10 and effect from and after its passage and approval.