



2025 South Dakota Legislature  
**Senate Bill 91**  
**ENROLLED**

AN ACT

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

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

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

**2-1-1.1.** A petition sponsor shall file, in a physical and electronic format, a petition for an initiated amendment to the South Dakota Constitution, as it is to be circulated, with the secretary of state before the petition may be circulated and at least one year before the next general election at which the initiated amendment to the constitution is proposed to be submitted to the voters. The petition must:

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

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

Each petition circulator shall provide to each individual who signs the petition a circulator handout containing the title of the initiated amendment to the Constitution, as

prepared by the attorney general; the full text of the initiated amendment to the Constitution; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or a paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state must approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

A petition for an initiated amendment to the constitution may not be circulated more than twenty-four months before the general election that was designated pursuant to subdivision (2). A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election.

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

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

**2-1-1.2.** A petition sponsor shall file, in physical and electronic format, a petition for an initiated measure, as it is to be circulated, with the secretary of state before the petition may be circulated and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition must:

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

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

Each petition circulator shall provide to each individual who signs the petition a circulator handout containing the title of the initiated measure as prepared by the attorney general; the full text of the initiated measure; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or a paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state must approve the circulator handout for each initiated measure before the petition is circulated.

A petition for an initiated measure may not be circulated more than twenty-four months before the general election that was designated pursuant to subdivision (2). A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election.

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

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

**2-1-3.1.** A petition sponsor shall file, in physical and electronic format, a petition to refer a law, as it is to be circulated, with the secretary of state before the petition may be circulated. The petition must:

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

The title required to be contained on a petition to refer a law, pursuant to subdivision (1), must be included on both sides of the sheet of paper on which the petition is printed. The title printed on the back side of the petition must be printed in at least sixteen-point font.

The petition circulator shall provide to each person who signs the petition a circulator handout containing the title of the referred law; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state must approve the circulator handout for each referred law before the petition is circulated.

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

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 91

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 91  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State