



2026 South Dakota Legislature

Senate Bill 33

Introduced by: The Chair of the Committee on State Affairs at the request of the Secretary of State

1 **An Act to modify the number of signatures required on certain election-related**
 2 **petitions.**

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

4 **Section 1. That § 12-1-3 be AMENDED:**

5 **12-1-3.** Terms used in this title mean:

- 6 (1) "Ballot question committee," ~~as defined by § 12-27-1~~ an individual or entity that
 7 raises, collects, or disburses contributions for the purpose of proposing, supporting,
 8 or opposing the placement of a ballot question on a ballot or adopting or defeating
 9 a ballot question at an election;
- 10 (2) "Candidate," ~~a person whose name is on the ballot or who is entitled to be on the~~
 11 ~~ballot to be voted upon for nomination or election at any election~~ an individual who
 12 seeks nomination or election to a public office and, for the purpose of running for
 13 the office:
- 14 (a) Raises, collects, or disburses contributions in excess of five hundred dollars;
 15 (b) Has authorized the solicitation of contributions or the making of
 16 expenditures;
 17 (c) Has been certified as a candidate by a political party;
 18 (d) Has created a candidate campaign committee; or
 19 (e) Has taken all actions required by state law to qualify for nomination or
 20 election;
- 21 (3) "Election," ~~any election~~ any process held under the laws of this state, by which a
 22 candidate for office is nominated or elected or any other contest or question is
 23 determined;
- 24 (4) ~~"Election officials," state and local officials~~ "Election official," an individual charged
 25 with the duty of conducting elections an election and the canvass of returns;

- 1 (5) "Elector," ~~a person~~ an individual qualified to register as a voter, whether or not the
 2 person is registered;
- 3 (6) "Electronic pollbook," ~~an electronic system containing both the~~ a digital information
 4 system that contains a jurisdiction's registration list and pollbook;
- 5 ~~(7) "General election," the vote required to be taken in each voting precinct of the~~
 6 ~~state on the first Tuesday after the first Monday in November of each even-~~
 7 ~~numbered year;~~ "Independent candidate," notwithstanding the definition of
 8 independent provided by this section, any registered voter who, regardless of party
 9 affiliation, seeks election to public office without party affiliation;
- 10 (8) "Independent" or "no party affiliation," any individual who, when registering as a
 11 voter, does not provide a party affiliation when completing the voter registration
 12 application, draws a line through the space on the voter registration application for
 13 the individual to provide a party affiliation, or writes on the voter registration
 14 application:
- 15 (a) Independent;
- 16 (b) I;
- 17 (c) Ind.;
- 18 (d) No party affiliation;
- 19 (e) No party;
- 20 (f) No choice;
- 21 (g) Nonpartisan;
- 22 (h) NPA; or
- 23 (i) None;
- 24 (9) "Paid circulator," any person an individual who receives money or anything of value
 25 for collecting signatures for a petition;
- 26 ~~(9)~~(10) "Party office," an office of a political party organization ~~as distinct from a public~~
 27 ~~office;~~
- 28 ~~(10)~~(11) "Person in charge of an election," ~~or "person charged with the conduct of an~~
 29 ~~election," the county auditor in all cases except local elections for a municipality,~~
 30 ~~school district, township, or other political subdivision, in which case it is~~ or, in a
 31 political subdivision election, the officer having the position comparable to the
 32 auditor in that ~~unit of government~~ political subdivision, if not specifically designated
 33 by law;
- 34 ~~(11)~~(12) "Petition," a self-contained, separately verified form prescribed by the State
 35 Board of Elections, ~~which contains the question or candidacy being petitioned, the~~

~~declaration of candidacy if required and the verification of the circulator. If multiple sheets of paper are necessary to obtain the required number of signatures, each sheet shall be self-contained and separately verified by the circulator on which signatures may be collected and by which a ballot question is proposed or a candidate qualifies to be included on a ballot for nomination or election to a public office;~~

~~(12)(13) "Petition circulator," a resident of the State of South Dakota as defined under § 12-1-4, who is at least eighteen years of age who circulates nominating petitions or other petitions for the purpose of placing candidates or issues on any election ballot~~ an individual who:

(a) Is a resident of this state, as defined in § 12-1-4;

(b) Is at least eighteen years old; and

(c) In the presence of another individual, solicits from the other individual a signature on a petition for a ballot question or candidate by:

(i) Physically presenting the petition or otherwise making the petition available to the other individual; or

(ii) Acting in concert with another petition circulator who physically presents or otherwise makes the petition available to the other individual;

~~(13)(14) "Other," the name of a political party that is not recognized in South Dakota;~~

~~(15) "Political party," beginning with the 2014 general election and each general election thereafter, a party whose candidate for any statewide office received at least two and one-half percent of the total votes cast for that statewide office in either of the two previous general election cycles;~~

~~(14)(16) "Pollbook" or "poll list," a list containing, in numerical order, the names of all persons voting~~ name of each individual who voted at the an election and the type of ballot voted that the individual received;

~~(15)(17) "Polling place," a designated place voters may go to vote where voting occurs;~~

~~(16)(18) "Poll watcher," a person chosen to observe the conduct of an election~~ an individual designated by a candidate, political party, or ballot question committee to observe the conduct of an election;

~~(17)(19) "Primary" or "primary election," an election held at which candidates for public office are nominated for public office;~~

~~(18)(20) "Public office," an elected position in government;~~

1 ~~(19)~~(21) "Registered mail," a secured class of mail service that does not include certified
 2 mail;

3 (22) "Registration list," a list of eligible voters;

4 ~~(20)~~ "Registered mail," ~~does not include certified mail;~~

5 ~~(21)~~(23) "Registration officials," the county auditor and deputies and other persons
 6 authorized to assist in registration pursuant to chapter 12-4;

7 ~~(22)~~(24) "Vote center," a polling place when the precinct has been defined as the entire
 8 jurisdiction and an electronic pollbook is utilized; and

9 ~~(23)~~(25) "Voter," ~~a person~~ an individual duly registered to vote or one who is performing
 10 the act of voting;

11 ~~(24)~~ "Independent (IND)" or "no party affiliation (NPA)," ~~any currently registered voter~~
 12 ~~who writes independent, I, Ind, no party affiliation, no party, no choice,~~
 13 ~~nonpartisan, or line crossed off in the choice of party field on the voter registration~~
 14 ~~form and any individual who is not currently registered to vote who leaves the~~
 15 ~~choice of party field blank on the voter registration form;~~

16 ~~(25)~~ "Independent candidate," ~~notwithstanding the definition of independent as stated~~
 17 ~~in this chapter, any registered voter regardless of party affiliation who declares to~~
 18 ~~be an independent candidate for public office pursuant to this chapter;~~

19 ~~(26)~~ "Other," ~~any voter who writes a political party not recognized in South Dakota in~~
 20 ~~the choice of party field on the voter registration form.~~

21 **Section 2. That § 12-5-1 be AMENDED:**

22 **12-5-1.** A new political party may be organized and participate in the primary
 23 election by filing ~~with the secretary of state not later than the last Tuesday of March at~~
 24 ~~five p.m. prior to the date of the primary election, a written declaration signed by at least~~
 25 ~~one percent of the voters of the state as shown by the total vote cast for Governor at the~~
 26 ~~last preceding gubernatorial election, which declaration shall~~ a written declaration with
 27 the secretary of state before five p.m. central time on the last Tuesday of March before
 28 the primary election. The declaration must be signed by at least one percent of the number
 29 of registered voters in the state, as recorded by the secretary of state on the second
 30 Tuesday of December in the year prior to the election, or three thousand five hundred
 31 voters, whichever is less, and must contain:

32 (1) The name of the proposed party; and

33 (2) A brief statement of the principles ~~thereof;~~ of the proposed party.

1 ~~whereupon the party shall, under the party name chosen, have~~ The secretary of
 2 ~~state shall verify the signatures. Upon the verification of the signatures, the new political~~
 3 ~~party has~~ all the rights of a political party whose ticket was on the ballot at the preceding
 4 ~~general election. No~~ A signature on a declaration is not valid if the registered voter signed
 5 ~~the declaration was signed~~ more than one year prior to filing of the declaration.

6 A political party loses the right to participate in the primary election ~~for failure to~~
 7 ~~meet the definition of political party as defined in § 12-1-3~~ if the political party fails, in
 8 ~~either of the two previous general election cycles, to have a candidate for any statewide~~
 9 ~~office receive at least two and one-half percent of the votes cast for that statewide office.~~

10 ~~The national and state chairperson~~ chairpersons of a recognized political party may
 11 ~~request in writing, subscribed and sworn to by each chairperson before any officer qualified~~
 12 ~~to administer oaths and take acknowledgments, to that the political party no longer be~~
 13 ~~recognized as a political party. The request must be sworn to in the presence of a notary~~
 14 ~~of this or any other state or any other individual qualified to administer oaths.~~ The political
 15 ~~party shall also~~ comply with the requirements for dissolution, pursuant to chapter 12-27.

16 **Section 3. That § 12-5-1.4 be AMENDED:**

17 **12-5-1.4.** If a political party qualifies for the primary ballot under § 12-5-1, each
 18 ~~candidate intending to participate in a primary election shall~~ must file a nominating petition
 19 ~~pursuant to § 12-6-4. In each primary election following the qualification of a political~~
 20 ~~party and prior to the next gubernatorial election, each:~~

- 21 ~~(1) State and federal candidate for that party shall file a petition bearing signatures of~~
 22 ~~at least two hundred fifty registered voters in that party; and~~
 23 ~~(2) Legislative and county candidate for that party shall file a petition bearing~~
 24 ~~signatures of at least five registered voters in that party.~~

25 The nominating petition for a candidate for an office must contain the required
 26 ~~number of signatures for that office, pursuant to § 12-6-7.~~

27 **Section 4. That § 12-5-1.5 be AMENDED:**

28 **12-5-1.5.** If a new political party ~~organizing does not have a candidate for United~~
 29 ~~States Senate, United States House of Representatives, Governor, or Legislature, who is~~
 30 ~~nominated at a primary election, the new political party may be organized by filing with~~
 31 ~~the secretary of state not later than July first at five p.m. central time, a written declaration~~
 32 ~~signed by at least one percent of the voters of the state as shown by the total vote cast~~
 33 ~~for Governor at the last preceding gubernatorial election. The declaration shall contain:~~

1 ~~(1) — The name of the proposed party; and~~

2 ~~(2) — A brief statement of the principles of the proposed party.~~

3 ~~The new political party shall, under the party name chosen, have all the rights of~~
4 ~~a political party whose ticket was on the ballot at the preceding general election. No~~
5 ~~signature on a declaration is valid if the declaration was signed more than one year prior~~
6 ~~to filing of the declaration.~~

7 ~~A political party loses the right to participate in the primary election for failure to~~
8 ~~meet the definition of political party as defined in § 12-1-3.~~

9 ~~The national and state chairperson of a recognized political party may request in~~
10 ~~writing, subscribed and sworn to by each chairperson before any officer qualified to~~
11 ~~administer oaths and take acknowledgments, to no longer be recognized as a political~~
12 ~~party. The political party shall also comply with the requirements for dissolution pursuant~~
13 ~~to chapter 12-27.~~

14 ~~If a new political party organizing does not have a candidate for Governor, a federal~~
15 ~~office, or any legislative office to be nominated at a primary election, the new political~~
16 ~~party may be organized by filing the same written declaration required of a new political~~
17 ~~party pursuant to § 12-5-1, with the secretary of state before five p.m. central time on~~
18 ~~July first in the year of the election. The declaration must be signed by at least one percent~~
19 ~~of the number of registered voters in the state, as recorded by the secretary of state on~~
20 ~~the second Tuesday of December in the year preceding the election, or three thousand~~
21 ~~five hundred voters, whichever is less.~~

22 **Section 5. That § 12-6-7 be AMENDED:**

23 **12-6-7.** ~~A nominating petition may be composed of several sheets, provided that~~
24 ~~each sheet shall have of the petition is a self-contained sheet of paper that has an identical~~
25 ~~headings heading printed at the top and shall be a self-contained sheet of paper of the~~
26 ~~sheet. The petition for a candidate for the Legislature shall must designate the senatorial~~
27 ~~or representative district number and house the legislative chamber for which the person~~
28 ~~individual is a candidate.~~

29 ~~The petition for party office or political public office for a state or federal candidate~~
30 ~~shall be signed by not less than one percent of the voters who voted for that party's~~
31 ~~gubernatorial candidate at the last gubernatorial election in the state. A petition for the~~
32 ~~Legislature, county party office, or county political public office shall be signed by not less~~
33 ~~than one percent of the voters who voted for that party's gubernatorial candidate at the~~

1 ~~last gubernatorial election, or fifty voters, in the county, part of the county, or district~~
2 ~~electing a candidate to fill the office, whichever is less.~~

3 ~~If the party meets the requirement for alternative political status as defined in~~
4 ~~§ 12-1-3.1, the petition for party office or political public office for a state or federal~~
5 ~~candidate shall be signed by not less than one percent of the voters who voted for that~~
6 ~~party's statewide candidate receiving the highest votes at the last gubernatorial election~~
7 ~~in the state. A petition for the Legislature, county party office, or county political public~~
8 ~~office shall be signed by not less than one percent of the voters who voted for that party's~~
9 ~~statewide candidate receiving the highest votes at the last gubernatorial election in the~~
10 ~~county, part of the county, or district electing a candidate to fill the office, whichever is~~
11 ~~less.~~

12 ~~If a county uses vote centers and does not print ballots by precinct, signature~~
13 ~~requirements are:~~

14 ~~(1) For both partisan and independent candidates, fifty signatures for a legislative~~
15 ~~candidate whose district either in whole or in part includes that county;~~

16 ~~(2) For a county candidate:~~

17 ~~(a) Partisan candidate petitions shall be signed by the lesser of fifty signatures~~
18 ~~or signatures from one percent of the voters who voted for that party's~~
19 ~~gubernatorial candidate, or the party's statewide candidate receiving the~~
20 ~~highest votes if the party meets the requirement for alternative party status~~
21 ~~as defined in § 12-1-3.1, at the last gubernatorial election in the county~~
22 ~~electing a candidate to fill the office; or~~

23 ~~(b) Independent candidate petitions shall be signed by not less than one~~
24 ~~percent of the total combined vote for Governor at the last certified election~~
25 ~~within the county electing a candidate to fill the office;~~

26 ~~(3) Half the number of signatures required under subdivision (2), for county~~
27 ~~commissioner district candidates;~~

28 ~~(4) Five signatures for a new party legislative candidate whose district either in whole~~
29 ~~or in part includes that county;~~

30 ~~(5) Five signatures for a new party county candidate; or~~

31 ~~(6) Three signatures for a new party county commissioner district candidate~~

32 The nominating petition of a candidate for a federal public office or a statewide
33 party or partisan public office must be signed by at least one percent of the number of
34 registered voters affiliated with the candidate's party in the state, as recorded by the

1 secretary of state on the second Tuesday of December in the year prior to the election, or
 2 two thousand two hundred fifty voters, whichever is less.

3 The nominating petition of a candidate for legislative office, county partisan public
 4 office, or county party office must be signed by at least one percent of the number of
 5 registered voters affiliated with the candidate's party in the district, county, or part of the
 6 county for which the candidate is seeking election to office, as recorded by the secretary
 7 of state on the second Tuesday of December in the year prior to the election, or fifty
 8 voters, whichever is less.

9 **Section 6. That § 12-7-1 be AMENDED:**

10 **12-7-1.** ~~Any~~ Except as provided in § 12-7-7, an independent candidate for
 11 nonjudicial public office, ~~except as provided in § 12-7-7,~~ who is not nominated ~~by~~ at a
 12 primary election may be nominated by filing a ~~certificate of nomination~~ nominating
 13 petition, as provided in chapter 12-6, with the secretary of state or county auditor ~~as~~
 14 following the process prescribed by § 12-6-4, after December thirty-first and ~~by~~ before
 15 five p.m. local time on the last Tuesday of April ~~at 5:00 p.m. local time~~ before the election.
 16 ~~A certificate of nomination shall be executed as provided in chapter 12-6. If the certificate~~
 17 ~~of nomination~~ The petition is timely submitted if the petition is mailed by registered mail
 18 by before five p.m. local time on the last Tuesday of April ~~at 5:00 p.m. local time~~ before
 19 the election, ~~it is timely submitted. The certificate of nomination shall be signed by~~
 20 ~~registered voters within the district or political subdivision in and for which the officers are~~
 21 ~~to be elected. The number of signatures required may not be less than one percent of the~~
 22 ~~total combined vote cast for Governor at the last certified gubernatorial election within the~~
 23 ~~district or political subdivision.~~

24 The nominating petition of a candidate for a federal public office or a statewide
 25 partisan public office must be signed by at least one-half of one percent of the number of
 26 registered voters in the state, as recorded by the secretary of state on the second Tuesday
 27 of December in the year prior to the election, or three thousand five hundred voters,
 28 whichever is less.

29 The nominating petition of a candidate for legislative office or county partisan
 30 public office must be signed by at least one-half of one percent of the number of registered
 31 voters in the district, county, or part of the county for which the candidate is seeking
 32 election to office, as recorded by the secretary of state on the second Tuesday of
 33 December in the year prior to the election, or one hundred fifty voters, whichever is less.

1 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
2 prescribing the ~~forms for the certificate of nomination~~ form of the nominating petition.

3 **Section 7. That § 12-7-7 be AMENDED:**

4 ~~12-7-7. Any~~ An independent candidate for President or Vice President of the United
5 States who is not nominated ~~by~~ at a primary election may be nominated by filing ~~with the~~
6 ~~secretary of state, after December thirty first and by the first Tuesday in August at 5:00~~
7 ~~p.m. central time before the election, a certificate of nomination which shall be executed~~
8 a nominating petition, as provided in chapter 12-6. ~~If the certificate of nomination, with~~
9 the secretary of state after December thirty-first and before five p.m. central time on the
10 first Tuesday in August before the election. The nominating petition is timely submitted if
11 the petition is mailed by registered mail by before five p.m. central time on the first
12 Tuesday in August at 5:00 p.m. central time before the election, it is timely submitted.
13 ~~The number of signatures required may not be less than one percent of the total combined~~
14 ~~vote cast for Governor at the last certified gubernatorial election within the state~~

15 The nominating petition must be signed by a number of registered voters equal to
16 at least one-half of one percent of the number of registered voters in the state, as recorded
17 by the secretary of state on the second Tuesday of December in the year prior to the
18 election, or three thousand five hundred voters, whichever is less.

19 An independent candidate for President shall file a declaration of candidacy and a
20 certification of the candidate's ~~selection~~ nominee for Vice President ~~with the secretary of~~
21 ~~state with the candidate's nominating petitions~~ petition. The candidate and the candidate's
22 ~~selection~~ nominee for Vice President shall sign the certification before the nominating
23 ~~petitions are~~ petition is submitted. If an independent candidate for Vice President
24 withdraws pursuant to § 12-6-55, ~~no independent candidate for President shall have the~~
25 ~~candidate's name printed upon a ballot unless a replacement selection for Vice President~~
26 ~~is certified to the secretary of state by the second Tuesday in August~~ the independent
27 candidate for President must nominate a replacement by certifying the nomination to the
28 secretary of state no later than five p.m. central time on the second Tuesday in August in
29 the year of the election. The independent candidate for President and the candidate's
30 replacement nominee for Vice President shall sign the certification. The secretary of state
31 may not place the name of the independent candidate for President on the general election
32 ballot until a candidate for Vice President has been certified.

1 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
2 prescribing the forms for the ~~certificate of nomination~~ nominating petition and the
3 certification for Vice President.

4 **Section 8.** This Act is effective beginning January 1, 2027.