



2026 South Dakota Legislature

House Bill 1087

Introduced by: **Representative Ismay**

1 **An Act to prohibit the use of paid petition circulators.**

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

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

4 **2-1-1.1.** A petition sponsor shall file, in a physical and electronic copy format, a
5 petition for an initiated amendment to the South Dakota Constitution, as it is to be
6 circulated, with the secretary of state before the petition may be circulated and at least
7 one year before the next general election at which the initiated amendment to the
8 constitution is proposed to be submitted to the voters. The petition must:

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

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

24 Only an individual who is registered as a voter of this state, pursuant to chapter
25 12-4, may be a petition sponsor for an initiated amendment to the constitution.

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~~ that the circulator is not being compensated for circulating the petition. 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 February 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 copy 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.

Only an individual who is registered as a voter of this state, pursuant to chapter 12-4, may be a petition sponsor for an initiated measure.

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~~ that the circulator is not being compensated for circulating the petition. 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 February 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 § 2-1-1.3 be AMENDED:

2-1-1.3. Terms used in this chapter mean:

(1) ~~"Circulates,"~~ either:

(a) ~~Physically presents or otherwise makes available a ballot measure petition to another person for that person's signature; or~~

- ~~(b) — Solicits from another person, personally and in the presence of such other person, a signature on a ballot measure petition, while acting in concert with another person who simultaneously physically presents or otherwise makes available the ballot measure petition;~~
- ~~(2) — "Petition circulator," the same as the term is defined under § 12-1-3;~~
- ~~(3) — "Petition sponsor," any person who proposes the placement of a statewide ballot measure on the ballot;~~
- ~~(4) — "Ballot measure," any measure placed on a statewide ballot in accordance with § 2-1-1.1, 2-1-1.2, or 2-1-3.1;~~
- ~~(5) — "Paid circulator," any person who receives money or anything of value as consideration, in whole or in part, for acting as a petition circulator;~~
- ~~(6) — "Volunteer circulator," any person who does not receive money or anything of value as consideration, in whole or in part, for acting as a petition circulator~~
- (1) "Ballot measure," an initiated amendment to the Constitution, initiated measure, or referred law that is submitted to a vote of the people and placed on a statewide ballot;
- (2) "Circulate," the act by which a petition circulator solicits a signature from another individual by physically presenting or otherwise making available a ballot measure petition to the other individual;
- (3) "Compensate," a gift, advance, distribution, deposit, payment of money or other thing of value provided as consideration or as an inducement for circulating a petition, regardless of whether the gift, advance, distribution, deposit, payment is provided prior to circulating the petition, during the time when the petition is being circulated, or deferred until after the circulation process is concluded, provided that the term does not include the reimbursement of any money expended on legitimate expenses incurred in the act of circulating a petition;
- (4) "Petition circulator," an individual who:
- (a) Is a resident of this state, as defined in § 12-1-4;
- (b) Is at least eighteen years of age; and
- (c) Solicits a signature from another individual by physically presenting or otherwise making available a ballot measure petition to the other individual;
- and
- (5) "Petition sponsor," any person who proposes the placement of a statewide ballot measure on the ballot.

Section 4. That § 2-1-3.1 be AMENDED:

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

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

11 The title required to be contained on a petition to refer a law, pursuant to
12 subdivision (1), 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 Only an individual who is registered as a voter of this state, pursuant to chapter
16 12-4, may be a petition sponsor for a petition to refer a law.

17 The petition circulator shall provide to each person who signs the petition a
18 circulator handout containing the title of the referred law; the name, phone number, and
19 email address of each petition sponsor; a statement ~~whether the petition circulator is a~~
20 ~~volunteer or paid circulator and, if a paid circulator, the amount the circulator is being~~
21 paid indicating that the circulator is not being compensated for circulating the petition.

22 The secretary of state must approve the circulator handout for each referred law before
23 the petition is circulated.

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

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

31 **Section 5. That a NEW SECTION be added to chapter 2-1:**

32 No person may compensate any other person as consideration or as an inducement
33 for circulating a petition to initiate a measure or an amendment to the constitution, or to
34 refer a law to a vote of the electors of this state.

1 Upon a judicial finding of any violation of this section, the petition must be deemed
2 void ab initio.

3 **Section 6. That § 12-1-3 be AMENDED:**

4 **12-1-3.** Terms used in this title mean:

- 5 (1) "Ballot question committee," as defined by § 12-27-1;
- 6 (2) "Candidate," a person whose name is on the ballot or who is entitled to be on the
7 ballot to be voted upon for nomination or election at any election;
- 8 (3) "Election," any election held under the laws of this state;
- 9 (4) "Election officials," state and local officials charged with the duty of conducting
10 elections and the canvass of returns;
- 11 (5) "Elector," a person qualified to register as a voter, whether or not the person is
12 registered;
- 13 (6) "Electronic pollbook," an electronic system containing both the registration list and
14 pollbook;
- 15 (7) "General election," the vote required to be taken in each voting precinct of the
16 state on the first Tuesday after the first Monday in November of each even-
17 numbered year;
- 18 (8) ~~"Paid circulator," any person who receives money or anything of value for collecting~~
19 ~~signatures for a petition;~~
- 20 (9) "Party office," an office of a political party organization as distinct from a public
21 office;
- 22 ~~(10)~~(9) "Person in charge of an election," ~~or "person charged with the conduct of an~~
23 ~~election,"~~ the county auditor in all cases except local elections for a municipality,
24 school district, township, or other political subdivision, in which case it is the officer
25 having the position comparable to the auditor in that unit of government if not
26 specifically designated by law;
- 27 ~~(11)~~(10) "Petition," a form prescribed by the State Board of Elections, which contains
28 the question or candidacy being petitioned, the declaration of candidacy if required
29 and the verification of the circulator. If multiple sheets of paper are necessary to
30 obtain the required number of signatures, each sheet shall be self-contained and
31 separately verified by the circulator;
- 32 ~~(12)~~(11) "Petition circulator," a resident of the State of South Dakota as defined under
33 § 12-1-4, who is at least eighteen years of age who circulates nominating petitions

- 1 or other petitions for the purpose of placing candidates or issues on any election
2 ballot;
- 3 ~~(13)~~(12) "Political party," beginning with the 2014 general election and each general
4 election thereafter, a party whose candidate for any statewide office received at
5 least two and one-half percent of the total votes cast for that statewide office in
6 either of the two previous general election cycles;
- 7 ~~(14)~~(13) "Pollbook" ~~or "poll list,"~~ a list containing in numerical order the names of all
8 persons voting at the election and type of ballot voted;
- 9 ~~(15)~~(14) "Polling place," a designated place voters may go to vote;
- 10 ~~(16)~~(15) "Poll watcher," a person chosen to observe the conduct of an election by a
11 candidate, political party, or ballot question committee;
- 12 ~~(17)~~(16) "Primary" ~~or "primary~~ election," an election held at which candidates are
13 nominated for public office;
- 14 ~~(18)~~(17) "Public office," an elected position in government;
- 15 ~~(19)~~(18) "Registration list," a list of eligible voters;
- 16 ~~(20)~~(19) "Registered mail," does not include certified mail;
- 17 ~~(21)~~(20) "Registration officials," the county auditor and deputies and other persons
18 authorized to assist in registration pursuant to chapter 12-4;
- 19 ~~(22)~~(21) "Vote center," a polling place when the precinct has been defined as the entire
20 jurisdiction and an electronic pollbook is utilized;
- 21 ~~(23)~~(22) "Voter," a person duly registered to vote or one who is performing the act of
22 voting;
- 23 ~~(24)~~(23) "Independent-~~(IND)~~" or "no party affiliation-~~(NPA)~~," any currently registered
24 voter who writes independent, I, Ind, no party affiliation, no party, no choice,
25 nonpartisan, or line crossed off in the choice of party field on the voter registration
26 form and any individual who is not currently registered to vote who leaves the
27 choice of party field blank on the voter registration form;
- 28 (25) "Independent candidate," notwithstanding the definition of independent as stated
29 in this chapter, any registered voter regardless of party affiliation who declares to
30 be an independent candidate for public office pursuant to this chapter; and
- 31 (26) "Other," any voter who writes a political party not recognized in South Dakota in
32 the choice of party field on the voter registration form.

33 **Section 7. That § 49-35-9 be AMENDED:**

- 1 **49-35-9.** Every sheet of every petition for the organization of a consumers power
- 2 district containing signatures shall have upon it and below the signatures a circulator's
- 3 verification as required by subdivision ~~12-1-3(8)~~ 12-1-3-(10).