

# 2026 South Dakota Legislature

## Senate Bill 33

### AMENDMENT 33A FOR THE INTRODUCED BILL

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~~

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

7 (12)(13) "Petition circulator," a resident of the State of South Dakota as defined under  
8 § 12-1-4, who is at least eighteen years of age who circulates nominating petitions  
9 or other petitions for the purpose of placing candidates or issues on any election  
10 ballot an individual who:

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

12 (b) Is at least eighteen years old; and

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

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

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

20 (13)(14) "Other," the name of a political party that is not recognized in South Dakota;

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

25 (14)(16) "Pollbook" or "poll list," a list containing, in numerical order, the names of all  
26 persons voting name of each individual who voted at the an election and the type  
27 of ballot voted that the individual received;

28 (15)(17) "Polling place," a designated place voters may go to vote where voting occurs;

29 (16)(18) "Poll watcher," a person chosen to observe the conduct of an election an  
30 individual designated by a candidate, political party, or ballot question committee  
31 to observe the conduct of an election;

32 (17)(19) "Primary" or "primary election," an election held at which candidates for public  
33 office are nominated for public office;

34 (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 ~~If the political party is formed before the second Tuesday of December in the~~  
26 ~~year prior to the election, the nominating petition for a candidate for an office must contain~~  
27 ~~the required number of signatures for that office, pursuant to § 12-6-7.~~

28 If the political party is formed on or after the second Tuesday of December in the  
29 year prior to the election, the nominating petition for a candidate must contain at least  
30 the signatures of:

31 (1) Two hundred fifty registered voters in the party, for a candidate for statewide or  
32 federal office; and  
33 (2) Five registered voters in the party, for a candidate for legislative or county office.

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

2            **12-5-1.5.** ~~If a new political party organizing does not have a candidate for United~~  
3            ~~States Senate, United States House of Representatives, Governor, or Legislature, who is~~  
4            ~~nominated at a primary election, the new political party may be organized by filing with~~  
5            ~~the secretary of state not later than July first at five p.m. central time, a written declaration~~  
6            ~~signed by at least one percent of the voters of the state as shown by the total vote cast~~  
7            ~~for Governor at the last preceding gubernatorial election. The declaration shall contain:~~  
8            ~~(1) The name of the proposed party; and~~  
9            ~~(2) A brief statement of the principles of the proposed party.~~

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

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

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

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

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

30           **12-6-7.** ~~A nominating petition may be composed of several sheets, provided that~~  
31           ~~each sheet shall have of the petition is a self-contained sheet of paper that has an identical~~  
32           ~~headings heading printed at the top and shall be a self-contained sheet of paper of the~~  
33           ~~sheet. The petition for a candidate for the Legislature shall must designate the senatorial~~

1 or representative district number and ~~house~~ the legislative chamber for which the person  
2 individual is a candidate.

3 ~~The petition for party office or political public office for a state or federal candidate~~  
4 ~~shall be signed by not less than one percent of the voters who voted for that party's~~  
5 ~~gubernatorial candidate at the last gubernatorial election in the state. A petition for the~~  
6 ~~Legislature, county party office, or county political public office shall be signed by not less~~  
7 ~~than one percent of the voters who voted for that party's gubernatorial candidate at the~~  
8 ~~last gubernatorial election, or fifty voters, in the county, part of the county, or district~~  
9 ~~electing a candidate to fill the office, whichever is less.~~

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

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

21 (1) ~~For both partisan and independent candidates, fifty signatures for a legislative~~  
22 ~~candidate whose district either in whole or in part includes that county;~~  
23 (2) ~~For a county candidate:~~  
24 (a) ~~Partisan candidate petitions shall be signed by the lesser of fifty signatures~~  
25 ~~or signatures from one percent of the voters who voted for that party's~~  
26 ~~gubernatorial candidate, or the party's statewide candidate receiving the~~  
27 ~~highest votes if the party meets the requirement for alternative party status~~  
28 ~~as defined in § 12-1-3.1, at the last gubernatorial election in the county~~  
29 ~~electing a candidate to fill the office; or~~  
30 (b) ~~Independent candidate petitions shall be signed by not less than one~~  
31 ~~percent of the total combined vote for Governor at the last certified election~~  
32 ~~within the county electing a candidate to fill the office;~~  
33 (3) ~~Half the number of signatures required under subdivision (2), for county~~  
34 ~~commissioner district candidates;~~

1       (4) Five signatures for a new party legislative candidate whose district either in whole  
2                   or in part includes that county;  
3       (5) Five signatures for a new party county candidate; or  
4       (6) Three signatures for a new party county commissioner district candidate  
5                   The nominating petition of a candidate for a federal public office or a statewide  
6                   party or partisan public office must be signed by at least one percent of the number of  
7                   registered voters affiliated with the candidate's party in the state, as recorded by the  
8                   secretary of state on the second Tuesday of December in the year prior to the election, or  
9                   two thousand two hundred fifty voters, whichever is less.

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

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

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

31                   The nominating petition of a candidate for a federal public office or a statewide  
32                   partisan public office must be signed by at least one-half of one percent of the number of  
33                   registered voters in the state, as recorded by the secretary of state on the second Tuesday

1       of December in the year prior to the election, or three thousand five hundred voters,  
2       whichever is less.

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

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

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

11       **12-7-7. Any**An independent candidate for President or Vice President of the United  
12       States who is not nominated by at a primary election may be nominated by filing with the  
13       secretary of state, after December thirty first and by the first Tuesday in August at 5:00  
14       p.m. central time before the election, a certificate of nomination which shall be executed  
15       a nominating petition, as provided in chapter 12-6. If the certificate of nomination, with  
16       the secretary of state after December thirty-first and before five p.m. central time on the  
17       first Tuesday in August before the election. The nominating petition is timely submitted if  
18       the petition is mailed by registered mail by before five p.m. central time on the first  
19       Tuesday in August at 5:00 p.m. central time before the election, it is timely submitted.

20       The number of signatures required may not be less than one percent of the total combined  
21       vote cast for Governor at the last certified gubernatorial election within the state

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

26       An independent candidate for President shall file a declaration of candidacy and a  
27       certification of the candidate's selection nominee for Vice President with the secretary of  
28       state with the candidate's nominating petition. The candidate and the candidate's  
29       selection nominee for Vice President shall sign the certification before the nominating  
30       petitions are petition is submitted. If an independent candidate for Vice President  
31       withdraws pursuant to § 12-6-55, no independent candidate for President shall have the  
32       candidate's name printed upon a ballot unless a replacement selection for Vice President  
33       is certified to the secretary of state by the second Tuesday in August the independent  
34       candidate for President must nominate a replacement by certifying the nomination to the

1       secretary of state no later than five p.m. central time on the second Tuesday in August in  
2       the year of the election. The independent candidate for President and the candidate's  
3       replacement nominee for Vice President shall sign the certification. The secretary of state  
4       may not place the name of the independent candidate for President on the general election  
5       ballot until a candidate for Vice President has been certified.

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

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