

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

913Y0319

## HOUSE BILL NO. 1153

Introduced by: Representatives Gosch, Clark, Greenfield (Lana), Holmes, Howard, Jensen (Kevin), Kaiser, Karr, Lake, Latterell, Livermont, Marty, May, Pischke, Rasmussen, Rhoden, and Steinhauer and Senators Stalzer, Nelson, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise the signature requirements for initiated measures  
2 and referred laws.

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

4 Section 1. That § 2-1-1 be amended to read:

5 2-1-1. ~~All measures~~ Any measure proposed by initiative shall be presented by petition. The  
6 petition shall be signed by not less than five percent of the qualified electors of the state. Fifty  
7 percent of the signatures required under this section shall come from no fewer than thirty-three  
8 counties, with the remaining fifty percent to come from any of all remaining counties.

9 Section 2. That § 2-1-3 be amended to read:

10 2-1-3. Any law ~~which~~ that the Legislature may have enacted, except one ~~which~~ that may be  
11 necessary for the immediate preservation of the public peace, health, ~~or~~ safety, or support of the  
12 state government and its existing public institutions, shall, upon the filing of a petition as  
13 ~~hereinafter~~ provided under this section, be submitted to a vote of the electors of the state at the  
14 next general election. ~~Such~~ The petition shall be signed by not less than five percent of the



1 qualified electors of the state. Fifty percent of the signatures required under this section shall  
2 come from no fewer than thirty-three counties, with the remaining fifty percent to come from  
3 any or all remaining counties.The form of the petition shall be prescribed by the State Board of  
4 Elections.

5 Section 3. That § 2-1-1.2 be amended to read:

6 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the  
7 secretary of state prior to circulation for signatures and shall:

- 8 (1) Contain the full text of the initiated measure;
- 9 (2) Contain the date of the general election at which the initiated measure is to be  
10 submitted;
- 11 (3) Contain the title and explanation as prepared by the attorney general;
- 12 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
13 sponsor that includes the name and address of each petition sponsor; and
- 14 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

15 The petition circulator shall provide to each person who signs the petition a form containing  
16 the title and explanation of the initiated measure as prepared by the attorney general; the name,  
17 phone number, and email address of each petition sponsor; and a statement whether the petition  
18 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the  
19 circulator is being paid. Each signature page of a petition may contain the signatures obtained  
20 from no more than one county. The name of the county from which the signatures are obtained  
21 shall be clearly marked on each page of the petition.The form shall be approved by the secretary  
22 of state prior to circulation.

23 For any initiated measure petition, no signature may be obtained more than twenty-four  
24 months preceding the general election that was designated at the time of filing of the full text.

1 The initiated measure petition shall be filed with the secretary of state at least one year before  
2 the next general election. A notarized affidavit form, signed by at least two-thirds of the petition  
3 sponsors, stating that the documents filed constitute the entire petition and to the best of the  
4 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the  
5 secretary of state. The form of the petition and affidavit shall be prescribed by the State Board  
6 of Elections.

7 Section 4. That § 2-1-3.1 be amended to read:

8 2-1-3.1. The petition as it is to be circulated for a referred law shall be filed with the  
9 secretary of state prior to circulation for signatures and shall:

- 10 (1) Contain the title of the referred law;
- 11 (2) Contain the effective date of the referred law;
- 12 (3) Contain the date of the general election at which the referred law is to be submitted;
- 13 (4) Be accompanied by a notarized form that includes the names and addresses of the  
14 petition sponsors; and
- 15 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

16 The petition shall be filed with the secretary of state within ninety days after the  
17 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at  
18 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire  
19 petition and to the best of the knowledge of the sponsors contains a sufficient number of  
20 signatures shall also be filed with the secretary of state. Each signature page of a petition may  
21 contain the signatures obtained from no more than one county. The name of the county from  
22 which the signatures are obtained shall be clearly marked on each page of the petition. The form  
23 of the petition and affidavit shall be prescribed by the State Board of Elections.

24 The petition circulator shall provide to each person who signs the petition a form containing

1 the title of the referred law; the name, phone number, and email address of each petition  
2 sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator  
3 and, if a paid circulator, the amount the circulator is being paid. The form shall be approved by  
4 the secretary of state prior to circulation.