

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

292Y0481

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1130** - 2/8/2017

Introduced by: Representatives Haggar, Brunner, Gosch, McPherson, Peterson (Kent), Peterson (Sue), Qualm, Rhoden, and Rounds and Senators Novstrup, Ewing, Greenfield (Brock), Maher, and Wiik

1 FOR AN ACT ENTITLED, An Act to revise certain provisions that provide transparency and
2 public comment for ballot measures and amendments to the Constitution.

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

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

5 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the
6 secretary of state prior to circulation for signatures and shall:

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

14 The secretary of state shall accept written comments from registered voters who reside in



1 the state regarding the proposed initiated measure for a period of thirty days after the petition
2 is filed with the Office of the Secretary of State. The secretary of state shall publish written
3 comments received from registered voters who reside in the state on the secretary of state's
4 website in accordance with standards that prohibit obscenity.

5 The petition circulator shall provide to each person who signs the petition a form containing
6 the title and explanation of the initiated measure as prepared by the attorney general; the name,
7 phone number, and email address of each petition sponsor; and a statement whether the petition
8 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the
9 circulator is being paid. The form shall be approved by the secretary of state prior to circulation.

10 For any initiated measure petition, no signature may be obtained more than twenty-four
11 months preceding the general election that was designated at the time of filing of the full text.
12 The initiated measure petition shall be filed with the secretary of state at least one year before
13 the next general election. A notarized affidavit form, signed by at least two-thirds of the petition
14 sponsors, stating that the documents filed constitute the entire petition and to the best of the
15 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the
16 secretary of state. The form of the petition and affidavit shall be prescribed by the State Board
17 of Elections.

18 Section 2. That § 2-1-1.1 be amended to read:

19 2-1-1.1. The petition as it is to be circulated for an initiated constitutional amendment shall
20 be filed with the secretary of state prior to circulation for signatures and shall:

- 21 (1) Contain the full text of the initiated constitutional amendment;
- 22 (2) Contain the date of the general election at which the initiated constitutional
23 amendment is to be submitted;
- 24 (3) Contain the title and explanation as prepared by the attorney general;

1 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition
2 sponsor that includes the name and address of each petition sponsor; and

3 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

4 The secretary of state shall accept written comments from the registered voters who reside
5 in the state regarding the initiated constitutional amendment for a period of thirty days after the
6 petition is filed with the Office of the Secretary of State. The secretary of state shall publish
7 written comments received from registered voters who reside in the state on the secretary of
8 state's website in accordance with standards that prohibit obscenity.

9 The petition circulator shall provide to each person who signs the petition a form containing
10 the title and explanation of the initiated constitutional amendment as prepared by the attorney
11 general; the name, phone number, and email address of each petition sponsor; and a statement
12 whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator,
13 the amount the circulator is being paid. The form shall be approved by the secretary of state
14 prior to circulation.

15 For any initiated constitutional amendment petition, no signature may be obtained more than
16 twenty-four months preceding the general election that was designated at the time of filing of
17 the full text. The initiated constitutional amendment petition shall be filed with the secretary of
18 state at least one year before the next general election. A notarized affidavit form, signed by at
19 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire
20 petition and to the best of the knowledge of the sponsors contains a sufficient number of
21 signatures shall also be filed with the secretary of state. The form of the petition and affidavit
22 shall be prescribed by the State Board of Elections.

23 Section 3. That § 2-9-4 be amended to read:

24 2-9-4. The executive board shall:

- 1 (1) Instigate research and collect information concerning the government and general
2 welfare of the state;
- 3 (2) Investigate and make recommendations concerning important issues of public policy
4 and questions of statewide interest;
- 5 (3) Prepare a legislative program in the form of bills, or otherwise, as in its opinion the
6 welfare of the state may require, to be presented to the Legislature;
- 7 (4) Cooperate with the administration in devising means of enforcing the law;
- 8 (5) Study, inquire, make recommendations and propose bills in any phase or branch of
9 state government so deemed advisable and necessary;
- 10 (6) Appoint and name committees from the members of the State Legislative Research
11 Council, and assign to such committee or committees appropriate subjects and
12 projects of whatever character and nature the executive board deems advisable. Each
13 member of the council is entitled to membership on one study committee of the
14 member's choice insofar as practicable;
- 15 (7) Conduct legislative oversight and management analysis of the executive branch of
16 government by means of a selective program of performance auditing and cooperate
17 with the administration in improving the efficiency and effectiveness of
18 administrative methods;
- 19 (8) Review and make recommendations for further legislative action regarding the
20 opinions of state and federal courts which have sought to interpret the intent of South
21 Dakota legislative acts; ~~and~~
- 22 (9) Allocate funds to the House of Representatives and the Senate to pay for out-of-state
23 travel and salary or per diem costs incurred by members, and to pay for in-state travel
24 and salary or per diem costs incurred by members, excluding costs associated with

1 any legislative session. The Legislative Research Council shall make payments to
2 representatives for costs and travel approved by the speaker of the House of
3 Representatives, from the funds allocated to the House of Representatives, and shall
4 make payments to senators for costs and travel approved by the president pro
5 tempore of the Senate, from the funds allocated to the Senate. Any payment decision
6 of the speaker of the House of Representatives may be appealed to the members of
7 the executive board from the House of Representatives. Any payment decision of the
8 president pro tempore of the Senate may be appealed to the members of the executive
9 board from the Senate. No funds may be paid beyond the amounts allocated to each
10 body; and

11 (10) Conduct a public hearing to review any initiated measure or initiated amendment to
12 the constitution that will appear on the ballot for the next general election. The public
13 hearing to review shall occur not less than one hundred twenty days prior to the
14 general election on which the initiated measure or initiated amendment to the
15 constitution will appear on the ballot. The proponents and opponents of each initiated
16 measure or initiated amendment to the constitution may provide testimony during the
17 public hearing.

18 Section 4. That § 1-8-14 be amended to read:

19 1-8-14. The secretary of state may establish and maintain a secure and interactive website
20 where all documents required to be filed with or maintained by the ~~Office of the Secretary~~
21 secretary of State state may be filed, processed, and obtained by interested parties. Any
22 document required to be filed with the ~~Office of the Secretary~~ secretary of State state may be
23 filed electronically. The secretary of state shall provide public notice on the secretary of state's
24 website of any initiated measure or initiated amendment to the constitution whose petition is

1 filed pursuant to § 2-1-1.2 or 2-1-3.1, including publication of the full text of the initiated
2 measure or initiated amendment to the constitution, any financial contribution made in support
3 of or against the initiated measure or initiated amendment to the constitution, and any written
4 comment received from registered voters who reside in the state during the thirty-day public
5 comment period.