

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

616Z0099

SENATE BILL NO. 12

Introduced by: Senators Nesiba, Bolin, and Otten (Ernie) and Representative Soli at the request of the Initiative and Referendum Task Force

1 FOR AN ACT ENTITLED, An Act to require petition circulators for certain ballot measures
2 to make available the full text of the ballot measure to petition signers.

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

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

5 2-1-1.1. The petition as it is to be circulated for an initiated ~~constitutional~~ amendment to the
6 Constitution shall be filed with the secretary of state prior to circulation for signatures and shall:

7 (1) ~~Contain the full text of the initiated constitutional amendment;~~

8 ~~(2)~~ Contain the date of the general election at which the initiated ~~constitutional~~
9 amendment is to be submitted;

10 ~~(3)~~(2) Contain the title and explanation as prepared by the attorney general;

11 ~~(4)~~(3) 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)~~(4) Be accompanied by a statement of organization as provided in § 12-27-6.

14 The petition circulator shall ~~provide~~ make available to each person who signs the petition
15 a form containing the title and explanation of the initiated ~~constitutional~~ amendment as prepared



1 by the attorney general; the full text of the initiated amendment; any fiscal note prepared
 2 pursuant to § 2-9-31; the name, phone number, and email address of each petition sponsor; and
 3 a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid
 4 circulator, the amount the circulator is being paid. The form shall be approved by the secretary
 5 of state prior to circulation.

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

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

15 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the
 16 secretary of state prior to circulation for signatures and shall:

- 17 (1) ~~Contain the full text of the initiated measure;~~
- 18 ~~(2)~~ (2) Contain the date of the general election at which the initiated measure is to be
 19 submitted;
- 20 ~~(3)~~(2) Contain the title and explanation as prepared by the attorney general;
- 21 ~~(4)~~(3) Be accompanied by a notarized affidavit form signed by each person who is a petition
 22 sponsor that includes the name and address of each petition sponsor; and
- 23 ~~(5)~~(4) Be accompanied by a statement of organization as provided in § 12-27-6.

24 The petition circulator shall ~~provide~~ make available to each person who signs the petition

1 a form containing the title and explanation of the initiated measure as prepared by the attorney
2 general; the full text of the initiated measure; any fiscal note prepared pursuant to § 2-9-31; the
3 name, phone number, and email address of each petition sponsor; and a statement whether the
4 petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount
5 the circulator is being paid. The form shall be approved by the secretary of state prior to
6 circulation.

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