

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

990Z0292

## HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1177** - 2/2/2018

Introduced by: Representatives Dennert, Ahlers, Bartling, Campbell, DiSanto, Goodwin, Hawley, Kaiser, May, Pischke, Smith, and Wiese and Senators Monroe and Russell

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the circulation of a  
2 petition for an initiated measure.

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 shall  
6 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) 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 petition circulator shall provide to each person who signs the petition a form containing



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

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

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

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

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

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

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

16 Section 3. That § 2-1-3.1 be amended to read:

17 2-1-3.1. The petition as it is to be circulated for a referred law shall be filed with the  
18 secretary of state prior to circulation for signatures and shall:

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

1       The petition shall be filed with the secretary of state within ninety days after the  
2 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at  
3 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire  
4 petition and to the best of the knowledge of the sponsors contains a sufficient number of  
5 signatures shall also be filed with the secretary of state. The form of the petition and affidavit  
6 shall be prescribed by the State Board of Elections.

7       The petition circulator shall provide to each person who signs the petition a form containing  
8 the title of the referred law; any fiscal note or summary of a fiscal note obtained pursuant to § 2-  
9 9-32; the name, phone number, and email address of each petition sponsor; the name, phone  
10 number, and email address of the petition circulator; and a statement whether the petition  
11 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the  
12 circulator is being paid. The form shall be approved by the secretary of state prior to circulation.