

## 2023 South Dakota Legislature

**Senate Bill 46****AMENDMENT 46C FOR THE INTRODUCED BILL**

1 **An Act to ~~establish the crime of~~enhance the penalty for petition circulation perjury**  
2 **~~and provide a penalty therefor.~~**

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

4 **Section 1. That § 2-1-10 be AMENDED:**

5 **2-1-10.** Before filing a petition to initiate an amendment to the Constitution, for  
6 an initiated measure, or for a referred law, with the officer in whose office the petition is  
7 required to be filed, each petition circulator shall sign a verification attesting that the

8 (1) The circulator personally circulated the petition ~~and~~;

9 (2) The circulator is not attesting to any signature obtained by any other person, ~~that~~  
10 ~~the~~ petition;

11 (3) The circulator is a resident of South Dakota, ~~that the~~;

12 (4) The circulator made reasonable inquiry and, to the best of the circulator's  
13 knowledge, each person signing the petition is a qualified voter of the state in the  
14 county indicated on the signature line ~~and that no~~; and

15 (5) No state statute regarding the circulation of petitions was knowingly violated.

16 The State Board of Elections shall prescribe the form for the verification. The  
17 circulator's signature on the verification shall be witnessed and notarized by a notary  
18 public commissioned in South Dakota or other officer authorized to administer oaths  
19 pursuant to § 18-3-1. Any person who falsely attests to the verification provision provided  
20 in subdivision (1) is guilty of ~~petition circulation perjury pursuant to section 2 of this Act~~  
21 a Class 6 felony. Any person who falsely attests to the verification ~~under this~~  
22 ~~section~~ provisions provided in subdivisions (2) to (5), inclusive, is guilty of a Class 1  
23 misdemeanor.

24 **Section 2. That § 12-6-8 be AMENDED:**

1           **12-6-8.** No person may sign the nominating petition of a candidate before January  
2 first in the year in which the election is to be held, nor for whom the person is not entitled  
3 to vote, nor for a political candidate of a party of which the person is not a member, nor  
4 for more than the number of candidates required to be nominated for the same office. The  
5 signer or circulator shall add the signer's place of residence and the date of signing. The  
6 signer's post office box number may be given in lieu of a street address if the signer lives  
7 within a municipality of the second or third class. A formal declaration of the candidate  
8 shall be signed by the candidate before the circulation of petitions. The signed declaration  
9 of the candidate shall accompany and be a part of the petition. An original signed  
10 declaration shall accompany the group of petitions upon filing.

11           The petition shall be verified under oath by the persons circulating the petition.  
12 The verification by the person circulating the petition may not be notarized by the  
13 candidate whom the petition is nominating. Any person circulating a petition who falsely  
14 attests to the verification is guilty of a Class 6 felony.

15           A nominating petition for any election shall be a self-contained sheet of paper in  
16 order to have the candidate's name placed on the ballot. The provisions of this section  
17 may not prohibit a person registered with party affiliation from signing either a petition  
18 nominating an independent or a nonpolitical candidate for office if the person has not  
19 previously signed a petition for that office to be filled.

20 **~~Section 2. That chapter 22-29 be amended with a NEW SECTION:~~**

21           ~~Any person who, having taken an oath attesting to having personally circulated~~  
22 ~~any petition to initiate an amendment to the Constitution, initiated measure, referred law,~~  
23 ~~or to nominate any candidate for any political office, states, intentionally or contrary to~~  
24 ~~the oath, any material matter that the person knows to be false, is guilty of perjury~~  
25 ~~pursuant to subdivision 22-29-5(3).~~