

2025 South Dakota Legislature

House Bill 1169**AMENDMENT 1169C
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to modify the signature requirement for a petition to initiate a constitutional**
2 **amendment.**

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

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

5 ~~2-1-1. All measures~~ A measure proposed by initiative shall may be presented only
6 by a petition. ~~The petition shall be signed by not less than~~ at least five percent of the
7 qualified electors of the state.

8 An amendment to the South Dakota Constitution proposed by initiative may be
9 presented only by a petition signed by qualified voters from each senatorial district, equal
10 in number to at least five percent of the total votes cast for Governor in the senatorial
11 district at the last gubernatorial election, provided that the total number of signatures on
12 the petition equals at least ten percent of the total votes cast for Governor in the last
13 gubernatorial election.

14 **Section 2. That § 2-1-1.1 be AMENDED:**

15 ~~2-1-1.1. A petition sponsor shall file, in a physical and electronic format, a petition~~
16 ~~for an initiated amendment to the South Dakota Constitution, as it is to be circulated for~~
17 ~~an initiated amendment to the Constitution must be filed, with the secretary of state,~~
18 ~~including an electronic copy of the petition, prior to circulation for signatures before the~~
19 ~~petition may be circulated~~ and at least one year before the next general election at which
20 the initiated amendment to the constitution is proposed to be submitted to the voters.

21 The petition ~~filing~~ must:

- 22 (1) Contain the full text of the initiated amendment in fourteen-point font;
23 (2) ~~Contain~~ Designate the date of the general election at which the initiated
24 amendment is to be submitted;
25 (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
- 2 petition 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 Each petition circulator shall provide to each ~~person~~ individual who signs the
 5 petition a circulator handout containing the title and explanation of the initiated
 6 amendment to the Constitution as prepared by the attorney general; any fiscal note
 7 prepared pursuant to § 2-9-30; the name, phone number, and email address of each
 8 petition sponsor; and a statement indicating whether the petition circulator is a volunteer
 9 or paid circulator and, if a paid circulator, the amount the circulator is being paid. The
 10 secretary of state ~~shall~~ must approve the circulator handout for each initiated amendment
 11 to the Constitution before the petition is circulated.

12 ~~For any initiated amendment petition, no signature may be obtained~~ A petition for
 13 an initiated amendment to the constitution may not be circulated more than twenty-four
 14 months ~~preceding before~~ the general election that was designated ~~at the time of filing of~~
 15 ~~the full text~~ pursuant to subdivision (1). Each sheet of the petition must indicate the
 16 senatorial district where the signatures were collected and may contain only signatures
 17 from that senatorial district. A sworn affidavit, signed by at least two-thirds of the petition
 18 sponsors, stating that the documents filed constitute the entire petition and to the best of
 19 the knowledge of the sponsors contains a sufficient number of signatures, must also be
 20 filed with the secretary of state. The initiated amendment petition signatures must be filed
 21 with the secretary of state by the first Tuesday in May of a general election year for the
 22 initiated amendment to qualify for submission to the voters at the next general election.

23 The State Board of Elections shall ~~prescribe~~ promulgate rules, pursuant to chapter
 24 1-26, prescribing the form of the affidavit and the requirements of the petition not
 25 ~~otherwise, including petition size and petition font size for ballot measure language not~~
 26 ~~prescribed in this section~~ specified by this section.
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