



2023 South Dakota Legislature

Senate Bill 113

CONFERENCE COMMITTEE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Crabtree**

1 **An Act to establish and modify provisions related to initiated petitions.**

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

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

4 **2-1-1.1.** ~~The~~A petition as it is to be circulated for an initiated amendment to the
5 Constitution ~~shall~~ must be filed with the secretary of state, including an electronic copy of
6 the petition ~~as it is to be circulated~~, prior to circulation for signatures and ~~shall~~ at least
7 one year before the next general election at which the initiated amendment is proposed
8 to be submitted to the voters. The petition filing must:

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

16 Each petition circulator shall provide to each person who signs the petition a form
17 containing the title and explanation of the initiated amendment to the Constitution as
18 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the
19 name, phone number, and email address of each petition sponsor; and a statement
20 whether the petition circulator is a volunteer or paid petition circulator and, if a paid
21 circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by
22 the secretary of state prior to circulation. The petition form, as prescribed by the State
23 Board of Elections, ~~shall~~ must include the paid circulator identification number within the
24 verification of any paid circulator.

25 For any initiated amendment petition, no signature may be obtained more than
26 twenty-four months preceding the general election that was designated at the time of

1 filing of the full text. ~~The initiated amendment petition shall be filed with the secretary of~~
 2 ~~state at least one year before the next general election.~~ A sworn affidavit, signed by at
 3 least two-thirds of the petition sponsors, stating that the documents filed constitute the
 4 entire petition and to the best of the knowledge of the sponsors contains a sufficient
 5 number of signatures shall also be filed with the secretary of state. The initiated
 6 amendment petition signatures must be filed with the secretary of state by the first
 7 Tuesday in May of a general election year for the initiated amendment to qualify for
 8 submission to the voters at the next general election. The form of the petition otherwise,
 9 including petition size and petition font size for ballot measure language not prescribed in
 10 this section, and the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

11 **Section 2. That § 2-1-1.2 be AMENDED:**

12 **2-1-1.2.** ~~The~~ A petition as it is to be circulated for an initiated measure ~~shall~~ must
 13 be filed with the secretary of state, including an electronic copy of the petition ~~as it is to~~
 14 ~~be circulated,~~ prior to circulation for signatures and ~~shall~~ at least one year before the next
 15 general election at which the initiated measure is proposed to be submitted to the voters.
 16 The petition filing must:

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

24 Each petition circulator shall provide to each person who signs the petition a form
 25 containing the title and explanation of the initiated measure as prepared by the attorney
 26 general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and
 27 email address of each petition sponsor; a statement whether the petition circulator is a
 28 volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is
 29 being paid. The form ~~shall~~ must be approved by the secretary of state prior to circulation.
 30 The petition form, as prescribed by the State Board of Elections, ~~shall~~ must include the
 31 paid circulator identification number within the verification of any paid circulator.

32 For any initiated measure petition, no signature may be obtained more than
 33 twenty-four months preceding the general election that was designated at the time of
 34 filing of the full text. ~~The initiated measure petition shall be filed with the secretary of~~

1 ~~state at least one year before the next general election.~~ A sworn affidavit, signed by at
2 least two-thirds of the petition sponsors stating that the documents filed constitute the
3 entire petition and to the best of the knowledge of the sponsors contains a sufficient
4 number of signatures ~~shall~~ must also be filed with the secretary of state. The initiated
5 measure petition signatures must be filed with the secretary of state by the first Tuesday
6 in May of a general election year for the initiated measure to qualify for submission to the
7 voters at the next general election. The form of the petition otherwise, including petition
8 size and petition font size for ballot measure language not prescribed in this section, and
9 the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

10 **Section 3. That § 2-1-15 be AMENDED:**

11 **2-1-15.** Upon the receiving of any initiative petition, referred law petition, or
12 initiated constitutional amendment petition, the secretary of state shall promptly examine
13 and catalogue the petition and petition signatures and make them available to the public
14 upon request and payment of reasonable fees in accordance with § 1-8-10. No signature
15 of a person ~~shall~~ may be counted by the secretary of state unless the person is a registered
16 voter in the county indicated on the signature line. No signature of a person ~~shall~~ may be
17 counted if the information required on the petition form is not accurate or complete. The
18 secretary of state shall generate the random sample under § 2-1-16 within five days of
19 completing the examination and cataloguing of the petition signatures and make available
20 to the public ~~the petitions and the~~ random sample validation sheets ~~within thirty days of~~
21 a upon request and payment of reasonable fees in accordance with § 1-8-10.