



2024 South Dakota Legislature

House Bill 1244

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Hansen**

1 **An Act to provide a process to withdraw a signature from a petition for an initiated**
 2 **measure, constitutional amendment, or a referendum on a law in certain**
 3 **situations and to declare an emergency.**

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

5 **Section 1. That a NEW SECTION be added to chapter 2-1:**

6 An individual who has signed a petition to initiate a constitutional amendment or
 7 measure, or to refer a law, may submit a written notification to the secretary of state
 8 stating that the individual's name be withdrawn from the petition. A signature may be
 9 withdrawn as provided in section 2 of this Act.

10 The written notification must include:

- 11 (1) The title of the petition;
 12 (2) The printed name, signature, residence address, and county of registration of the
 13 individual withdrawing the individual's signature from the petition; and
 14 (3) A statement that the individual is withdrawing the individual's signature from the
 15 petition.

16 The individual's signature on the written statement must be witnessed and
 17 notarized by a notary public commissioned in South Dakota or other officer authorized to
 18 administer oaths pursuant to § 18-3-1. For a written notification to withdraw a signature
 19 to be valid under this section, an individual must submit the written notification to the
 20 secretary of state at any time before the petition from which the individual is submitting
 21 a written notification for withdrawal under this Act is filed and certified for placement on
 22 the next general election ballot under § 2-1-17.

23 The written notification may be delivered by hand, or United States registered mail
 24 to the secretary of state.

25 **Section 2. That a NEW SECTION be added to chapter 2-1:**

1 If a challenge to a validated petition is filed pursuant to § 2-1-17.1 or 2-1-18, the
2 secretary of state must provide to each party to the proceeding all written notifications,
3 submitted under section 1 of this Act, that pertain to the validated petition being
4 challenged. If a signature is withdrawn pursuant to section 1 of this Act, the signature is
5 deemed withdrawn from the petition and may not be counted as valid in a challenge.

6 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
7 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
8 and effect from and after its passage and approval.