



2025 South Dakota Legislature

House Bill 1267

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Ismay**

1 **An Act to prohibit the use of paid petition circulators, and provide a penalty therefor.**

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.** A petition as it is to be circulated for an initiated amendment to the
 5 Constitution must be filed with the secretary of state, including an electronic copy of the
 6 petition, prior to circulation for signatures and at least one year before the next general
 7 election at which the initiated amendment is proposed to be submitted to the voters. The
 8 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
 17 circulator handout containing the title and explanation of the initiated amendment to the
 18 Constitution as prepared by the attorney general; any fiscal note prepared pursuant to
 19 § 2-9-30; and the name, phone number, and email address of each petition sponsor; ~~and~~
 20 ~~a statement whether the petition circulator is a volunteer or paid circulator and, if a paid~~
 21 ~~circulator, the amount the circulator is being paid.~~ The secretary of state shall approve
 22 the circulator handout for each initiated amendment to the Constitution before the petition
 23 is circulated.

24 For any initiated amendment petition, no signature may be obtained more than
 25 twenty-four months preceding the general election that was designated at the time of
 26 filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition

sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 2. That § 2-1-1.2 be AMENDED:

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

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

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; and the name, phone number, and email address of each petition sponsor; ~~and a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid.~~ The secretary of state shall approve the circulator handout for each initiated measure before the petition is circulated.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the

initiated measure to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 3. That § 2-1-1.3 be AMENDED:

2-1-1.3. Terms used in this chapter mean:

(1) "Circulates," either:

(a) Physically presents or otherwise makes available a ballot measure petition to another person for that person's signature; or

(b) Solicits from another person, personally and in the presence of such other person, a signature on a ballot measure petition, while acting in concert with another person who simultaneously physically presents or otherwise makes available the ballot measure petition;

(2) "Petition circulator," the same as the term is defined under § 12-1-3;

(3) "Petition sponsor," any person who proposes the placement of a statewide ballot measure on the ballot; and

(4) "Ballot measure," any measure placed on a statewide ballot in accordance with § 2-1-1.1, 2-1-1.2, or 2-1-3.1;

~~(5) "Paid circulator," any person who receives money or anything of value as consideration, in whole or in part, for acting as a petition circulator;~~

~~(6) "Volunteer circulator," any person who does not receive money or anything of value as consideration, in whole or in part, for acting as a petition circulator.~~

Section 4. That a NEW SECTION be added to chapter 2-1:

No petition sponsor, company, person, or individual may compensate any other individual, corporation, or association of individuals or provide any other thing of value in consideration of or as an inducement to circulate a petition to initiate a measure or an amendment to the constitution, or to refer a law to a vote of the electors of this state.

Upon a judicial finding of any violation of this section, the petition must be deemed void ab initio.

Section 5. That § 2-1-3.1 be AMENDED:

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

- 3 (1) Contain the title of the referred law;
- 4 (2) Contain the effective date of the referred law;
- 5 (3) Contain the date of the general election at which the referred law is to be
6 submitted;
- 7 (4) Be accompanied by a notarized form signed by each person who is a petition
8 sponsor that includes the names and addresses of each petition sponsor; and
- 9 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

10 The petition must be filed with the secretary of state within ninety days after the
11 adjournment of the Legislature that passed the referred law. A sworn affidavit, signed by
12 at least two-thirds of the petition sponsors, stating that the documents filed constitute the
13 entire petition and to the best of the knowledge of the sponsors contains a sufficient
14 number of signatures, must also be filed with the secretary of state. The State Board of
15 Elections shall prescribe the form of the petition and affidavit.

16 The petition circulator shall provide to each person who signs the petition a
17 circulator handout containing the title of the referred law; any fiscal note or summary of
18 a fiscal note obtained pursuant to § 2-9-32; and the name, phone number, and email
19 address of each petition sponsor; ~~a statement whether the petition circulator is a volunteer~~
20 ~~or paid circulator and, if a paid circulator, the amount the circulator is being paid.~~ The
21 secretary of state shall approve the circulator handout for each referred law before the
22 petition is circulated.