



2025 South Dakota Legislature
House Bill 1256
ENROLLED

AN ACT

ENTITLED An Act to require the inclusion of certain information on a candidate's nominating petition or on a ballot question petition.

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

Section 1. That § 2-1-1 be AMENDED:

2-1-1. All measures proposed by initiative must be presented by petition. A petition to propose a measure by initiative must be signed by not less than five percent of the qualified electors of the state.

All proposals requiring that a law enacted by the Legislature be submitted to a vote of the electors of the state must be presented by petition, signed by not less than five percent of the qualified electors of the state.

When signing a petition to propose a measure or an amendment to the Constitution by initiative, or to refer a law to a vote of the electors of the state, an individual must provide the individual's name, signature, address at which the individual is currently registered to vote, the county in which the individual is registered as a voter, and the date of signing.

Section 2. That § 2-1-15 be AMENDED:

2-1-15. Upon receipt of a petition to initiate an amendment to the South Dakota Constitution, initiate a measure, or refer a law to a vote of the electors of the state, the secretary of state shall promptly examine and catalogue the petition and petition signatures and make them available to the public upon request and payment of the fee required by § 1-8-10.

An individual's signature may not be counted by the secretary of state if:

- (1) The individual is not a registered voter in the county indicated on the signature line; or

- (2) The information provided by the individual on the petition form is not accurate or complete.

If the address provided by the individual is not substantially the same as the address at which the individual is currently registered to vote, the secretary of state may not count the signature.

The secretary of state shall generate the random sample under § 2-1-16 within five days of completing the examination and cataloguing of the petition signatures and shall make the random sample validation sheets available to the public, upon request and payment of the fee required by § 1-8-10.

Section 3. That § 12-6-8 be AMENDED:

12-6-8. An individual may not sign the nominating petition of a candidate:

- (1) Before January first in the year in which the election is to be held;
- (2) For whom the person is not entitled to vote;
- (3) For a political candidate of a party of which the person is not a member; or
- (4) For more than the number of candidates required to be nominated for the same office.

The circulator or the individual who signs the petition shall add the address at which the individual is currently registered to vote, the county in which the individual is registered as a voter, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class.

A candidate shall sign a formal declaration of candidacy before the petition may be circulated. The signed declaration of candidacy must accompany the petition. An original signed declaration of candidacy must accompany the petition upon filing.

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

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

An Act to require the inclusion of certain information on a candidate's nominating petition or on a ballot question petition.

I certify that the attached Act originated in
the:
House as Bill No. 1256

Received at this Executive Office
this ____ day of _____,
2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1256
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State