

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

292Y0481

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1130** - 2/27/2017

Introduced by: Representatives Haggar, Brunner, Gosch, McPherson, Peterson (Kent), Peterson (Sue), Qualm, Rhoden, and Rounds and Senators Novstrup, Ewing, Greenfield (Brock), Maher, and Wiik

1 FOR AN ACT ENTITLED, An Act to revise certain provisions that provide transparency and  
2 public comment for ballot measures and amendments to the Constitution.

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

4 Section 1. That § 2-1-1.2 be amended to read:

5 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the  
6 secretary of state prior to circulation for signatures and shall:

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

14 The secretary of state shall accept written comments from any person who is registered to



1 vote in South Dakota regarding the proposed initiated measure for a period of thirty days after  
2 the petition is filed with the Office of the Secretary of State. The secretary of state shall publish  
3 written comments received from any person who is registered to vote in South Dakota on the  
4 secretary of state's website in accordance with standards that prohibit obscenity. Any person  
5 who submits a written comment to the secretary of state shall include the registered voter's  
6 name, address, city, and state.

7 The petition circulator shall provide to each person who signs the petition a form containing  
8 the title and explanation of the initiated measure as prepared by the attorney general; the name,  
9 phone number, and email address of each petition sponsor; and a statement whether the petition  
10 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the  
11 circulator is being paid. The form shall be approved by the secretary of state prior to circulation.

12 For any initiated measure petition, no signature may be obtained more than twenty-four  
13 months preceding the general election that was designated at the time of filing of the full text.  
14 The initiated measure petition shall be filed with the secretary of state at least one year before  
15 the next general election. A notarized affidavit form, signed by at least two-thirds of the petition  
16 sponsors, stating that the documents filed constitute the entire petition and to the best of the  
17 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the  
18 secretary of state. The form of the petition and affidavit shall be prescribed by the State Board  
19 of Elections.

20 Section 2. That § 2-1-1.1 be amended to read:

21 2-1-1.1. The petition as it is to be circulated for an initiated constitutional amendment shall  
22 be filed with the secretary of state prior to circulation for signatures and shall:

- 23 (1) Contain the full text of the initiated constitutional amendment;
- 24 (2) Contain the date of the general election at which the initiated constitutional

1 amendment is to be submitted;

2 (3) Contain the title and explanation as prepared by the attorney general;

3 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
4 sponsor that includes the name and address of each petition sponsor; and

5 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

6 The secretary of state shall accept written comments from any person who is registered to  
7 vote in South Dakota regarding the initiated constitutional amendment for a period of thirty days  
8 after the petition is filed with the Office of the Secretary of State. The secretary of state shall  
9 publish written comments received from any person who is registered to vote in South Dakota  
10 on the secretary of state's website in accordance with standards that prohibit obscenity. Any  
11 person who submits a written comment to the secretary of state shall include the registered  
12 voter's name, address, city, and state.

13 The petition circulator shall provide to each person who signs the petition a form containing  
14 the title and explanation of the initiated constitutional amendment as prepared by the attorney  
15 general; the name, phone number, and email address of each petition sponsor; and a statement  
16 whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator,  
17 the amount the circulator is being paid. The form shall be approved by the secretary of state  
18 prior to circulation.

19 For any initiated constitutional amendment petition, no signature may be obtained more than  
20 twenty-four months preceding the general election that was designated at the time of filing of  
21 the full text. The initiated constitutional amendment petition shall be filed with the secretary of  
22 state at least one year before the next general election. A notarized affidavit form, signed by at  
23 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire  
24 petition and to the best of the knowledge of the sponsors contains a sufficient number of

1 signatures shall also be filed with the secretary of state. The form of the petition and affidavit  
2 shall be prescribed by the State Board of Elections.

3 Section 3. That § 2-9-4 be amended to read:

4 2-9-4. The executive board shall:

5 (1) Instigate research and collect information concerning the government and general  
6 welfare of the state;

7 (2) Investigate and make recommendations concerning important issues of public policy  
8 and questions of statewide interest;

9 (3) Prepare a legislative program in the form of bills, or otherwise, as in its opinion the  
10 welfare of the state may require, to be presented to the Legislature;

11 (4) Cooperate with the administration in devising means of enforcing the law;

12 (5) Study, inquire, make recommendations and propose bills in any phase or branch of  
13 state government so deemed advisable and necessary;

14 (6) Appoint and name committees from the members of the State Legislative Research  
15 Council, and assign to such committee or committees appropriate subjects and  
16 projects of whatever character and nature the executive board deems advisable. Each  
17 member of the council is entitled to membership on one study committee of the  
18 member's choice insofar as practicable;

19 (7) Conduct legislative oversight and management analysis of the executive branch of  
20 government by means of a selective program of performance auditing and cooperate  
21 with the administration in improving the efficiency and effectiveness of  
22 administrative methods;

23 (8) Review and make recommendations for further legislative action regarding the  
24 opinions of state and federal courts which have sought to interpret the intent of South

- 1           Dakota legislative acts; ~~and~~
- 2       (9)    Allocate funds to the House of Representatives and the Senate to pay for out-of-state  
3           travel and salary or per diem costs incurred by members, and to pay for in-state travel  
4           and salary or per diem costs incurred by members, excluding costs associated with  
5           any legislative session. The Legislative Research Council shall make payments to  
6           representatives for costs and travel approved by the speaker of the House of  
7           Representatives, from the funds allocated to the House of Representatives, and shall  
8           make payments to senators for costs and travel approved by the president pro  
9           tempore of the Senate, from the funds allocated to the Senate. Any payment decision  
10          of the speaker of the House of Representatives may be appealed to the members of  
11          the executive board from the House of Representatives. Any payment decision of the  
12          president pro tempore of the Senate may be appealed to the members of the executive  
13          board from the Senate. No funds may be paid beyond the amounts allocated to each  
14          body; and
- 15       (10) Conduct a public hearing to review the Legislative Research Council draft of each  
16           initiated measure or initiated amendment to the constitution that is submitted to  
17           appear on the ballot for the next general election. The Legislative Research Council  
18           draft review hearing shall occur before any petition for an initiated measure or  
19           initiated amendment to the constitution is circulated for signatures. The Legislative  
20           Research Council shall present an overview of any written comments provided to the  
21           sponsors of the initiated measure or initiated amendment to the constitution; and
- 22       (11) Conduct a public hearing to review any initiated measure or initiated amendment to  
23           the constitution that will appear on the ballot for the next general election. The public  
24           hearing to review shall occur not less than one hundred twenty days prior to the

1 general election on which the initiated measure or initiated amendment to the  
2 constitution will appear on the ballot. The proponents and opponents of each initiated  
3 measure or initiated amendment to the constitution may provide testimony during the  
4 public hearing.

5 Section 4. That § 1-8-14 be amended to read:

6 1-8-14. The secretary of state may establish and maintain a secure and interactive website  
7 where all documents required to be filed with or maintained by the ~~Office of the Secretary~~  
8 secretary of State state may be filed, processed, and obtained by interested parties. Any  
9 document required to be filed with the ~~Office of the Secretary~~ secretary of State state may be  
10 filed electronically. The secretary of state shall provide public notice on the secretary of state's  
11 website of any initiated measure or initiated amendment to the constitution whose petition is  
12 filed pursuant to § 2-1-1.2 or 2-1-3.1, including publication of the full text of the initiated  
13 measure or initiated amendment to the constitution, any financial contribution made in support  
14 of or against the initiated measure or initiated amendment to the constitution, and any written  
15 comment received from any person who is registered to vote in South Dakota during the thirty-  
16 day public comment period.