

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

274Z0077

HOUSE BILL NO. 1004

Introduced by: Representatives Reed, Peterson (Kent), and Soli and Senators Nesiba, Bolin, and Otten (Ernie) at the request of the Initiative and Referendum Task Force

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding petition forms for
2 initiated measures and initiated amendments to the Constitution.

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

4 Section 1. That § 12-1-9 be amended to read:

5 12-1-9. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
6 concerning:

- 7 (1) Forms for voter registration and voter file maintenance;
- 8 (2) Forms and color of ballots;
- 9 (3) Forms for notices;
- 10 (4) The uniformity of election procedures;
- 11 (5) The operation of the State Board of Elections;
- 12 (6) The procedure to accept a petition and verify petition signatures;
- 13 (7) Petition forms, including petition size and petition font size;
- 14 (8) Envelopes for absentee voting;
- 15 (9) Instructions to voters and absentee voters; and



1 (10) Recounts.

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

3 2-1-1.1. The petition as it is to be circulated for an initiated ~~constitutional~~ amendment to the
4 Constitution shall be filed with the secretary of state prior to circulation for signatures and shall:

5 (1) Contain the full text of the initiated ~~constitutional~~ amendment;

6 (2) Contain the date of the general election at which the initiated ~~constitutional~~
7 amendment is to be submitted;

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

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

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

12 The petition circulator shall provide to each person who signs the petition a form containing
13 the title and explanation of the initiated ~~constitutional~~ amendment to the Constitution as
14 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-31; the name, phone
15 number, and email address of each petition sponsor; and a statement whether the petition
16 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the
17 circulator is being paid. The form shall be approved by the secretary of state prior to circulation.

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

1 petition size and petition font size, and the affidavit shall be prescribed by the State Board of
2 Elections.

3 Section 3. That § 2-1-1.2 be amended to read:

4 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the
5 secretary of state prior to circulation for signatures and shall:

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

13 The petition circulator shall provide to each person who signs the petition a form containing
14 the title and explanation of the initiated measure as prepared by the attorney general; any fiscal
15 note prepared pursuant to § 2-9-31; the name, phone number, and email address of each petition
16 sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator
17 and, if a paid circulator, the amount the circulator is being paid. The form shall be approved by
18 the secretary of state prior to circulation.

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

1 secretary of state. The form of the petition, including petition size and petition font size, and the
2 affidavit shall be prescribed by the State Board of Elections.

3 Section 4. That § 2-1-3 be amended to read:

4 2-1-3. Any law which the Legislature may have enacted, except one ~~which~~ that may be
5 necessary for the immediate preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, shall, upon the filing of a petition as
7 ~~hereinafter~~ provided in this chapter, be submitted to a vote of the electors of the state at the next
8 general election. ~~Such~~ The petition shall be signed by not less than five percent of the qualified
9 electors of the state. The form of the petition, including petition size and petition font size, shall
10 be prescribed by the State Board of Elections.