

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0209

## HOUSE BILL NO. 1037

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning petitions for  
2 initiated constitutional amendments, initiated measures, and candidates.

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

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

5 2-1-1.1. The petition as it is to be circulated for an initiated constitutional amendment shall  
6 be filed with the secretary of state prior to circulation for signatures and shall:

- 7 (1) Contain the full text of the initiated constitutional amendment;
- 8 (2) Contain the date of the general election at which the initiated constitutional  
9 amendment is to be 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 ~~names~~ name and ~~addresses~~ address of ~~the~~ each petition  
13 ~~sponsors~~ sponsor; and
- 14 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

15 The petition circulator shall provide to each person who signs the petition a form containing



1 the title and explanation of the initiated constitutional amendment as prepared by the attorney  
2 general. The form shall be approved by the secretary of state prior to circulation.

3 For any initiated constitutional amendment petition, no ~~signatures~~ signature may be obtained  
4 more than twenty-four months preceding the general election that was designated at the time of  
5 filing of the full text. The initiated constitutional amendment petition shall be filed with the  
6 secretary of state at least one year before the next general election. A ~~sworn~~ notarized affidavit  
7 form, signed by at least two-thirds of the petition sponsors, stating that the documents filed  
8 constitute the entire petition and to the best of the knowledge of the sponsors contains a  
9 sufficient number of signatures shall also be filed with the secretary of state. The form of the  
10 petition and affidavit shall be prescribed by the State Board of Elections.

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

12 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the  
13 secretary of state prior to circulation for signatures and shall:

- 14 (1) Contain the full text of the initiated measure;
- 15 (2) Contain the date of the general election at which the initiated measure is to be  
16 submitted;
- 17 (3) Contain the title and explanation as prepared by the attorney general;
- 18 (4) Be accompanied by a notarized affidavit form signed by each person who is a petition  
19 sponsor that includes the ~~names~~ name and ~~addresses~~ address of ~~the~~ each petition  
20 ~~sponsors~~ sponsor; and
- 21 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

22 The petition circulator shall provide to each person who signs the petition a form containing  
23 the title and explanation of the initiated measure as prepared by the attorney general. The form  
24 shall be approved by the secretary of state prior to circulation.

1 For any initiated measure petition, no ~~signatures~~ signature may be obtained more than  
2 twenty-four months preceding the general election that was designated at the time of filing of  
3 the full text. The initiated measure petition shall be filed with the secretary of state at least one  
4 year before the next general election. A ~~sworn~~ notarized affidavit form, signed by at least two-  
5 thirds of the petition sponsors, stating that the documents filed constitute the entire petition and  
6 to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also  
7 be filed with the secretary of state. The form of the petition and affidavit shall be prescribed by  
8 the State Board of Elections.

9 Section 3. That § 12-13-25.1 be amended to read:

10 12-13-25.1. Following receipt of the written comments of the director of the Legislative  
11 Research Council, the sponsors shall submit a copy of the initiative or initiated amendment to  
12 the Constitution in final form, to the attorney general. The attorney general shall prepare an  
13 attorney general's statement which consists of a title and explanation. The title shall be a concise  
14 statement of the subject of the proposed initiative or initiated amendment to the Constitution.  
15 The explanation shall be an objective, clear, and simple summary to educate the voters of the  
16 purpose and effect of the proposed initiated measure or initiated amendment to the Constitution.  
17 The attorney general shall include a description of the legal consequences of the proposed  
18 amendment or initiated measure, including the likely exposure of the state to liability if the  
19 proposed amendment or initiated measure is adopted. The explanation may not exceed two  
20 hundred words in length. The attorney general shall file the title and explanation with the  
21 secretary of state and shall provide a copy to the sponsors within sixty days of receipt of the  
22 initiative or initiated amendment to the Constitution.

23 If the petition is filed as set forth in ~~§ 2-1-2~~ §§ 2-1-1.1 and 2-1-1.2, the attorney general shall  
24 deliver to the secretary of state before the third Tuesday in May a simple recitation of a "Yes"

1 or "No" vote. On the printed ballots, the title shall be followed by the explanation and the  
2 explanation shall be followed, if applicable, by the ~~fiscal impact statement~~ prison or jail  
3 population cost estimate prepared pursuant to § 2-1-20 and then followed by the recitation.

4 Section 4. That chapter 2-1 be amended by adding a NEW SECTION to read:

5 Terms used in this chapter mean:

6 (1) "Petition circulator," any resident of the state of South Dakota who is at least  
7 eighteen years of age and who circulates a nominating petition or other petition for  
8 the purpose of placing a candidate or issue on any election ballot;

9 (2) "Petition sponsor," any person who proposes the placement of a statewide ballot  
10 measure on the ballot.