

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

625Z0586

SENATE ENGROSSED NO. **SB 79** - 1/23/2018

Introduced by: Senators Otten (Ernie), Curd, Frerichs, Kennedy, Novstrup, Partridge, and Tidemann and Representatives Stevens, Beal, Dennert, Heinemann, and Johns

1 FOR AN ACT ENTITLED, An Act to authorize for voters with no party affiliation to sign  
2 nominating petitions for candidates with a party affiliation.

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

4 Section 1. That § 12-6-8 be amended to read:

5 12-6-8. No person may sign the nominating petition of a candidate before January first in  
6 the year in which the election is to be held, ~~nor for whom the person is not entitled to vote, nor~~  
7 ~~for a political candidate of a party of which the person is not a member, nor for more than the~~  
8 number of candidates required to be nominated for the same office. A person who is a registered  
9 voter with a party affiliation may not sign a nominating petition for a candidate with a different  
10 party affiliation. A person who is a registered voter with a party affiliation may sign a petition  
11 nominating an independent candidate or a nonpolitical candidate if the person has not previously  
12 signed a petition for that office to be filled. A person who is a registered voter with no party  
13 affiliation may sign a petition nominating a candidate with a party affiliation if that person has  
14 not previously signed a petition for that office to be filled. The signer or circulator shall add the



1 signer's place of residence and the date of signing. The signer's post office box number may be  
2 given in lieu of a street address if the signer lives within a municipality of the second or third  
3 class. A formal declaration of the candidate shall be signed by the candidate before the  
4 circulation of petitions. The signed declaration of the candidate shall accompany and be a part  
5 of the petition. An original signed declaration shall accompany the group of petitions upon  
6 filing. The petition shall be verified under oath by the persons circulating the petition. The  
7 verification by the person circulating the petition may not be notarized by the candidate whom  
8 the petition is nominating. A nominating petition for any election shall be a self-contained sheet  
9 of paper in order to have the candidate's name placed on the ballot. ~~The provisions of this~~  
10 ~~section may not prohibit a person registered with party affiliation from signing either a petition~~  
11 ~~nominating an independent or a nonpolitical candidate for office if the person has not previously~~  
12 ~~signed a petition for that office to be filled.~~