

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

159X0235

## SENATE STATE AFFAIRS ENGROSSED NO. **SB 91** - 02/05/2016

Introduced by: Senators Holien, Brown, Greenfield (Brock), Heineman (Phyllis), Novstrup (David), Olson, Omdahl, Otten (Ernie), and Rampelberg and Representatives Bolin, Deutsch, Johns, Latterell, Novstrup (Al), Rozum, Solum, and Tulson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the information on  
2 the forms provided to persons who sign initiated constitutional amendments, referred laws,  
3 or initiated measures.

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

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

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

- 8 (1) Contain the full text of the initiated constitutional amendment;
- 9 (2) Contain the date of the general election at which the initiated constitutional  
10 amendment is to be submitted;
- 11 (3) Contain the title and explanation as prepared by the attorney general;
- 12 (4) Be accompanied by a notarized form that includes the names and addresses of the  
13 petition sponsors; and
- 14 (5) Be accompanied by a statement of organization as provided in § 12-27-6.



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

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

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

16 2-1-1.2. The petition as it is to be circulated for an initiated measure shall be filed with the  
17 secretary of state prior to circulation for signatures and shall:

- 18 (1) Contain the full text of the initiated measure;
- 19 (2) Contain the date of the general election at which the initiated measure is to be  
20 submitted;
- 21 (3) Contain the title and explanation as prepared by the attorney general;
- 22 (4) Be accompanied by a notarized form that includes the names and addresses of the  
23 petition sponsors; and
- 24 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

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

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

14 Section 3. That § 2-1-3.1 be amended to read:

15 2-1-3.1. The petition as it is to be circulated for a referred law shall be filed with the  
16 secretary of state prior to circulation for signatures and shall:

- 17 (1) Contain the title of the referred law;
- 18 (2) Contain the effective date of the referred law;
- 19 (3) Contain the date of the general election at which the referred law is to be submitted;
- 20 (4) Be accompanied by a notarized form that includes the names and addresses of the  
21 petition sponsors; and
- 22 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

23 The petition shall be filed with the secretary of state within ninety days after the  
24 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at

1 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire  
2 petition and to the best of the knowledge of the sponsors contains a sufficient number of  
3 signatures shall also be filed with the secretary of state. The form of the petition and affidavit  
4 shall be prescribed by the State Board of Elections.

5 The petition circulator shall provide to each person who signs the petition a form containing  
6 the title of the referred law; the name, phone number, and email address of each petition  
7 sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator  
8 and, if a paid circulator, the amount the circulator is being paid. The form shall be approved by  
9 the secretary of state prior to circulation.

10 Section 4. That § 12-1-3 be amended by adding a NEW SUBDIVISION to read:

11 "Paid circulator," any person who receives money or anything of value for collecting  
12 signatures for a petition;