2023 South Dakota Legislature

Senate Bill 46

SENATE JUDICIARY ENGROSSED

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

An Act to enhance the penalty for petition circulation perjury.

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

Section 1. That § 2-1-10 be AMENDED:

2-1-10. Before filing a petition to initiate an amendment to the Constitution, for an initiated measure, or for a referred law, with the officer in whose office the petition is required to be filed, each petition circulator shall sign a verification attesting that ~~the~~:

(1) The circulator personally circulated the petition ~~and~~;

(2) The circulator is not attesting to any signature obtained by any other person~~, that the petition~~ ;

(3) The circulator is a resident of South Dakota~~, that the~~;

(4) The circulator made reasonable inquiry and, to the best of the circulator's knowledge, each person signing the petition is a qualified voter of the state in the county indicated on the signature line ~~and that no~~ ; and

(5) No state statute regarding the circulation of petitions was knowingly violated.

The State Board of Elections shall prescribe the form for the verification. The circulator's signature on the verification shall be witnessed and notarized by a notary public commissioned in South Dakota or other officer authorized to administer oaths pursuant to § 18-3-1. Any person who falsely attests to the verification provision provided in subdivision (1) is guilty of a Class 6 felony. Any person who falsely attests to the verification ~~under this section~~provisions provided in subdivisions (2) to (5), inclusive, is guilty of a Class 1 misdemeanor.

Section 2. That § 12-6-8 be AMENDED:

12-6-8. No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor

for more than the number of candidates required to be nominated for the same office. The signer or circulator shall add the signer's place of residence and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the candidate before the circulation of petitions. The signed declaration of the candidate shall accompany and be a part of the petition. An original signed declaration shall accompany the group of petitions upon filing.

The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. Any person circulating a petition who falsely attests to the verification is guilty of a Class 6 felony.

A nominating petition for any election shall be a self-contained sheet of paper in order to have the candidate's name placed on the ballot. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.