



2023 South Dakota Legislature
Senate Bill 113
ENROLLED

AN ACT

ENTITLED An Act to establish and modify provisions related to initiated petitions.

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

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition as it is to be circulated for an initiated amendment to the Constitution must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:

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

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, must include the paid circulator identification number within the verification of any paid circulator.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of

filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit must be prescribed by the State Board of Elections.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. A petition as it is to be circulated for an initiated measure must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

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

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, must include the paid circulator identification number within the verification of any paid circulator.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures must also be

filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit must be prescribed by the State Board of Elections.

Section 3. That § 2-1-15 be AMENDED:

2-1-15. Upon the receiving of any initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall promptly examine and catalogue the petition and petition signatures and make them available to the public upon request and payment of reasonable fees in accordance with § 1-8-10. No signature of a person may be counted by the secretary of state unless the person is a registered voter in the county indicated on the signature line. No signature of a person may be counted if the information required on the petition form is not accurate or complete. The secretary of state shall generate the random sample under § 2-1-16 within five days of completing the examination and cataloguing of the petition signatures and make available to the public the random sample validation sheets upon request and payment of reasonable fees in accordance with § 1-8-10.

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I certify that the attached Act originated in the:

Senate as Bill No. 113

Received at this Executive Office
this ____ day of _____,
2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 113
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State