

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

553B0673

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1093** - 2/22/2019

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representative Hansen and Senator Stalzer

1 FOR AN ACT ENTITLED, An Act to establish legal standards applicable to petition
2 challenges.

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

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

5 2-1-14. All signatures secured in a manner contrary to the provisions of ~~this chapter may~~
6 state law shall not be counted.

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

8 2-1-15. Upon the receiving of any initiative petition, referred law petition, or initiated
9 constitutional amendment petition, the secretary of state shall examine the petition. No signature
10 of a person ~~may~~ shall be counted by the secretary of state unless the person is a registered voter
11 in the county indicated on the signature line. No signature of a person ~~may~~ shall be counted if
12 the information required on the petition form is not accurate or complete. The secretary of state
13 shall generate the random sample under § 2-1-16 and make available to the public the petitions
14 and random sample validation sheets within thirty days of a request and payment of reasonable



1 fees in accordance with § 1-8-10.

2 Section 3. That § 2-1-18 be amended to read:

3 2-1-18. Nothing in §§ 2-1-15 to 2-1-18, inclusive, prohibits any interested person who has
4 researched the signatures contained on a validated petition from challenging in circuit court the
5 validity of any signature, the veracity of the petition circulator's attestation, or any other
6 information required on a petition by statute or administrative rule, including any deficiency that
7 is prohibited from challenge under § 2-1-17.1. The results of the process of signature
8 verification by the Office of the Secretary of State under chapter 2-1 shall be presumed valid as
9 applied to all signatures for purposes of considering any additional ground for disqualifying
10 petition signatures, including any ground listed in subdivisions 2-1-17.1(1) to 2-1-17.1(4),
11 inclusive, and cumulating total valid signatures to determine the results of an appeal under § 2-
12 1-17.1. The summons and complaint for a challenge under this section shall be served on each
13 petition sponsor as a party defending the validated petition being challenged. Any appearance
14 by the attorney general at a challenge under this section shall be limited to the process of
15 signature verification by the Office of the Secretary of State under chapter 2-1. For purposes of
16 determining whether a sufficient number of valid signatures has been submitted, the interested
17 person may elect to proceed with a challenge limited to the sample generated in accordance with
18 § 2-1-16, with the resulting valid sample percentage applied to the entirety of the petition
19 signatures.

20 Section 4. That § 12-1-39 be amended to read:

21 12-1-39. No petition submitted may be made available to the public until the validation
22 process has been completed and the office where that petition was submitted has filed or
23 rejected the petition, except as provided in section 2 of this Act.