

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

555B0189

SENATE LOCAL GOVERNMENT
COMMITTEE ENGROSSED NO. **HB1007** -
2/2/98

Introduced by: The Committee on Local Government at the request of the State Board of
Elections

1 FOR AN ACT ENTITLED, An Act to revise the requirements concerning a candidate's support
2 of congressional term limits and to provide the board of elections with rule-making authority
3 for implementing the voter's instructions on term limits and to declare an emergency.

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

5 Section 1. That subdivision (3) of § 12-16-1.2 be amended to read as follows:

6 (3) All primary and general election ballots shall have printed the information
7 "DISREGARDED VOTERS' INSTRUCTION ON TERMLIMITS" adjacent to the
8 name of any United States Senator or Representative from South Dakota who:

9 (a) Fails to vote in favor of a proposed congressional term limits amendment, as
10 defined by this section, when brought to a vote;

11 (b) Fails to second a proposed congressional term limits amendment, as defined by
12 this section, if it lacks for a second before any proceeding of the legislative
13 body;

14 (c) Fails to propose or otherwise bring to a vote of the full legislative body a

1 proposed congressional term limits amendment, as defined by this section, if
2 it otherwise lacks a legislator who so proposes or brings to a vote of the full
3 legislative body a proposed congressional term limits amendment as defined by
4 this section;

5 (d) Fails to vote in favor of all votes bringing a proposed congressional term limits
6 amendment, as defined by this section, before any committee or subcommittee
7 of the respective house upon which the member serves;

8 (e) Fails to reject any attempt to delay, table, or otherwise prevent a vote by the
9 full legislative body of a proposed congressional term limits amendment as
10 defined by this section;

11 (f) Fails to vote against any proposed constitutional amendment that would
12 establish longer term limits than those set forth in subdivision (1) of this section
13 regardless of any other actions in support of a proposed congressional term
14 limits amendment as defined by this section;

15 (g) Sponsors or cosponsors any proposed constitutional amendment or law that
16 establishes longer terms limits than those set forth in subdivision (1) of this
17 section; or

18 (h) Fails to ensure that all votes on a congressional term limits amendment are
19 recorded and made available to the public.

20 An incumbent candidate who has complied with these eight requirements shall file a sworn
21 affidavit acknowledging that the candidate has not failed to comply with each of these eight
22 requirements during the member's current term of office or any concluded term in which a
23 determination and declaration was made by the secretary of state in a previous election. The
24 affidavit shall be filed in the Office of the Secretary of State or mailed to the Office of the
25 Secretary of State by registered mail by March first of the general election year for candidates

1 who file for nomination pursuant to chapter 12-6 or by August first for candidates who file for
2 nomination pursuant to chapter 12-7.

3 Section 2. That subdivision (5) of § 12-16-1.2 be amended to read as follows:

4 (5) Nonincumbent candidates for the United States Senate and House of Representatives
5 shall be given an opportunity to take a term limits pledge ~~when the candidate files to~~
6 ~~run for such office.~~ The pledge shall be filed in the Office of the Secretary of State or
7 mailed to the Office of the Secretary of State by registered mail by March first of the
8 general election year for candidates who file for nomination pursuant to chapter 12-6
9 or by August first for candidates who file for nomination pursuant to chapter 12-7.

10 Any nonincumbent candidate who declines to take the term limits pledge shall have
11 the information "DECLINED TO PLEDGE TO SUPPORT TERMS LIMITS"
12 printed adjacent to the candidate's name on every primary and general election ballot.

13 Section 3. That subdivision (8) of § 12-16-1.2 be amended to read as follows:

14 (8) The secretary of state shall make an accurate determination as to whether the
15 information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or
16 "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" is placed adjacent to a
17 candidate's name on the election ballot pursuant to this section. The secretary of state
18 in making this determination may rely exclusively on the affidavit or pledge which is
19 filed pursuant to section 1 or 2 of this Act.

20 Section 4. That subdivision (9) of § 12-16-1.2 be amended to read as follows:

21 (9) The secretary of state shall consider ~~timely submitted~~ public comments submitted to
22 the Office of the Secretary of State by March first of the general election year for
23 candidates who file for nomination pursuant to chapter 12-6 or by August first for
24 candidates who file for nomination pursuant to chapter 12-7 prior to making the
25 determination required in subdivision (8) of this section.

1 Section 5. That subdivision (13) of § 12-16-1.2 be amended to read as follows:

2 (13) The Supreme Court shall hear the appeal provided for in subdivisions (11) and (12)
3 within twenty days and issue a decision not later than ~~thirty days before the date of~~
4 ~~the primary election and~~ sixty days before the date of the primary or general election.

5 Section 6. That § 12-16-1.2 be amended by adding thereto a NEW SUBDIVISION to read
6 as follows:

7 The Board of Elections may promulgate rules pursuant to chapter 1-26 to provide forms,
8 deadlines, and procedures for implementing this section.

9 Section 7. Whereas, this Act is necessary for the support of the state government and its
10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
11 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/13/98 First read in House and referred to Local Government. H.J. 20

3 1/20/98 Scheduled for Committee hearing on this date.

4 1/20/98 Local Government Do Pass, Passed, AYES 10, NAYS 2. H.J. 115

5 1/21/98 House of Representatives Do Pass, Passed, AYES 54, NAYS 13. H.J. 168

6 1/22/98 First read in Senate and referred to Local Government. S.J. 169

7 1/30/98 Scheduled for Committee hearing on this date.

8 2/2/98 Scheduled for Committee hearing on this date.

9 2/2/98 Local Government Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 278