

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

870D0099

HOUSE BILL NO. 1011

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the circulation of
2 petitions.

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

4 Section 1. That § 2-1-10 be amended to read as follows:

5 2-1-10. ~~Every~~ Each person who circulates and secures signatures to a petition to initiate or
6 submit to the electors any law pursuant to ~~§ 1, article III, of the Constitution, shall, S.D. Const.,~~
7 Art. III, § 1, shall sign a verification of circulator before filing ~~such~~ the petition with the officer
8 in whose office it is by law required to be filed, ~~make and attach to the petition an affidavit which~~
9 ~~shall be prescribed by the.~~ The State Board of Elections shall prescribe the form for the
10 verification of circulator. The ~~affidavit must~~ verification of circulator shall be witnessed by a
11 notary public commissioned in South Dakota or other officer authorized to administer oaths
12 pursuant to § 18-3-1. ~~A petition circulator shall be a registered voter in South Dakota.~~

13 Section 2. That § 9-4-4.6 be amended to read as follows:

14 9-4-4.6. The petition shall contain the title of the resolution or the subject of the resolution
15 and the date of its passage. The petition shall be signed by at least five percent of the registered
16 voters residing in the combined area of the municipality and the special annexation precinct
17 established pursuant to § 9-4-4.8. The percentage shall be based on the ~~whole~~ number of voters

1 in the municipality at the last preceding general election. Each voter shall add to ~~his signature his~~
2 the voter's signature the voter's place of residence, including ~~his~~ street and house number, if any,
3 and the date of signing. The referendum petition shall be verified in the same manner as a petition
4 to initiate a law except that the person verifying shall state that ~~he and each of the persons~~ each
5 person signing the petition is a resident and registered voter of the municipality or special
6 annexation precinct. No signature on the petition is valid if signed more than six months prior
7 to the filing of the petition.

8 Section 3. That § 9-20-9 be amended to read as follows:

9 9-20-9. Any person circulating an initiative or referendum petition ~~shall be a resident and~~
10 ~~qualified voter of the municipality and~~ shall verify that each person signing the petition is a
11 resident ~~or~~ and qualified voter of the municipality. The State Board of Elections shall promulgate
12 rules pursuant to chapter 1-26 prescribing the format for an initiative and referendum petition
13 and its verification.

14 Section 4. That § 12-1-3 be amended to read as follows:

15 12-1-3. Terms used in this title mean:

- 16 (1) "Candidate," a person whose name is on the ballot or who is entitled to ~~have his name~~
17 be on the ballot to be voted upon for nomination or election at any election;
- 18 (2) "Election," any election ~~whatsoever~~ held under the laws of this state;
- 19 (3) "Election officials," state and local officials charged with the duty of conducting
20 elections and the canvass of returns;
- 21 (4) "Elector," a person qualified to register as a voter, whether or not ~~such~~ the person is
22 registered;
- 23 (5) "General election," the vote required to be taken in ~~every~~ each voting precinct of the
24 state on the first Tuesday after the first Monday in November of each even-numbered
25 year;

- 1 (6) "Party office," an office of a political party organization as distinct from a public
2 office;
- 3 (7) "Person in charge of an election," or "person charged with the conduct of an
4 election," the county auditor in all cases except local elections for a municipality,
5 school district, township, or other political subdivision, in which case it is the officer
6 having the position comparable to the auditor in that unit of government if not
7 specifically designated by law;
- 8 (8) "Petition," a form prescribed by the State Board of Elections, which contains the
9 question or candidacy being petitioned, the declaration of candidacy if required and
10 the verification of the circulator. If multiple sheets of paper are necessary to obtain
11 the required number of signatures, each sheet shall be self-contained and separately
12 verified by the circulator;
- 13 (9) "Petition circulator," a ~~registered voter in South Dakota~~ person of at least eighteen
14 years of age who circulates nominating petitions or other petitions for the purpose of
15 placing candidates or issues on any election ballot;
- 16 (10) "Political party," a party whose candidate for Governor at the last preceding general
17 election at which a Governor was elected received at least two and one-half percent
18 of the total votes cast for Governor;
- 19 (11) "Primary" or "primary election," an election held at which candidates are nominated
20 for public office;
- 21 (12) "Public office," an elected position in government;
- 22 (13) "Registered mail," does not include certified mail;
- 23 (14) "Registration officials," the county auditor and deputies and other persons authorized
24 to assist in registration pursuant to chapter 12-4;
- 25 (15) "Voter," a person duly registered to vote or one who is performing the act of voting.