

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

582N0145

HOUSE BILL NO. 1156

Introduced by: Representatives Buckingham, Brunner, Cutler, Deadrick, Dykstra, Faehn, Gillespie, Hargens, Krebs, Moore, Rave, Rhoden, Steele, and Turbiville and Senators Gray, Abdallah, Albers, Dempster, Hanson (Gary), Heidepriem, Knudson, McCracken, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain requirements concerning the pay and
2 qualifications of petition circulators.

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

4 Section 1. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may employ, reward, or compensate any person to circulate a petition for an
7 initiated measure, referred law, or proposed amendment to the South Dakota Constitution based
8 on the number of registered voters who signed the petition. Nothing in this section prohibits any
9 person from employing a petition circulator based on one of the following practices:

- 10 (1) Paying an hourly wage or salary;
- 11 (2) Establishing either express or implied minimum signature requirements for the
12 petition circulator;
- 13 (3) Terminating the petition circulator's employment, if the petition circulator fails to
14 meet certain productivity requirements; and



1 (4) Paying discretionary bonuses based on reliability, longevity, and productivity.

2 Any violation of this section is a Class 2 misdemeanor.

3 Section 2. That § 12-1-3 be amended to read as follows:

4 12-1-3. Terms used in this title mean:

5 (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the
6 ballot to be voted upon for nomination or election at any election;

7 (2) "Election," any election held under the laws of this state;

8 (3) "Election officials," state and local officials charged with the duty of conducting
9 elections and the canvass of returns;

10 (4) "Elector," a person qualified to register as a voter, whether or not the person is
11 registered;

12 (5) "General election," the vote required to be taken in each voting precinct of the state
13 on the first Tuesday after the first Monday in November of each even-numbered year;

14 (6) "Party office," an office of a political party organization as distinct from a public
15 office;

16 (7) "Person in charge of an election," or "person charged with the conduct of an
17 election," the county auditor in all cases except local elections for a municipality,
18 school district, township, or other political subdivision, in which case it is the officer
19 having the position comparable to the auditor in that unit of government if not
20 specifically designated by law;

21 (8) "Petition," a form prescribed by the State Board of Elections, which contains the
22 question or candidacy being petitioned, the declaration of candidacy if required and
23 the verification of the circulator. If multiple sheets of paper are necessary to obtain
24 the required number of signatures, each sheet shall be self-contained and separately

1 verified by the circulator;

2 (9) "Petition circulator," a ~~person of~~ resident of the state of South Dakota who is at least
3 eighteen years of age who circulates nominating petitions or other petitions for the
4 purpose of placing candidates or issues on any election ballot;

5 (10) "Political party," a party whose candidate for Governor at the last preceding general
6 election at which a Governor was elected received at least two and one-half percent
7 of the total votes cast for Governor;

8 (10.1) "Polling place," a designated place voters may go to vote;

9 (11) "Primary" or "primary election," an election held at which candidates are nominated
10 for public office;

11 (12) "Public office," an elected position in government;

12 (13) "Registered mail," does not include certified mail;

13 (14) "Registration officials," the county auditor and deputies and other persons authorized
14 to assist in registration pursuant to chapter 12-4;

15 (15) "Voter," a person duly registered to vote or one who is performing the act of voting.