

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

707N0028

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 2** - 02/07/2007

Introduced by: Senators Koetzle, Gray, Hunhoff, Olson (Ed), and Peterson (Jim) and Representatives Pederson (Gordon), Dennert, Heineman, and Putnam at the request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to establish certain procedures regarding the verification
2 of initiative and referendum signatures.

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

4 Section 1. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Upon the receiving of any initiative petition, referred law petition, or initiated constitutional
7 amendment petition, the secretary of state shall examine the petition. No signature of a person
8 may be counted by the secretary of state unless the person is a registered voter in the county
9 indicated on the signature line. No signature of a person may be counted if the information
10 required on the petition form is not substantially complete.

11 Section 2. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The secretary of state shall verify the signatures pursuant to section 1 of this Act by random
14 sampling. The random sample of signatures to be verified shall be drawn so that every signature



1 received by the secretary of state shall be given an equal opportunity to be included in the
2 sample. The secretary of state shall calculate the number of valid signatures by multiplying the
3 total number of signatures received by the percentage of successfully verified signatures from
4 the random sample. The secretary of state shall, by rules promulgated pursuant to chapter 1-26,
5 establish the methodology for conducting the random sample. The random sampling shall be
6 an examination of five percent of the signatures received.

7 Section 3. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If the random sample indicates that a sufficient number of qualified electors have signed the
10 petition, the secretary of state shall certify that the petition has been signed by the required
11 number of qualified electors and shall place the proposed measure or amendment on the next
12 general election ballot. If the random sample indicates that an insufficient number of qualified
13 electors have signed the petition, the secretary of state shall certify that the petition has not been
14 signed by the required number of qualified electors and may not place the proposed measure or
15 amendment on the next general election ballot. The secretary of state shall, within five days of
16 certifying, notify the petition sponsors of the secretary of state's action pursuant to this section.

17 Section 4. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Nothing in this Act prohibits any person from challenging in circuit court the validity of
20 signatures or other information required on a petition by statute or administrative rule.