

2024 South Dakota Legislature House Bill 1244

Introduced by: **Representative** Hansen

1 An Act to provide a process to withdraw a signature from a petition for an initiated 2 measure, constitutional amendment, or a referendum on a law in certain 3 situations and to declare an emergency.

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

5 Section 1. That a NEW SECTION be added to chapter 2-1:

- An individual who has signed a petition to initiate a constitutional amendment or
 measure, or to refer a law, may submit a written notification to the secretary of state
 stating that the individual's name be withdrawn from the petition. A signature may be
 withdrawn as provided in section 2 of this Act.
 The written notification must include:
- 11 (1) The title of the petition;
- 12 (2) The printed name, signature, residence address, and county of registration of the
 13 individual withdrawing the individual's signature from the petition; and
- 14 (3) A statement that the individual is withdrawing the individual's signature from the
 15 petition.
- 16 For a written notification to withdraw a signature to be valid under this section, an
- 17 <u>individual must submit the written notification to the secretary of state at any time before</u>
- 18 the time has expired to bring a challenge under § 2-1-17.1 or 2-1-18, or if a challenge
- 19 has been made under § 2-1-17.1 or 2-1-18, then no later than the conclusion of any
- 20 pretrial discovery related to the court's review of the validated petition.
- 21 <u>The written notification may be delivered by hand, United States mail, or e-mail to</u>
 22 <u>the secretary of state.</u>
- 23 Section 2. That a NEW SECTION be added to chapter 2-1:
- If a challenge to a validated petition is filed pursuant to § 2-1-17.1 or 2-1-18, the
 secretary of state must provide to each party to the proceeding all written notifications,

1	submitted under section 1 of this Act, that pertain to the validated petition being
2	challenged. If a signature is withdrawn pursuant to section 1 of this Act, the signature is
3	deemed withdrawn from the petition and may not be counted as valid in a challenge.

- 4 **Section 3.** <u>Whereas, this Act is necessary for the support of the state government and its</u>
- 5 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 6 <u>full force and effect from and after its passage and approval.</u>