

AN ACT

ENTITLED, An Act to revise certain provisions regarding challenges to petition signatures.

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

Section 1. That § 2-1-17.1 be amended to read:

2-1-17.1. Not more than thirty days after a statewide petition for an initiated amendment to the Constitution, initiated measure, or referred law has been validated and filed, any interested person who has researched the signatures contained on the petition may submit a sworn affidavit to the Office of Secretary of State to challenge the petition. The sworn affidavit shall include each specific deficiency other than the following:

- (1) Signer does not live at address listed on the petition;
- (2) Circulator does not live at address listed on the petition;
- (3) Circulator listed a residence address in South Dakota but is not a South Dakota resident;
- (4) Circulator did not witness the signers;
- (5) Signatures not included in the random sample; and
- (6) Petition that was originally rejected.

Any challenge by the same person or party in interest shall be included in one sworn affidavit.

The original sworn affidavit shall be received by the Office of Secretary of State by 5:00 p.m. central time on the date. If the sworn affidavit challenges any deficiency prohibited under this section, that deficiency shall be rejected. A challenge to a deficiency is not a challenge to the petition as a whole.

No deficiency may be challenged a second time with the secretary of state. The secretary of state's decision regarding a challenge under this section may be appealed to the circuit court of Hughes County. Any person who does not challenge a petition pursuant to this section, may bring a challenge pursuant to § 2-1-18.

Section 2. That § 2-1-18 be amended to read:

2-1-18. Nothing in §§ 2-1-15 to 2-1-18, inclusive, prohibits any interested person who has researched the signatures contained on a validated petition from challenging in circuit court the validity of any signature, the veracity of the petition circulator's attestation, or any other information required on a petition by statute or administrative rule, including any deficiency that is prohibited from challenge under § 2-1-17.1. The results of the process of signature verification by the Office of the Secretary of State under chapter 2-1 shall be presumed valid as applied to all signatures for purposes of considering any additional ground for disqualifying petition signatures, including any ground listed in subdivisions 2-1-17.1(1) to 2-1-17.1(4), inclusive, and cumulating total valid signatures to determine the results of an appeal under § 2-1-17.1. The summons and complaint for a challenge under this section shall be served on each petition sponsor as a party defending the validated petition being challenged. Any appearance by the attorney general at a challenge under this section shall be limited to the process of signature verification by the Office of the Secretary of State under chapter 2-1.

An Act to revise certain provisions regarding challenges to petition signatures.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1304

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1304

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State