



2020 South Dakota Legislature

Senate Bill 112

Introduced by: **Senator Nesiba**

1 **An Act to repeal certain provisions regarding initiated measures.**

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

3 **Section 1.** That § 2-1-1.1 be AMENDED:

4 **2-1-1.1. [Text of section effective until July 1, 2020] Petition to be**
 5 **circulated for initiated constitutional amendment--Time for signatures and**
 6 **filing.**

7 The petition as it is to be circulated for an initiated amendment to the Constitution
 8 shall be filed with the secretary of state prior to circulation for signatures and shall:

- 9 (1) Contain the full text of the initiated amendment;
- 10 (2) Contain the date of the general election at which the initiated amendment is to be
 11 submitted;
- 12 (3) Contain the title and explanation as prepared by the attorney general;
- 13 (4) Be accompanied by a notarized affidavit form signed by each person who is a
 14 petition sponsor that includes the name and address of each petition sponsor; and
- 15 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

16 The petition circulator shall provide to each person who signs the petition a form
 17 containing the title and explanation of the initiated amendment to the Constitution as
 18 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the
 19 name, phone number, and email address of each petition sponsor; the name, phone
 20 number, and email address of the petition circulator; and a statement whether the petition
 21 circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the
 22 circulator is being paid. The form shall be approved by the secretary of state prior to
 23 circulation.

24 For any initiated amendment petition, no signature may be obtained more than
 25 twenty-four months preceding the general election that was designated at the time of
 26 filing of the full text. The initiated amendment petition shall be filed with the secretary of

1 state at least one year before the next general election. A sworn affidavit, signed by at
2 least two-thirds of the petition sponsors, ~~containing information required for each petition~~
3 ~~circulator as required under § 2-1-1.4~~ and stating that the documents filed constitute the
4 entire petition and to the best of the knowledge of the sponsors contains a sufficient
5 number of signatures shall also be filed with the secretary of state. The form of the petition
6 , including petition size and petition font size, and the affidavit shall be prescribed by the
7 State Board of Elections.

8 (Text of section effective July 1, 2020) The petition as it is to be circulated for an
9 initiated amendment to the Constitution shall be filed with the secretary of state prior to
10 circulation for signatures and shall:

- 11 (1) Contain the full text of the initiated amendment;
- 12 (2) Contain the date of the general election at which the initiated amendment is to be
13 submitted;
- 14 (3) Contain the title and explanation as prepared by the attorney general;
- 15 (4) Be accompanied by a notarized affidavit form signed by each person who is a
16 petition sponsor that includes the name and address of each petition sponsor; and
- 17 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

18 The petition circulator shall provide to each person who signs the petition a form
19 containing the title and explanation of the initiated amendment to the Constitution as
20 prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the
21 name, phone number, and email address of each petition sponsor; and a statement
22 whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the
23 amount the circulator is being paid; and the petition circulator's circulator identification
24 number. The form shall be approved by the secretary of state prior to circulation. The
25 petition circulator's circulator identification number shall be printed on each signature
26 page of a ballot measure petition the circulator circulates.

27 For any initiated amendment petition, no signature may be obtained more than
28 twenty-four months preceding the general election that was designated at the time of
29 filing of the full text. The initiated amendment petition shall be filed with the secretary of
30 state at least one year before the next general election. A sworn affidavit, signed by at
31 least two-thirds of the petition sponsors, stating that the documents filed constitute the
32 entire petition and to the best of the knowledge of the sponsors contains a sufficient
33 number of signatures shall also be filed with the secretary of state. The form of the
34 petition, including petition size and petition font size, and the affidavit shall be prescribed
35 by the State Board of Elections.

1 **Section 2.** That § 2-1-1.2 be AMENDED:

2 **2-1-1.2. [Text of section effective until July 1, 2020] Petition to be**
3 **circulated for initiated measure--Time for signatures and filing.**

4 The petition as it is to be circulated for an initiated measure shall be filed with the
5 secretary of state prior to circulation for signatures and shall:

- 6 (1) Contain the full text of the initiated measure;
7 (2) Contain the date of the general election at which the initiated measure is to be
8 submitted;
9 (3) Contain the title and explanation as prepared by the attorney general;
10 (4) Be accompanied by a notarized affidavit form signed by each person who is a
11 petition sponsor that includes the name and address of each petition sponsor; and
12 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

13 The petition circulator shall provide to each person who signs the petition a form
14 containing the title and explanation of the initiated measure as prepared by the attorney
15 general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and
16 email address of each petition sponsor; the name, phone number, and email address of
17 the petition circulator; and a statement whether the petition circulator is a volunteer or
18 paid petition circulator and, if a paid circulator, the amount the circulator is being paid.
19 The form shall be approved by the secretary of state prior to circulation.

20 For any initiated measure petition, no signature may be obtained more than twenty-
21 four months preceding the general election that was designated at the time of filing of the
22 full text. The initiated measure petition shall be filed with the secretary of state at least
23 one year before the next general election. A sworn affidavit, signed by at least two-thirds
24 of the petition sponsors, ~~containing information required for each petition circulator as~~
25 ~~required under § 2-1-1.4 and~~ stating that the documents filed constitute the entire petition
26 and to the best of the knowledge of the sponsors contains a sufficient number of signatures
27 shall also be filed with the secretary of state. The form of the petition, including petition
28 size and petition font size, and the affidavit shall be prescribed by the State Board of
29 Elections.

30 (Text of section effective July 1, 2020) The petition as it is to be circulated for an
31 initiated measure shall be filed with the secretary of state prior to circulation for signatures
32 and shall:

- 33 (1) Contain the full text of the initiated measure;
34 (2) Contain the date of the general election at which the initiated measure is to be
35 submitted;

- 1 (3) Contain the title and explanation as prepared by the attorney general;
- 2 (4) Be accompanied by a notarized affidavit form signed by each person who is a
- 3 petition sponsor that includes the name and address of each petition sponsor; and
- 4 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

5 The petition circulator shall provide to each person who signs the petition a form
6 containing the title and explanation of the initiated measure as prepared by the attorney
7 general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and
8 email address of each petition sponsor; a statement whether the petition circulator is a
9 volunteer or paid circulator and, if a paid circulator, the amount the circulator is being
10 paid; and the petition circulator's circulator identification number. The form shall be
11 approved by the secretary of state prior to circulation. The petition circulator's circulator
12 identification number shall be printed on each signature page of a ballot measure petition
13 the circulator circulates.

14 For any initiated measure petition, no signature may be obtained more than twenty-four
15 months preceding the general election that was designated at the time of filing of the full text.
16 The initiated measure petition shall be filed with the secretary of state at least one year before
17 the next general election. A sworn affidavit, signed by at least two-thirds of the petition
18 sponsors stating that the documents filed constitute the entire petition and to the best of the
19 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with
20 the secretary of state. The form of the petition, including petition size and petition font size,
21 and the affidavit shall be prescribed by the State Board of Elections.

22 **Section 3.** That § 2-1-3.1 be AMENDED:

23 **2-1-3.1. [Text of section effective until July 1, 2020] Petition to be**
24 **circulated for referred law--Time for filing.**

25 The petition as it is to be circulated for a referred law shall be filed with the
26 secretary of state prior to circulation for signatures and shall:

- 27 (1) Contain the title of the referred law;
- 28 (2) Contain the effective date of the referred law;
- 29 (3) Contain the date of the general election at which the referred law is to be submitted;
- 30 (4) Be accompanied by a notarized form that includes the names and addresses of the
- 31 petition sponsors; and
- 32 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

1 The petition shall be filed with the secretary of state within ninety days after the
2 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed
3 by at least two-thirds of the petition sponsors, ~~containing information required for each~~
4 ~~petition circulator as required under § 2-1-1.4~~ and stating that the documents filed
5 constitute the entire petition and to the best of the knowledge of the sponsors contains a
6 sufficient number of signatures shall also be filed with the secretary of state. The form of
7 the petition and affidavit shall be prescribed by the State Board of Elections.

8 The petition circulator shall provide to each person who signs the petition a form
9 containing the title of the referred law; any fiscal note or summary of a fiscal note obtained
10 pursuant to § 2-9-32; the name, phone number, and email address of each petition
11 sponsor; the name, phone number, and email address of the petition circulator; and a
12 statement whether the petition circulator is a volunteer or paid petition circulator and, if
13 a paid circulator, the amount the circulator is being paid. The form shall be approved by
14 the secretary of state prior to circulation.

15 (Text of section effective July 1, 2020) The petition as it is to be circulated for a referred
16 law shall be filed with the secretary of state prior to circulation for signatures and shall:

- 17 (1) Contain the title of the referred law;
- 18 (2) Contain the effective date of the referred law;
- 19 (3) Contain the date of the general election at which the referred law is to be submitted;
- 20 (4) Be accompanied by a notarized form that includes the names and addresses of the
21 petition sponsors; and
- 22 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

23 The petition shall be filed with the secretary of state within ninety days after the
24 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed
25 by at least two-thirds of the petition sponsors, stating that the documents filed constitute
26 the entire petition and to the best of the knowledge of the sponsors contains a sufficient
27 number of signatures shall also be filed with the secretary of state. The form of the petition
28 and affidavit shall be prescribed by the State Board of Elections.

29 The petition circulator shall provide to each person who signs the petition a form
30 containing the title of the referred law; any fiscal note or summary of a fiscal note obtained
31 pursuant to § 2-9-32; the name, phone number, and email address of each petition
32 sponsor; a statement whether the petition circulator is a volunteer or paid circulator and,
33 if a paid circulator, the amount the circulator is being paid; and the petition circulator's
34 circulator identification number. The form shall be approved by the secretary of state prior

1 to circulation. The petition circulator's circulator identification number shall be printed on
2 each signature page of a ballot measure petition the circulator circulates.

3 **Section 4.** That § 2-1-1.4 be REPEALED.

4 **2-1-1.4. Affidavit to include information as to residency.**