

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

923Q0533

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1188** - 2/10/2009

Introduced by: Representatives Hamiel, Brunner, Carson, Deadrick, Killer, McLaughlin, Putnam, Schlekeway, Sly, Solum, and Vanneman and Senators Vehle, Abdallah, and Haverly

1 FOR AN ACT ENTITLED, An Act to require that five percent of the qualified electors in one-
2 half of the counties sign initiative and referendum petitions.

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

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

5 2-1-1. All measures proposed by initiative shall be presented by petition. The petition shall
6 be signed by not less than five percent of the qualified electors of the state. However, not less
7 than five percent of the qualified electors in each of at least thirty-three counties must be
8 represented in the total.

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

10 2-1-3. Any law which the Legislature may have enacted, except one which may be necessary
11 for the immediate preservation of the public peace, health, or safety, or support of the state
12 government and its existing public institutions, shall, upon the filing of a petition as hereinafter
13 provided, be submitted to a vote of the electors of the state at the next general election. Such
14 The petition shall be signed by not less than five percent of the qualified electors of the state and



1 by not less than five percent of the qualified electors in each of at least thirty-three counties of
2 the state. The form of the petition shall be prescribed by the State Board of Elections.

3 Section 3. That § 2-1-6.2 be amended to read as follows:

4 2-1-6.2. The full text of any initiative petition, referred law petition, or initiated
5 constitutional amendment petition, the date of the general election at which the initiated law or
6 initiated constitutional amendment is to be submitted, a short title that will be used by the
7 petition sponsors during the circulation process, and the names and addresses of the petition
8 sponsors shall be filed with the secretary of state prior to circulation for signatures. The signer's
9 post office box number may be given in lieu of a street address if the signer lives within a
10 municipality of the second or third class. The form of the petitions shall be prescribed by the
11 State Board of Elections. For any initiated constitutional amendment petition, no signatures may
12 be obtained more than twenty-four months preceding the general election that was designated
13 at the time of filing of the full text. For any initiative petition, no signatures may be obtained
14 more than nineteen months preceding the general election that was designated at the time of
15 filing of the full text. An initiative petition and an initiated constitutional amendment petition
16 shall be filed with the secretary of state by the date set forth in § 2-1-2 or 2-1-2.1, as applicable.
17 All sections of any petition filed under this chapter shall be filed with the secretary of state
18 simultaneously together with a sworn affidavit on forms promulgated by the State Board of
19 Elections, signed by two-thirds of the sponsors stating that the documents filed constitute the
20 entire petition and to the best of their knowledge contain a sufficient number of signatures. Each
21 petition signature sheet shall be identified by county and shall contain only the signatures of
22 registered voters from that county. The sponsors shall designate the thirty-three counties to be
23 sampled pursuant to § 2-1-16.

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

1 follows:

2 The secretary of state may, in order to verify that the provisions of §§ 2-1-1 and 2-1-3 have
3 been compiled with, submit the names of all petition signers to the county auditor of the county
4 of residence for verification.