

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0317

SENATE BILL NO. 68

Introduced by: The Committee on State Affairs at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to provide for a random sampling of nominating petition
2 signatures for statewide offices.

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

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

6 The secretary of state shall examine each nominating petition for statewide office upon
7 being received by the Office of Secretary of State. No signature of a person may be counted by
8 the secretary of state unless the person is a registered voter in the county indicated on the
9 signature line and has complied with the laws and rules concerning petitions. No signature of
10 a person may be counted if the information required on the petition form is not complete.

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

13 The secretary of state shall verify the signatures received pursuant to section 1 of this Act
14 by random sampling. The random sample of signatures to be verified shall be drawn so that each
15 signature received by the secretary of state is given an equal opportunity to be included in the



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

6 Section 3. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If the random sample required by section 2 of this Act indicates that a sufficient number of
9 qualified electors have signed the nominating petition for statewide office, the secretary of state
10 shall certify that the nominating petition for statewide office has been signed by the required
11 number of qualified electors and shall place the candidate's name on the next primary or general
12 election ballot, as the case may be.

13 If the random sample indicates that an insufficient number of qualified electors have signed
14 the nominating petition for statewide office, the secretary of state shall certify that the
15 nominating petition for statewide office has not been signed by the required number of qualified
16 electors and may not place the candidate's name on the next primary or general election ballot,
17 as the case may be.

18 The secretary of state shall, within five days of certifying, notify the candidate of the
19 secretary of state's action pursuant to this section.

20 Section 4. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Nothing in this Act prohibits any person from challenging in circuit court the validity of
23 signatures or other information required on a nominating petition for statewide office by law or
24 rule.