

AN ACT

ENTITLED, An Act to establish legal standards applicable to petition challenges.

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

Section 1. That § 2-1-14 be amended to read:

2-1-14. All signatures secured in a manner contrary to the provisions of state law shall not be counted.

Section 2. That § 2-1-15 be amended to read:

2-1-15. Upon the receiving of any initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall examine the petition. No signature of a person shall be counted by the secretary of state unless the person is a registered voter in the county indicated on the signature line. No signature of a person shall be counted if the information required on the petition form is not accurate or complete. The secretary of state shall generate the random sample under § 2-1-16 and make available to the public the petitions and random sample validation sheets within thirty days of a request and payment of reasonable fees in accordance with § 1-8-10.

Section 3. 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. For purposes of determining whether a sufficient number of valid signatures has been submitted, the interested person may elect to proceed with a challenge limited to the sample generated in accordance with § 2-1-16, with the resulting valid sample percentage applied to the entirety of the petition signatures.

Section 4. That § 12-1-39 be amended to read:

12-1-39. No petition submitted may be made available to the public until the validation process has been completed and the office where that petition was submitted has filed or rejected the petition, except as provided in section 2 of this Act.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1093

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. 1093

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