

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0363

## SENATE BILL NO. 67

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding challenges to certain  
2 election petition signatures.

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

4 Section 1. That § 12-1-13 be amended to read as follows:

5 12-1-13. Within five business days after a nominating, initiative, or referendum petition is  
6 filed with the person in charge of the election, any interested person who has researched the  
7 signatures contained on the petition may file an affidavit stating that the petition contains  
8 deficiencies as to the number of signatures from persons who are eligible to sign the petition.  
9 The affidavit shall include an itemized listing of the specific deficiencies in question. Any  
10 challenge to the certification or rejection of a nominating petition for a primary election made  
11 in circuit court shall be commenced no later than the second Tuesday in March. This action  
12 takes precedence over other cases in circuit court. Any party appealing the circuit court order  
13 to the Supreme Court shall file a notice of appeal within ten days of the date of the notice of the  
14 entry of the circuit court order. Any statewide initiated measure or referendum petition may be  
15 challenged by any person pursuant to this section by ~~filing~~ submitting an affidavit as set forth



1 above within thirty days after the petition is filed with the person in charge of the election.

2 Section 2. That § 12-1-14 be amended to read as follows:

3 12-1-14. The person in charge of the election shall verify the information contained in the  
4 affidavit ~~filed~~ submitted pursuant to § 12-1-13 and make a written declaration regarding the  
5 validity of the signatures in question. The person in charge of the election shall verify that each  
6 person, challenged pursuant to § 12-1-13, was a registered voter at the time the person signed  
7 the petition by using the registration documents on file ~~in the office of the county auditor~~.