

INITIATED CONSTITUTIONAL AMENDMENT PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be amended and that this proposal be submitted to the voters of the state of South Dakota at the general election on November 08, 2016 for their approval or rejection.

Title: An initiated amendment to the South Dakota Constitution establishing nonpartisan elections

Attorney general explanation: Currently, most general election candidates for federal, state, and county offices are selected through a partisan primary or at a state party convention. This Constitutional amendment eliminates those methods by establishing a nonpartisan primary to select candidates for all federal, state, and county elected offices. This amendment does not apply to elections for United States President and Vice President.

Under the amendment, candidates are not identified by party affiliation on the primary or general election ballot. All qualified voters, regardless of party affiliation, may vote for any candidate of their choice.

The two candidates with the most votes advance to the general election. For certain offices where more than one candidate is elected at the general election, the number of candidates advancing to the general election will be double the number of seats to be filled.

If the amendment is approved, a substantial re-write of state election laws will be necessary.

The text of the proposed amendment is as follows:

Section 1. That Article VII of the Constitution of South Dakota be amended by adding thereto NEW SECTIONS to read as follows:

§4 There is hereby established an open nonpartisan primary election, in which each candidate nominated for an office appears together on the same ballot. Neither the candidate's party affiliation nor lack of party affiliation may appear on the primary or general election ballots in any election.

This section applies to the election of candidates for all federal, state and county elective offices except for the election of President and Vice President of the United States.

§5 An open nonpartisan primary election shall be conducted to select the candidates who shall compete in the general election. All registered voters may vote in the open nonpartisan primary election for any qualified candidate, provided that the voter is otherwise qualified to vote for the candidate for the office in question. The two candidates who receive the most votes in the primary election shall compete in the general election. However, for any office to which more than one candidate is elected, the number of candidates who compete in the general election shall be the number of candidates to be elected times two.

§6 Each qualified voter is guaranteed the unrestricted right to vote for the qualified candidate of the voter's choice in all elections. No voter may be denied the right to vote for the qualified candidate of the voter's choice in a primary or general election based upon the voter's party affiliation or lack of party affiliation.

§7 Each candidate running for an elective office shall file, with the appropriate elections officer, petitions containing the signatures of registered voters in an amount to be established by law. The signature requirements established shall be based on the total votes cast for that office in the previous general election and shall be the same for all candidates for that office, regardless of party affiliation or lack of party affiliation.

§8 Nothing in this article restricts the right of any person to join or organize into a political party or in any way restrict the right of private association of political party. Nothing in this article restricts a party's right to contribute to, endorse, or otherwise support or oppose candidates for elective office. Each political party may establish such procedures as the party determines to elect party officers, endorse or support candidates, or otherwise participate in all elections. However, no such procedures may be paid for or subsidized using public funds. All qualified voters and candidates shall be treated equally by law and regulations governing elections regardless of party affiliation or lack of party affiliation. To the extent that any privileges or procedures are made available to any candidate or political party, such privileges and procedures shall be made equally available to all candidates or political parties, regardless of party affiliation or lack of party affiliation.

§9 The provisions of §§4 to 9, inclusive, of this article apply to all elections occurring after January 1, 2018, except for the election of President and Vice President of the United States, and shall supersede any existing law, regulation, and elections procedure to the extent that such are inconsistent with this article. The Legislature, Secretary of State and local officials shall make such changes in and additions to laws, regulations, and elections procedures as are necessary to fully implement the provisions of this article in time for the open primary election in 2018 and for each open primary and general election thereafter. Laws, regulations, and elections procedures implementing this article shall permit and encourage all qualified voters in South Dakota to vote in primary and general elections for the candidates of the voter's choice.

INSTRUCTIONS TO SIGNERS:

- 1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

Table with 3 columns: NAME, RESIDENCE, DATE/COUNTY. Contains 5 rows for signers and a signature of Shantal Krebs, Secretary of State, dated August 20, 2015.

6. SIGN PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN _____	DATE OF SIGNING COUNTY OR REGISTRATION _____
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VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section must be completed following circulation and before filing.

Print name of the circulator _____ Residence Address _____ City _____ State _____

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this _____ day of _____ (Seal)

Signature of Circulator _____

Signature of Officer Administering Oath _____

My Commission Expires _____

Title of Officer Administering Oath _____