

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 6, 2018 for their approval or rejection.

**Title:** An initiated amendment to the South Dakota Constitution establishing open primary elections.

**Attorney General Explanation:** Currently, in order to appear on the general election ballot as a political party's nominee, candidates for the following offices must participate in a partisan primary election: Governor, State Legislature, U.S. Senate and House of Representatives, and elected county offices. On the primary ballot, each candidate is listed with a party designation. Only registered members of the candidate's chosen party may vote for that candidate unless the political party has also opened the primary to voters with no party affiliation.

Under current law, candidates unaffiliated with a political party (independents) do not participate in the primary election. Rather, they appear on the general election ballot by filing proper nominating petitions.

For the above offices, this amendment establishes an open primary election for candidates, including independents. All registered voters may vote for any candidate. The two candidates with the most votes advance to the general election. For some offices, more than one candidate is to be elected at the general election. In those instances, two candidates will advance to the general election for each position to be filled.

If this amendment is adopted, State election laws will need to be changed or be subject to challenge under the U.S. Constitution.

That Article VII of the Constitution of South Dakota be amended by adding thereto NEW SECTION to read as follows:

§ 4. An open primary election shall be held prior to the general election to nominate candidates for the office of Governor, the Legislature, all county elective offices, and the United States Senate and House of Representatives. The primary election for such candidates shall be open to all registered voters. The two candidates who receive the most votes in the open primary are the nominees for each office. If more than one candidate is to be elected to an office, the number of nominees shall be twice the number to be elected.

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.

RECEIVED  
AUG 23 2017  
S.D. SEC. OF STATE

NAME	RESIDENCE	DATE/COUNTY
1. SIGN  PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER  CITY OR TOWN	DATE OF SIGNING  COUNTY OF 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)

My Commission Expires \_\_\_\_\_

Signature of Circulator \_\_\_\_\_

Signature of Officer Administering Oath \_\_\_\_\_

Title of Officer Administering Oath \_\_\_\_\_