

Geographic Distribution Petition Requirement for Constitutional Amendments

ISSUE: Does SDFB continue to support a geographic distribution signature requirement for constitutional amendment petitions?

OVERVIEW: During the 2025 legislative session, HB 1169 was discussed, passed, and sustained a veto. HB 1169 would have required that before an amendment to the South Dakota Constitution be proposed to the voters, the signatures required to put the amendment on the ballot must have at least five percent of the total votes cast for Governor in each South Dakota senatorial district at the last gubernatorial election. SDFB, in addition to other statewide organizations, supported the concept of HB 1169; however, the Governor vetoed HB 1169 due to concerns about its constitutionality because the bill tried to amend the constitution through state statute. He also urged support of a ballot measure that seeks to raise the threshold for passing constitutional amendments from a simple majority to 60%.

CONSIDERATIONS:

- SDFB has existing policy on the books supporting geographic distribution of signatures.
- The prime sponsor of HB 1169 is interested in continuing the conversation around geographic distribution for petition signatures.
- Opponents of the measure argue that requiring geographic distribution gives one senatorial district veto power in keeping constitutional amendments off the ballot.
- Many states do require geographic distribution for petition signatures. Here is a chart highlighting the states and their respective requirements.

State	Number/Frequency	Signatures for Const. Amend	Signatures for Statute	Geographic Distribution	Circulation Period
AK		Prohibited	10% GE	X	1 year
AZ		15% Gub.	10% Gub.		2 years
AR		10% Gub.	8% Gub.	X	unlimited
CA		8% Gub.	5% Gub.		150 days
CO		5% Gub.	5% SOS	X	6 mo.
FL		8% Pres.	Prohibited	X	2 years
ID		Prohibited	6% Reg. Voters	X	18 mo.
IL	X	8% Gub.			2 years
ME		Prohibited	10% Gub.		1 year
MA	X	Prohibited	3.5% Gub.	X	60 days
MI		10% Gub.	8% Gub.		180 days
MS	X	12% Gub.	Prohibited	X	1 year
MO		8% Gub.	5% Gub.	X	18 mo.
MT		10% Reg. Voters	5% Reg. Voters	X	1 year
NE	X	10% Reg. Voters	7% Reg. Voters	X	Up to 2 years
NV		10% Reg. Voters	10% GE	X	291 days (CA)/316 (stat)
ND		4% Pop.	2% Pop.		1 year
OH		10% Gub.	6% Gub.	X	unlimited
OK	X	15% Gub.	8% Gub.		90 days
OR		8% Gub.	6% Gub.		2 years
SD		10% Gub.	5% Gub.		1 year
UT		Prohibited	10% Gub.	X	unlimited
WA		Prohibited	8% Gub.		6 mo.
WY	X	Prohibited	15% GE	X	18 mo.

SDFB POLICY:**We Support:**

- An increase in the required number of petition signatures for initiated measures, constitutional amendments, and law referrals. (Perkins 2016)
- Changing South Dakota law to require more geographically diverse signatures from South Dakota voters before an issue can be brought to the ballot. (Clark/Day/Perkins 2016)
- Keeping the single-subject rule for constitutional amendments. (Meade/Douglas/Moody 2023)

DISCUSSION:

1. Does SDFB continue to support the requirement of geographic distribution for petition signatures? If so, what role should SDFB play: initiator or endorser?
2. Beyond geographic distribution, does SDFB need policy supporting the 2026 ballot measure that seeks to raise the threshold for passing constitutional amendments from a simple majority to 60%?
3. Are there other election reform measures that would benefit farmers, ranchers, and rural South Dakotans?