



SIoux FALLS AREA
CHAMBER OF COMMERCE
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ISSUE BRIEF:

Revising Elections and Election Petitions — Referred Law 19 of SB 69 (2015)

July 2016

Approved by the Executive Committee: July 25, 2016

Approved by the Board of Directors: July 27, 2016

The Sioux Falls Area Chamber of Commerce will remain “NEUTRAL” on Referred Law 19 on the 2016 general election ballot.

Background

Most laws passed by the legislature and signed by the governor are subject to popular referral. A couple exceptions include measures that include an emergency clause or are for the basic support of state government and its institutions. To refer a law to a vote, petitioners must gather valid signatures equaling at least 5% of the total votes cast in the last gubernatorial election. Petitions must be submitted within 90 days of the adjournment of the legislature. If a petition is certified, the law being referred does not go into effect. Petitioners seeking to refer SB 69 turned in qualified signatures equaling 14,179, which is more than the required 13,871. Thus, this issue has been placed on the 2016 general election ballot as Referred Law 19. A vote “yes” would enact the measure as passed by the legislature. A vote “no” would defeat the measure and leave existing law in place.

In summary, if SB 69 is adopted, it would do the following:

- Change the time period for gathering signatures on candidate petitions for office in the State Legislature, county political office and county party office. For the most part, it would begin and end the signature collection process a month earlier than current law.
- Require that petitions be “received” by the deadline and not just “filed” where today “filed” includes mailed via registered mail by the deadline.
- Put some limitations on candidate withdrawals and replacements to attempt to address the issue of using placeholder candidate tactics.
- Specify that independent candidates must gather signatures only from individuals who are not members of established political parties.

Discussion

Before delving into the main points of the legislation, it must be noted that the measure includes 12 pages of amendments and new sections. This is because it proposes to adjust signature and filing requirements for a wide variety of elected positions. This discussion will focus on the generalities of the proposals and not each specific requirement or deadline.

With respect to the signature gathering timelines, we’ll use the state legislature as an example. Today, the time period for gathering signatures is January 1 through the last Tuesday in March. The proposal in SB 69 is for December 1 through the first Tuesday in March. A reason noted for this proposed change is to provide more time to validate signatures and more time to potentially challenge signatures. This was offered in response to some of the petition issues experienced in recent elections.

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With respect to the filing deadline requirement, today candidates can file by using registered mail the day of the deadline. SB 69 would require petitions to physically be in the appropriate office by 5 p.m. on the deadline. Though not a huge change, it again helps accelerate the schedule to facilitate more timely review of petitions.

The next issue deals with candidate withdrawals and would add new language to our statutes. In essence today, a candidate can withdraw from a race after filing petitions for any reason and a replacement candidate can be appointed by the appropriate party committee. The proposed language would permit a replacement candidate only if the withdrawal meets certain criteria. For example, one reason is if the candidate withdraws for illness that would prevent them from performing the duties of the position. There are others as well. The reason for this proposal is to eliminate the practice of using “placeholder” candidates who file petitions to secure a spot on a ballot for the party, but not necessarily themselves.

Finally, today independent candidates can have petitions signed by any qualified voter. The proposed law would limit independents to collecting signatures from only unaffiliated voters and require signatures from one percent of unaffiliated voters. For example, if a legislative district has 4,000 unaffiliated voters an independent candidate must collect 40 signatures from unaffiliated voters to meet the petition requirement.

Chamber Position (Adopted Sept. 28, 2016)

The Sioux Falls Area Chamber of Commerce is “NEUTRAL” on Referred Law 19 on the 2016 general election ballot.

Rationale

While RL-19 is an attempt to provide more time for petition reviews and institute additional procedures in the petition process, the Board of Directors does not view this as an issue where the Chamber should engage. Therefore the Chamber will be neutral on this issue.