

HISTORY

South Dakota has the distinction of being the first state in the Union to provide for popular initiative and referendum for enacting and rejecting statewide legislation. This was accomplished by constitutional amendment approved in 1898. This same amendment provided for initiative and referendum at the municipal level.

Initiative and referendum for county ordinances and resolutions was provided by statute in 1975.

MUNICIPAL INITIATIVE AND REFERENDUM (SDCL 9-20)

Municipal Initiated Measure: This is a petition to propose an ordinance or resolution. Petitions are filed with the municipal finance officer. The petition must have signatures of registered voters equal to five percent of the registered voters in the municipality. Any signature signed more than six months before the petition is filed is not valid. A petition form has been prescribed by the State Board of Elections for this purpose. The initiative may not be used to nullify the purpose for which bonds have been sold. An initiated ordinance or resolution may not be amended or repealed by the governing body for one year following its effective date.

Municipal Referendum: This is a petition requiring the submission of an ordinance or resolution which has passed the governing body to a vote of the people before the measure may become effective. Petitions are filed with the municipal finance officer. The petition must have signatures of registered voters equal to five percent of the registered voters in the municipality. A petition form has been prescribed by the State Board of Elections for this purpose. The petition must be filed within 20 days after the publication of the passage of the ordinance or resolution.

The Election: The election will be held at the next annual municipal election or county general election unless the governing body chooses to conduct a special election. If a special election is opted for, the election date must be set within ten days of the governing body being presented the petition and the election must be on a Tuesday not less than 30 days from the day it was set.

COUNTY INITIATIVE AND REFERENDUM (SDCL 7-18A)

County Initiated Measure: This is a petition to propose an ordinance or resolution. Petitions are filed with the county auditor. The petition must have signatures of registered voters equal to five percent of the registered voters in the county at the time of the last general election. There is no limit on the amount of time to circulate the petition. A petition form has been prescribed by the State Board of Elections for this purpose. There are certain limits on what an initiative may be used for as outlined in SDCL 7-18A-10. No initiated question may be again voted on for one year from the date of the first election on the question.

County Referendum: This is a petition requiring the submission of an ordinance or resolution which has passed the county commission to a vote of the people before the measure may become effective. Legislative decisions are subject to referendum. Administrative decisions are not subject to referendum. Petitions are filed with the county auditor. The petition must have signatures of registered voters equal to five percent of the registered voters of the county at the time of the last general election. A petition form has been prescribed by the State Board of Elections for this purpose. The petition must be filed within 20 days after the publication of the passage of the ordinance or resolution.

The Election: A special election will be held within 60 days of filing the petition unless the petition is filed within three months preceding a primary, general or statewide special election which would allow the measure to be included on that election ballot.

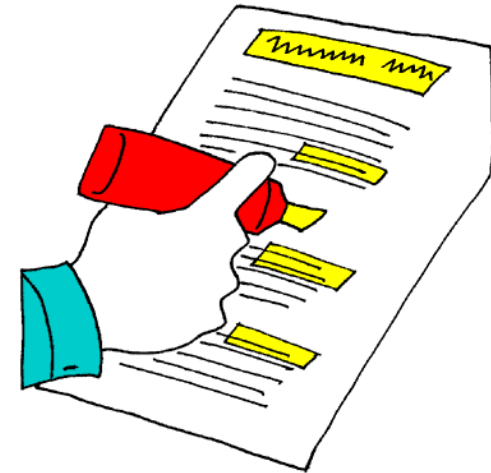
CIRCULATING AN INITIATIVE OR REFERENDUM PETITION

1. The heading on the petition must be completed prior to circulation.
2. The petition circulator must personally witness each signature on the petition being circulated. The petition's verification must be completed following circulation and must include the circulator's printed name, address, city, state and be signed under oath before a notary public or other officer authorized to administer oaths.

3. A petition circulator must be a resident of the state of South Dakota who is at least eighteen years of age.
4. Each petition signer must be a registered voter in the state of South Dakota in the jurisdiction for which the petition is circulated.
5. Signers must sign their names as they are registered to vote or as they usually sign their names.
6. The signer's printed name must appear below the signature.
7. Each signature line must show a complete residence address. This can be street and house number or rural route and box number in addition to the city or town. Zip codes are optional.
8. If the signer is a resident of a second or third class municipality, a post office box number may be used in lieu of a street address. Second and third class municipalities are those with less than 5000 population. They would include all municipalities except the following which are first class municipalities:
Aberdeen, Belle Fourche, Box Elder, Brandon, Brookings, Huron, Madison, Mitchell, Pierre, Rapid City, Sioux Falls, Spearfish, Sturgis, Vermillion, Watertown and Yankton.
9. Each signature line must show the month and day it was signed.
10. Numbers to designate the month are permissible. Abbreviations commonly used are also acceptable.
11. The county of the signer's voter registration must be included.
12. The date, address, county of registration, and printed name may be added by the circulator prior to the petition being filed. Ditto marks may not be used.
13. Each petition must be a self-contained sheet with the heading, declaration of candidacy, instructions to signers, signature lines and circulator's verification on a single sheet.

It is prudent to submit any petition to the filing authority with ample time prior to the deadline to allow you to collect additional signatures if there are not sufficient valid signatures presented on your initial petition.

MUNICIPAL AND COUNTY INITIATIVES AND REFERENDUMS



Courtesy of

Shantel Krebs

South Dakota Secretary of State

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last updated September 11, 2015

