

CIRCULATING A STATEWIDE BALLOT QUESTION PETITION

1. A petition circulator is a person of at least eighteen years of age and a resident of the state of South Dakota. No registered sex offender may circulate a petition except if the sex offender is in the employ of, and under immediate supervision of, another person and where the circumstances preclude any contact with children (SDCL 12-1-32 through 12-1-34).
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, residence address*, city, state, complete date and be signed under oath before a South Dakota notary public or other officer authorized to administer oaths.
*PO Box may be used as outlined in #6 below.

3. Each petition signer must be a registered voter in the state of South Dakota in the jurisdiction for which the petition is circulated (SDCL 12-6-8).



Use our Vote605 Mobile App to check a voter's registration.

4. Signers must sign their names as they are registered to vote or as they usually sign their names.
5. The signer's printed name must also appear.
6. 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. 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.
If the signer does not have a residence address or post office box number, a description of the residence location must be provided.
7. Each signature line must show the month and day it was signed.
8. Numbers to designate the month are permissible. Abbreviations commonly used are also acceptable.
9. The county of the signer's voter registration must be included.
10. All six boxes of a signature line must be completed. If all the information for those six boxes is included but a signer wrote the information in the wrong

box, that is acceptable. Example: A signer prints his/her name in the signature box and signs his/her name in the printed box.

11. 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.
12. Each petition sheet must be a self-contained sheet with the heading, instructions to signers, signature lines and circulator's verification on a single sheet. Stapled, taped or glued petitions sheets will not be accepted.
13. Circulators for statewide ballot measures cannot be employed, rewarded or compensated based on the number of registered voters who signed the petitions. This does not prohibit any person from employing a circulator based on one of the following practices: Paying an hourly wage or salary; establishing either express or implied minimum signature requirements for the petition circulator; terminating the petition circulator's employment, if the petition circulator fails to meet certain productivity requirements; and paying discretionary bonuses based on reliability, longevity, and productivity. (SDCL 12-13-28)
14. Circulators for statewide ballot measures must make a reasonable inquiry of each signer to determine that each signer is a qualified voter of the state and county indicated on the signature line.
15. Circulators for statewide ballot measures must state under oath that no statute regarding petition circulation was knowingly violated. The verification shall be witnessed by a notary public commissioned in South Dakota or other officer authorized to administer oaths pursuant to SDCL 18-3-1.
16. State law prohibits a person from conducting petition signature gathering within 100 feet of a polling place (SDCL 12-18-3).
17. The petition circulator shall provide to each person who signs the petition a form (to be approved by the Secretary of State prior to circulation) containing the title and explanation of the measure or amendment as prepared by the Attorney General (does not apply to referendums) (SDCL 2-1-1.1 & 1.2)
18. It is a Class 2 misdemeanor for any person, directly or indirectly, by the person or through any other person to make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to sign any nominating, referendum, initiated measure, or initiated constitutional amendment petition (SDCL 12-26-15).
19. The **NOTARY PUBLIC MAY NOT** be the **CIRCULATOR** and the **NOTARY**. The **NOTARY PUBLIC MAY NOT** be a **SIGNER** on the **PETITION** they **NOTARIZE**. (SDCL 18-1-12.2)

Information for Sponsors

ALL petition sheets for statewide ballot measures must be submitted together at the same time.
(SDCL 2-1-1.1, 1.2, 3.1)

Initiated Measures or Initiated Constitutional Amendments

- The text to be circulated must be submitted to the Director of the Legislative Research Council (LRC) who will, within 15 days, provide written comments to the sponsors and the Secretary of State (SOS) (SDCL 12-13-25).
- Following receipt of the written comments, the sponsors shall submit a copy of the measure or amendment, in final petition form, to the Attorney General (AG). The AG shall prepare an AG's statement which consists of a title and explanation. The AG shall file the title and explanation with the SOS and shall provide a copy to the sponsors within 60 days of receipt of the measure or amendment (SDCL 12-13-25.1).
- The sponsor of such ballot initiative shall request and allow sufficient time to prepare a fiscal impact statement from the Bureau of Finance and Management or LRC (SDCL 2-1-19). Any ballot initiative shall have a fiscal impact statement attached to the AG's statement required pursuant to SDCL 12-13-9 or 12-13-25.1.
- The petition form, with the full text of the measure or amendment, the date of the general election, on the form containing the title and explanation of the initiated constitutional amendment as prepared by the AG, a statement of organization (SDCL 12-27-6), along with a notarized form that includes the names and addresses of the petition sponsors shall be submitted with the SOS prior to circulation for signatures (SDCL 2-1-1.1 & 2-1-1.2). No signatures obtained before that filing date will be counted.
- The circulator shall provide a form, to each signer, containing the title and explanation as prepared by the Attorney General. This form shall be approved by the Secretary of State prior to circulation (SDCL 2-1-1.1 & 1.2).
- All sections of any completed petition shall be submitted to the SOS simultaneously together with a sworn affidavit signed by two-thirds of the sponsors (ARSD 05:02:08:07.01).
- A completed petition for an initiated (13,871 signatures) or an initiated Constitutional amendment (27,741 signatures) must be submitted to the SOS's office by 5:00 pm on November 9, 2015 (SDCL 2-1-1 & 1.1; 12-1-17; and SD Constitution Article 23, Section 1).

Referred Law

- The petition form, with the title of the referred law and the effective date, the date of the general election, a statement of organization (SDCL 12-27-6), along with a notarized form that includes the names and addresses of the petition sponsors shall be filed with the SOS prior to circulation for signatures (SDCL 2-1-3.1). No signatures obtained before that filing date will be counted.
- All sections of any completed petition shall be filed in the SOS's office simultaneously together with a sworn affidavit signed by two-thirds of the sponsors (ARSD 05:02:08:07.01).
- A completed petition for a referred law (13,871 signatures) must be submitted to the SOS's office within ninety days of adjournment of the 2016 legislative session in which the measure was passed (SDCL 2-1-3 & 5 and 2-1-3.1). The filing deadline is 5:00 pm on June 28, 2016.

How To Circulate A 2016 Statewide Ballot Question Petition



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