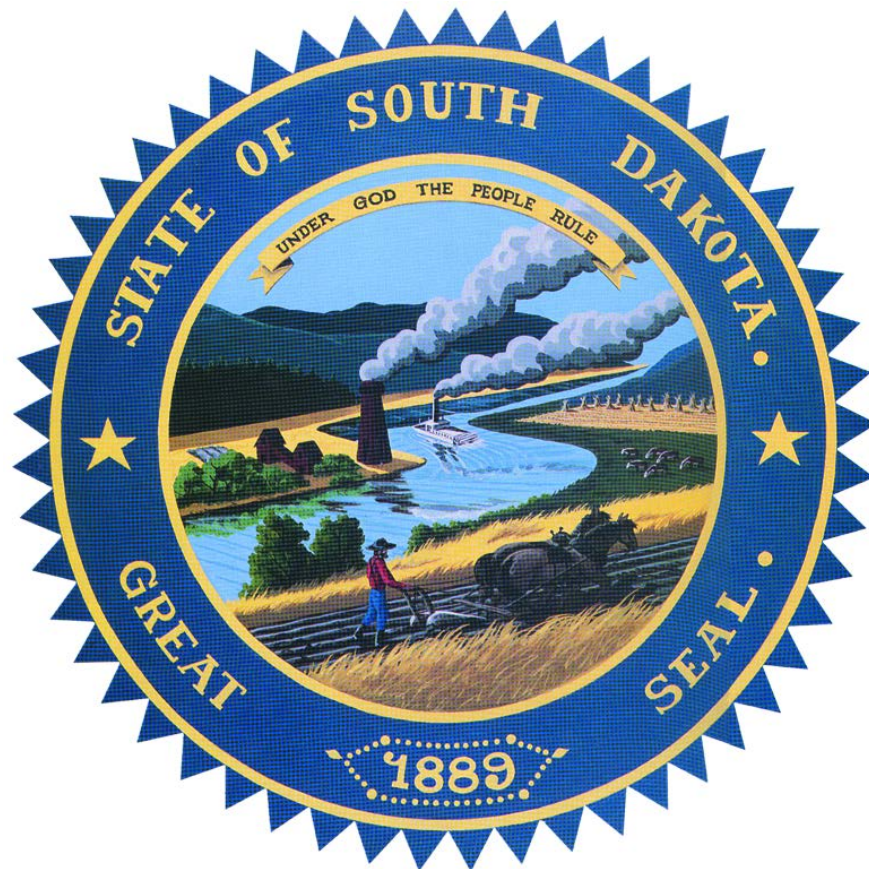


How to be a **COUNTY** Candidate

2018 Petition Requirements, Important Dates
and Campaign Finance

last updated 8.3.17



Shantel Krebs

South Dakota Secretary of State

500 East Capitol Ave., Ste. 204

Pierre, SD 57501

605.773.3537

www.sdsos.gov

This is only a general guide and not all-inclusive of all election dates and deadlines governing county candidates.

COUNTY OFFICES TO BE FILLED IN 2018

- **County Auditor**
- **County Commissioner**
- **County Finance Officer** (*check with the CFO to see if this position is up in your county*)
- **Register of Deeds**
- **County Sheriff**

QUALIFICATIONS AND TERM LIMITS

Candidates seeking one of these offices must submit the nominating petition with the County Auditor or County Finance Officer:

County Auditor – ([SDCL 7-7-1.1](#))

No Specified Qualifications

Term Limit: No Limit

County Commissioner – ([SDCL 7.8.1](#))

No Specified Qualifications

Term Limit: No Limit

County Coroner – ([SDCL 7-7-1.1](#))

No Specified Qualifications

Term Limit: No Limit

County Finance Officer (*If Applicable*) – ([SDCL 7-7-1.1](#))

No Specified Qualifications

Term Limit: No Limit

County Sheriff – ([SDCL 23-3-43.1](#))

Any candidate for election to the office of county sheriff shall file with the county auditor by the last Tuesday of March of the election year a certification of qualification issued by the law enforcement officers standards commission that the candidate meets the qualifications provided in [§ 23-3-43](#).

Term Limit: No Limit

County Treasurer – ([SDCL 7-7-1.1](#))

No Specified Qualifications

Term Limit: No Limit

Register of Deeds – ([SDCL 7-7-1.1](#))

No Specified Qualifications

Term Limit: No Limit

State's Attorney – ([SDCL 7-16-1](#))

License to Practice Law

Term Limit: No Limit

Filing Office

The County Auditor's office is the filing office for County Candidates (SDCL [12-27-42](#)). Each candidate needs to circulate a nominating petition and submit the required amount of signatures.

IMPORTANT DATES

This guide is meant to be a quick summary of election related deadlines. For a more comprehensive calendar refer to the 2018 South Dakota Primary and General Election Calendar found at www.sdsos.gov.

Primary Election - June 5, 2018

Voter Registration Deadline - May 21, 2018

Absentee voting begins - April 20, 2018

General Election - November 6, 2018

Voter Registration Deadline - October 22, 2018

Absentee voting begins - September 21, 2018

Candidates cannot sign their declaration of candidacy or begin circulating a nominating petition until January 1, 2018.

January 1, 2018

- A **Statement of Organization** is due 15 days after becoming a candidate (**applies to all county candidates in counties over 10,000 population**). The candidate committees that have not already filed a statement of organization, must file not later than 15 days after the date upon which the committee made contributions, received contributions or paid expenses in excess of \$500 unless such activity falls within 30 days of any statewide election, in which case the statement of organization shall be filed within 48 hours. ([SDCL 12-27-3](#), [12-27-1\(4\)](#)).
- **Current County Commissioners** must file an **Elected Official Financial Interest Statement** (with the County Auditor or County Finance Officer) no later than January 1.

January 26, 2018

- **Campaign Finance Report deadline.** See page 5 for more detail.

PETITION FILING DEADLINES:

- **March 27, 2018** for Primary Election candidates.
 - **Deadline to withdraw is March 29, 2018** at 5:00 p.m. local time ([SDCL 12-6-8.1](#)). If the withdraw request is postmarked by **Registered Mail** prior to 5:00 p.m. on the last day to file and received after the deadline, the withdraw request will be considered filed. Certified or any other type of mail service withdraw requests received after the deadline will NOT be considered filed on time.
- **April 24, 2018** for Independent candidates.
- Petitions postmarked by **Registered Mail** prior to 5:00 p.m. on the last day to file and received after the deadline will be considered filed in a timely fashion. Petitions sent by Certified or any other type of mail service and received after the deadline will NOT be considered filed.
- A petition form can be downloaded from the Secretary of State's website at <https://sdsos.gov/elections-voting/nominating-petitions/default.aspx> or you can request a copy of a blank petition from the County Auditor.

****Candidate Financial Interest Statements (FIS)** must be filed within 15 days after filing nominating petitions. File these in the office where the candidate nominating petition was filed.

May 21, 2018

- **Pre-Primary Campaign Finance Report deadline.** See page 5 for more detail.

JUNE 5, 2018 – PRIMARY ELECTION DAY

To understand better Who Can Vote in a Primary Election, view an illustration on the Secretary of State's website. Click on Upcoming Elections and then 2018 Election Information, www.sdsos.gov.

August 7, 2018

- **Deadline to withdraw from the General Election** is by 5:00 p.m. local time ([SDCL 12-6-55](#)). If the withdraw request is postmarked by Registered Mail prior to 5:00 p.m. on the last day to file this request and received after the deadline, the request will be considered filed. Certified or any other type of mail service withdraw requests received after the deadline will NOT be considered filed on time.

October 22, 2018

- **Pre-General Campaign Finance Report deadline.** See page 5 for more detail.

NOVEMBER 6, 2018 – GENERAL ELECTION DAY

January 2019

- **Elected Official Oath of Office & Financial Interest Statement** must be filed in the office where the candidate nominating petition or convention nomination certification was filed within 15 days after taking your oath of office.

January 25, 2019

- **2018 Year-End Campaign Finance Report deadline.** See page 5 for more detail.

NUMBER OF SIGNERS REQUIRED FOR 2018 PETITIONS

The required amount of signatures is based off of the last gubernatorial election. For a partisan candidate, you must obtain 1% of the total vote for your political party's candidate for governor at the last gubernatorial election or a maximum of 50, whichever is less, in the county or commissioner district ([SDCL 12-6-7.1](#)). An independent candidate must obtain 1% of the total vote for all candidates for governor at the last gubernatorial election in the county or commissioner district ([SDCL 12-7-1](#)). Candidates must obtain signatures from the political party they are registered to vote with; however, independent candidates may gather signatures from any registered voter. **Please NOTE** that if your County Commissioners are elected at large vs. by commissioner district the signature counts may vary and if your county is a Vote Center county that will have an impact on your signature count as well. Contact the County Auditor or County Finance Officer for additional information. On the Secretary of State's office website is a chart explaining signature requirements for County offices: <https://sdsos.gov/elections-voting/assets/2018CountyOfficesSignatureRequirements.pdf>

A candidate may purchase a voter registration list from the county auditor or county finance officer. The county auditor is required under law to charge for the voter list ([ARSD 05:04:06:07](#)).

Write-in Candidates

South Dakota prohibits write-in candidates or write-in votes of any kind ([SDCL 12-20-21.2](#)).

FINANCIAL INTEREST STATEMENTS

A county commissioner candidate must file a *Statement of Financial Interest – Candidate* with the County Auditor **within 15 days after filing** nominating petitions ([SDCL 12-25-30](#)).

A county commissioner candidate that is elected must file a *Statement of Financial Interest – Elected Official* **within 15 days of taking the oath of office**. **NEW:** an elected official must also file this statement annually by the first day of January each year that they are in office ([SDCL 3-1A-2](#)). Financial Interest Statements forms can be found on the Secretary of State's website at sdsos.gov.

CAMPAIGN FINANCE

[\(SDCL 12-27-39\)](#)

Campaign Finance is required in **Counties with a population greater than 10,000** according to the most recent Federal census or in a county that has adopted ordinance(s) or resolution(s) outlining campaign finance requirements. Refer to the Secretary of State's website for Campaign Finance information for local jurisdictions.

If your county has a population over 10,000, then county candidates are required to submit campaign finance reports to the County Auditor or County Finance Officer by 5:00 p.m. local time.

Important Campaign Finance Deadline Dates for Counties:

- January 26, 2018: 2017 year-end report is due
- May 21, 2018: Pre-primary report is due
- October 22, 2018: Pre-general report is due
- January 25, 2019: 2018 year-end report is due

Campaign Signs

Campaign signs are regulated by ordinance in some municipalities. The municipal ordinance will regulate political campaign signs within the city limits. The ordinance may specify any of the following:

- 1) When political campaign signs can be posted and when the signs must be taken down.
- 2) The size of the political campaign signs.
- 3) Where political campaign signs can or cannot be posted.

No campaigning can be done within 100 feet of a polling place (this includes the court house during absentee voting and absentee voting satellite locations).

12-18-3. Electioneering, offices, distracting communications devices, and signature gathering prohibited near polling place--Violation as misdemeanor. Except for sample ballots and materials and supplies necessary for the conduct of the election, **no person may, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place**, maintain a campaign office or public address system, or use any communication or photographic device in a manner which repeatedly distracts, interrupts, or intimidates any voter or election worker, or display campaign posters, signs, or

other campaign materials or by any like means solicit any votes for or against any person or political party or position on a question submitted or which may be submitted. No person may engage in any practice which interferes with the voter's free access to the polls or disrupts the administration of the polling place, or conduct any petition signature gathering, on the day of an election, within one hundred feet of a polling place. For the purposes of this section, the term, polling place, means a designated place voters may go to vote on the day of the election or go to vote absentee. A violation of this section is a Class 2 misdemeanor.

The county may also have an ordinance that regulates political campaign signs outside of the city limits. The South Dakota Department of Transportation regulates the use of right-of-ways. The use of right-of-ways is reserved for highway signage. Any sign in the right-of-way that is not required for traffic control as authorized by law is prohibited and will be removed. This includes both candidate and ballot issue signs. For more information regarding right-of-ways, please contact the Department of Transportation at 605-773-5103.