

2013 MUNICIPAL/SCHOOL ELECTION WORKSHOP

Sponsored by

Secretary of State Jason M. Gant

South Dakota Municipal League

Associated School Boards of South Dakota

Morning Agenda

- Election Code and Precinct Manual
- Election Types and Dates
- Public Notices
- Voter Registration and Residency
- Conflict of Interest
- Petitions
- No Candidates, Vacancies
- Ballot Preparation

Election Types and Dates

MUNICIPALITIES – 4 OPTIONS:

- Second Tuesday in April.
(SDCL 9-13-1)
- First Tuesday after the first Monday in June.
(SDCL 9-13-40)
- Combine with the school on the second Tuesday in April, first Tuesday after the first Monday in June or the third Tuesday in June.
(SDCL 9-13-1.1)
- *If the school election is combined with a municipal election on a date other than the second Tuesday in April, all dates follow SDCL 13-7.*

SCHOOLS – 3 OPTIONS:

- Anytime from the second Tuesday in April through the third Tuesday in June.

(SDCL 13-7-10)

- Combine with municipality on the second Tuesday in April, first Tuesday after the first Monday in June, or on the third Tuesday in June.

(SDCL 13-7-10.1)

- On even numbered years, you may combine with the Primary Election on the first Tuesday after the first Monday in June.

(SDCL 13-7-10.3)

Combining municipal & school elections

- Very popular
- Time and money saver
- Lay out agreement in writing with contingencies
- Any election may be combined if deadlines permit (SDCL 12-2-6)
- Pay attention to the deadlines with Primary and General Elections

Notify the Secretary of State

- 12-2-7: If any political subdivision of the state sets a date and time for conducting a public election, within 15 days the person in charge of the election shall notify the Secretary of State in writing or by telephone or by e-mail.
 - Secretary of State's office
 - (605)773-3537
 - elections@state.sd.us

Public Notices





Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

2014 MUNICIPAL ELECTION CALENDAR

	Second Tuesday in April	First Tuesday after the first Monday in June	Combine with school on third Tuesday in June
The governing board must establish the election date no later than January 14 th of the election year if they choose a different election date other than the 2 nd Tuesday in April. (9-13-1)	April 8 th	June 3 rd	June 17 th
The person in charge of the election must notify the Secretary of State when the election will take place by e-mail, letter, fax, or telephone. (12-2-7)	Immediately	Immediately	Immediately
Publish notice of vacancies and time and place for filing petitions each week for two consecutive weeks. (9-13-6 or 9-13-40 & 05:02:04:06)	January 15 th - January 30 th	February 15 th - March 1 st	March 15 th - March 30 th
Earliest date to begin petition circulation and earliest date to file nominating petition. (9-13-9 , 9-13-40)	January 31 st	March 1 st	April 8 th



Deadline for filing nominating petition. (9-13-7 , 9-13-40)	February 28 th 5:00 pm	March 25 th 5:00 pm	May 9 th 5:00 pm
Deadline for submission of written request to withdraw candidate's name from nomination. (9-13-7.1)	February 28 th 5:00 pm	March 25 th 5:00 pm	May 9 th 5:00 pm
In the event of no contest due to the death or withdrawal of a candidate, one notice of cancellation of municipal election is required. (9-13-7.1 & 05:02:04:21)	February 28 th 5:00 pm	March 25 th 5:00 pm	May 9 th 5:00 pm
Publish first deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 05:02:04:04)	March 3 rd - March 7 th	April 28 th - May 2 nd	May 12 th - May 16 th
Publish last deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 5:02:04:04)	March 10 th - March 14 th	May 5 th - May 9 th	May 19 th - May 23 rd
Deadline for voter registration. (12-4-5)	March 24 th	May 19 th	June 2 nd
Absentee ballots must be made available no later than 15 days prior to the election. (9-13-21)	March 24 th	May 19 th	June 2 nd



Publish notice of election that needs to be published each week for two consecutive weeks. First publication must be at least 10 days before election. (9-13-13 & 05:02:04:08)	March 24 th - April 4 th	May 19 th - May 30 th	June 2 nd - June 13 th
Publish facsimile ballot in the calendar week before the election. The calendar week falls from the Monday to the Saturday of the week prior to the Tuesday of Election Day. (9-13-13)	March 31 st - April 5 th	May 26 th - May 31 st	June 9 th - June 14 th
Automatic tabulating systems only. Conduct a public test of the system. Must publish notice 48 hours before test. (12-17B-5 & 5:02:09:01.01)	March 29 th - April 7 th	May 24 th - June 2 nd	June 7 th - June 16 th
Election Day. Polls open 7:00 am to 7:00 pm. (9-13-1)	April 8 th	June 3 rd	June 17 th
Deadline for official canvass. (9-13-24)	April 15 th	June 10 th	June 24 th

Note: If the school election is combined with a municipal election on a date other than the 2nd Tuesday in April, all dates follow [SDCL 13-7](#) (except when combined with the county for a primary election).

Notify County Auditor: Contact your county auditor when you know you will have an election and ask if he/she can be available from 7:00 am to 7:00 pm on that date to answer questions regarding voter registration.



PUBLIC NOTICES

- All public notices required by law by jurisdiction, shall include an inscription listing the approximate cost of the newspaper publication.

(SDCL 17-2-28)

- This inscription shall be printed in the same type size as the body of the notice and located at the top or bottom of the public notice.

(SDCL 17-2-28)

FORMS OF NOTICES

- Notice of vacancy on school board.
(ARSD 5:02:04:14)
- Notice of vacancy for municipal election.
(ARSD 5:02:04:06)
- Notice of deadline for voter registration.
(ARSD 5:02:04:04)
- Notice of school board election.
(ARSD 5:02:04:15)
- Notice of municipal election.
(ARSD 5:02:04:08)

FORMS OF NOTICES

- Notice of cancellation of municipal election.
(ARSD 5:02:04:21)
- Notice of special election.
(ARSD 5:02:04:09)
- Facsimile ballot published in the calendar week prior to the election.
(SDCL 12-16-16)

WHAT IF I MISSED A NOTICE?

- Do not panic!
- Be sure to inform your attorney and follow his/her advice.
- Have the paper publish the missed notice if there is still time before the deadline.
- Post the notice in areas within your jurisdiction.
- Mail notice to all residents or registered voters.
- The election may be challenged due to the missed or incorrect notices.

Questions?



Who can vote?

Voter registration and residency

MUNICIPAL REQUIREMENTS

- Registration and residence required to vote in municipal election. (SDCL 9-13-4.1)
 - No person may vote at any municipal election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the municipality at the time of the election.
 - A person resides in the municipality if the person actually lives in the municipality for at least thirty days each year, is a full-time postsecondary education student who resided in the municipality immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the municipality.

SCHOOL REQUIREMENTS

- Registration and residence required to vote in school election. (SDCL 13-7-4.2)
 - No person may vote at any school election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the school district at the time of the election.
 - A person resides in the school district if the person actually lives in the school district for at least thirty days each year, is a full-time postsecondary education student who resided in the school district immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the school district.

VOTER REGISTRATION LOCATIONS

- County auditor's office;
- City finance office;
- Driver's license station;
- Public assistance agencies providing food stamps, TANF or WIC;
- Department of Human Services offices which provide assistance to the disabled;
- Military recruitment offices
- Secretary of State's Office
- Download registration card from www.sdsos.gov;



South Dakota
Voter Registration Form
_____ County

Use this form to: Register to vote or report a name, address, or party change.					
Please print. Complete the entire form. Return this form to your county auditor.					
The deadline for voter registration is 15 days before any election. Your form must be received by the county auditor by this deadline if you are to vote in the next election. Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information. For more information, visit www.sdsos.gov .					
Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Will you be 18 years of age on or before the next election? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If you checked 'No' in response to either of these questions, do not complete this form.					
1	Last Name	First Name	Middle Name(s)/Initial	Suffix	
2	Residence Address	Apt. or Lot #	City	State	Zip Code
3	Mailing Address (if different)		City	State	Zip Code
3a	If Residence Address is a PO Box, rural box, or general delivery, you must give the location of your residence:				
4	Date of Birth (Required) ____/____/____ Month / Day / Year	5	Telephone Number	6 South Dakota Driver License Number (Required) _____ If you do not have a SD Driver License, provide the last 4 digits of Social Security Number	
7	Choice of Party	8	Email Address		
Previous Voter Registration Information Required, if applicable:					
9	Previous Last Name	First Name	Middle Name(s)	Suffix	
10	Previous Address		City	State	Zip Code
11	Previous Driver License Number and State		Previous County		
Would you like to be a precinct election worker on election day? <input type="checkbox"/> Yes <input type="checkbox"/> No					
12	I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that: *I am a citizen of the United States of America; *I actually live at and have no present intention of leaving the above address; *I will be 18 on or before the next election; *I have not been judged mentally incompetent; *I am not currently serving a sentence for a felony conviction; and *I authorize cancellation of my previous registration, if applicable.			<div style="border: 1px solid black; height: 60px; width: 100%;"></div> <p style="text-align: center;">Signature Required</p> <p>Date: ____/____/____ Month / Day / Year</p>	

IMPORTANT REMINDERS

- Voter registration deadline is 5:00 p.m. fifteen days preceding the election.
(SDCL 12-4-5)
- It shall be the duty of officials in charge of local elections to notify the county auditor at least thirty days preceding their local elections, of the precinct boundary changes if any have been made.
(SDCL 12-14-1.1)
- When the boundaries of any election precinct shall be changed, the county auditor shall immediately change the registration list.
(SDCL 12-4-11)

Questions?



Conflict of Interest



MUNICIPALITY REQUIREMENTS

- Must have resided in the municipality for three months immediately prior to the election.
(SDCL 9-14-2)
- May not be a defaulter to the municipality.
(SDCL 9-14-2)

SCHOOL REQUIREMENTS

- No teacher in that district.
(SDCL 13-43-1)
- If representation areas exist, a school board member candidate must reside within the school board member representation area.
(SDCL 13-8-7.1)

GENERAL REQUIREMENTS

- Elected or appointed officers of local governments are generally barred from being interested in any contract with their respective entities.

(SDCL 3-16-7, 6-1-1, 13-20-2.1)

- Several exceptions exist...

(SDCL 6-1-2, 6-1-3, 13-20-2.1)

(SD Const. Art. VIII Sec. 17)

(AGR 82-22, 89-11)

- Every case is different, so it is important to review the corresponding statutes and Attorney General opinions for every situation.

Questions?



Petitions



PETITIONS

- Prescribed by the State Board of Elections and are found in ARSD 5:02:08.
 - Nominating petition for school board member.
(ARSD 5:02:08:11)
 - Nominating petition for municipal election.
(ARSD 5:02:08:13)
 - Municipal Initiative & Referendum.
(ARSD 5:02:08:15 & 5:02:08:16)
 - Tax Levy Opt-out
(ARSD 5:02:08:41)

SIGNATURE REQUIREMENTS

- 1st and 2nd class municipalities (SDCL 9-13-9):
 - 15 registered voters per 1,000 population.
 - Ward: 5% of registered voters based on the last general election.
 - No petition needs to be signed by more than 50 voters.
- 3rd class municipalities (SDCL 9-13-9):
 - 10 registered voters for citywide and 5 for a ward.
- School (SDCL 13-7-6):
 - 20 registered voters.

FILING PROCEDURE

- Date stamp and time stamp received petitions.
- Verify signatures pursuant to ARSD 5:02:08:00 and 5:02:08:00.01.
- Check voter registration for school board member petitions.
- File completed petitions.

GUIDELINES FOR ACCEPTANCE

- ARSD 5:02:08:00
- The petition is in the form required by this chapter;
- The petition contains the minimum number of valid signatures, counted according to 5:02:08:00.01. One or more invalid signatures on a petition section do not disallow other valid signatures on the section;
- Each section of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. The verification was completed and signed before an officer authorized to administer oaths;

GUIDELINES FOR ACCEPTANCE

- The declaration of candidacy contains the original signature of the candidate. Additional sections may have an original or photocopied signature of the candidate;
- If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the secretary of state;
- The governing board or person authorized by statute to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the signature lines or circulator's verification on his or her petition provided the filing deadline has not passed; and
- Following the presentation of the petition for filing, names may not be removed from the petition. Except for petitions to nominate candidates for school boards, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. Petitions containing signatures in excess of the minimum number may be filed, but the excess signatures will be disregarded.

COUNTING SIGNATURES

- ARSD 5:02:08:00.01
- The form of the petition does not meet the requirements of this chapter;
- The circulator's verification is not completed or is improperly completed, according to subdivision 5:02:08:00(3) unless the missing information is completed elsewhere on the petition sheet. A completed circulator's verification must include the printed name of the circulator, the circulator's residence address as provided in subdivision 5:02:08:00.01(2)(c), and complete date; or

COUNTING SIGNATURES

- The declaration of candidacy has not been completed on or after the first date authorized by statute to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in South Dakota; or
- The circulator's verification was signed by more than one circulator; and
- It was signed prior to the signing of the candidate's declaration of candidacy or, if for a ballot question, it was signed before a copy of the text was filed with the secretary of state;
- It was signed after the circulator completed the verification;

COUNTING SIGNATURES

- The residence address does not include a street and house number or a rural route and box number and the town. If the signer is a resident of a second or third class municipality, a post office box number may be used. If the signer does not have a residence address or post office box number, a description of the residence location must be provided. If the signer is a resident of a building with a publicly known name, the building name may be used;
- The date of signing, including month and day, is not indicated;
- The signer's name is not printed and legible; or
- The signer's county of voter registration is not provided.

NOMINATING PETITION FOR PARTISAN ELECTION REPUBLICAN PARTY

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of Legislative District 10 of South Dakota and members of the Republican Party, nominate Gene G. Abdallah, of Lincoln County, South Dakota, whose mailing address is 4908 S Glenview Road, Sioux Falls, SD 57108, as a candidate for the office of State Senate, District 10 at the Primary Election to be held June 4, 2002.

DECLARATION OF CANDIDATE

I, Gene G. Abdallah (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate, that I am registered to vote as a member of the Republican Party, and that if I am a legislative candidate I reside in the district from which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed)

Signature of Officer Administering Oath
Notary Public
Title of Officer Administering Oath

Sworn to before me this 5th day of February, 2002.

(Seal)

My Commission Expires September 17, 2007.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer of the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer of the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME		RESIDENCE	DATE/COUNTY
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	Y. H. I. Chetien	Harrisburg, SD 57037	Lincoln
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
9	Norman P. Grogan	26969 480th Ave	2-26-02
PRINT	Norman Grogan	CITY OR TOWN	COUNTY OF REGISTRATION
		Sioux Falls, SD	Lincoln
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
10	Jacques Philippe	106 W. Carnegie	2-28-02
PRINT	JACQUES PHILIPPE	CITY OR TOWN	COUNTY OF REGISTRATION
		Sioux Falls, SD 57108	Lincoln
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
11	Samuel	5054 Sweetbriar Pl	2/28/02
PRINT	ROD SORELL	CITY OR TOWN	COUNTY OF REGISTRATION
		Sioux Falls, SD	Lincoln
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
12	A. Russell Galloway	4821 Sunflower Trail	2-28-02
PRINT	A. Russell Galloway	CITY OR TOWN	COUNTY OF REGISTRATION
		Sioux Falls, SD 57108	Lincoln
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
13	Ken Bertness	101 Dakota	2/28/02
PRINT	KEN BERTNESS	CITY OR TOWN	COUNTY OF REGISTRATION
		Valley Springs, SD	Meade

RECEIVED

MAR 12 2002

STATE

29

NAME		RESIDENCE	DATE/COUNTY
SIGN 14 PRINT	<i>Les Korse</i> Les Korse	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1716 S Aberdeen Cir CITY OR TOWN Sioux Falls SD 57106	DATE OF SIGNING 4/27/09 COUNTY OF REGISTRATION Minnehaha
SIGN PRINT	<i>Brian Bissel</i> Brian Bissel	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 2126 S Dakota CITY OR TOWN Sioux Falls SD 57105	DATE OF SIGNING 4/28/09 COUNTY OF REGISTRATION
SIGN 16 PRINT	<i>Carey Borgstrom</i> Carey Borgstrom	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 304 N. Hiwanis Ave Apt 301 CITY OR TOWN	DATE OF SIGNING 4-28-09 COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Dustin Wastell Residence Address 314 Birch Ave City Brookings State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Dustin Wastell ; ID - Drivers License

[Signature]
Signature of Circulator

Sworn to before me this 16 day of June 2009.
(Seal)

My Commission Expires 1-31-12

Form Revised 2007 - 5:02:08:08



[Signature]
Signature of Officer Administering Oath

Administering Oath

3	SIGN <u>KRISTIN MATTSO</u> PRINT <u>Kristin Matts</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>3440 Correll</u> CITY OR TOWN <u>R R SD</u>	DATE OF SIGNING <u>4/11/09</u> COUNTY OF REGISTRATION <u>Remi</u>
4	SIGN <u>CRAY E. MATTSO</u> PRINT <u>CRAY E. MATTSO</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>DITTO</u> CITY OR TOWN <u>DITTO</u>	DATE OF SIGNING <u>4/11/09</u> COUNTY OF REGISTRATION <u>Remi</u>
5	SIGN <u>CHRIS SISKKA</u> PRINT <u>CHRIS SISKKA</u>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>3721 SCANDIPITY LANE</u> CITY OR TOWN <u>Rapid City SD</u>	DATE OF SIGNING <u>4-11-09</u> COUNTY OF REGISTRATION <u>PENN</u>

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Print name of the circulator Peggy Clarke Residence Address 1010 E St City Rapid City State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

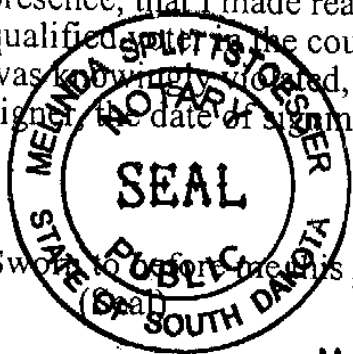
Signature of Circulator Peggy Clarke

Sworn to before me this 28 day of MAY, 09.

Signature of Officer Administering Oath

Title of Officer Administering Oath

My Commission Expires February 12, 2015

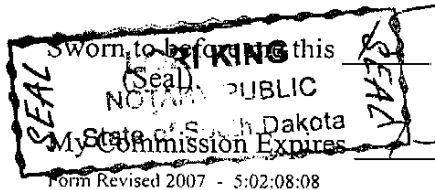


VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Kelle Cotton 2802 W. RAPIDS ST. RAPIDS SD 57702
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.



Sworn to before me this June day of 12-13

Kelle Cotton
 Signature of Circulator

[Signature]
 Signature of Officer Administering Oath

PBO
 Title of Officer Administering Oath



VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

BOYO GILLEGAN 507 STATE AVE L Estelline SD
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this 4 day of May, 2009
 (Seal)

My Commission Expires
 Form Revised 2007 - 5:02:08:08

[Signature]
 Signature of Circulator

Kim Ulla
 Signature of Officer Administering Oath

 Title of Officer Administering Oath



SIGN 7 PRINT <i>Orville Roberts</i> ORVILLE ROBERTS	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 615 6th St NE CITY OR TOWN Watertown, SD	CODINGTON DATE OF SIGNING 4-15-09 COUNTY OF REGISTRATION Codington
SIGN 8 PRINT <i>Andrey Luker</i> ANDREY LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr, #312 CITY OR TOWN Watertown, SD	CODINGTON DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION Codington
SIGN 9 PRINT <i>Vern Luker</i> VERN LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr #312 CITY OR TOWN WATERTOWN, SD	CODINGTON DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION CODINGTON
SIGN 10 PRINT <i>Paul Luker</i> PAUL LUKER	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 550 Summit Ave NW CITY OR TOWN Watertown, SD	CODINGTON DATE OF SIGNING 4-14-09 COUNTY OF REGISTRATION CODINGTON

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Paul Luker, 550-Summit Ave NW, Watertown SD
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Paul Luker
 Signature of Circulator

Sworn to before me this 16 day of April, 2009.
 (Seal)

Andrey Luker
 Signature of Officer Administering Oath

My Commission Expires 8/13/09

Notary
 Title of Officer Administering Oath

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

BARBARA J EDWARDS 12170 Camp Rd Costa SD
Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Signature of Circulator

Sworn to before me this _____ day of _____,
(Seal)

My Commission Expires _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

IMPORTANT REMINDERS

- Give petition processing top priority.
- Notify candidate that petition was filed.
- Campaign Finance “Statement of Financial Interest” is required for 1st class municipalities and schools with more than 2,000 enrollment.
- Check registration and residency of candidate.
- Candidate cannot notarize their own petition.

PETITION CHALLENGE LAW

- Any person may challenge within 5 working days after any type of petition is filed.
- Must file affidavit stating deficiencies.
- Person in charge of election verifies information provided in affidavit.
- Notify petitioner if petition is rejected based on the challenge.
- Does not prevent any other legal remedy.

Questions?



The background is a solid blue color. On the right side, there are several white snowflake icons of varying sizes and orientations, arranged in a vertical line. The word "Vacancies" is written in a large, white, sans-serif font, centered horizontally and positioned in the lower half of the image.

Vacancies

HOW IS A VACANCY CREATED?

- RESIGNATION
- Change of residence
- Death
- Removal from office
- Failure to qualify
- Criminal conviction involving violation of oath
- Judgment against incumbent for breach of bond
- Military call up
- Incapacitation- *by illness or accident*

HOW ARE VACANCIES FILLED?

- SDCL 9-13-14.1
- Appointment
 - Remember in Aldermanic form the appointment must be from the same ward
 - Easier, faster process and less costly
- Special Election
- Temporary Replacement
(SDCL 3-4-8, 3-4-9)

HOW ARE VACANCIES FILLED?

- Remaining members shall appoint a replacement to serve until the next annual municipal election
 - The key is to keep track of the term when there has been an appointment
 - The Mayor can make a recommendation but the remaining members vote
 - There are no advertising rules
 - Discourage councils from waiting until the next annual election to fill the position

PROCEDURE TO FILL VACANCY BY SPECIAL ELECTION

- Governing body creates an ordinance requiring that any vacancy on the governing body or in the office of the Mayor is to be filled by special election.
- Election not to be held less than 90 days before the annual municipal election.
- Finance Officer will *publish a notice that a vacancy exists* and will be filled by special election, the date of election, time and place where nominating petitions may be filed for the office.

PROCEDURE TO FILL VACANCY BY SPECIAL ELECTION

- Notice shall be published 2 consecutive weeks beginning 60 days before the date of the special election.
- Nominating petitions prepared and filed as usual according to SDCL 9-13-7, and filed at least 30 days before the date of the elections.
- Notice of special election published as usual according to SDCL 9-13-13 and 9-13-14.

PROCEDURE TO FILL VACANCY BY TEMPORARY REPLACEMENT

- In the cases of Military call-up (SDCL 3-4-8) or Incapacitation (SDCL 3-4-9):
 - The member temporarily resigns
 - A temporary replacement is made by appointment
 - The replacement serves until the original member returns or the member's term expires, which ever comes first
 - If the replacement serves until the original members term expires and no one files for the position, then the "incumbent" (original member) still serves. The temporary replacement would then need to be re-appointed to serve until the original member returns.

WHAT IF NO ONE FILES?

- If no one files a nominating petition for replacement of an incumbent, the incumbent can:
 - Continue in office for an entire new term
 - Resign, creating a vacancy
- Thus, if no one runs for office, a vacancy does not exist unless the incumbent declines to remain in office.
- If no one files for the appointed person's office, then that person becomes the incumbent and finishes the remainder of the term or start a whole new term.
- The incumbent automatically carries over if no one files.

WHEN IS A TERM CONCLUDED?

- Aldermanic: Shall hold office until successors are elected and qualified.
(SDCL 9-8-4)
- Commissioner: As determined by ordinance.
(SDCL 9-9-3)
- Trustee: Shall hold office for three years and until their successors are elected and qualified.
(SDCL 9-7-3)

SCHOOL VACANCIES

- A resignation shall not be effective until the successor is appointed and qualified as prescribed by law.

(SDCL 13-8-24)

- Any vacancy occurring on a school board shall be filled by appointment by the remaining school board members.

- The appointee will serve until the next succeeding election at which time a successor shall be elected to serve the unexpired term.

(SDCL 13-8-25)

Questions?



Ballot Preparation



BALLOT PREPARATION

- Types of ballots:
 - Paper Ballots – make your own or professionally printed.
 - Automated Tabulating System Ballots (optical scan).
- Candidate order:
 - Schools – draw by lot.
(SDCL 13-7-13)
 - Municipalities – draw by lot.
(SDCL 9-13-21)
- Spell names as they exactly appear on the petition.
- Do not include titles or political party affiliation.

BALLOT FORM:

- Municipality (ARSD 5:02:06:12)
- School (ARSD 5:02:06:15)
- Special Election (ARSD 5:02:06)
- If a combined election:
 - One of the ballots will be white.
 - Contrasting colors for the other ballots.
- Indicate type of position being voted for and length of term.
- Neat and not confusing!

IMPORTANT RECOMMENDATION

PROOFREAD!

OFFICIAL MUNICIPAL ELECTION BALLOT
_____, SOUTH DAKOTA
(Election Date)



To vote use a cross (X) or check mark (✓) in the square in front of the name. DO NOT cast more votes than are allowed in each race.



For Mayor, you may vote for one or leave it blank.



- ☐ John Doe
- ☐ Richard Roe

For (City Commission, Alderman, Trustee), _____ year term, you may vote for up to _____ or leave it blank



- ☐ John Doe
- ☐ Richard Roe
- ☐ John Smith



For (City Commission, Alderman, Trustee), _____ year term, you may vote for one or leave it blank.



- ☐ John Doe
- ☐ Richard Roe
- ☐ John Smith



OFFICIAL SCHOOL BOARD ELECTION BALLOT

_____ SCHOOL DISTRICT NO. _____ , SOUTH DAKOTA
(Election Date)

To vote use a cross (X) or check mark (✓) in the square in front of the name. DO NOT cast more votes than are allowed in each race.

For School Board Member _____ year term, you may vote for up to _____ or leave it blank.

- ☐ John Doe
- ☐ Richard Roe
- ☐ John Smith

OFFICIAL MUNICIPAL ELECTION BALLOT

_____, **SOUTH DAKOTA**

(Election Date)

The following (initiated measure or referred ordinance or referred resolution) was proposed by petition for submission to the voters. This (initiated measure or referred ordinance or referred resolution) will not become effective unless approved by majority vote.

Title: (HERE LIST TITLE OF INITIATIVE OR REFERENDUM TO BE VOTED ON)

City Attorney Explanation: (HERE LIST CITY ATTORNEY'S EXPLANATION)

To vote use a cross (X) or check mark (✓) in the square in front of "Yes" or "No."

☐ **Yes** A vote "Yes" will (change city ordinance) (adopt the ordinance) (adopt the resolution).

☐ **No** A vote "No" will (leave the city ordinance as it is) (not adopt the ordinance) (not adopt the resolution).

5:02:06:01.02. Optical scan ballot instructions

The instructions to voters found on optical scan ballots shall be enclosed in a box and placed at the top of the first column and at the beginning of the portion containing other candidates and the portion containing ballot questions. The instructions for all elections must be in either of the following forms:

3. To vote for a person **FILL IN** (Bold) the oval (●) next to the name.
4. To vote on a ballot question **FILL IN** (Bold) the oval (●) next to "yes" or "no".
5. Use only a pencil or pen.
6. If you make a mistake, give the ballot back and get a new one.
7. **DO NOT** (Bold) cast more votes than are allowed in each race.

Printers note: Subdivisions 5 and 6 shall be included in the first instruction box only. For subdivision 5, specify "pencil or pen", "pencil" or "pen" as appropriate for your system. If the ballot has columns, the words "Go to the top of next column" shall be printed on the bottom of any column preceding each column to be voted. If the ballot has races on the back side, the words "Turn page" shall be printed on the lower right corner.

Questions?



Afternoon agenda

- Absentee Voting
- Precincts and Election Boards
- Election Schools = good Election Days
- Counting, Canvassing and Recounting
- Recalls
- Special Elections
- New Secretary of State website
- Financial Interest Statements
- Automatic Tabulating Systems
- Campaign Finance



Absentee Voting



ABSENTEE VOTING

- Any registered voter may vote by absentee ballot. Voters do not need to provide a reason in order to absentee vote.
- Absentee ballots must be made available no later than fifteen days prior to the election. If you combine with a Primary or General Election, the ballots must be available 48 days prior to the election.

(SDCL 9-13-21 and 13-17-13)

ABSENTEE BALLOT APPLICATION

- Prescribed form (ARSD 5:02:10:01) can be found on www.sdsos.gov.
- Federal Post Card Application (FPCA).
- Letter.
- Must be signed and complete.
- Check registration list before sending.



South Dakota
Absentee Ballot Application Form

County _____

Please print and return to your county auditor. A new application must be completed each calendar year.			
You may apply for an absentee ballot before 5:00 p.m. the day before the election for any or all general, primary, municipal, school, or any other elections conducted in this calendar year with one request. Additional information on absentee voting is available at sdsos.gov.			
1	Last Name	First Name	Middle Name(s)/Initial Suffix
2	Voter registration address		Apt. or Lot # City, State Zip Code
3	Absentee ballot mailing address (if different from section #2)		City, State Zip Code
SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR:			
4	All <input type="checkbox"/> General <input type="checkbox"/> Primary <input type="checkbox"/> Municipal <input type="checkbox"/> School <input type="checkbox"/> Any Other <input type="checkbox"/> If you are registered as an independent and are requesting a Primary Election ballot, you may have a choice of the following: Democratic <input type="checkbox"/> Non-Political <input type="checkbox"/>		
5	Daytime telephone number	If request is for a municipal or school election: I have lived in that jurisdiction at least 30 days in the last year. Yes <input type="checkbox"/> No <input type="checkbox"/> I am a full-time student who resided in that jurisdiction prior to leaving. Yes <input type="checkbox"/> No <input type="checkbox"/>	
MILITARY AND OVERSEAS CITIZENS ONLY:			
6	Are you in the Military or Uniformed Services, a spouse or dependent of the same or an Overseas Citizen? Yes <input type="checkbox"/> No <input type="checkbox"/> If you checked yes, complete this section. If you checked no, proceed to section #7. If you want your ballot sent electronically instead of first class mail, provide your e-mail address below:		
*Stateside military voters are required to submit a photocopy of their ID or have this application notarized.			
*The notarization of this application can be administered by any commissioned officer in the United States military.			
*Overseas military and overseas citizen voters are not required to submit a photocopy of their ID.			
*All military and overseas voters may submit your signed application for absentee ballot by fax or e-mail.			
7	An acceptable ID is: A South Dakota driver's license or non-driver ID card, a passport or other picture ID issued by the United States government, a tribal photo ID, or a current student photo ID issued by a South Dakota high school or postsecondary education institution. <input type="checkbox"/> Copy of photo identification is attached OR <input type="checkbox"/> I hereby verify that I am the person named above and these statements made by me on this application are true and correct. Sworn to before me this _____ day of _____, 20____. (Seal) Notary signature _____ Date: _____ / _____ / _____ My commission expires _____ Month / Day / Year		
AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY: The deadline to request is 3:00 p.m. on Election Day.			
As a registered voter, I authorize...			
Last Name		First Name	Daytime telephone
Address		Apt. or Lot #	City, State Zip Code
8	...to serve as my authorized messenger to pick up my absentee ballot. I further certify under penalty of law that I am confined because of sickness or disability and for this reason alone am unable to vote at my polling place on Election Day.		As the authorized messenger, I acknowledge receipt of the ballot for the above named voter on... Date: _____ Time: _____ Are you serving as an authorized messenger for any other voter? Yes <input type="checkbox"/> No <input type="checkbox"/>
Voter's Signature		Authorized Messenger's Signature	

MAIL-IN ABSENTEE VOTING

- This process is used for any voter who wants to vote absentee through the mail.
- Application process:
 - Check voter registration list.
 - Is the application signed and completed?
 - Is the application notarized, or signed by an official authorized to administer oaths, or accompanied by a copy of a photo ID? This step may be waived for overseas military or overseas citizen voters.
- Send the voter the correct ballot, instructions (ARSD 5:02:10:04), and return envelope (ARSD 5:02:10:05).
- Update absentee voter log.

IN-OFFICE ABSENTEE VOTING

- You will use this process for all voters who want to vote in-person absentee at your office.
- Application process:
 - Check the voter registration list.
 - Have voter fill out combined absentee ballot application/envelope.
 - Voter must show photo ID or complete personal identification affidavit.
 - Give the voter the correct ballot.
 - Update absentee voter log.

OTHER ABSENTEE PROVISIONS

- Application must be received by 5:00 p.m. the day before the election.
- Can designate application for all elections per calendar year.
- Power of Attorney does not apply.
- If an absentee voter dies before Election Day, the ballot is not processed.
- Inactive voters must complete new registration form.

ABSENTEE BALLOT LOG

- ARSD 5:02:10:06
- The official record of absentee ballots delivered to voters shall be in a computer file linked to the master voter registration file and contain the following information:
 - Date of election and party designation if primary ballot;
 - Name of applicant;
 - Current mailing address of applicant;
 - Voting precinct;
 - Regular or UOCAVA voter;
 - Date mailed to applicant, given to authorized messenger, or voted in office;
 - Name of authorized messenger;
 - Date returned;
 - Date application received;
 - Email address if electronic transmission requested by UOCAVA voter;
 - Voter registration address.

AUTHORIZED MESSENGER

- Who can use an authorized messenger?
 - A qualified voter who is confined because of sickness or disability.
- Work is not considered confinement.
- Voter designates on the application someone to bring them a ballot.
- You as an election official can take a ballot out to someone.
- Employers must allow two hours to vote if the voter doesn't have two consecutive non-work hours.

AUTHORIZED MESSENGER

- No person who is a candidate for any elective office, except for political party offices described in 12-5-2 or county auditor or such deputy, at the election for which the ballot or ballots are to be voted, may serve as an authorized messenger.

(SDCL 12-19-7.1)

- No authorized messenger may, in the presence of the voter at or before the time of voting, display campaign posters, signs or other campaign materials or by any like means solicit any votes for or against any person, political party or position on a question submitted. A violation of this section is a Class 2 misdemeanor.

(SDCL 12-19-7.2)

Questions?



Precincts and Election Boards

MUNICIPAL

- SDCL 9-13-16
- Each ward is a precinct; need not be the same as for county elections.
- If precinct had over 500 voters at last election, then you may split into two precincts.
- If you have 2 contiguous wards with less than 350 voters, then you may combine.

MUNICIPAL

- SDCL 9-13-36
- If all wards use the same polling place, they may use one board.
- If all wards are voting on an identical ballot, then a single ballot box and pollbook may be used.

SCHOOL

- SDCL 13-7-11
- Precincts and polling places are determined by school board, need not be the same as county elections.
- SDCL 12-14-1.1
- Must notify county auditor of precinct changes at least 30 days before election.

ELECTION BOARDS

- SDCL 9-13-16.1 and 13-7-12
 - Chosen by governing body.
 - Superintendent and two precinct deputies.
 - Choose election board members whom you trust and who will do a good job. If possible, use board members who work for other elections and are experienced.
- SDCL 12-15-2
 - Must be a registered voter and resident of precinct.
- SDCL 12-15-14.3
 - May not be related within the second degree to a candidate on the ballot.
- SDCL 12-15-2.1
 - Election board members may not be poll watchers.

Questions?



Counting, Canvassing and Recounting



PROVISIONAL BALLOTS

- Provisional ballots ARE NOT opened or counted on election night.
- If your ballots are counted at the polling place, all the provisional ballot envelopes must be placed unopened in the Provisional and Uncounted Absentee Ballot Return Envelope (ARSD 5:02:16:44) to be returned to you. Keep them secure!
- The day after the election you must “diligently investigate” to determine if the voter was legally entitled to cast a ballot in that precinct.

PROVISIONAL BALLOTS

- Use the information provided by the voter on the affirmation to begin your investigation. You may want to ask the county auditor to assist you with this determination.
- Which ballots should be counted.
 - Registered in that precinct by deadline.
 - Identity verified.
 - Not been removed from the voter list.
 - Resident.
- If you determine that there are provisional ballots which must be counted, a provisional ballot counting board is appointed.

PROVISIONAL BALLOTS

- Provisional ballot counting board meets one hour prior to the official canvass.
- Provisional ballot counting board shall count the provisional ballots which you have certified as countable. The board will complete a Certification of Provisional Ballot Count (ARSD 5:02:17:13).
- Your canvassing board will add the tally from this certification to the tallies from the pollbooks.

PROVISIONAL BALLOT NOTIFICATION

- Within ten days after the official canvass, you must send each provisional voter a Notice of Provisional Ballot Determination. (ARSD 5:02:05:24)
 - The notice sent to the mailing address of a person who has cast a provisional ballot shall contain:
 - Voter's name;
 - Voter's mailing address;
 - Election at which the ballot was cast;
 - Whether the ballot was counted;
 - If the ballot was not counted, the reason why it was not counted; and
 - A telephone number for further information.

OFFICIAL CANVASS

- Conducted by the governing body.
- Schools:
 - At the next board meeting.
 - Certify results to the county auditor.
- Municipalities:
 - Within seven days of election.

BOARD OF CANVASSERS

- The duties of the official board of canvassers for a local jurisdiction are as follows:
 - Open the returns from each precinct which are found in each poll book;
 - Satisfy itself that the returns are genuine and not forged;
 - Tabulate the returns from the precincts and the certification of provisional ballot count;
 - Declare the result; and
 - Make an abstract of the results of the votes cast for each of the candidates and each of the issues. The abstract must be signed and certified by the canvassers under the seal of the business manager or finance officer of the local jurisdiction.

OFFICIAL CANVASS SHEET

Date of Election: _____
 Type of Election: _____
 Jurisdiction: _____

OFFICE OR QUESTION												
Names of Candidates or "Yes" and "No"												
Precincts												
Precinct 1												
Precinct 2												
Precinct 3												
Precinct 4												
Precinct 5												
Precinct 6												
Totals												

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF _____)

We, (list names) , appointed as the Board of Canvassers because of our positions on the governing board in the jurisdiction of _____ for the _____ election held on the _____ day of _____, 19____, hereby certify that the foregoing is a true abstract of the votes cast in the jurisdiction of _____ at the election as shown by the returns certified to the person in charge of the election.

Sworn to before me this _____ day of _____, 19____

 Person in Charge of the Election

SCHOOL BOARD RECOUNTS

SDCL 13-7-19.1 and 19.2

- Purpose:
 - Used to recount the results for a specific school board candidate's race.
- Deadline:
 - Within five days after official canvass for that office.
- Who petitions:
 - A tied or losing candidate.
- Required when:
 - Tied or defeated by a margin not exceeding two percent.
- Petition:
 - ARSD 5:02:19:05
- File with:
 - School business manager.

MUNICIPAL CANDIDATE RECOUNTS

SDCL 9-13-27.2 and 27.3

- Purpose:
 - Used to recount the results for a specific municipal candidate's race.
- Deadline:
 - Within five days after official canvass for that office.
- Who petitions:
 - A tied or losing candidate.
- Required when:
 - Tied, defeated by five votes or less or defeated by a margin not exceeding two percent.
- Petition:
 - ARSD 5:02:19:05
- File with:
 - Municipal finance officer.

MUNICIPAL BQ RECOUNTS

SDCL 9-13-27.4

- Purpose:
 - Used to recount the results for a municipal ballot question.
- Deadline:
 - Within five days after official canvass for that question.
- Who petitions:
 - Any three registered voters of the municipality.
- Required when:
 - Defeated by a margin not exceeding two percent.
- Petition:
 - ARSD 5:02:19:10
- File with:
 - Municipal finance officer.

RECOUNT BOARD

- Appointed by the person in charge of the election.
- One person chosen by each candidate declared elected.
- One person chosen by each candidate who is eligible to request a recount.
- If the board consists of an even number of persons, one additional recount board member shall be appointed who is mutually agreeable to each candidate involved in the recount.
- The person in charge of the election sets the time and place for the recount.

Questions?



Recalls



WHO CAN BE RECALLED?

- SDCL 9-13-29
- In any municipality, with or without a city manager
 - The mayor
 - Any commissioner
 - Any alderman
 - Or any member of the board of trustees

GROUNDNS FOR RECALL

- SDCL 9-13-30
- Misconduct
- Malfeasance
- Nonfeasance
- Crimes in office
- Drunkenness
- Gross incompetency
- Corruption
- Theft
- Oppression
- Gross partiality



PETITION FOR RECALL

- Signed by 15% of the registered voters of the municipality, based upon the total number of registered voters at the last preceding general election.
- Petition shall contain a specific statement of the grounds on which removal is sought.
- Form (ARSD 5:02:08:17)
- No signature is valid if signed more than 60 days prior to the filing of the petitions.

Questions?



Special Elections



SPECIAL MUNICIPAL ELECTIONS

- Initiative
- Referendum
- Recall
- Bond – 60% to pass
- Change in form of government

SPECIAL SCHOOL ELECTIONS

- School start date
- School consolidation/reorganization
- Bond – 60% to pass
- Tax levy opt out – held on or before October 1st
- Discontinue attendance center
- Some Capitol Outlay Certificates

SPECIAL ELECTIONS

- If the petition meets the requirements of Administrative Rules 5:02:08:00 and 5:02:08:00.01 the governing body needs to move forward and set the election date.
- Notices and Publications for Special Elections
 - Notices of Voter Registration Deadline.
 - Publication of facsimile ballot.
 - Notices of Election.
 - Notices of Vacancy (for special municipal elections to fill vacancy).

ADDITIONAL INFORMATION

- One year waiting period after election on form of city government to vote on the question again.
(SDCL 9-11-8)
- Tax levy opt out elections require a “NOTICE TO TAXPAYERS” publication.
(SDCL 10-13-35 and 10-12-43)
- Municipality required to publish the entire initiated or referred measure once a week for two successive weeks.
(SDCL 9-20-4 and 9-20-12)

Questions?



Financial Interest Statements

FINANCIAL INTEREST STATEMENT

- Required for 1st Class Municipality and School >2,000 Average Daily Membership (ADM)
 - Commissioner
 - Council Member
 - Mayor
 - School Board Member
- Filed within 15 days after candidate files nominating petition or nomination is certified, or an elected official takes the oath.
 - Candidate
 - Elected Official



-

- 

4. What is your occupation/profession? _____

- What is the nature of your immediate family's association with each? The value of the financial interest need not be reported.

[illegible]

- What is the nature of your immediate family's association with each?

[illegible][illegible]

Verification

(Signed) _____

(Seal)

My commission expires: _____

**State of South Dakota
Statement of Financial Interest
Elected Official**

File statement within 15 days after taking your oath of office in the office where your nominating petition or convention nomination certification was filed. Please read information on reverse side before completing this form.

1. Name _____

2. Address _____

3. Elected Office _____

If there is no change in your financial interest since the filing of your post nomination statement of financial interest, please sign and return.

Date: _____ (Signed) _____

If there are changes, please complete the following:

4. What is your occupation/profession? _____

5. List any enterprise which accounted for more than ten percent of, or contributed more than \$2,000 to, your family's (includes spouse, minor children living at home) gross income in the preceding calendar year. Identify who receives the income from each enterprise.

What is the nature of your immediate family's association with each? The value of the financial interest need not be reported.

6. List any enterprise in which you, your spouse or minor children living at home control more than ten percent of the capital or stock. Identify who has the ownership interest in each enterprise.

What is the nature of your immediate family's association with each?

State of South Dakota

County of _____

}
} SS.

Verification

I have reviewed paragraphs 1 through 6 of the Information Regarding Statement of Financial Interest (attached), my Statement of Financial Interest and certify that the information reported is a complete, true and accurate representation of my financial interests for the preceding calendar year.

Sworn to before me this _____ day of _____, 20____ (Signed) _____

(Seal)

Revised 1997

My commission expires: _____ Officer Administering Oath

Questions?



Automated Tabulating Systems



AUTOMATED TABULATING

- Have a backup plan!
- ARSD 5:02:09:01.02
 - Requires testing of the system twice.
 - Notice before each test.
 - Create your own “prior” tally sheet and test deck.

WHEN THE POLLS CLOSE

- Do not open ballot box.
- Complete recap sheet. (ARSD 5:02:09:15)
 - If ballot count from recap does not match voters in the pollbook, justify pollbook and registration list.
- Two precinct board members transport ballot box.

RECAP SHEET: PRECINCT _____
(date and name of election)

Type of ballot: _____

1. Official Ballots Received from Auditor _____ +
2. Additional Ballots Received During the Day _____ +
3. Absentee Ballots Received _____ +
4. Total Ballots Received (add lines 1, 2 and 3) = _____ (Line 4 Total)
5. Ballots Spoiled _____ +
6. Ballots Unvoted at End of the Day _____ +
7. Absentee Ballots not Opened _____ +
8. Total (add lines 5, 6 and 7) = _____ (Line 8 Total)
9. Ballots Voted (Line 4 minus Line 8) _____ (Line 9 Total)
10. Provisional Ballots Voted _____
11. Ballots To Be Counted (Line 9 minus Line 10) _____
12. Enter Number of Voters from Pollbook for this Type of Ballot _____

If Line 9 and Line 12 are not the same, compare the voters in the pollbook and the registration list and correct any mistakes.

Signed: _____

Precinct Officials

PLACE INSIDE BALLOT BOX OR TRANSFER CASE WITH VOTED BALLOTS

Discrepancies noted by resolution board: _____
(fill in only if there is a different total than above)

Signed _____

Resolution Board

Printer's note: In central count optical scan precincts, lines 10 and 11 may be completed by tabulation center employees. The printed form may be changed to reflect this option.

TABULATION CENTER

- Procedures can be found in SDCL 12-17B-10 through 12-17B-13 and in ARSD 5:02:09:04.04.
- Counter set to SORT OUT blank ballots.
- Counter set to NOT SORT overvoted ballots.

BALLOTS

- Ballot count:
 - Compare number of ballots from machine count with number of ballots on recap sheet.
 - If discrepancy, note on recap sheet, signed by tabulation technician and notify resolution board.
 - If there are five or more ballots than names in the pollbook, the resolution board shall examine each ballot for the official ballot stamp.
 - Unstamped ballots are removed and marked “unstamped – not counted”.
 - If the total number of ballots still exceeds the number of names in the pollbook, ballots equal to the excess number shall be randomly pulled and not counted.
 - Retabulate the ballots.

RESOLUTION BOARD

- For Primary and General election – one Republican and one Democrat.
- For other elections – two persons who are not employees of your jurisdiction.
- Duties:
 - Any ballot which cannot be counted by the machine shall be examined by the Board – this would include “blank” ballots which are out sorted.
 - If any of these ballots are actual blank ballots, reset the machine to accept the blank ballots and run them through.
 - If the board cannot agree on the voter’s intent, the ballot is rejected and so marked.

RESOLUTION BOARD

- Duties:

- If the Board agrees on the voter's intent, a duplicate ballot shall be made by the Board.
- Duplicate shall be marked "Duplicate" and "Official Resolution Ballot".
- Identical serial numbers shall be place on the duplicate and on the original.
- Duplicate shall be counted by the tabulating equipment.

VOTER INTENT

- “A mark that touches the oval on an optical scan ballot shall be counted as a vote; any mark that does not touch the oval and is not in the oval may not be counted as a vote.”

(ARSD 5:02:09:22)

- After the vote count:
 - Place ballots in boxes and reseal.
 - Remove program boards and store sealed.
- Recounts are conducted according to ARSD 5:02:09:05.

Questions?



Campaign Finance Disclosure

SDCL 12-27

WHO IS COVERED?

- Schools with ADM > 2,000.
- Any municipality or school that chooses to be.
- Any other school or municipality has no requirements for campaign finance disclosure.

STATEMENT OF ORGANIZATION

- Must be filed within:
 - 15 days of petition filing; or
 - 15 days of raising or expending at least \$500;
 - Whichever is earlier.

CONTRIBUTION LIMITS

- Individuals may contribute up to:
 - \$1,000/year to a Candidate
 - \$10,000/year to a PAC or Political Party
 - Unlimited amount to a Ballot Question Committee
 - Immediate Family is exempt
- Committee Treasurer must return excess contributions.

CONTRIBUTIONS FROM ORGANIZATIONS

- May not contribute to candidate campaigns or political party.
- May contribute to a ballot question committee and political action committee.

FINANCIAL DISCLOSURE STATEMENT CONTENTS:

- Direct Contributions
- In-kind Contributions
- Other Income
- Administrative costs for PAC
- Categorized Expenditures
- Contributions to Political Committee
Itemized
- Debts owed by the reporting committee
- Loans owed to the reporting committee

FILING DEADLINES

- Pre-election – 5:00 p.m. on the 2nd Friday prior to each election complete through the 15th day prior to that election.
- Year-end statement – 5:00 p.m. on February 1.
- \$50 per day penalty for late filing.

ADVERTISING DISCLAIMER

- Printed material or communication made by a political committee or political party.
- "Paid for by (Name of candidate, political committee, or political party)."
- Small impractical items exempt.
 - Buttons, balloons, pins, pens, matchbooks, clothing, etc.

GOVERNMENT PROHIBITIONS

- The state, an agency of the state, and the governing body of a county, municipality, or other political subdivision of the state **may not expend.**
- **No** candidate, political committee, or political party **may accept** any contribution from any state, state agency, political subdivision of the state, foreign government, Indian tribe, federal agency, or the federal government.

ENFORCEMENT

- States attorney – county and school elections
- Other political subdivisions should state **specifically** who is responsible for enforcement.

Questions?

