

SD Board of Elections approved rule changes that will be presented at the Legislative Rules Review Committee on July 9, 2018.

## **Administrative Rule Changes for the State Board of Elections**

### **ARTICLE 5:02**

#### **STATE BOARD OF ELECTIONS**

##### Chapter

- 5:02:03 Forms for registration.
- 5:02:04 Forms of notices.
- 5:02:06 Ballot forms and color.
- 5:02:08 Petitions.
- 5:02:09 Automatic tabulating equipment.
- 5:02:10 Absentee voting.

#### **CHAPTER 5:02:03**

##### **FORMS FOR REGISTRATION**

- 5:02:03:00 Repealed.
- 5:02:03:01 Voter registration form.
- 5:02:03:01.01 Repealed.
- 5:02:03:02 Repealed.
- 5:02:03:03 Repealed.
- 5:02:03:04 Repealed.
- 5:02:03:05 Repealed.
- 5:02:03:06 Repealed.

- 5:02:03:07 Repealed.
- 5:02:03:08 Repealed.
- 5:02:03:09 Repealed.
- 5:02:03:10 Repealed.
- 5:02:03:11 Repealed.
- 5:02:03:12 Agency voter registration instructions.
- 5:02:03:13 Voter registration instructions.
- 5:02:03:14 Acknowledgement notice for invalid or incomplete voter registration applications.
- 5:02:03:15 Acknowledgement notice for valid voter registrations.
- 5:02:03:16 Confirmation mailing notice.
- 5:02:03:17 Retention of confirmation mailing notice records.
- 5:02:03:18 Voter registration statistics.
- 5:02:03:19 Voter registration address verification notice.
- 5:02:03:20 Potential duplicate notice.
- 5:02:03:21 Statement by person registering without a driver license or social security number.
- 5:02:03:22 Parameters for voter registration verification with driver license records.
- 5:02:03:23 Parameters for voter registration verification with social security administration records.
- 5:02:03:24 Notice to removed felons.
- 5:02:03:25 Repealed.
- 5:02:03:26 National Change of Address Notice.
- 5:02:03:27 Voter Registration List Maintenance Confirmation Notice.

**5:02:03:19. Voter registration address verification notice.** The verification notice sent by nonforwardable, return-if-undeliverable mail to the mailing address of registered voters as required by SDCL 12-4-19 must contain the following:

- (1) Heading: **Voter Registration Address Verification Notice;**

(2) First instruction: (bold) **If this person no longer lives at this address, write check the box "No longer here" on the front of this card and place in a mailbox. Do not throw away.** (unbold);

(3) Information: Voter's name, complete residence address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and date of registration;

(4) Second instruction: Please review the information on this card. If any of the information is not correct and you wish to change it, please call \_\_\_\_\_ to request a new voter registration form; and

(5) Postal endorsement: Return Service Requested.

**Source:** 25 SDR 8, effective August 3, 1998; 35 SDR 306, effective July 1, 2009.

**General Authority:** SDCL 12-1-9(1), 12-4-35.

**Law Implemented:** SDCL 12-4-19.

## **CHAPTER 5:02:04**

### **FORMS OF NOTICES**

#### Section

5:02:04:01	Repealed.
5:02:04:02	Repealed.
5:02:04:03	Repealed.
5:02:04:04	Notice of deadline for voter registration.
5:02:04:05	Notice of general election.
5:02:04:06	Notice of vacancy for municipal election.
5:02:04:07	Repealed.
5:02:04:08	Notice of municipal election.
5:02:04:09	Notice of special election.

- 5:02:04:10 Notice of vacancy which may occur due to filing of recall petitions.
- 5:02:04:11 Notice of special recall election and of filing of nominating petitions for special recall election.
- 5:02:04:12 Repealed.
- 5:02:04:13 Notice of runoff election.
- 5:02:04:14 Notice of vacancy on school board.
- 5:02:04:15 Notice of school board election.
- 5:02:04:16 Notice of primary election.
- 5:02:04:17 Notice of deadline for filing primary nominating petitions.
- 5:02:04:18 Notice of statewide runoff election.
- 5:02:04:19 Publication of ballot for runoff election.
- 5:02:04:20 Repealed.
- 5:02:04:21 Repealed.
- 5:02:04:22 Notice of election for special district formation.
- 5:02:04:23 Notice of vacancy for newly incorporated municipal election.
- 5:02:04:24 Notice of vacancy for conservation district supervisor nominating petitions.

**5:02:04:17. Notice of deadline for filing primary nominating petitions.** Not less than ten nor more than fifteen days before the deadline for filing primary nominating petitions, the person in charge of the local election shall publish a notice in the following form:

**NOTICE OF DEADLINE FOR FILING NOMINATING PETITIONS FOR THE PRIMARY ELECTION AND FOR FILING INDEPENDENT CANDIDATE PETITIONS**

The deadline for filing nominating petitions for the primary election is \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time, it shall be considered filed.

The deadline for filing nominating petitions to run as an independent candidate in the general election is \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail

by \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time, it shall be considered filed. For the offices of (here list county offices) shall be filed in the office of the (insert name of county) county auditor and nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) shall be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501.

The deadline for filing nominating petitions to run as an independent candidate for president in the general election is \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. central time. If a petition is mailed by registered mail by \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. central time, it shall be considered filed. (Only include this deadline in addition to the independent deadline above if it is a presidential election year.)

Nominating petitions for the offices of (here list county offices) shall be filed in the office of the county auditor during regular business hours. Nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) shall be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. central time.

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(County Auditor or County Finance Officer)

**Source:** 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 30 SDR 171, effective May 10, 2004; 42 SDR 178, effective July 1, 2016; 44 SDR 94, effective December 4, 2017.

**General Authority:** SDCL 12-1-9(3).

**Law Implemented:** SDCL 12-12-1.

## CHAPTER 5:02:06

### BALLOT FORMS AND COLOR

#### Section

- 5:02:06:01 General election.
- 5:02:06:01.01 Constitutional amendments.
- 5:02:06:01.02 Optical scan ballot instructions.
- 5:02:06:01.03 Optical scan ballot political party notation.
- 5:02:06:02 Repealed.
- 5:02:06:02.01 Repealed.
- 5:02:06:02.02 Repealed.

5:02:06:02.03 Repealed.

5:02:06:03 Judiciary.

5:02:06:03.01 Repealed.

5:02:06:03.02 Deadline for request to be on retention ballot.

5:02:06:04 Repealed.

5:02:06:04.01 Initiated measures and referred laws.

5:02:06:05 Repealed.

5:02:06:05.01 Repealed.

5:02:06:06 Repealed.

5:02:06:06.01 Repealed.

5:02:06:07 Transferred.

5:02:06:07.01 Transferred.

5:02:06:08 Sample ballots.

5:02:06:09 Party precinct committeeman and committeewoman.

5:02:06:10 Primary ballot.

5:02:06:10.01 Repealed.

5:02:06:10.02 Repealed.

5:02:06:11 Repealed.

5:02:06:12 Municipal election.

5:02:06:13 Municipal questions election.

5:02:06:14 Municipal bond election.

5:02:06:15 School board election.

5:02:06:16 Ballot for increasing or decreasing number of school board members.

5:02:06:17 Ballot for statewide runoff election.

- 5:02:06:18 Colors of ballots for combined elections.
- 5:02:06:19 Nonpolitical consumers power district election.
- 5:02:06:20 County, municipal, or school district tax levy opt-out ballot.
- 5:02:06:21 Special district formation ballot.
- 5:02:06:22 School district reorganization ballot.
- 5:02:06:23 Sanitary district election ballot.
- 5:02:06:24 Alternate optical scan ballot.
- 5:02:06:25 County questions election.
- 5:02:06:26 School district capital outlay certificates ballot.
- 5:02:06:27 School sentinel program ballot.
- 5:02:06:28 County annual tax levy for maintaining, repairing, constructing, and reconstructing roads and bridges ballot.

**5:02:06:10.03. Primary election ballot for ballot marking device.** If a ballot marking device uses an activation card ballot, the primary election ballot must have a blue indicator for the Democratic Party, white for the Republican Party, tan for non-political and a different color as certified by the Secretary of State for any other party which must be printed at the bottom of the front side of the ballot. The primary election ballot shall be white and in the following form, as applicable:

This ballot marking device will print only the selections the voter makes on the machine in the format below. If the voter does not make a selection on a race or ballot measure the words "No Selection Made" will be printed on the ballot next to that race or ballot measure.

11111111111111111111111111111111  
 00000001

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 OFFICIAL \_\_\_\_\_ PARTY PRIMARY ELECTION BALLOT  
 JUNE \_\_\_\_\_,  
 \_\_\_\_\_ COUNTY, SOUTH DAKOTA  
 PRECINCT \_\_\_\_\_  
 -----

PRESIDENTIAL DELEGATES AND ALTERNATES-----  
 CANDIDATES PREFERRING CANDIDATE A FOR PRESIDENT  
 DELEGATE A, DELEGATE B, DELEGATE C,  
 ALTERNATE A, ALTERNATE B, ALTERNATE C  
 DELEGATES TO SUPPORT A PRESIDENTIAL CANDIDATE-----

DELEGATES TO SUPPORT CANDIDATE A  
 UNITED STATES SENATOR-----  
 CANDIDATE NAME  
 UNITED STATES REPRESENTATIVE-----  
 CANDIDATE NAME  
 GOVERNOR-----  
 CANDIDATE NAME  
 STATE SENATOR, DISTRICT \_\_\_\_-----  
 CANDIDATE NAME  
 STATE REPRESENTATIVE, DISTRICT \_\_\_\_-----  
 CANDIDATE NAME  
 STATE REPRESENTATIVE, DISTRICT \_\_\_\_ (A or B)-----  
 CANDIDATE NAME  
 (COUNTY TREASURER) or (COUNTY FINANCE OFFICER)-----  
 CANDIDATE NAME  
 (COUNTY AUDITOR) or (COUNTY FINANCE OFFICER)-----  
 CANDIDATE NAME  
 STATES ATTORNEY-----  
 CANDIDATE NAME  
 SHERIFF-----  
 CANDIDATE NAME  
 REGISTER OF DEEDS-----  
 CANDIDATE NAME  
 CORONER-----  
 CANDIDATE NAME  
 COUNTY COMMISSIONER, DISTRICT \_\_\_\_-----  
 CANDIDATE NAME  
 COUNTY COMMISSIONER AT LARGE-----  
 CANDIDATE NAME  
 DELEGATES TO STATE CONVENTION-----  
 CANDIDATE NAME  
 PRECINCT COMMITTEEMAN-----  
 CANDIDATE NAME  
 PRECINCT COMMITTEEWOMAN-----  
 CANDIDATE NAME  
 JUDGE OF THE CIRCUIT COURT \_\_\_\_ CIRCUIT, POSITION \_\_\_\_-----  
 CANDIDATE NAME  
 NAME WATER DEVELOPMENT DISTRICT DIRECTOR, AREA \_\_\_\_  
 CANDIDATE NAME  
 HEARTLAND CONSUMERS POWER DISTRICT,  
 SUBDIVISION # \_\_\_\_ DIRECTOR-----  
 CANDIDATE NAME  
 SCHOOL BOARD MEMBER, \_\_\_\_ YEAR TERM-----  
 CANDIDATE NAME  
 MAYOR-----  
 CANDIDATE NAME  
 CITY COMMISSION, \_\_\_\_ YEAR TERM-----  
 CANDIDATE NAME  
 COUNTY INITIATED MEASURE 1-----



YES OR NO

COUNTY REFERRED LAW 2-----

YES OR NO

OFFICIAL \_\_\_\_\_ PARTY PRIMARY ELECTION BALLOT  
\_\_\_\_\_ COUNTY, SOUTH DAKOTA  
JUNE \_\_, \_\_\_\_  
PRECINCT \_\_\_\_

**Printing note:** The top right corner of the front side of each ballot must be cut off approximately one-half inch from the right and top of the ballot. The person in charge of the election shall instruct the election worker to place the ballot stamp on the reverse side of the ballot.

The ballot style specific activation bar code and associated number must be preprinted at the top left of the ballot and the official election name, date of the election, county, state, precinct name/number, and party color indicator (as prescribed in § 5:02:06:10) must be printed at the bottom of the ballot on 4.25" wide, white thermal ballot paper prior to being distributed to the polling location.

**County Auditor/County Finance Officer Notes:** The pre-printing language requirements above are only waived for a county that uses the ExpressVote and the ExpressLink ballot printer for in-person absentee voting in the county auditor's office. The county auditor will purchase blank white thermal ballot paper with the party color indicator (as prescribed in § 5:02:06:10). The auditor or auditor's staff shall use the ExpressLink ballot printer to print the following on the blank white thermal ballot paper prior to distributing a ballot to a voter during absentee voting: the activation barcode and ballot style number, the words Official Party Primary Election Ballot, date of the election, county, state, and precinct name/number. This information must be printed on the top left of the ballot.

~~Pennington County will be the only county authorized to use the ExpressLink ballot printer at their polling places in the 2018 Primary Election as the pilot county to test the ExpressLink printer.~~

**Source:** 44 SDR 17, effective August 8, 2017.  
**General Authority:** SDCL 12-1-9(2).  
**Law Implemented:** SDCL 12-5-3.11, 12-6-4, 12-16-2.1.

**CHAPTER 5:02:08**

**PETITIONS**

Section

- 5:02:08:00 Guidelines for acceptance of petitions.
- 5:02:08:00.01 Requirements for counting signatures on petitions.
- 5:02:08:00.02 Petitions.

- 5:02:08:00.03 Form of petition.
- 5:02:08:00.04 Validity of petition signature when signer has signed more petitions than offices to be nominated.
- 5:02:08:00.05 Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition.
- 5:02:08:01 Form of nominating petition -- Partisan election.
- 5:02:08:02 Form of petition for circuit court judge -- Nonpartisan election.
- 5:02:08:03 Repealed.
- 5:02:08:04 Repealed.
- 5:02:08:05 Certificate of nomination for Independent candidate.
- 5:02:08:05.01 Independent candidate declaration of candidacy and certification of running mate.
- 5:02:08:06 Form of declaration for new political party.
- 5:02:08:07 Form of initiative petition.
- 5:02:08:07.01 Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition.
- 5:02:08:07.02 Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated.
- 5:02:08:08 Form of referendum petition.
- 5:02:08:09 Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision.
- 5:02:08:10 Repealed.
- 5:02:08:11 Nominating petition for school board member.
- 5:02:08:12 Reserved.
- 5:02:08:13 Nominating petition for municipal election.
- 5:02:08:14 Repealed.
- 5:02:08:15 Municipal initiative petition.
- 5:02:08:16 Municipal referendum petition.

- 5:02:08:17 Municipal petition for recall.
- 5:02:08:18 County initiative petition.
- 5:02:08:19 County referendum petition.
- 5:02:08:20 Certificate of nomination for Independent presidential electors.
- 5:02:08:21 Form of petition to increase or decrease number of county commissioners.
- 5:02:08:22 Form of petition to increase or decrease number of members of school board.
- 5:02:08:23 Form of petition for change in municipal government.
- 5:02:08:24 Form of petition for water development district director.
- 5:02:08:25 Form of petition for irrigation district director by division.
- 5:02:08:26 Form of petition for irrigation district director at large.
- 5:02:08:27 Form of petition for water project district director by division.
- 5:02:08:28 Form of petition for water project district director at large.
- 5:02:08:29 Form of petition for school district reorganization through dissolution.
- 5:02:08:30 Form of petition for multiple school district reorganization to create a new district.
- 5:02:08:31 Form of petition for reconsideration of rejected school district reorganization plan.
- 5:02:08:32 Form of petition for combining county offices.
- 5:02:08:33 Form of petition for combining a county office with the same office in other counties.
- 5:02:08:34 Form of nominating petition for township election.
- 5:02:08:35 Form of nominating petition for special district trustee.
- 5:02:08:36 Form of petition for conservation district supervisor --  
Nonpartisan election.
- 5:02:08:37 Repealed.
- 5:02:08:38 Repealed.
- 5:02:08:39 Form of petition for organization of a county road, ambulance, rural fire protection,  
sanitary, watershed, or water project district.

- 5:02:08:40 Form of petition for a resolution of cooperation or consolidation.
- 5:02:08:41 Form of petition for referring a tax levy opt-out.
- 5:02:08:42 Form of petition for consumers power district director.
- 5:02:08:43 Form of petition for establishing or eliminating school board representation areas.
- 5:02:08:44 Form of petition for referring the discontinuance of an attendance center.
- 5:02:08:45 Form for precinct committeeman or committeewoman.
- 5:02:08:46 Form of petition for a school board to implement a school sentinel program.

**5:02:08:00. Guidelines for acceptance of petitions.** When a petition is presented for filing, the person or governing board authorized to accept the petition for filing shall determine if it meets the following requirements for acceptance:

(1) The petition is in the form required by this chapter;

(2) 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;

(3) Each sheet 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;

(4) The declaration of candidacy contains the original signature of the candidate. Additional sheets sections may have an original or photocopied signature of the candidate;

(5) 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;

(5a) If a petition is for a ballot question to be voted on statewide, the sponsor(s) must submit the affidavit of completed petition along with the information required for each petition circulator when the petition sheets are submitted to the secretary of state;

(6) 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

(7) Following the presentation of the petition for filing, names may not be removed from the petition.

(8) The declaration of candidacy on a candidate petition cannot include a professional title with the candidate's name.

Except for petitions to nominate candidates for school boards and statewide campaigns, 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, unless there is a challenge to that petition. But the excess signatures will not be considered by the filing office unless the excess signatures are needed to validate the petition.**

**Source:** 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 28 SDR 99, effective January 17, 2002; 35 SDR 48, effective September 8, 2008; 42 SDR 178, effective July 1, 2016.

**General Authority:** SDCL 12-1-9(6).

**Law Implemented:** SDCL 2-1-2, ~~2-1-2.1~~, 2-1-4, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 12-7-1, 13-7-6, HB 1196.

**Cross-Reference:** Sections of petition, § 5:02:08:00.02.

**5:02:08:00.01. Requirements for counting signatures on petitions.** Requirements for counting signatures on a petition sheet are as follows:

(1) No signature on a petition sheet may be counted if one of the following conditions is present:

- (a) The form of the petition does not meet the requirements of this chapter;
- (b) The petition sheet is not a self-contained sheet of paper printed front and back;
- (c) 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;
- (~~e~~) 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
- (~~e~~) The circulator's verification was signed by more than one circulator; ~~and~~
- (f) A petition sheet for a statewide ballot question is wider than eleven inches;

(g) Petition sheets for a candidate or a statewide ballot measure are not all the same size. If a non-compliant petition sheet is rejected, that will not result in rejecting properly submitted petition sheets;

(h) A petition sheet for a statewide ballot question is mixed in with a different statewide ballot question petition. If a non-compliant petition sheet is rejected, that will not result in rejecting properly submitted petition sheets;

(i) A legislative candidate petition sheet does not include the chamber and legislative district number; and,

(j) If a petition is for a ballot question to be voted on statewide, the sponsor(s) must sort the petition sheets by circulator prior to submitting the petitions to the secretary of state. If a non-compliant petition sheet is rejected, that will not result in rejecting properly submitted petition sheets;

(2) An individual signature on a petition sheet may not be counted if one of the following conditions is present:

(a) 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;

(b) It was signed after the circulator completed the verification;

(c) 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;

(d) The date of signing, including month and day, is not indicated;

(e) The signer's name is not printed and legible; or

(f) The signer's county of voter registration is not provided.

**Source:** 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 44 SDR 94, effective December 4, 2017.

**General Authority:** SDCL 12-1-9(6).

**Law Implemented:** SDCL 2-1-2, ~~2-1-2.1~~, 2-1-4, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-8, 13-7-6,-  
HB 1004.

**5:02:08:00.05. Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition.** Upon receiving any statewide candidate petition, initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall use the following method for conducting the random sample:

(1) Each sheet within the petition shall be consecutively numbered;

(2) A spreadsheet consisting of rows and columns shall be created listing each petition sheet number in a column and the number of eligible signatures, as defined in subsection 4(d), in a separate column;

(3) The Office of Secretary State must use the tables in subdivision (8) which identifies how many signatures shall be randomly sampled to meet the statutory requirement based on the number of petition signatures submitted. Microsoft Excel functions, or a similar program as determined by the secretary of state, shall be used to randomly select the signatures for validation;

(4) Each signature in the random sample shall be evaluated as to whether the signature is valid or invalid pursuant to §§ 5:02:08:00 and 5:02:08:00.01, and in accordance with:

(a) No signature line may be counted unless the person is a registered voter in the county indicated in the signature line;

(b) When validating a statewide partisan candidate petition, the party affiliation is also validated for each randomly selected eligible signature;

(c) A signature line consists of two rows containing six fields each, signature line is separately numbered as per § 5:02:08:00.03;

(d) An eligible signature is a signature line that is filled in partially or completely. If a signature line is empty or crossed out, said signature line is not included as an eligible signature. A signature line containing an abstract mark or markings shall be counted as an eligible signature; and

(e) A random sample signatures are those eligible signatures contained in the random sample generated by the program designated in subdivision (3). The total number of valid signatures submitted is extrapolated from the random sample;

(5) The total number of valid signatures is determined by:

(a) Subtracting the number of invalid random sample signatures from the total number of random sample signatures;

(b) Next, determine the percentage of valid signatures in the random sample signatures by dividing the number of valid signatures by the total number of random sample signatures;

(c) The resulting percentage is multiplied by the total number of eligible signatures submitted;  
and

(d) The resulting number is the number of valid signatures the secretary of state uses to determine how the petition is certified;

(6) If the number of valid signatures as determined in subdivision (5) is equal to or greater than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as filed;

(7) If the number of valid signatures as determined in subdivision (5) is less than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as not filed; and

(8) The table below identifies how many signatures shall be randomly sampled to meet the state requirements:

(a) If the sample size number is less than the safe harbor sample size number the Secretary of State shall use the safe harbor sample size number; and

(b) If the number of submitted signatures is between two numbers listed in the signatures submitted column, the Secretary of State shall round down to the lower number if the number is 500 or less and shall round up if the number is 501 and higher.

<b>Statewide Ballot Question Table</b>			
<b>Sample Size</b>	<b>Signatures Submitted</b>	<b>"Safe Harbor" Sample Size</b>	<b>Sample size % of total</b>
694	13,871	699	5.0032%
699	15,000	701	4.6600%
701	16,000	703	4.3813%
703	17,000	704	4.1353%
704	18,000	706	3.9111%
706	19,000	707	3.7158%
707	20,000	708	3.5350%
708	21,000	709	3.3714%
709	22,000	710	3.2227%
710	23,000	711	3.0870%



711	24,000	712	2.9625%
712	25,000	713	2.8480%
713	26,000	714	2.7423%
714	27,000	714	2.6444%
714	28,000	715	2.5500%
715	29,000	715	2.4655%
715	30,000	716	2.3833%
716	31,000	716	2.3097%
716	32,000	717	2.2375%
717	33,000	717	2.1727%
717	34,000	718	2.1088%
718	35,000	718	2.0514%
718	36,000	719	1.9944%
719	37,000	719	1.9432%
719	38,000	719	1.8921%
719	39,000	720	1.8436%
720	40,000	720	1.8000%
720	41,000	720	1.7561%
720	42,000	721	1.7143%
721	43,000	721	1.6767%
721	44,000	721	1.6386%
721	45,000	721	1.6022%
721	46,000	722	1.5674%
722	47,000	722	1.5362%
722	48,000	722	1.5042%
722	49,000	722	1.4735%
722	50,000	723	1.4440%
723	51,000	723	1.4176%
723	52,000	723	1.3904%
723	53,000	723	1.3642%

723	54,000	723	1.3389%
723	55,000	723	1.3145%
723	56,000	724	1.2911%
724	57,000	724	1.2702%
724	58,000	724	1.2483%
724	59,000	724	1.2271%
724	60,000	724	1.2067%
724	61,000	724	1.1869%
724	62,000	724	1.1677%
724	63,000	725	1.1492%
725	64,000	725	1.1328%
725	65,000	725	1.1154%
725	66,000	725	1.0985%
725	67,000	725	1.0821%
725	68,000	725	1.0662%
725	69,000	725	1.0507%
725	70,000	725	1.0357%
725	71,000	726	1.0211%
726	72,000	726	1.0083%
726	73,000	726	0.9945%
726	74,000	726	0.9811%
726	75,000	726	0.9680%
726	76,000	726	0.9553%
726	77,000	726	0.9429%
726	78,000	726	0.9308%
726	79,000	726	0.9190%
726	80,000	726	0.9075%
726	81,000	726	0.8963%
726	82,000	726	0.8854%
726	83,000	727	0.8747%

727	84,000	727	0.8655%
727	85,000	727	0.8553%

<b>Statewide Candidate Table</b>			
<b>Sample Size</b>	<b>Signatures Submitted</b>	<b>"Safe Harbor" Sample Size</b>	<b>Sample size % of total</b>
187	250	213	74.8000%
213	300	259	71.0000%
259	400	297	64.7500%
297	500	330	59.4000%
330	600	358	55.0000%
358	700	383	51.1429%
383	800	404	47.8750%
404	900	423	44.8889%
423	1,000	440	42.3000%
440	1,100	455	40.0000%
455	1,200	469	37.9167%
469	1,300	481	36.0769%
481	1,400	493	34.3571%
493	1,500	503	32.8667%
503	1,600	512	31.4375%
512	1,700	521	30.1176%
521	1,800	529	28.9444%
529	1,900	537	27.8421%
537	2,000	543	26.8500%
543	2,100	550	25.8571%
550	2,200	556	25.0000%
556	2,300	562	24.1739%

562	2,400	567	23.4167%
567	2,500	572	22.6800%
572	2,600	577	22.0000%
577	2,700	581	21.3704%
581	2,800	585	20.7500%
585	2,900	589	20.1724%
589	3,000	593	19.6333%
593	3,100	596	19.1290%
596	3,200	600	18.6250%
600	3,300	603	18.1818%
603	3,400	606	17.7353%
606	3,500	609	17.3143%
609	3,600	612	16.9167%
612	3,700	615	16.5405%
615	3,800	617	16.1842%
617	3,900	620	15.8205%
620	4,000	622	15.5000%
622	4,100	624	15.1707%
624	4,200	626	14.8571%
626	4,300	628	14.5581%
628	4,400	630	14.2727%
630	4,500	632	14.0000%
632	4,600	634	13.7391%
634	4,700	636	13.4894%
636	4,800	638	13.2500%
638	4,900	639	13.0204%
639	5,000	641	12.7800%
<u>641</u>	<u>5,100</u>	<u>642</u>	<u>12.5686%</u>
<u>642</u>	<u>5,200</u>	<u>644</u>	<u>12.3462%</u>
<u>644</u>	<u>5,300</u>	<u>645</u>	<u>12.1509%</u>

<u>645</u>	<u>5,400</u>	<u>647</u>	<u>11.9444%</u>
<u>647</u>	<u>5,500</u>	<u>648</u>	<u>11.7636%</u>
<u>648</u>	<u>5,600</u>	<u>649</u>	<u>11.5714%</u>
<u>649</u>	<u>5,700</u>	<u>651</u>	<u>11.3860%</u>
<u>651</u>	<u>5,800</u>	<u>652</u>	<u>11.2241%</u>
<u>652</u>	<u>5,900</u>	<u>653</u>	<u>11.0508%</u>
<u>653</u>	<u>6,000</u>	<u>654</u>	<u>10.8833%</u>
<u>654</u>	<u>6,100</u>	<u>656</u>	<u>10.7213%</u>
<u>656</u>	<u>6,200</u>	<u>657</u>	<u>10.5806%</u>
<u>657</u>	<u>6,300</u>	<u>658</u>	<u>10.4286%</u>
<u>658</u>	<u>6,400</u>	<u>659</u>	<u>10.2813%</u>
<u>659</u>	<u>6,500</u>	<u>660</u>	<u>10.1385%</u>
<u>660</u>	<u>6,600</u>	<u>661</u>	<u>10.0000%</u>
<u>661</u>	<u>6,700</u>	<u>662</u>	<u>9.8657%</u>
<u>662</u>	<u>6,800</u>	<u>663</u>	<u>9.7353%</u>
<u>663</u>	<u>6,900</u>	<u>664</u>	<u>9.6087%</u>
<u>664</u>	<u>7,000</u>	<u>664</u>	<u>9.4857%</u>
<u>664</u>	<u>7,100</u>	<u>665</u>	<u>9.3521%</u>
<u>665</u>	<u>7,200</u>	<u>666</u>	<u>9.2361%</u>
<u>666</u>	<u>7,300</u>	<u>667</u>	<u>9.1233%</u>
<u>667</u>	<u>7,400</u>	<u>668</u>	<u>9.0135%</u>
<u>668</u>	<u>7,500</u>	<u>669</u>	<u>8.9067%</u>
<u>669</u>	<u>7,600</u>	<u>669</u>	<u>8.8026%</u>
<u>669</u>	<u>7,700</u>	<u>670</u>	<u>8.6883%</u>
<u>670</u>	<u>7,800</u>	<u>671</u>	<u>8.5897%</u>
<u>671</u>	<u>7,900</u>	<u>671</u>	<u>8.4937%</u>
<u>671</u>	<u>8,000</u>	<u>672</u>	<u>8.3875%</u>
<u>672</u>	<u>8,100</u>	<u>673</u>	<u>8.2963%</u>
<u>673</u>	<u>8,200</u>	<u>673</u>	<u>8.2073%</u>
<u>673</u>	<u>8,300</u>	<u>674</u>	<u>8.1084%</u>

<u>674</u>	<u>8,400</u>	<u>675</u>	<u>8.0238%</u>
<u>675</u>	<u>8,500</u>	<u>675</u>	<u>7.9412%</u>
<u>675</u>	<u>8,600</u>	<u>676</u>	<u>7.8488%</u>
<u>676</u>	<u>8,700</u>	<u>677</u>	<u>7.7701%</u>
<u>677</u>	<u>8,800</u>	<u>677</u>	<u>7.6932%</u>
<u>677</u>	<u>8,900</u>	<u>678</u>	<u>7.6067%</u>
<u>678</u>	<u>9,000</u>	<u>678</u>	<u>7.5333%</u>
<u>678</u>	<u>9,100</u>	<u>679</u>	<u>7.4505%</u>
<u>679</u>	<u>9,200</u>	<u>679</u>	<u>7.3804%</u>
<u>679</u>	<u>9,300</u>	<u>680</u>	<u>7.3011%</u>
<u>680</u>	<u>9,400</u>	<u>680</u>	<u>7.2340%</u>
<u>680</u>	<u>9,500</u>	<u>681</u>	<u>7.1579%</u>
<u>681</u>	<u>9,600</u>	<u>681</u>	<u>7.0938%</u>
<u>681</u>	<u>9,700</u>	<u>682</u>	<u>7.0206%</u>
<u>682</u>	<u>9,800</u>	<u>682</u>	<u>6.9592%</u>
<u>682</u>	<u>9,900</u>	<u>683</u>	<u>6.8889%</u>
<u>683</u>	<u>10,000</u>	<u>683</u>	<u>6.8300%</u>
<u>683</u>	<u>10,100</u>	<u>684</u>	<u>6.7624%</u>
<u>684</u>	<u>10,200</u>	<u>684</u>	<u>6.7059%</u>
<u>684</u>	<u>10,300</u>	<u>685</u>	<u>6.6408%</u>
<u>685</u>	<u>10,400</u>	<u>685</u>	<u>6.5865%</u>
<u>685</u>	<u>10,500</u>	<u>686</u>	<u>6.5238%</u>
<u>686</u>	<u>10,600</u>	<u>686</u>	<u>6.4717%</u>
<u>686</u>	<u>10,700</u>	<u>686</u>	<u>6.4112%</u>
<u>686</u>	<u>10,800</u>	<u>687</u>	<u>6.3519%</u>
<u>687</u>	<u>10,900</u>	<u>687</u>	<u>6.3028%</u>
<u>687</u>	<u>11,000</u>	<u>688</u>	<u>6.2455%</u>
<u>688</u>	<u>11,100</u>	<u>688</u>	<u>6.1982%</u>
<u>688</u>	<u>11,200</u>	<u>688</u>	<u>6.1429%</u>
<u>688</u>	<u>11,300</u>	<u>689</u>	<u>6.0885%</u>

<u>689</u>	<u>11,400</u>	<u>689</u>	<u>6.0439%</u>
<u>689</u>	<u>11,500</u>	<u>689</u>	<u>5.9913%</u>
<u>689</u>	<u>11,600</u>	<u>690</u>	<u>5.9397%</u>
<u>690</u>	<u>11,700</u>	<u>690</u>	<u>5.8974%</u>
<u>690</u>	<u>11,800</u>	<u>690</u>	<u>5.8475%</u>
<u>690</u>	<u>11,900</u>	<u>691</u>	<u>5.7983%</u>
<u>691</u>	<u>12,000</u>	<u>691</u>	<u>5.7583%</u>
<u>691</u>	<u>12,100</u>	<u>691</u>	<u>5.7107%</u>
<u>691</u>	<u>12,200</u>	<u>692</u>	<u>5.6639%</u>
<u>692</u>	<u>12,300</u>	<u>692</u>	<u>5.6260%</u>
<u>692</u>	<u>12,400</u>	<u>692</u>	<u>5.5806%</u>
<u>692</u>	<u>12,500</u>	<u>693</u>	<u>5.5360%</u>
<u>693</u>	<u>12,600</u>	<u>693</u>	<u>5.5000%</u>
<u>693</u>	<u>12,700</u>	<u>693</u>	<u>5.4567%</u>
<u>693</u>	<u>12,800</u>	<u>694</u>	<u>5.4141%</u>
<u>694</u>	<u>12,900</u>	<u>694</u>	<u>5.3798%</u>
<u>694</u>	<u>13,000</u>	<u>694</u>	<u>5.3385%</u>
<u>694</u>	<u>13,100</u>	<u>694</u>	<u>5.2977%</u>
<u>694</u>	<u>13,200</u>	<u>695</u>	<u>5.2576%</u>
<u>695</u>	<u>13,300</u>	<u>695</u>	<u>5.2256%</u>
<u>695</u>	<u>13,400</u>	<u>695</u>	<u>5.1866%</u>
<u>695</u>	<u>13,500</u>	<u>695</u>	<u>5.1481%</u>
<u>695</u>	<u>13,600</u>	<u>696</u>	<u>5.1103%</u>
<u>696</u>	<u>13,700</u>	<u>696</u>	<u>5.0803%</u>
<u>696</u>	<u>13,800</u>	<u>696</u>	<u>5.0435%</u>
<u>696</u>	<u>13,900</u>	<u>696</u>	<u>5.0072%</u>
<u>696</u>	<u>14,000</u>	<u>697</u>	<u>4.9714%</u>
<u>697</u>	<u>14,100</u>	<u>697</u>	<u>4.9433%</u>
<u>697</u>	<u>14,200</u>	<u>697</u>	<u>4.9085%</u>
<u>697</u>	<u>14,300</u>	<u>697</u>	<u>4.8741%</u>

<u>697</u>	<u>14,400</u>	<u>698</u>	<u>4.8403%</u>
<u>698</u>	<u>14,500</u>	<u>698</u>	<u>4.8138%</u>
<u>698</u>	<u>14,600</u>	<u>698</u>	<u>4.7808%</u>
<u>698</u>	<u>14,700</u>	<u>698</u>	<u>4.7483%</u>
<u>698</u>	<u>14,800</u>	<u>699</u>	<u>4.7162%</u>
<u>699</u>	<u>14,900</u>	<u>699</u>	<u>4.6913%</u>
<u>699</u>	<u>15,000</u>	<u>699</u>	<u>4.6600%</u>
<u>699</u>	<u>15,100</u>	<u>699</u>	<u>4.6291%</u>
<u>699</u>	<u>15,200</u>	<u>699</u>	<u>4.5987%</u>
<u>699</u>	<u>15,300</u>	<u>700</u>	<u>4.5686%</u>
<u>700</u>	<u>15,400</u>	<u>700</u>	<u>4.5455%</u>
<u>700</u>	<u>15,500</u>	<u>700</u>	<u>4.5161%</u>
<u>700</u>	<u>15,600</u>	<u>700</u>	<u>4.4872%</u>
<u>700</u>	<u>15,700</u>	<u>700</u>	<u>4.4586%</u>
<u>700</u>	<u>15,800</u>	<u>701</u>	<u>4.4304%</u>
<u>701</u>	<u>15,900</u>	<u>701</u>	<u>4.4088%</u>
<u>701</u>	<u>16,000</u>	<u>701</u>	<u>4.3813%</u>
<u>701</u>	<u>16,100</u>	<u>701</u>	<u>4.3540%</u>
<u>701</u>	<u>16,200</u>	<u>701</u>	<u>4.3272%</u>
<u>701</u>	<u>16,300</u>	<u>702</u>	<u>4.3006%</u>
<u>702</u>	<u>16,400</u>	<u>702</u>	<u>4.2805%</u>
<u>702</u>	<u>16,500</u>	<u>702</u>	<u>4.2545%</u>
<u>702</u>	<u>16,600</u>	<u>702</u>	<u>4.2289%</u>
<u>702</u>	<u>16,700</u>	<u>702</u>	<u>4.2036%</u>
<u>702</u>	<u>16,800</u>	<u>702</u>	<u>4.1786%</u>
<u>702</u>	<u>16,900</u>	<u>703</u>	<u>4.1538%</u>
<u>703</u>	<u>17,000</u>	<u>703</u>	<u>4.1353%</u>
<u>703</u>	<u>17,100</u>	<u>703</u>	<u>4.1111%</u>
<u>703</u>	<u>17,200</u>	<u>703</u>	<u>4.0872%</u>
<u>703</u>	<u>17,300</u>	<u>703</u>	<u>4.0636%</u>



<u>703</u>	<u>17,400</u>	<u>703</u>	<u>4.0402%</u>
<u>703</u>	<u>17,500</u>	<u>704</u>	<u>4.0171%</u>
<u>704</u>	<u>17,600</u>	<u>704</u>	<u>4.0000%</u>
<u>704</u>	<u>17,700</u>	<u>704</u>	<u>3.9774%</u>
<u>704</u>	<u>17,800</u>	<u>704</u>	<u>3.9551%</u>
<u>704</u>	<u>17,900</u>	<u>704</u>	<u>3.9330%</u>
<u>704</u>	<u>18,000</u>	<u>704</u>	<u>3.9111%</u>
<u>704</u>	<u>18,100</u>	<u>705</u>	<u>3.8895%</u>
<u>705</u>	<u>18,200</u>	<u>705</u>	<u>3.8736%</u>
<u>705</u>	<u>18,300</u>	<u>705</u>	<u>3.8525%</u>
<u>705</u>	<u>18,400</u>	<u>705</u>	<u>3.8315%</u>
<u>705</u>	<u>18,500</u>	<u>705</u>	<u>3.8108%</u>
<u>705</u>	<u>18,600</u>	<u>705</u>	<u>3.7903%</u>
<u>705</u>	<u>18,700</u>	<u>705</u>	<u>3.7701%</u>
<u>705</u>	<u>18,800</u>	<u>706</u>	<u>3.7500%</u>
<u>706</u>	<u>18,900</u>	<u>706</u>	<u>3.7354%</u>
<u>706</u>	<u>19,000</u>	<u>706</u>	<u>3.7158%</u>
<u>706</u>	<u>19,100</u>	<u>706</u>	<u>3.6963%</u>
<u>706</u>	<u>19,200</u>	<u>706</u>	<u>3.6771%</u>
<u>706</u>	<u>19,300</u>	<u>706</u>	<u>3.6580%</u>
<u>706</u>	<u>19,400</u>	<u>706</u>	<u>3.6392%</u>
<u>706</u>	<u>19,500</u>	<u>707</u>	<u>3.6205%</u>
<u>707</u>	<u>19,600</u>	<u>707</u>	<u>3.6071%</u>
<u>707</u>	<u>19,700</u>	<u>707</u>	<u>3.5888%</u>
<u>707</u>	<u>19,800</u>	<u>707</u>	<u>3.5707%</u>
<u>707</u>	<u>19,900</u>	<u>707</u>	<u>3.5528%</u>
<u>707</u>	<u>20,000</u>	<u>707</u>	<u>3.5350%</u>

Reference: Northern State University Assistant Professor of Accounting, Economics, Banking and Financial Services and Business Law, Sara Schmidt provided the methodology and the signature tables.

**Source:** 33 SDR 230, effective July 1, 2007; 42 SDR 178, effective July 1, 2016; 44 SDR 17, effective August 8, 2017.

**General Authority:** SDCL 2-1-16.

**Law Implemented:** SDCL 2-1-16, 12-1-35, 12-1-36.

**5:02:08:07. Form of initiative petition.** ~~Prior to July 1, 2010, the~~ The initiative petition form shall follow the specifications provided in this section ~~that were in effect on December 9, 2009.~~

The initiative petition shall be in the following form:

### INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November \_\_\_\_, \_\_\_\_, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

Title:

Attorney General Explanation:

Be it enacted by the people of South Dakota.

The text of the proposed law is as follows: (insert text)

~~Be it enacted by the people of South Dakota.~~

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

### VERIFICATION BY PERSON CIRCULATING PETITION

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

---

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 am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, 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) \_\_\_\_\_  
Signature of Officer Administering Oath

My Commission Expires \_\_\_\_\_  
\_\_\_\_\_  
Title of Officer Administering Oath

**Source:** 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

**General Authority:** SDCL 12-1-9(7).

**Law Implemented:** SDCL 2-1-1, ~~2-1-6.2~~, 2-1-7, 2-1-10, HB 1196.

**5:02:08:07.01. Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition.** The affidavit to be filed with the completed petition for initiative, referendum, or initiated constitutional amendment shall be in the following form:

STATE OF SOUTH DAKOTA)

) SS AFFIDAVIT OF COMPLETED PETITION

COUNTY OF \_\_\_\_\_)

I or We, under oath, state that the documents filed attached petition sheets constitute the entire petition and all the information required for each petition circulator and ~~to be filed that~~ to the best of my knowledge they petition sheets contain a sufficient number of signatures to be certified to the ballot.

If there is more than one sponsor, at least two-thirds of the sponsors must sign the affidavit.

Title of Ballot Measure \_\_\_\_\_

---

Signature of Sponsor

---

Print name and complete address of the sponsor

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Seal) \_\_\_\_\_

Signature of Officer Administering Oath

My commission expires: \_\_\_\_\_.

---

Title of Officer Administering Oath

---

Signature of Sponsor

---

Print name and complete address of the sponsor

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Seal) \_\_\_\_\_

Signature of Officer Administering Oath

My commission expires: \_\_\_\_\_.

---

Title of Officer Administering Oath

---

Signature of Sponsor

Print name and complete address of the sponsor

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Seal)

Signature of Officer Administering Oath

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Title of Officer Administering Oath

(complete on a separate page, can have multiple pages)

**Title of Ballot Measure** \_\_\_\_\_

**CIRCULATOR INFORMATION:**

(1) Current state in which the petition circulator is licensed to drive, driver license number, and expiration date: \_\_\_\_\_

(2) Current state of voter registration: \_\_\_\_\_

(3) Length of time at current physical street address and previous two addresses, and whether the prior addresses were located in South Dakota: \_\_\_\_\_

\_\_\_\_\_  
(4) A sworn statement by the petition circulator indicating the circulator's intention to stay in the state after the petition circulation deadline.

(5) Any other information relevant to indicate residency, including a library card or utility bill.

(6) Whether the petition circulator pays in-state tuition at any public postsecondary educational institution, if applicable: \_\_\_\_\_

(7) Whether the petition circulator obtains any resident hunting or resident fishing license of any kind, if applicable: \_\_\_\_\_

The information included in the affidavit are factors in determining residency but are not determinative. The contents under this section of any affidavit filed with the secretary of state shall be held confidential by the secretary of state, and the secretary of state may release the contents only to an interested person for purposes of § 2-1-18 and to the attorney general. Failure to substantially comply with the provisions of this section shall disqualify the petitions from a petition circulator not

in substantial compliance with this section from being considered.

**Source:** 16 SDR 20, effective August 10, 1989; 44 SDR 94, effective December 4, 2017.

**General Authority:** SDCL 12-1-9(7).

**Law Implemented:** SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1, HB 1196.

**5:02:08:08. Form of referendum petition.** ~~Prior to July 1, 2010, the~~ The referendum petition form shall follow the specifications provided in this section ~~that were in effect on December 9, 2009.~~

The petition of referendum shall be in the following form:

**REFERENDUM PETITION**

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following law, as enacted by the Legislature of the state of South Dakota, be submitted to the voters of the state of South Dakota at the general election on November \_\_\_\_, \_\_\_\_, for their approval or rejection pursuant to the Constitution of the state of South Dakota.

(Here insert the title of law to be submitted and the effective date of the referred law.)

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

**VERIFICATION BY PERSON CIRCULATING PETITION**

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

---

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 am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, 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)

\_\_\_\_\_  
Signature of Officer Administering Oath

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Title of Officer Administering Oath

**Source:** 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

**General Authority:** SDCL 12-1-9(7).

**Law Implemented:** SDCL 2-1-3, ~~2-1-6.2~~, 2-1-7, 2-1-10, HB 1196.

**5:02:08:09. Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision.** The petition for initiated constitutional amendment or repeal shall be in the following form:

**INITIATED CONSTITUTIONAL AMENDMENT PETITION**

**or**

**INITIATED PETITION FOR REPEAL OF CONSTITUTIONAL PROVISION**

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be (repealed) (amended) and that this proposal be submitted to the voters of the state of South Dakota at the general election on November \_\_\_\_\_, \_\_\_\_\_, for their approval or rejection.

Title:

Attorney General Explanation:

(Here identify the section or sections and article or articles proposed to be repealed or amended. State the exact text of the amendment.)

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

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

---

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 am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, 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 \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Signature of Officer Administering Oath

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Title of Officer Administering Oath



**Source:** 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010; 42 SDR 178, effective July 1, 2016.

**General Authority:** SDCL 12-1-9(7).

**Law Implemented:** S.D. Constitution, art XXIII, § 1; SDCL 2-1-1.1, HB 1196.

**5:02:08:45. Form for precinct committeeman or committeewoman.** The statement for precinct committeeman or committeewoman shall be in the following form:

**Precinct Committeeman or Committeewoman Statement**

I, \_\_\_\_\_, of \_\_\_\_\_ County, declare myself a candidate for the position of \_\_\_\_\_ (insert party) Party Precinct \_\_\_\_\_ (insert committeeman or committeewoman) for Precinct No. \_\_\_\_\_. My mailing address is \_\_\_\_\_, \_\_\_\_\_, SD \_\_\_\_\_ and my residence address is \_\_\_\_\_, \_\_\_\_\_, SD \_\_\_\_\_.

I understand that to be a Precinct Committeeman or Committeewoman, I must be a resident of the precinct, be a registered voter ~~as a member~~ of the political party named above at the time I sign this statement, and if elected, will qualify and serve in the office.

I certify all of the above information to be true.

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Telephone Number \_\_\_\_\_

**Source:** 36 SDR 209, effective June 30, 2010.

**General Authority:** SDCL 12-1-9(7).

**Law Implemented:** SDCL 12-5-4, 12-6-3.2.

## CHAPTER 5:02:09

### AUTOMATIC TABULATING EQUIPMENT

#### Section

- 5:02:09:01 Repealed.
- 5:02:09:01.01 Notice of testing automatic tabulating equipment.
- 5:02:09:01.02 Test of tabulating equipment.
- 5:02:09:01.03 Test of direct recording electronic voting machines.
- 5:02:09:02 Approval of automatic tabulating systems required before distribution.
- 5:02:09:02.01 Criteria for approving automatic tabulating systems.
- 5:02:09:02.02 Criteria for approving direct recording electronic voting machines.
- 5:02:09:02.03 Criteria for approving electronic ballot marking systems.
- 5:02:09:03 Number of voting booths.
- 5:02:09:04 Repealed.
- 5:02:09:04.01 Repealed.
- 5:02:09:04.02 Repealed.
- 5:02:09:04.03 Arrangements for and conduct of voting in precincts where automatic tabulating systems used.
- 5:02:09:04.04 Tabulation procedures.
- 5:02:09:04.05 Election day test of electronic ballot marking system.
- 5:02:09:05 Recount procedure.
- 5:02:09:06 Repealed.
- 5:02:09:07 Repealed.
- 5:02:09:08 Repealed.
- 5:02:09:09 Unnecessary items in the pollbook.
- 5:02:09:10 Repealed.

- 5:02:09:11 Official and unofficial election results.
- 5:02:09:11.01 Repealed.
- 5:02:09:11.20 Repealed.
- 5:02:09:12 Repealed.
- 5:02:09:13 Envelope for official returns.
- 5:02:09:14 Oath by tabulation center employees.
- 5:02:09:15 Repealed.
- 5:02:09:16 Recapitulation sheet.
- 5:02:09:17 Examination of voting booths.
- 5:02:09:18 Repealed.
- 5:02:09:19 Repealed.
- 5:02:09:20 Repealed.
- 5:02:09:21 Repealed.
- 5:02:09:22 Counting imperfectly marked optical scan ballots.

**5:02:09:16. Recapitulation sheet.** A recapitulation sheet containing the following information shall be filled out for each type of ballot style. The person in charge of the election can create this in a format that works for them as long as all the information listed below is included.

(Date and Name of Election)	Ballot Type	Ballot Type	Ballot Type
RECAP SHEET: PRECINCT _____ Type of ballot: _____ (date and name of election) –			
1. Official Ballots Received from Auditor	_____ +	_____ +	_____ +
2. Additional Ballots Received During the Day	_____ +	_____ +	_____ +
3. Absentee Ballots Received	_____ +	_____ +	_____ +
<b>4. Total Ballots Received (add lines 1, 2 and 3)</b>	= _____ (Line 4 Total)	= _____ (Line 4 Total)	= _____ (Line 4 Total)
5. Ballots Spoiled	_____ +	_____ +	_____ +
6. Ballots Unvoted at End of the Day	_____ +	_____ +	_____ +
7. Absentee Ballots not Opened	_____ +	_____ +	_____ +
<b>8. Total (add lines 5, 6 and 7)</b>	= _____ (Line 8 Total)	= _____ (Line 8 Total)	= _____ (Line 8 Total)
<b>9. Ballots Voted (Line 4 minus Line 8)</b>	_____ (Line 9 Total)	_____ (Line 9 Total)	_____ (Line 9 Total)
10. Provisional Ballots Voted	_____	_____	_____
<b>11. Ballots to Be Counted (Line 9 minus Line 10)</b>	_____	_____	_____
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

Tabulation center employees shall compare the number of ballots listed on the tabulation tape to the number of ballots listed on this recap sheet. These numbers need to match before the tabulation center employees can sign off on this form.

Signed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Tabulation Center Employees

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.

**Source:** 8 SDR 81, effective January 10, 1982; 12 SDR 43, effective September 23, 1985; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 30 SDR 171, effective May 10, 2004; 31 SDR 35, effective September 23, 2004.

**General Authority:** SDCL 12-17B-17(2).

**Law Implemented:** SDCL 12-17B-9, 12-18-32, 12-17B-6.1.

## CHAPTER 5:02:10

### ABSENTEE VOTING

#### Section

5:02:10:01 Application for absentee ballot.

5:02:10:01.01 Receipt for absentee ballot.

5:02:10:01.02 Guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters.

5:02:10:01.03 Combined absentee ballot application/return envelope.

5:02:10:01.04 Repealed.

- 5:02:10:02 Envelope for transmitting ballot application to superintendent of elections.
- 5:02:10:03 Envelope for sending ballots to voter.
- 5:02:10:04 Instructions to absentee voters.
- 5:02:10:05 Official return envelope for ballots used in voting.
- 5:02:10:06 Official record of absentee ballots delivered to voters.
- 5:02:10:07 Repealed.
- 5:02:10:08 Envelopes for use with voting service and overseas ballots.

**5:02:10:04. Instructions to absentee voters.** All ballots mailed or delivered to absentee voters shall include instructions that read as follows:

TO THE VOTER:

- Mark your ballot privately.
- (insert a statement regarding whether and how many times the ballot should be folded).
- Place your ballot in the return envelope and seal it securely.
- Complete the statement on the back of the return envelope and (bold) **SIGN IT** (unbold).
- Mail the ballot (voter must pay for postage to mail the ballot unless the voter is covered under the UOCAVA act), deliver it in person, or have someone deliver it for you to the person in charge of the election. (bold) **Do not return absentee ballot to your polling place** (unbold).
- The ballot must be received by the person in charge of the election (in time to transmit it to your precinct polling place before the polls close) (~~by 7:00 p.m.~~) on election day.
- Additional information on absentee voting is available at [www.sdsos.gov](http://www.sdsos.gov).

Printers Note: Use correct return time designation in sixth bullet point.

**Source:** 2 SDR 46, effective December 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 19 SDR 12, effective August 5, 1992; 31 SDR 35, effective September 23, 2004; 32 SDR 225, effective July 3, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 112, effective January 11, 2010.

**General Authority:** SDCL 12-1-9(9).

**Law Implemented:** SDCL 12-19-4, 12-19-5, 12-19-41.