# How to Circulate a County or Municipal Initiative or Referendum Petition



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## CIRCULATING A COUNTY OR MUNICIPAL
## BALLOT QUESTION PETITION

**1.** A petition circulator is a person of at least eighteen years of age and a resident of the state of South Dakota. No registered sex offender may circulate a petition except if the sex offender is in the employ of, and under immediate supervision of, another person and where the circumstances preclude any contact with children (SDCL 12-1-32 through 12-1-34).

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

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

**Use the Voter Information Portal (V.I.P) to check a voter's registration https://vip.sdsos.gov/vipLogin.aspx**

**4.** Signers must sign their names as they are registered to vote or as they usually sign their names.

**5.** The signer's printed name must also appear.

**6.** Each signature line must show a complete residence address. This can be street and house number or rural route and box number (only if a resident of a second or third class municipality, which are those with less than 5,000 populations) in addition to the city or town. Zip codes are optional. A signer in a first-class municipality may not use a PO Box. This would include the following first-class municipalities:

*Aberdeen, Belle Fourche, Box Elder, Brandon, Brookings, Harrisburg, Huron, Madison, Mitchell, Pierre, Rapid City, Sioux Falls, Spearfish, Sturgis, Tea, Vermillion, Watertown and Yankton.*

If the signer does not have a residence address or post office box number, a description of the residence location must be provided.

**7.** Each signature line must show the month and day it was signed.

**8.** Numbers to designate the month are permissible. Abbreviations commonly used are also acceptable.

**9.** The county of the signer's voter registration must be included.

**10.** All six boxes of a signature line must be completed. If all the information for those six boxes is included but a signer wrote the information in the wrong box, that is acceptable. Example: A signer prints his/her name in the signature box and signs his/her name in the printed box.

**11.** The date, address, county of registration, and printed name may be added by the circulator prior to the petition being filed. Ditto marks may **not** be used.

**12.** Each petition sheet must be a self-contained sheet with the heading, instructions to signers, signature lines and circulator's verification on a single sheet. Stapled, taped or glued together petitions sheets will **not** be accepted.

**13.** Circulators must make a reasonable inquiry of each signer to determine that each signer is a qualified voter of the state and county indicated on the signature line.

**14.** Circulators for ballot measures must state under oath that no statute regarding petition circulation was knowingly violated. The verification shall be witnessed by a notary public commissioned in South Dakota or other officer authorized to administer oaths pursuant to SDCL 18-3-1.

**15.** State law prohibits a person from conducting petition signature gathering within 100 feet of a polling place (SDCL 12-18-3).

**16.** It is a Class 2 misdemeanor for any person, directly or indirectly, by the person or through any other person to make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to sign any nominating, referendum, initiated measure, or initiated constitutional amendment petition (SDCL 12-26-15).

**17.** Any signature, for a **Municipal initiated measure**, signed more than six months before the petition is to be filed is not valid. There is no such restriction for County initiated measures.

**18.** Active and Inactive voters may sign a petition. However, when calculating the number of signatures required, only active voters are used. (SDCL 12-4-34).

**19.** The **NOTARY PUBLIC MAY NOT** be the **CIRCULATOR** and the **NOTARY.** The **NOTARY PUBLIC MAY NOT** be a **SIGNER** on the **PETITION** they **NOTARIZE. (**SDCL 18-1-12.2).

*There are specific petitions forms, prescribed by the State Board of Elections, which must be used.

**Municipal:** Initiative- 05:02:08:15 and Referendum- 05:02:08:16

**County:** Initiative- 05:02:08:18 and Referendum- 05:02:08:19

### Municipal Initiative and Referendum

#### SDCL 9-20

**Municipal Initiated Measure:** This is a petition to propose an ordinance or resolution.

**Municipal Referendum:** This petition is requiring that a decision made by the governing body go to a vote of the people. This must be filed within 20 days after the publication of the passage of the ordinance or resolution.

- The petitions are filed with the finance officer. The petition must have signatures of registered voters equal to five percent of the registered voters in the municipality based on the number of registered voters of the municipality as recorded by the county auditor on the second Tuesday in January in the year the petition is filed. If the petition is filed before the second Tuesday in January, the prior year's calculation of registered voters shall be used (SDCL 9-20-1 and 9-20-8).
- The **election for a municipal initiated measure or referendum** is held at the next annual municipal election or next general election whichever is earlier. However, the governing body, within 10 days of receiving the petition, may schedule a special election on a Tuesday not less than 30 days from the date of the order of the governing body (SDCL 9-20-11).

# County Initiative and Referendum

SDCL 7-18A

**County Initiated Measure:** This is a petition to propose an ordinance or resolution. Upon presentation of the proposed ordinance or resolution the governing body must enact the proposed ordinance or resolution and submit it to a vote of the people.

**County Referendum:** This petition is requiring that a decision made by the governing body go to a vote of the people. This has to be filed within 20 days after the publication of the ordinance or resolution.

- The petitions are filed with the county auditor. The petition must have signatures of registered voters equal to five percent of the registered voters in the county at the last preceding general election (SDCL 7-18A-9 and SDCL 7-18A-15).
- The **election for a county initiated measure** is held within 60 days after final enactment. However, if the petition is filed within three months prior to the primary or general election, the ordinance or resolution may be submitted at the primary or general election (SDCL 7-18A-13).

The **election for a county referendum** shall be held within 60 days after the filing. However, if the petition is filed within three months prior to a primary, general, or statewide special election, the ordinance or resolution may be submitted at the primary, general or statewide special election (SDCL 7-18A-19).

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