

# How to Submit and Circulate a 2018 Statewide Ballot Question Petition

Last updated August 2, 2017

South Dakota Secretary of State's Office  
State Capitol, 500 E. Capitol Avenue, Pierre, SD 57501-5070  
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Primary Election June 5, 2018 and General Election November 6, 2018

## INFORMATION FOR SPONSORS

**SD Legislative Research Council**, 605-773-3251  
500 E. Capitol Ave., Pierre, SD 57501  
[www.sdlegislature.gov](http://www.sdlegislature.gov)

**Office of the SD Attorney General**, 605-773-3215  
1302 E. HWY 14, Suite 1, Pierre, SD 57501  
[www.atg.sd.gov](http://www.atg.sd.gov)

### Referred Laws

**STEP 1:** The items below have to be submitted to the SOS for approval before circulation may begin. Signatures obtained before SOS approval shall not be counted:

- **An original, hardcopy of the petition form** (ARSD [05:02:08:08](#)), with the title of the referred law and the effective date and the date of the general election. The petition must be in the exact format as prescribed in Administrative Rule. Any deviation from this will result in the sponsor having to make corrections and resubmit another original, hardcopy petition form to the SOS.
- **A copy** (electronic format is acceptable) **of the fiscal note of summary of a fiscal note** (if one was written during the Legislative Session) (SDCL [2-1-3.1](#) and [2-9-32](#)). Contact LRC for a copy.
- **A campaign finance statement of organization**, if one has not been filed (SDCL [12-27-6](#)). This may be filed online, mailed or submitted electronically (fax or email).
- **An original, hardcopy of a notarized form** (ARSD [05:02:08:07.02](#)) that includes the names and addresses of the petition sponsor(s) (SDCL [2-1-3.1](#)).
- **The circulator handout**. This is a form that shall be given to each petition signer. This contains the Title of the referred law, the fiscal note (if applicable) (SDCL [2-9-32](#)), the name, phone number, and email address of each petition sponsor and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. (SDCL [2-1-3.1](#)). The circulator handout may be submitted electronically (fax or email). If the sponsor(s) are going to provide this to petition signers in a format that is different than on a regular 8.5x11 sheet of paper, the SOS will need to have a hard copy of this in our office.

**STEP 2:** After receiving SOS approval, the sponsor may begin circulating the petition for signatures.

**STEP 3:** A **completed petition** for a referred law (13,871 signatures) must be submitted to the SOS's office within 90 days of adjournment *sine die* of the legislative session in which the measure was passed (SDCL [2-1-3](#) & [5](#) and [2-1-3.1](#)).

**STEP 3A:** All petitions shall be submitted to the SOS simultaneously together with a sworn affidavit(s) signed by two-thirds of the sponsors (ARSD [05:02:08:07.01](#)). The SOS will begin validating petitions immediately in order to meet the July 1 deadline of when new laws take effect.

## Initiated Measures or Initiated Constitutional Amendments

**STEP 1:** The text of the measure to be circulated must **FIRST** be submitted to the Director of the Legislative Research Council (LRC) who will, within 15 days, provide written comments to the sponsor(s) and the Secretary of State (SOS) (SDCL [12-13-25](#)).

**STEP 1A:** If LRC has indicated in their written comments that a fiscal note is necessary then the sponsor(s) of the ballot initiative **shall request a fiscal note from the LRC**, who will within 60 days provide a copy to the sponsor(s) and the SOS. A fiscal note will outline the impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions (SDCL [2-9-30](#) & [31](#)). A ballot initiative shall have a fiscal note attached, **IF ANY**, before it can be filed with the SOS as required by SDCL [2-9-30](#) or SDCL [12-13-25.1](#). If a sponsor has any questions regarding this step they must contact LRC.

**STEP 1B:** The sponsor(s) of a ballot initiative **shall request from LRC**, while allowing them sufficient time to prepare, a **prison/jail population cost estimate** (SDCL [2-9-33](#)). If the director of the LRC determines there may be an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions or may impact the state prison or county jail populations, this cost estimate will be placed on the ballot (SDCL [12-13-9](#) or [12-13-25.1](#)).

**STEP 2:** Following receipt of the written comments, the sponsor(s) shall submit a copy of the measure or amendment, **in final text form**, to the AG. The AG shall prepare an AG's statement which consists of a Title and Explanation. The AG shall file the Title and Explanation with the SOS and shall provide a copy to the sponsor(s) within 60 days of receipt of the final text of the measure or amendment (SDCL [12-13-25.1](#)). If the sponsor (s) disagrees with the wording of the Title and Explanation, the sponsor(s) would have to resolve that in Court.

**STEP 2A:** If the sponsor(s) makes changes to the text that was submitted to the AG they must start over with STEP 1.

**STEP 3:** The items below have to be submitted to the SOS for approval before circulation may begin. The timeframe for approval depends on how many corrections the sponsor has to make. Signatures obtained before SOS approval shall not be counted:

- **An original, hardcopy of the petition form** (ARSD [05:02:08:07](#) and [05:02:08:09](#)), containing the date of the General Election, the Title and Explanation of the measure or amendment as prepared by the AG and the full and final text of the measure that was submitted to the AG's office. The petition must be in the exact format as prescribed in Administrative Rule. Any deviation from this will result in the sponsor having to make corrections and resubmit another original, hardcopy petition form to the SOS.
- **A copy** (electronic format is acceptable) **of the prison/jail population cost estimate and/or fiscal note** (if applicable).
- **A campaign finance statement of organization**, if one has not been filed (SDCL [12-27-6](#)). This may be filed online, mailed or submitted electronically (fax or email).
- **An original, hardcopy of a notarized form** (ARSD [05:02:08:07.02](#)) that includes the names and addresses of the petition sponsor(s) (SDCL [2-1-1.1](#) & [2-1-1.2](#)).
- **The circulator handout**. This is a form that shall be given to each petition signer. This contains the Title and Explanation of the measure or amendment as prepared by the AG, the fiscal note (if applicable), the name, phone number, and email address of each petition sponsor and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. (SDCL [2-1-1.1](#) & [2-1-1.2](#)). The circulator handout may be submitted electronically (fax or email). If the sponsor(s) are going to provide this to petition signers in a format that is different than on a regular 8.5x11 sheet of paper, the SOS will need to have a hard copy of this in their office.

**STEP 4:** After receiving SOS approval, the sponsor may begin circulating the petition for signatures.

**STEP 5:** A **completed petition** for an initiated measure (13,871 signatures) or an initiated Constitutional amendment (27,741 signatures) must be submitted to the SOS's office by **5:00 pm (CT) on Nov 6, 2017** (SDCL [2-1-1](#) & [2-1-1.1](#); [12-1-17](#); and SD Constitution [Article 23, Section 1](#)).

**STEP 5A:** All petitions shall be submitted to the SOS simultaneously with a sworn affidavit(s) signed by two-thirds of the petition sponsors (ARSD [05:02:08:07.01](#)).

## INFORMATION FOR CIRCULATING

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

4. Signers must sign their names as they are registered to vote or as they usually sign their names.
5. The signer's printed name must also appear.
6. Each signature line must show a complete residence address. This can be street and house number or rural route and box number (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 which are first class municipalities:

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

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

7. Each signature line must show the month and day it was signed.
8. Numbers to designate the month are permissible. Abbreviations commonly used are also acceptable.
9. The county of the signer's voter registration must be included.
10. All six boxes of a signature line must be completed. If all the information for those six boxes is included but a signer wrote the information in the wrong box, that is acceptable. Example: A signer prints his/her name in the signature box and signs his/her name in the printed box.
11. The date, address, county of registration, and printed name may be added by the circulator prior to the petition being filed. Ditto marks may **not** be used.
12. Each petition sheet must be a self-contained sheet with the heading, instructions to signers, signature lines and circulator's verification on a single sheet. Stapled, taped or glued together petitions sheets will **not** be accepted.
13. Circulators for statewide ballot measures cannot be employed, rewarded or compensated based on the number of registered voters who signed the petitions. This does not prohibit any person from employing a circulator based on one of the following practices: Paying an hourly wage or salary; establishing either express or implied minimum signature requirements for the petition circulator; terminating the petition circulator's employment, if the petition circulator fails to meet certain productivity requirements; and paying discretionary bonuses based on reliability, longevity, and productivity. (SDCL [12-13-28](#))
14. Circulators for statewide ballot measures must make a reasonable inquiry of each signer to determine that each signer is a qualified voter of the state and county indicated on the signature line.
15. Circulators for statewide ballot measures must state under oath that no statute regarding petition circulation was knowingly violated. The verification shall be witnessed by a notary public commissioned in South Dakota or other officer authorized to administer oaths pursuant to SDCL [18-3-1](#).
16. State law prohibits a person from conducting petition signature gathering within 100 feet of a polling place (SDCL [12-18-3](#)).
17. The petition circulator shall provide to each person who signs the petition a form (to be approved by the SOS prior to circulation) containing the title and explanation of the measure or amendment as prepared by the Attorney General. Also, the name, phone number, email address of each petition sponsor and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. (SDCL [2-1-1.1](#), [2-1-1.2](#) & [2-1-3.1](#))
18. No signatures, for an initiated measure, may be obtained more than 24 months preceding the Nov. 6, 2018 General Election (SDCL [2-1-1.1](#)).
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](#))