Q1: Is the six month time period for valid signatures six months from the date of registration with the City Clerk's Office?

A1: No, the six month time period goes backward from when the petitions are received. For instance, if petitions are registered on September 1 and turned in on April 1, only those signatures from April 1 back through October 1 would count toward the final number. The signatures that were prior to the six month time period would be marked off on the petitions and not counted.

SDCL 9-20-2. **Petition proposing ordinance or resolution--Contents.** A petition to propose an ordinance or resolution shall be filed with the finance officer, containing in proper form the proposed ordinance or resolution. It shall be signed by the required number of the resident registered voters of the municipality. The signer or circulator shall add the signer's residence address, county of voter registration, and date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. No signature on a petition is valid if signed more than six months prior to the filing of the petitions.

Source: SDC 1939, § 45.1019; SL 1947, ch 199, § 2; SL 1957, ch 245, § 2; SL 1980, ch 64, § 3; SL 1983, ch 52, § 7; SL 1990, ch 104, § 4; SL 1992, ch 110, § 5; SL 1999, ch 41, § 1.

Q2: Are the requirements for initiative petitions receiving 5 percent of the registered voters the 5 percent on the day the registration is completed or on the day the petitions are received?

A2: No, the 5 percent is on the day that the petitions are received. This number would need to be verified by contacting the Minnehaha County Auditor and the Lincoln County Auditor and obtaining the total number of voters in Sioux Falls for each of these counties.

SDCL 9-20-1. **Percentage of voters required to propose ordinance or resolution.** The registered voters of any municipality may propose ordinances and resolutions for the government of the municipality if the petition is signed by at least five percent of the registered voters in the municipality. The percentage shall be based on the number of voters of the municipality as determined by the county auditor from the master registration file of registered voters in the municipality as of the time of the filing of the petition mentioned in § 9-20-2.

Source: SDC 1939, § 45.1018; SL 1947, ch 199, § 1; SL 1968, ch 183, § 2; SL 2002, ch 40, § 2.

Q3: In the language that states the City could set a special election date within ten days of receiving the petition, does this mean when the peittions are received?

A3: No, this means when the petitions are sufficient, i.e., when they have all been verified and a final signature count is determined.

SDCL 9-20-11. Date of election on referendum petition--No action taken pending election. The governing body shall, upon the presentation of a petition pursuant to § 9-20-6, submit the question to the electors at the next annual municipal election or the next general election, whichever is earlier. Pending the election, the governing body may take no action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body. Source: SL 1899, ch 94, § 2; RPolC 1903, § 1215; SL 1913, ch 119, § 39; RC 1919, § 6254; SDC 1939, § 45.1011; SL 1947, ch 198; SL 1977, ch 68, § 8; SL 1980, ch 67, § 2; SL 1983, ch 53, § 6; SL 1995, ch 47, § 1.

Q4: Can a Special City Election be combined with a regular school board election?

A4: Yes, any governmental subdivision may hold their election in conjunction with any other governmental subdivision's election.

SDCL 12-2-6. Combined elections of governmental subdivisions. The members of the governing body of any governmental subdivision may choose to hold their election in conjunction with any other governmental subdivision's election if the statutory dates for the election coincide. The combined election is subject to approval by all of the governing bodies involved in the combined election. Expenses of a combined election shall be shared in a manner agreed upon by the governing bodies involved in the combined election. All other governmental statutory responsibilities associated with the election shall be shared as agreed upon by the governing bodies.

Source: SL 1996, ch 60, § 7; SDCL 9-13-39.

Q5: Do all petition signatures need to be verified and if so, how much time is allowed for this verification?

A5: No, all signatures do not need to be verified. A random sampling is taken based on the administrative rule below.

Administrative Rule 5:02:08:00.05. Methodology for conducting the random sample for an initiative petition, referred law petition, or initiated constitutional amendment petition. Upon receiving any 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) The number of eligible signature lines on a petition sheet is based on the highest numbered signature line on the petition sheet that contains information. If a signature line is empty or crossed out within the range of signature lines that contain information the signature line is included. If a signature line is empty or contains only abstract markings and is outside the range of signature lines that contain information the signature line is not included;

(3) A spreadsheet shall be created and shall list each petition sheet number from subdivision (1) and the number of eligible signature lines on each petition sheet as determined by subdivision (2);

(4) The sum of the eligible signature lines on each petition sheet is the total number of signatures received;

(5) The random sampling function (RAND) in the Microsoft Excel spreadsheet shall be used to identify five percent of the eligible signature lines in the petition;

(6) To determine the number of valid signatures in the five percent sample, each signature line identified in subdivision (5) shall be evaluated pursuant to §§ 5:02:08:00 and 5:02:08:00.01. In addition, no signature line may be counted unless the person is a registered voter in the county indicated on the signature line;

(7) The number of valid signatures determined in subdivision (6) is divided by the number of signature lines identified in subdivision (5). The resulting decimal is multiplied by the total number of eligible signatures received;

(8) If the product of subdivision (7) 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;

(9) If the product of subdivision (7) is less than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as not filed.

Source: 33 SDR 230, effective July 1, 2007. General Authority: SDCL 2-1-16. Law Implemented: SDCL 2-1-16.

Q6: The petition received on the snow gates lists a specific date by which the election needs to implement the snow gates if passed, thereby controlling the election date. Does this trump the State Law requirements on setting an election date?

A6: No, the authority for setting the election date is set forth in 9-20-11.

SDCL 9-20-11. Date of election on referendum petition--No action taken pending election. The governing body shall, upon the presentation of a petition pursuant to § 9-20-6,

submit the question to the electors at the next annual municipal election or the next general election, whichever is earlier. Pending the election, the governing body may take no action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body.

Source: SL 1899, ch 94, § 2; RPolC 1903, § 1215; SL 1913, ch 119, § 39; RC 1919, § 6254; SDC 1939, § 45.1011; SL 1947, ch 198; SL 1977, ch 68, § 8; SL 1980, ch 67, § 2; SL 1983, ch 53, § 6; SL 1995, ch 47, § 1.

Q7: When will the School Board set their election date for 2013?

A7: Their election date is set at the first School Board Meeting in January 2013.

Q8: If petitions for the snow gates are received in December and the special election is going to be held jointly with the School Board election in 2013, when would the petitions need to be received from the Spellerberg Park issue in order to place this on the same special election?

A8: A cursory answer on this would be February 1, 2013. Once the election date has been set by the school district, a specific date can be determined.