COUNTY BALLOT QUESTIONS

SDCL 7-18A

All petitions must be filed with the county auditor. A petition must contain a number of signatures equal to at least five percent of the registered voters in the county at the time of the last preceding general election (SDCL 7-18A-9 and 7-18A-15). The county auditor must notify petition sponsors of the sufficiency of their petition by certified mail within five days of certifying whether the petition has been signed by the required number of voters (SDCL 7-18A-18.1).

- **County Initiated Measure:** 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 (SDCL 7-18A-13).
- **County Referendum:** A referendum petition must be filed within twenty days of the publication of an ordinance or resolution that was passed by the governing body (SDCL 7-18A-16).

If a petition is deemed to be sufficient, an election on the question must be held within sixty days of the ordinance or resolution's enactment (for initiated measures) or the filing of the petition (for referendums). However, if a petition is filed within three months of a statewide election, then the proposed ordinance, resolution, or referendum may be submitted to voters at that election instead (SDCL 7-18A-13 and 7-18A-19).

MUNICIPAL BALLOT QUESTIONS

SDCL 9-20

All petitions must be filed with the municipal finance officer. A petition must contain a number of signatures equal to at least five percent of the registered voters in the municipality as recorded on the second Tuesday in January in the year that it is filed. If a petition is filed prior to the second Tuesday in January, the prior year's calculation must be used (SDCL 9-20-1 and 9-20-8).

- **Municipal Initiated Measure:** Upon presentation of the petition, the governing body must submit the question to a vote (SDCL 9-20-4).
- **Municipal Referendum:** A referendum petition must be filed within twenty days of the publication of an ordinance or resolution that was passed by the governing body (SDCL 9-20-6).

Municipal initiated measures and referendums follow different election-scheduling provisions. For an initiated measure, consult SDCL 9-20-4. For a referendum, SDCL 9-20-11 requires the governing body, within 10 days after presentation of the petition, to order a special election on a Tuesday 60 to 90 days after the order, unless the statutory conditions for submitting the question at the next regular municipal or general election are met. SDCL 9-20-11; SDCL 9-20-4; SDCL 9-20-11

HOW TO CIRCULATE A COUNTY OR MUNICIPAL BALLOT QUESTION PETITION



South Dakota Secretary of State

500 East Capitol Avenue
Pierre, SD 57501-5070
605-773-3537
elections@state.sd.us
www.sdsos.gov

Last Updated: November 23, 2026

CIRCULATING A COUNTY OR MUNICIPAL BALLOT QUESTION PETITION

1. A petition circulator must be a person of at least eighteen years of age and a resident of the state of South Dakota (SDCL 2-1-10). No registered sex offender may circulate a petition except if they are in the employ of and under the immediate supervision of another person, and where the circumstances preclude any contact with children (SDCL 12-1-32 through 12-1-34).
2. A 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, and date of completion and be signed under oath before a South Dakota notary public or another officer authorized to administer oaths in accordance with state law (SDCL 2-1-10).
3. Each signer must be a registered voter in the state of South Dakota and in the county/municipality in which the petition is circulated (SDCL 2-1-15).

Use the Voter Information Portal (VIP) to check voter information!
https://vip.sdsos.gov/vipLogin.aspx

4. A signer must sign their name as they are registered to vote or as they usually sign their name. The signer's printed name must also appear with their signature.
5. Each signer must provide their voter registration address. This can be a street and house number or a rural route and box number (only if a resident of a second- or third-class municipality, which is a municipality with fewer than five thousand residents) in addition to the city or town. Zip codes are optional. A signer in a first-class municipality may not use a PO box as an address (SDCL 12-6-8). The following are 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 voter registration address or PO box, a description of their residence's location may be provided instead.

6. Each signature line must show the date (month and day) on which it was signed. The use of numbers to designate the month is permissible, and common abbreviations are also acceptable.
7. The county in which the signer is registered as a voter must be included for each signature line.
8. All six boxes of a signature line must be completed. If all of the information for those six boxes is included but in the wrong boxes, that is still acceptable. For example, a signer may print their name in the signature box and put their signature in the printed name box.
9. The signer's printed name, residence address, date of signing, and county of registration may be added by the circulator before the petition is filed. Ditto marks **MAY NOT** be used.
10. Each petition sheet must be self-contained with the heading, instructions to signers, signature lines, and circulator's verification on a single sheet. Petition sheets that are stapled, taped, or glued together **WILL NOT** be accepted.
11. Circulators must make a reasonable inquiry of each signer to determine that they are a qualified voter in the state of South Dakota and the county/municipality indicated on the signature line (SDCL 2-1-10).
12. Circulators must state under oath that they did not knowingly violate any statute regarding petition circulation. The verification must be witnessed by a South Dakota notary public or another officer authorized to administer oaths in accordance with state law (SDCL 2-1-10).
13. Circulators are prohibited from gathering petition signatures within one hundred feet of a polling place (SDCL 12-18-3).
14. It is a Class 2 misdemeanor for any person to provide any gift, loan, or promise in exchange for petition signatures (SDCL 12-26-15).
15. Both active and inactive voters may sign a petition. However, only active voters are used to calculate signature requirements (SDCL 12-4-34).
16. For a municipal initiated measure petition, any signature gathered more than six months prior to the filing of the petition is invalid (SDCL 9-20-2). There is no such restriction for a county initiated measure petition.
17. A notary public **MAY NOT** be both *a circulator* and *a notary*. A notary public also **MAY NOT** be *a signer* on *any petition sheet that they notarize*.

***Note:** The State Board of Elections has prescribed specific petition forms that must be used for county and municipal ballot questions.

County Initiated Measure:	**Municipal Initiated Measure:**
ARSD 05:02:08:18	ARSD 05:02:08:15
County Referendum:	**Municipal Referendum:**
ARSD 05:02:08:19	ARSD 05:02:08:16

****Note:** For counties, no question contained in a referred or initiated ordinance or resolution may be voted upon again within one year from the date of the election at which it was initially voted on (SDCL 7-18A-24). There is no such restriction for a municipal ballot question.