

## **MUNICIPAL INITIATIVE AND MUNICIPAL REFERENDUM INFORMATION**

The City Clerk acts as the Election Official for the City. The City Clerk's Office, along with the City Attorney's Office, or the Sioux Falls Board of Ethics depending on the circumstances, makes any determinations concerning proper election procedures and may investigate and/or prosecute any possible violations of City election ordinances. The information provided here is intended for educational purposes only, and is not meant to convey any legal advice. Citizens are encouraged to contact their own legal advisor of their own choosing to obtain any specific legal advice.

An "initiative" is the people's right to propose legislation for a public vote. A "referendum" is the people's right to refer a recently enacted ordinance or resolution to a public vote. The South Dakota State Constitution, Article III, §1, places the power of initiative and referendum in the people of South Dakota. In South Dakota, people are allowed to propose or refer legislation at the state and also local government levels. Section 6.03 of the Sioux Falls City Charter expressly reserves the powers of initiative and referendum to the citizens.

Persons seeking to propose or refer an ordinance or resolution shall first register with the city clerk's office before the petitions are circulated for signatures. Registration shall include the name of the organization, address, contact person and language of the proposed ordinance or resolution, or the title and date of passage of the ordinance or resolution being referred. A copy of the proposed resolution or ordinance will become public when petition circulation effort commences (Code of Ordinances, §38.004.) A form for registration is available from the Office of the City Clerk.

Persons seeking to propose or refer an ordinance or resolution will then (after registration) be able to commence circulation of a Municipal Initiative Petition or Municipal Referendum Petition as applicable. State Law governs the contents and form of petition sheets as well as the manner of circulation.

The registrant will present the petition sheets to the City Clerk in accordance with the timeline established by law. The City Clerk shall then determine if the Petition meets the requirements for acceptance.

The South Dakota State Board of Elections has adopted rules on the proper form, circulation, and completion of the petition. Those rules are contained in Article 5:02 of the Administrative Rules of South Dakota ("ARSD") and are given full force of law in South Dakota elections.

South Dakota state law as found in the South Dakota Codified Laws ("SDCL") also governs the initiative and referendum process, and includes, but is not limited to, the following chapters: 9-20, 2-1, and 12-1.

For additional information Contact the City Clerk at: (605) 367-8081; [Clerks@siouxfalls.org](mailto:Clerks@siouxfalls.org); or Carnegie Town Hall, 235 W 10<sup>th</sup> St, Sioux Falls SD 57104

OR visit the South Dakota Secretary of State's elections website at <https://sdsos.gov/elections-voting/default.aspx>.