



City of Sioux Falls

# ELECTIONS

**2022**

## **MUNICIPAL ELECTION HANDBOOK**

Regular Municipal Election

Tuesday, April 12, 2022  
7 a.m. to 7 p.m.

Runoff Municipal Election  
(If Required)

Tuesday, May 3, 2022  
7 a.m. to 7 p.m.

Office of the City Clerk  
235 West 10<sup>th</sup> Street  
Sioux Falls, South Dakota 57104  
(605) 367-8080  
[SFElections@siouxfalls.org](mailto:SFElections@siouxfalls.org)  
<http://www.siouxfalls.org/council/city-clerk> As of: January 21, 2021  
This handbook is subject to change.

# **2022 Election Handbook**

Office of the City Clerk | Carnegie Town Hall | 235 West Tenth Street | Sioux Falls, South Dakota 57104

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# 2022 Election Handbook

Office of the City Clerk | Carnegie Town Hall | 235 West Tenth Street | Sioux Falls, South Dakota 57104

## PREFACE

The Sioux Falls City Clerk prepared this handbook to assist candidates, prospective candidates, and political committees in understanding the City’s electoral process. It is intended to address only the most frequently asked questions about the next election, nomination process, campaign finance requirements, and other topics. Individuals should not rely solely on this handbook, but should consult applicable laws, ordinances, and rules to ensure compliance.

In addition to the City Clerk’s office and website, there are many other important election resources available. The South Dakota Legislature provides online access to South Dakota Codified Laws (SDCL) and the Administrative Rules of South Dakota (ARSD). The City of Sioux Falls provides online access to the Sioux Falls Code of Ordinances (SFCO) and the Sioux Falls City Charter (SFCC). (Please note the Code of Ordinances and City Charter are found on the same webpage; use the content links on the left to navigate the documents.) The South Dakota Secretary of State’s website provides a great deal of information about elections and the electoral process.

The Sioux Falls City Clerk is responsible for conducting all municipal elections. All statements, forms, or filings required by law are submitted to the City Clerk. Additionally, the City Clerk: ensures all public notices associated with an election are published in accordance with state law; prepares ballots; coordinates for and trains workers; manages Election Day activities; presents returns to the City Council for the official canvass of votes; and, issues certificates of election.

The Office of the City Clerk is open from 8 a.m. to 5 p.m., Monday through Friday, to assist you. While the City Clerk or staff may not provide legal advice, general questions about the electoral process, deadlines, required submissions and filings, or other matters related to elections are encouraged and welcomed. You may visit us in Carnegie Town Hall at 235 West Tenth Street in Downtown Sioux Falls, on the web at <http://www.sioxfalls.org/council/city-clerk>, by phone at (605) 367-8080, or by e-mail at [sfelections@siouxfalls.org](mailto:sfelections@siouxfalls.org).

Thomas M. Greco  
City Clerk/Election Official

### Code references used throughout this guide

SDCL	<a href="#">South Dakota Codified Law</a>
ARSD	<a href="#">Administrative Rules of South Dakota</a>
SFCC	<a href="#">Sioux Falls City Charter</a>
SFCO	<a href="#">Sioux Falls Code of Ordinances</a>

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# 2022 Election Handbook

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## 2022 Election Calendar

VARIABLE DATE	<p><b><u>SUBMISSION OF STATEMENT OF ORGANIZATION – LOCAL JURISDICTIONS</u></b></p> <p>Municipal candidates/candidate campaign committees, municipal ballot question committees, and municipal political action committees shall submit a statement of organization as provided in SDCL 12-27. <a href="#">SFCO 38.005(b)(2)</a></p>
Wednesday, January 05, 2022	<p><b><u>CAMPAIGN FINANCE DISCLOSURE REPORT DUE (by 5 p.m)</u></b></p> <ul style="list-style-type: none"><li>• <b>Reporting Period:</b> Last report through December 31, 2021</li><li>• <b>Who Files:</b> All Municipal Candidates/Candidate Campaign Committees, Municipal Political Action Committees, and Municipal Ballot Question Committees</li></ul> <p><a href="#">SFCO 38.005(b)(3)</a></p>
Thursday, January 20, 2022	<p><b><u>NOTICE OF VACANCIES &amp; TIME AND PLACE FOR FILING PETITIONS</u></b></p> <p>The City Clerk will publish a notice of vacancies and time and place for filing petitions each week for two consecutive weeks. <b>WEEK 1</b> <a href="#">SDCL 9-13-6</a>; <a href="#">ARSD 05:02:04:06</a></p>
Thursday, January 27, 2022	<p><b><u>NOTICE OF VACANCIES &amp; TIME AND PLACE FOR FILING PETITIONS</u></b></p> <p>The City Clerk will publish a notice of vacancies and time and place for filing petitions each week for two consecutive weeks. <b>WEEK 2</b> <a href="#">SDCL 9-13-6</a>; <a href="#">ARSD 05:02:04:06</a></p>
Friday, January 28, 2022	<p><b><u>EARLIEST DATE TO BEGIN PETITION CIRCULATION AND EARLIEST DATE TO FILE NOMINATING PETITION</u></b></p> <p>The mayoral and at-large council candidate nominating petitions shall be signed by not less than 200 registered voters of the city. The council district nominating petitions shall be signed by not less than 50 registered voters of the city. Council district nominating petitions shall be signed by registered voters who shall reside in the council district thereof, and who shall be eligible to vote for the nominee. No nominating petition may be circulated until on or after the last Friday in January prior to the Election. <a href="#">SFCC 6.01(c)</a>; <a href="#">SDCL 9-13-9</a>; <a href="#">ARSD 05:02:08:13</a>; <a href="#">ARSD 05:02:08</a></p>
VARIABLE DATE	<p><b><u>SUBMISSION OF CANDIDATE FINANCIAL INTEREST STATEMENT</u></b></p> <p>In a first class municipality, <b>WITHIN 15 DAYS OF FILING A NOMINATING PETITION</b>, a candidate must file a Candidate Financial Interest Statement. <a href="#">SDCL 12-25-30</a>; <a href="#">SFCO 38.005(b)(1)</a></p>

# 2022 Election Handbook

Office of the City Clerk | Carnegie Town Hall | 235 West Tenth Street | Sioux Falls, South Dakota 57104

Thursday, February 03, 2022

## **CAMPAIGN FINANCE DISCLOSURE REPORT DUE**

- **Reporting Period:** Last report through January 31, 2022
- **Who Files:** All Municipal Ballot Question Committees  
[SFCO 38.005\(b\)\(4\)](#)

Friday, February 11, 2022

## **DEADLINE FOR CHARTER AMENDMENTS**

The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment.

[SFCC 8.02](#)

Friday, February 25, 2022

## **DEADLINE FOR FILING NOMINATING PETITION (by 5 p.m)**

No candidate for elective municipal office may be nominated unless a nominating petition is filed with the City Clerk no later than five p.m. on the last Friday in February preceding the day of election. The petition shall be considered filed if it is mailed by registered mail by five p.m. on the last Friday in February before the election. The petition shall contain the name, residence address, and mailing address of the candidate and the office for which the candidate is nominated and shall be on the form prescribed by the State Board of Elections. 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. The City Clerk may only accept nominating petitions that are on the prescribed form and were circulated and submitted pursuant to the provisions in chapters 9-13 and 12-6. If the nominating petition meets the statutory requirements, the filing of the petition constitutes nomination.

[SFCC 6.01\(c\)](#), [SDCL 9-13-7](#); [ARSD 05:02:08:13](#); [ARSD 05:02:08](#)

Friday, February 25, 2022

## **DEADLINE FOR SUBMISSION OF WRITTEN REQUEST TO WITHDRAW CANDIDATE'S NAME FROM NOMINATION (by 5 p.m)**

Any person who has filed a nominating petition pursuant to SDCL 9-13-7 may withdraw from the nomination by a written request, signed by the person and properly acknowledged and filed with the City Clerk.

[SDCL 9-13-7.1](#), [ARSD 5:02:07:05](#)

Tuesday, March 01, 2022

## **DRAWING FOR CANDIDATE ORDER ON THE BALLOT (10 a.m)**

The City Clerk shall determine, by lot, each candidate's position on the ballot. Candidates and the public are welcomed, but not required, to attend the drawing. Location: Carnegie Town Hall

[SDCL 9-13-21](#)

Thursday, March 03, 2022

## **CAMPAIGN FINANCE DISCLOSURE REPORT DUE (by 5 p.m)**

- **Reporting Period:** January 1, 2022 (or last submitted report) through February 28, 2022
  - **Who Files:** All Municipal Candidates/Candidate Campaign Committees, Municipal Political Action Committees, and Municipal Ballot Question Committees

[SFCO 38.005\(b\)\(3\) & \(4\)](#)



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Thursday, March 10, 2022

## **NOTICE OF VOTER REGISTRATION**

The City Clerk will publish the deadline for voter registration notice each week for two consecutive weeks. **WEEK 1**  
[SDCL 12-4-5.2](#); [ARSD 05:02:04:04](#)

Thursday, March 10, 2022

## **NOTICE OF CHARTER AMENDMENTS**

The City Clerk will publish the complete text of proposed Charter Amendments.  
[SFCC 8.02](#)

Thursday, March 17, 2022

## **NOTICE OF VOTER REGISTRATION**

The City Clerk will publish the deadline for voter registration notice each week for two consecutive weeks. **WEEK 2**  
[SDCL 12-4-5.2](#); [ARSD 05:02:04:04](#)

Monday, March 28, 2022

## **DEADLINE FOR VOTER REGISTRATION (by 5 p.m).**

Deadline for registration to vote in the April 12, 2022, Municipal Election.  
[SDCL 12-4-5](#)

Monday, March 28, 2022

## **ABSENTEE VOTING**

- To **vote absentee by mail**, download and print an Absentee Ballot Application and submit/mail your original, signed application to your county auditor.
- All registered Sioux Falls voters can **vote absentee in-person** at the Minnehaha County Auditor's Office (415 N. Dakota Ave., Sioux Falls, SD 57104) once Absentee Voting begins by bringing along a valid photo ID. If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.

[SDCL 9-13-21](#)

Thursday, March 31, 2022

## **NOTICE OF ELECTION**

The City Clerk will publish a notice of election each week for two consecutive weeks. **WEEK 1**  
[SDCL 9-13-13](#); [ARSD 05:02:04:08](#)

Thursday, March 31, 2022

## **RUNOFF ELECTION ONLY** **NOTICE OF VOTER REGISTRATION**

The City Clerk will publish the deadline for voter registration notice each week for two consecutive weeks. **WEEK 1**  
[SDCL 12-4-5.2](#); [ARSD 05:02:04:04](#)

Thursday, March 31, 2022

## **NOTICE OF TEST OF AUTOMATIC TABULATING SYSTEM**

The City Clerk will publish a notice of the test of the Automatic Tabulating System (scheduled for the week of April 4, 2022).  
[SDCL 12-17B-5](#); [ARSD 05:02:09:01.01](#)

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Week of April 04, 2022

## **PUBLIC TEST OF THE AUTOMATIC TABULATING SYSTEM**

(Date/Time TBD.)

[SDCL 12-17B-5](#); [ARSD 05:02:09:01.01](#)

Thursday, April 07, 2022

## **CAMPAIGN FINANCE DISCLOSURE REPORT DUE (by 5 p.m.)**

- **Reporting Period:** March 1, 2022 (or last submitted report) through April 4, 2022
- **Who Files:** All Municipal Candidates/Candidate Campaign Committees, Municipal Political Action Committees, Municipal Ballot Question Committees, and Nonmunicipal Political Action Committees

[SFCO 38.005](#)

Thursday, April 07, 2022

## **NOTICE OF ELECTION**

The City Clerk will publish a notice of election each week for two consecutive weeks. This will include a facsimile ballot. **WEEK 2**

[SDCL 12-16-16.2](#); [SDCL 9-13-13](#); [ARSD 05:02:04:08](#)

Thursday, April 07, 2022

## **RUNOFF ELECTION ONLY** **NOTICE OF VOTER REGISTRATION**

The City Clerk will publish the deadline for voter registration notice each week for two consecutive weeks. **WEEK 2**

[SDCL 12-4-5.2](#); [ARSD 05:02:04:04](#)

Saturday, April 09, 2022

## **SATURDAY ABSENTEE VOTING IN-PERSON 8 a.m. - 12 p.m.**

Minnehaha County Auditor's Office  
415 N. Dakota Ave

Monday, April 11, 2022

## **DEADLINE TO ABSENTEE VOTE IN-PERSON (by 5 p.m.)**

Absentee voting in-person is conducted at the Minnehaha County Auditor's Office for all Sioux Falls voters (Lincoln & Minnehaha Counties).

[SDCL 12-19-2.1](#)

Tuesday, April 12, 2022

## **ELECTION DAY**

Polls are open 7 a.m. to 7 p.m.

[SFCC 6.01\(a\)](#); [SDCL 9-13-1](#)

Wednesday, April 13, 2022

## **RUNOFF ELECTION ONLY** **DRAWING FOR CANDIDATE ORDER ON THE BALLOT (8:30 a.m)**

The City Clerk shall determine, by lot, each candidate's position on the ballot. Candidates and the public are welcomed, but not required, to attend the drawing.

Location: Carnegie Town Hall

[SDCL 9-13-21](#)

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Monday, April 18, 2022

## **RUNOFF ELECTION ONLY** **DEADLINE FOR VOTER REGISTRATION (by 5 p.m)**

Deadline for registration to vote in the May 3, 2022, RUNOFF Election.  
[SDCL 12-4-5](#)

Tuesday, April 19, 2022

## **OFFICIAL CANVASS OF VOTES**

6 p.m. at Carnegie Town Hall (Date subject to change).  
[SDCL 9-13-24](#)

Thursday, April 21, 2022

## **CERTIFICATES OF ELECTION**

The City Clerk will issue certificates of election within two days after the result of the election is declared via the canvass. (Date subject to change).  
[SDCL 9-13-5](#); [SDCL 9-13-28](#); [ARSD 05:02:15:08](#); [ARSD 05:02:15:09](#)

Thursday, April 21, 2022

## **RUNOFF ELECTION ONLY** **NOTICE OF TEST OF AUTOMATIC TABULATING SYSTEM**

The City Clerk will publish a notice of the test of the Automatic Tabulating System (scheduled for the week of April 25, 2022).  
[SDCL 12-17B-5](#); [ARSD 05:02:09:01.01](#)

Week of April 25, 2022

## **RUNOFF ELECTION ONLY** **PUBLIC TEST OF THE AUTOMATIC TABULATING SYSTEM**

(Date/Time TBD.)  
[SDCL 12-17B-5](#); [ARSD 05:02:09:01.01](#)

Tuesday, April 26, 2022

## **RUNOFF ELECTION ONLY** **LATEST DATE ABSENTEE VOTING BEGINS**

Absentee Voting may begin earlier than April 26, 2022, subject to availability of ballots.

- To **vote absentee by mail**, download and print an Absentee Ballot Application and submit/mail your original, signed application to your county auditor.
- All registered Sioux Falls voters can **vote absentee in-person** at the Minnehaha County Auditor's Office (415 N. Dakota Ave., Sioux Falls, SD 57104) once Absentee Voting begins by bringing along a valid photo ID. If a voter does not have a photo ID, they must be given the option to sign a personal identification affidavit and vote a regular ballot.

[SDCL 9-13-21](#)

Thursday, April 28, 2022

## **RUNOFF ELECTION ONLY** **CAMPAIGN FINANCE DISCLOSURE REPORT DUE (by 5 p.m).**

- **Reporting Period:** April 5, 2022 (or last submitted report) through April 25, 2022
- **Who Files:** Runoff Municipal Candidates/Candidate Campaign Committees, Municipal Political Action Committees, and Nonmunicipal Political Action Committees

[SFCO 38.005](#)

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Thursday, April 28, 2022

## **RUNOFF ELECTION ONLY** **NOTICE OF ELECTION**

The City Clerk shall have a notice of election published once during the week next preceding any runoff election. Such notice shall include a list of all persons appearing on the ballot for the election. A facsimile of the official ballot need not be published for runoff elections.

[SDCL 9-13-27.1](#); [ARSD 05:02:04:13](#)

Saturday, April 30, 2022

## **RUNOFF ELECTION ONLY** **SATURDAY ABSENTEE VOTING IN-PERSON 8 a.m. - 12 p.m.**

Minnehaha County Auditor's Office  
415 N. Dakota Ave

Monday, May 02, 2022

## **RUNOFF ELECTION ONLY** **DEADLINE TO ABSENTEE VOTE IN-PERSON (by 5 p.m.)**

Absentee voting in-person is conducted at the Minnehaha County Auditor's Office for all Sioux Falls voters (Lincoln & Minnehaha Counties).

[SDCL 12-19-2.1](#)

Tuesday, May 03, 2022

## **RUNOFF ELECTION ONLY** **ELECTION DAY**

Polls are open 7 a.m. to 7 p.m.

[SFCO 38.010](#); [SDCL 9-13-26.1](#)

Tuesday, May 10, 2022

## **RUNOFF ELECTION ONLY** **OFFICIAL CANVASS OF VOTES**

6 p.m. at Carnegie Town Hall (Date subject to change).

[SDCL 9-13-24](#)

Thursday, May 12, 2022

## **RUNOFF ELECTION ONLY** **CERTIFICATES OF ELECTION ISSUED**

The City Clerk will issue certificates of election within two days after the result of the election is declared via the canvass. (Date subject to change).

[SDCL 9-13-28](#); [ARSD 05:02:15:09](#)

Tuesday, May 17, 2022

## **START OF TERMS OF OFFICE**

Installation Ceremony will be held the afternoon of May 17, 2022 (time TBD).

Informational Meeting: 4 p.m.

City Council Meeting: 6 p.m. (Election of Council Chair, Vice Chair, and Operations Committee Member).

[SFCC 2.02\(c\)](#)

Thursday, May 19, 2022

## **EFFECTIVE DATE OF CHARTER AMENDMENTS**

Charter Amendments become effective 30 days after the canvass, unless a time is fixed in the amendment. (Date subject to change based on canvass date.)

[SFCC 8.03](#)

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Thursday, May 19, 2022

## **LATEST DATE TO FILE CHARTER AMENDMENTS WITH THE SECRETARY OF STATE**

The City Clerk will file a certified copy of Charter Amendments within 30 days after the canvass. (Date subject to change based on canvass date.)

[SDCL 6-12-11](#)

Wednesday, June 01, 2022

## **ELECTED OFFICIAL STATEMENT OF FINANCIAL INTEREST DUE (by 5 p.m)**

Elected Official Financial Interest Statements are due no more than 15 days after assuming office.

[SDCL 3-1A-4](#); [SFCO 38.005\(b\)\(6\)](#)

Wednesday, June 15, 2022

## **CAMPAIGN FINANCE DISCLOSURE REPORTS DUE (by 5 p.m)**

- **Reporting Period:** April 5, 2022 (or last submitted report) through June 11, 2022
- **Who Files:** Ballot Question Committees
- **Remarks:** This report may be submitted as a Termination Statement

[SFCO 38.005](#)

Wednesday, July 06, 2022

## **CAMPAIGN FINANCE DISCLOSURE REPORTS DUE (by 5 p.m)**

- **Reporting Period:** April 5, 2022 (or last submitted report) **OR** May 3, 2022 (or last submitted report) through June 30, 2022
- **Who Files:** Candidates/Candidate Campaign Committees, Ballot Question Committees, and Municipal Political Action Committees
- **Remarks:** This report may be submitted as a Termination Statement

[SFCO 38.005](#)

## 2022 Election Handbook

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### **Dates for the 2022 Municipal Election (SFCC 6.01(a))**

- Regular City elections are held in even numbered years on the second Tuesday of April. Municipal elections may be held in conjunction with regular school district elections (subject to approval by the governing bodies). If needed, a runoff election will be held three weeks from the date of the aforementioned election.

**REGULAR ELECTION—Tuesday, April 12, 2022** (7 a.m. to 7 p.m). ([SFCC 6.01\(a\)](#); [SDCL 9-13-1](#))

- Voter Registration Deadline—Monday, March 28, 2022 ([SDCL 12-4-5](#))
- Latest Date Absentee Voting Begins—Monday, March 28, 2022 ([SDCL 9-13-21](#))

**RUNOFF ELECTION** (if required)—**Tuesday, May 3, 2022** (7 a.m. to 7 p.m). ([SFCO 38.010](#); [SDCL 9-13-26.1](#))

- Voter Registration Deadline—Monday, April 18, 2022 ([SDCL 12-4-5](#))
- Latest Date Absentee Voting Begins—Tuesday, April 26, 2022 ([SDCL 9-13-21](#))

### **Conduct of Elections (SFCO 38.001)**

- “The provisions of the general election laws of the State of South Dakota shall apply to all municipal elections unless specifically provided by city charter or city ordinance.” These laws are found *primarily*, though not exclusively, in [Title 12](#) and [Chapter 9-13](#) of South Dakota Codified Law, [Article 5:02](#) of the Administrative Rules of South Dakota, [Section II & VI of the City Charter](#), and [Chapter 38 of the Code of Ordinances](#).
- The Sioux Falls City Clerk is responsible for conducting all municipal elections. All statements, forms, or filings required by law are submitted to the City Clerk ([SFCO 38.001](#)). Additionally, the City Clerk: ensures all public notices associated with an election are published in accordance with state law; prepares ballots; coordinates for and trains workers; manages Election Day activities; presents returns to the City Council for the official canvass of votes; and, issues certificates of election.
- By an Agreement dated March 4, 2014, the Minnehaha County Auditor conducts the vote tabulation and provides for absentee voting. As such, absentee voting in person is conducted at the Minnehaha County Auditor’s office for all Sioux Falls voters regardless of county. The Minnehaha County Auditor also provides for absentee voting by mail, however, voters must request mail-in ballots through their respective auditor.

Lincoln County Auditor  
104 N. Main St., Ste. 110  
Canton, SD 57013-1703  
(605) 764-2581

Minnehaha County Auditor  
415 N. Dakota Ave.  
Sioux Falls, SD 57104  
(605) 367-4220

## 2022 Election Handbook

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### Offices to be Filled

- Five offices will become vacant due to the expiration of present terms of office for: Mayor, At-Large Council Member “A,” At-Large Council Member “B,” Southeast (SE) District Council Member, Central (CE).

<u>Office</u>	<u>Current Term Expires/Incumbent</u>
Mayor	Paul TenHaken
At-Large Council Member “A”	Janet Brekke
At-Large Council Member “B”	Christine M. Erickson
Southeast District Council Member	Rick Kiley
Central District Council Member	Curt Soehl

### General Requirements and Eligibility (SFCC 2.02 & 6.01)

- “Only the registered voters of the city who have resided in the city for at least six (6) months immediately prior to the date of election shall be eligible to hold the office of council member or mayor. Council members representing a district must also have resided in that district for at least six (6) months immediately prior to the date of election.”
  - “Candidates shall run for office without party designation and shall declare whether seeking an at-large or district seat;
  - Candidates for district seats must reside within the district;
  - No person shall be eligible for elective municipal office unless a nominating petition is first filed.”

### Council Districts & Precincts (SFCO 38.002 & 38.003)

- There are five Council Districts:
  - District 1—Southwest (SW) is comprised of all precincts designated with the prefix 1.
  - District 2—Southeast (SE) is comprised of all precincts designated with the prefix 2.
  - District 3—Northwest (NW) is comprised of all precincts designated with the prefix 3.
  - District 4—Northeast (NE) is comprised of all precincts designated with the prefix 4.
  - District 5—Central (CE) is comprised of all precincts designated with the prefix 5.
- Each District is further divided into election precincts. An interactive map showing districts and precincts can be accessed through the “[Elections](#)” webpage found online.
- **IMPORTANT: Council Districts will be adjusted pursuant to [SFCO 6.02](#) during calendar year 2021. Some, or all, Council District boundaries may change.**

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### **Nominating Petitions (SFCC 6.01(c); SDCL 9-13-9; ARSD 05:02:08:13, and 5:02:08)**

- “No person shall be eligible for elective municipal office unless a nominating petition is first filed. Nominating petitions shall conform in all respects to the provisions of South Dakota state law, except that the deadline for filing shall be no later than 5:00 p.m. on the last Friday in February. The mayoral and at-large council candidate nominating petitions shall be signed by not less than 200 registered voters of the city. The council district nominating petitions shall be signed by not less than 50 registered voters of the city. Council district nominating petitions shall be signed by registered voters who shall reside in the council district thereof, and who shall be eligible to vote for the nominee” (SFCC 6.01(c)). “No nominating petition may be circulated until on or after the last Friday in January prior to the Election” (SDCL 9-13-9).

EARLIEST DATE TO CIRCULATE & TO FILE NOMINATING PETITIONS—Friday, January 28, 2022 (SDCL 9-13-9)

DEADLINE TO FILE NOMINATING PETITIONS—Friday, February 25, 2022, at 5 p.m. (SDCL 9-13-7; SFCC 6.01(c))

- File petition with the Sioux Falls City Clerk
- Use “Nominating Petition for Municipal Election” (ARSD 5:02:08:13)
- The petition form can be downloaded from <https://sdsos.gov/elections-voting/nominating-petitions/download-nominating-petition.aspx>.
- [How to Circulate a Nominating Petition \(Municipal Candidate\)](#)

### **Terms of Office (SFCC 2.02)**

- “The terms of council members shall be four (4) years beginning no later than whichever day the City Council meets during the third week of May following the official canvass of any final council or mayoral election, whichever is later, and shall continue until a successor has been elected and takes office. No council member may serve more than two (2) full or partial terms consecutively, unless a partial term was for 50 percent or less of the full term then the council member may serve an additional two full terms; however, a council member may immediately thereafter be eligible to be a candidate for mayor. The two consecutive term limit shall apply regardless of whether a council member has served as a district or an at large council member or both.”

OFFICIAL CANVASS (SDCL 9-13-24) (Dates subject to change)

- Regular Election—Tuesday, April 19, 2022, at 6 p.m. (City Council Meeting)
- Runoff Election (if required)—Tuesday, May 10, 2022, at 6 p.m. (City Council Meeting)

INSTALLATION CEREMONY – Tuesday, May 17, 2022 (Time TBD) (SFCC 2.02)

FIRST COUNCIL MEETINGS – Tuesday, May 17, 2022, Informational at 4 p.m./City Council at 6 p.m.

- **The City Council Meeting also includes the election of Council Chair, Vice Chair, and a Member of the Operations Committee (SFCO 30.008).**



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### **Ballot Order (SDCL 9-13-7.1 & 9-13-21)**

- Any person who has filed a nominating petition pursuant to [SDCL 9-13-7](#) may withdraw from the nomination by a written request, signed by the person and properly acknowledged and filed with the City Clerk no later than 5 p.m. on the deadline day for nominating petitions. Persons who have filed nominating petitions and have not withdrawn by the prescribed deadline will be placed on the official ballot.
- Name order on the official ballot will be determined randomly by drawing. Candidates are encouraged, but not required to attend the drawing. It will be held in Carnegie Town Hall and the public is invited to attend.

DEADLINE FOR SUBMISSION OF WRITTEN REQUEST TO WITHDRAW NAME FROM BALLOT—Friday, February 25, 2022, at 5 p.m. ([SDCL 9-13-7.1](#))

DRAWING FOR CANDIDATE ORDER ON THE BALLOT ([SDCL 9-13-21](#))

- Regular Election—Tuesday, March 1, 2022, at 10 a.m.
- Runoff Election (if required)—Wednesday, April 13, 2022, at 8:30 a.m.

### **Election Results (SFCO 38.010)**

- *All Elections by majority.* In all elections for elective office within the city, including at-large council members and district council members and mayor, if no candidate in a race involving three or more candidates receives a majority of the votes cast for that particular elective office, a runoff election shall be held three weeks from the date of the first election. At the runoff election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the runoff election. The runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The person receiving the highest number of votes at the runoff election is elected.

### **Ethics (SFCO 38.006 through 38.008)**

- **38.006 INVESTIGATION AND PROSECUTION OF VIOLATIONS BY BOARD OF ETHICS.** The city attorney shall investigate violations of the provisions of this chapter by any persons not currently holding an elected office within the city and may prosecute any violation thereof not otherwise subject to the jurisdiction of the South Dakota Attorney General or applicable States Attorney. The Sioux Falls board of ethics shall investigate and make recommendations on possible violations of this chapter relating to any current city-elected official pursuant to the Ethics chapter of this Code. Any penalty recovered shall be paid to the city general fund. An action brought by the city attorney shall be commenced in Minnehaha

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County, in the county where the person resides, or in the county where the organization, political party or political committee has its principal office.

- **38.007 ACCESS TO RECORDS BY INVESTIGATING AUTHORITY.** The investigating authority may, for the purpose of enforcing the provisions of this chapter, inspect or examine any candidate campaign committee, political action committee, ballot question committee or political party records required to be maintained by this chapter. No person having charge, control or possession of candidate campaign committee, political action committee, ballot question committee or political party records may neglect or refuse the investigating authority reasonable access to any records required to be maintained by this chapter, which is necessary to enforce the provisions of this chapter.
- **38.008 CONFIDENTIALITY OF RECORDS.** The investigating authority shall keep each record inspected or examined confidential except when the records are used to enforce provisions of this chapter.

## Political Campaign Signs & Campaigning

- “*Noncommercial yard signs.* Noncommercial signs shall not exceed 9 square feet per sign in any residential parcel [DD1-7; AD1-4; MD1-3]. Signs shall not exceed 32 square feet and 8 feet in height in any nonresidential parcel [NF1-2; BCF1-4; RE1-6; WM1-4]. Signs shall be outside of the public right-of-way (see § [155.001](#) “Signs upon, over public ways”). Each sign may be displayed for up to 90 days per calendar year per property.” ([SFCO 160.576\(h\)](#)).
- For questions about sign placement, please contact the Department of Planning and Development Services at 367-8254.
- [SDCL 12-18-3](#). Electioneering, offices, distracting communications devices, and signature gathering prohibited near polling place--Violation as misdemeanor. Except for sample ballots and materials and supplies necessary for the conduct of the election, no person may, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place, maintain a campaign office or public address system, or use any communication or photographic device in a manner which repeatedly distracts, interrupts, or intimidates any voter or election worker, or display campaign posters, signs, or other campaign materials or by any like means solicit any votes for or against any person or political party or position on a question submitted or which may be submitted. No person may engage in any practice which interferes with the voter's free access to the polls or disrupts the administration of the polling place, or conduct any petition signature gathering, on the day of an election, within one hundred feet of a polling place. For the purposes of this section, the term, polling place, means a designated place voters may go to vote on the day of the election or go to vote absentee. A violation of this section is a Class 2 misdemeanor.

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- [SDCL 12-14-16](#). Campaign signs at nonpublicly-owned polling places. If any nonpublicly-owned building is used as a polling place, the building owner may designate whether campaign signs will be allowed on the building's premises outside the area defined in SDCL 12-18-3 on election day. If campaign signs are allowed, the building owner may not prohibit signs from any particular campaign.

Prior to the April 12, 2022, Election, the City Clerk will furnish all political committees with a complete list of nonpublicly-owned buildings that authorize signs on their premises **on election day** pursuant to [SDCL 12-14-16](#). Signs may only be placed and must be removed the day of the election. The listing will be updated if there are any changes for the Runoff.

## Assemblies, Parades and Processions (See [SFCO 96.180 – 96.192](#))

- **96.180 DEFINITIONS.** For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASSEMBLY.** Any block party, demonstration, rally, gathering or group of 25 or more persons, animals or vehicles, or a combination thereof, having a common purpose, design or goal, upon any public street, sidewalk, alley or other public place, which assembly substantially inhibits the usual flow of pedestrians or vehicular travel or which occupies any public area, but does not rise to the definition of a special event.

**PARADE.** Any scheduled walk, demonstration, procession, motorcade consisting of 25 or more persons, animals or vehicles, or a combination thereof, having a common purpose, design, designation or goal upon any public place, which does not comply with normal and usual traffic regulations and controls.

### **SPECIAL EVENT.**

(1) Any of the following activities involving 25 or more persons, animals or vehicles, or a combination thereof, open to the general public taking place on public space that involves a temporary and exclusive use of public space involving a substantial deviation from current legal land use or legal nonconforming use and may include, but not be limited to:

- A. Amusements or carnivals;
- B. Entertainment;
- C. Music by way of sound amplification;
- D. Dancing;
- E. Dramatic or theatrical productions;
- F. Festivals;
- G. Parades;

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H. Runs, walks, triathlons and bicycle races or rides that will not comply with the normal or usual traffic regulations or controls or are likely to impede, obstruct, impair or interfere with free flow of traffic;

I. Any activity involving the sale of merchandise, food or alcohol;

J. Any activity making use of structures not already present on the public space such as stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands or similar constructions; and

K. Any activity taking place on public space that may require for its successful execution city services to a degree significantly over and above that routinely provided under ordinary circumstances, as determined by the special events committee.

***SPECIAL EVENTS.*** Shall not include the use of public space by governmental agencies acting within the scope of their authority.

***SPONTANEOUS EVENT.*** An unplanned or unannounced coming together of persons, animals or vehicles as described in this section, which was not contemplated beforehand by any participants therein and which is caused by or in response to unforeseen circumstances or events and which is neither a parade nor an assembly, as defined in this section.

- **96.181 PERMITS AND EXCEPTIONS.**

(a) *Permit required; assembly.* No person shall conduct, manage or participate in any assembly without a valid permit or outside the provisions of a permit as provided in this subchapter.

(b) *Permit required; special event.* No person shall hold, sponsor, aid or cause to be held a special event without a valid permit or outside the provisions of a permit as provided in this subchapter.

(c) *Exceptions.* The provisions of this subchapter shall not apply to or affect funeral processions.

- For more information about Special Events Planning visit the Sioux Falls Parks and Recreation Department webpage at <http://www.siouxfalls.org/parks>.

## **Campaign Finance**

### **Candidacy & Campaign Finance Requirements ([SFCO 38.001 & 38.005](#), [SDCL 12-27](#))**

- Pursuant to Section [38.001](#) of the Sioux Falls Code of Ordinances, “**the provisions of state law on campaign finance applicable to state legislative office shall also apply to all elected municipal positions.**” It further goes on to state, “any statement, form, or filing required by the general election laws of the state of South Dakota applicable to municipal elections shall be submitted to the city clerk's office.”
- Accordingly, the City of Sioux Falls uses the paper campaign finance forms prepared by the South Dakota Secretary of State’s office (linked through the City Clerk’s [Elections webpage](#)). Forms must be submitted to the City Clerk; please note the City does not use the online Campaign Finance Reporting System found on the Secretary of State’s website. Use “Local Jurisdictions” form versions when available.
- Candidates should make themselves thoroughly familiar with the campaign finance requirements found in [SDCL 12-27](#) and [38.005](#) of the Code of Ordinances.
- Go to <https://sdsos.gov/elections-voting/campaign-finance/campaign-finance-faqs.aspx> for Campaign Finance FAQs.

### **Financial Records to be Maintained by Treasurer ([SDCL 12-27-29](#))**

- [SDCL 12-27-29](#). Records required to be kept by treasurer of political committee--Violation as misdemeanor. The treasurer of a political committee shall maintain and preserve detailed and accurate records of the following:
  - (1) Each contribution received by the political committee. Any contribution of one hundred dollars or less shall be noted on the political committee's books and a running total of each contributor shall be maintained;
  - (2) Each donated good or service contribution received by the political committee. Upon request of the treasurer, any person making a donated good or service contribution shall provide all necessary information to the treasurer, including the value of the contribution;
  - (3) In the case of a ballot question committee, the information required by § 12-27-19 for any entity contribution;
  - (4) Each loan received or made by the political committee;
  - (5) Each refund, rebate, interest, or other income received by the political committee;
  - (6) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure;
  - (7) The name and address of any financial institution where an account or depository for the political committee is maintained including the account number.

The treasurer shall maintain and preserve the records for a period of seven years or three years past the date of filing the termination statement for the election for which the contribution or

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expenditure was made, whichever is earlier. A violation of this section is a Class 2 misdemeanor. Any subsequent offense within a calendar year is a Class 1 misdemeanor.

### **Submission and Filing of Documents**

- Candidates, Ballot Question Committees, and Political Action Committees shall submit forms to the Sioux Falls City Clerk. However, “a political action committee that regularly submits a campaign finance disclosure statement with the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to submit a campaign disclosure statement” ([SFCO 38.005\(b\)\(5\)](#)).
- Any treasurer or other person filing a statement or report pursuant to this chapter shall file an amended statement or report within three days of discovering any omission, inaccuracy, or other change necessary to make the statement or report accurate ([SFCO 38.005\(b\)\(7\)](#)).
- All campaign finance submissions are posted online and accessible through the City [Elections](#) webpage.

### **“Candidate” Definition**

- "Candidate: any person who seeks nomination for or election to public office. A person is a candidate if the person raises, collects, or disburses contributions in excess of five hundred dollars; has authorized the solicitation of contributions or the making of expenditures; has been certified as a candidate by a political party; has created a candidate campaign committee for the purpose of obtaining public office; or has taken all actions required by state law to qualify for nomination for or election to public office” ([SDCL 12-27-1\(4\)](#)).

### **Political Committee Registration ([SFCO 38.005\(b\)\(2\)](#); [SDCL 12-27-2 through 12-27-6](#))**

- Candidates, candidate campaign committees, ballot question committees, and political action committees shall submit a statement of organization as provided in SDCL 12-27 ([SFCO 38.005\(b\)\(2\)](#)).
- “Statement of Organization-Local Jurisdictions.” Fillable/ printable electronic forms can be accessed at [Election Resources: South Dakota Secretary of State \(sdsos.gov\)](#).
- ***Special Instruction for completing the “Statement of Organization – Local Jurisdictions:”***
  - Next to “**Committee Type** (you must select one):” write “Municipal Candidate Committee.”
- [SDCL 12-27-2](#). Political committee chair and treasurer required--Violation as misdemeanor. A political committee shall have and continually maintain a chair and a treasurer. One person may serve as chair, candidate, treasurer, or any combination thereof. A treasurer may be responsible

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for any monetary penalty assessed pursuant to this chapter. No political committee may receive or make contributions or pay expenses while the office of treasurer is vacant. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

- [SDCL 12-27-6](#). Contents of statement of organization. The statement of organization shall include:
  - (1) The name, mailing address, and street address if different than the mailing address, and telephone number of the committee;
  - (2) The name, mailing address, and street address if different than the mailing address, and telephone number of the chair and the treasurer of the committee;
  - (3) A statement of the type of political committee that has been or is being organized;
  - (4) In the case of a candidate campaign committee, the name of the candidate, the name of the candidate's committee, office the candidate is seeking, mailing address, and the street address if different than the mailing address; and
  - (5) In the case of a political action committee or ballot question committee, a concise statement of its purpose and goals, and the full name, mailing address, and the street address if different than the mailing address of the entity with which the committee is connected or affiliated, or if the committee is not connected or affiliated with any one entity, the trade, profession, or primary interest of the committee.

The statement shall be signed by the candidate and treasurer for a candidate campaign committee and by the chair and treasurer for other political committees and filed pursuant to § 12-27-41. A political committee continues to exist until a termination statement is filed pursuant to §§ 12-27-25 and 12-27-26.

The treasurer of a political committee shall file an updated statement of organization not later than fifteen days after any change in the information contained on the most recently filed statement of organization.

Any correspondence regarding reporting deadlines, delinquent reports, administrative penalties, and administrative hearings may only be sent to the treasurer listed on the most current statement of organization on file.

### **Financial Disclosure Reports (SFCO 38.005; SDCL 12-27-22 through 12-27-28)**

- The Campaign Financial Disclosure Statement is the most visible part of the disclosure process. This is the document that contains the information most utilized by the public. The disclosure statement provides the public with information on contributions received and expenditures made by the political committee or political party during the calendar year up to the cutoff date of the reporting period. (Use “Local Jurisdictions Campaign Finance Disclosure Report” and See [SFCO 38.005\(b\)](#) for frequency of reporting (also below).)
- “Local Jurisdictions Campaign Finance Disclosure Report.” Fillable/ printable electronic forms can be accessed at <https://sdsos.gov/elections-voting/campaign-finance/paper-forms.aspx>.



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<b><u>DEADLINES</u></b>
<b>Deadline: Wednesday, January 5, 2022 (5 p.m)</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> Last report through December 31, 2021</li><li>• <b>Who Files:</b> All Municipal Candidates/Candidate Campaign Committees and Municipal PACs</li></ul>
<b>Deadline: Thursday, February 3, 2022 (5 p.m)</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> Last report through January 31, 2022</li><li>• <b>Who Files:</b> All Ballot Question Committees (Only)</li></ul>
<b>Deadline: Thursday, March 3, 2022 (5 p.m)</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> January 1, 2022 (or last submitted report) through February 28, 2022</li><li>• <b>Who Files:</b> All Candidates/Candidate Campaign Committees, Municipal PACs, and Ballot Question Committees</li></ul>
<b>Deadline: Thursday, April 7, 2022 (5 p.m)</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> March 1, 2022 (or last submitted report) through April 4, 2022</li><li>• <b>Who Files:</b> All Candidates/Candidate Campaign Committees, Ballot Question Committees, Municipal PACs, and Nonmunicipal PACs*</li></ul>
<b>Deadline: Thursday, April 28, 2022 (5 p.m) RUNOFF ELECTION ONLY</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> April 5, 2022 (or last submitted report) through April 25, 2022</li><li>• <b>Who Files:</b> Runoff Candidates/ Candidate Campaign Committees, Municipal PACs, and Nonmunicipal PACs*</li></ul>
<b>Deadline: Wednesday, June 15, 2022 (5 p.m)</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> April 5, 2022 (or last submitted report) through June 11, 2022</li><li>• <b>Who Files:</b> Municipal Ballot Question Committees</li><li>• <b>Remarks:</b> This report may be submitted as a Termination Statement.</li></ul>
<b>Deadline: Wednesday, July 6, 2022 (5 p.m) ALL</b>
<ul style="list-style-type: none"><li>• <b>Reporting Period:</b> April 5, 2022 (or last submitted report) <b>OR</b> April 26, 2022 (or last submitted report) through June 30, 2022</li><li>• <b>Who Files:</b> Candidates/ Candidate Campaign Committees and Municipal PACs</li><li>• <b>Remarks:</b> This report may be submitted as a Termination Statement.</li></ul>
<p>* Nonmunicipal Political Action Committees: the statement shall cover the contributions and expenditures of the political action committee from the last submission with the Secretary of State's office. A political action committee that regularly submits a campaign finance disclosure statement with the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to submit a campaign disclosure statement (<a href="#">SFCO 38.005</a>).</p>
<p><b>PENALTY:</b> A candidate or political committee that fails to timely file any statement, amendment, or correction required by this chapter subjects the treasurer responsible for filing to a civil penalty of \$50 per day for each day that the statement remains delinquent not to exceed \$3,000. The civil penalty shall be in addition to any criminal sanctions and shall be paid to the city clerk and deposited in the city general fund (<a href="#">SFCO 38.999(b)</a>).</p>



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- ***Special Instruction for completing the “Local Jurisdictions Campaign Finance Disclosure Report:”*** With the exception of a Termination Report and/or any amendments, leave page 2 blank.
- [SDCL 12-27-24](#). Contents of campaign finance disclosure report. A campaign finance disclosure report shall include the following information:
  - (1) The political committee name, mailing address, telephone number, and, if applicable, e-mail address;
  - (2) Name, mailing address, telephone number, and, if applicable, an e-mail address, if any of the political committee's treasurer;
  - (3) The type of campaign report (pre-primary, pre-general, year-end, amendment, supplement, or termination);
  - (4) For any ballot question committee, the ballot question name and whether the committee supports or opposes the ballot question;
  - (5) The balance of cash and cash equivalents on hand at the beginning of the reporting period;
  - (6) The total amount of all contributions received during the reporting period;
  - (7) The total amount of any donated good or service received during the reporting period;
  - (8) The total of refunds, rebates, interest, or other income not previously identified during the reporting period;
  - (9) The total of expenditures made during the reporting period;
  - (10) The cash balance on hand as of the close of the reporting period;
  - (11) All contributions of one hundred dollars or less shall either be aggregated and reported as a lump sum or the contributions shall be listed individually;
  - (12) The name, mailing address, city, and state of each person making a contribution of more than one hundred dollars in the aggregate during any calendar year and the amount of the contribution. Any contribution from an entity after July 1, 2017, or political committee shall be itemized. Any contribution from a federal political committee or political committee organized outside this state shall also include the name and website address of the filing office where campaign finance disclosure reports are regularly filed for the committee. If any information required by the section is unknown to the political committee, the political committee may not deposit the contribution;
  - (13) Any donated good or service contribution shall contain the same information as for any monetary contribution, and shall also include a description of the donated good or service contribution;
  - (14) Any monetary or donated good or service contribution made by a political committee to any political committee or nonprofit charitable entity shall be itemized;
  - (15) A categorical description and amount of any refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period;
  - (16) A categorical description and amount of any funds or donations by any entity to its political committee for establishing and administering the political committee and for any solicitation costs of the political committee;
  - (17) Each loan received shall be reported in the same manner as a contribution;
  - (18) Each loan repayment shall be reported in the same manner as an expenditure;
  - (19) Any expenditure made during the reporting period shall be categorized as disbursements and itemized by expense categories. A miscellaneous expense category is prohibited.

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Any contribution made by the political committee that is not in exchange for any item of value or service shall be itemized;

(20) The amount of any independent communication expenditure from a political committee made during the reporting period, and lists the name of the candidate, public office holder, or ballot question related to the independent communication expenditure and a description of the independent communication expenditure;

(21) A ballot question committee shall provide the information contained in any statement provided pursuant to § 12-27-19; and

(22) A certification that the contents of the statement are true and correct signed by the treasurer of the political committee.

### Contributions

- Pursuant to [SFCO 38.001](#) of the Sioux Falls Code of Ordinances, “the provisions of state law on campaign finance *applicable to state legislative office* shall also apply to all elected municipal positions.”
- [SDCL 12-27-8](#). Limits on contributions to legislative or county candidate or candidate's campaign committee--Violation as misdemeanor . A legislative or county candidate or the candidate's campaign committee may accept contributions during any calendar year as follows:
  - (1) Not to exceed one thousand dollars from a person, unless the person is the candidate or a member of the candidate's immediate family, in which case contributions may be made without limit;
  - (2) Not to exceed one thousand dollars from an entity;
  - (3) Without limit from a political action committee;
  - (4) Without limit from a political party; and
  - (5) Without limit from a candidate campaign committee.

Any contribution from a ballot question committee is prohibited. Any contribution from a person who is an unemancipated minor shall be deducted from the total contribution permitted under this section by the unemancipated minor's custodial parent or parents. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

- [SDCL 12-27-9](#). Limits on contributions to political action committee--Violation as misdemeanor . A political action committee may accept contributions during any calendar year as follows:
  - (1) Not to exceed ten thousand dollars from a person;
  - (2) Not to exceed ten thousand dollars from an entity;
  - (3) Without limit from a political action committee;
  - (4) Without limit from a political party;
  - (5) Without limit from a candidate campaign committee; and
  - (6) Not to exceed ten thousand dollars from a ballot question committee.

Any contribution from a person who is an unemancipated minor shall be deducted from the total contribution permitted under this section by the unemancipated minor's custodial parent or parents. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

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- [SDCL 12-27-10.4](#). Affiliated entities sharing single contribution limit. All political action committees established, financed, maintained, or controlled by the same person or entity, including any parent, subsidiary, branch, division, department, or local unit of the person or entity, are affiliated and share a single contribution limit under § 12-27-9, both with respect to contributions made and contributions received.
- [SDCL 12-27-11](#). Required information about contributors--Contributions from unknown source to be donated to charitable entity--Violation as misdemeanor. No person, entity, candidate, or political committee may give or accept a contribution unless the name, mailing address, city and state of the contributor is made known to the person, entity, candidate, or political committee receiving the contribution. In addition to any other information to be made known under this section, the name of the custodial parent or parents of an unemancipated minor who makes a contribution shall be made known. Any contribution, money, or other thing of value received by a candidate or political committee from an unknown source shall be donated to a nonprofit charitable entity. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.
- [SDCL 12-27-18.1](#). Acceptance of contributions by ballot question committee. A ballot question committee may accept unlimited contributions from a:
  - (1) Person;
  - (2) Entity that complies with § 12-27-19;
  - (3) Political action committee;
  - (4) Political party;
  - (5) Candidate campaign committee; and
  - (6) Ballot question committee.
- [SDCL 12-27-50](#). Limitation on uses for contributions received by candidate campaign committee. Contributions received by a candidate campaign committee may only be used for:
  - (1) A purpose related to a candidate's campaign;
  - (2) Expenses incident to being a public official or former public official; or
  - (3) Donations to any other candidate, political committee, or nonprofit charitable organization.
- [“South Dakota Campaign Finance Contribution Limits.”](#)

### **Disclaimers (SDCL 12-27-15)**

- [SDCL 12-27-15](#). Political communications to contain certain language--Exceptions--Violation as misdemeanor. Any printed material or communication made, purchased, paid for, or authorized by a candidate or political committee that disseminates information concerning a candidate, public office holder, ballot question, or political party shall prominently display or clearly speak the statement: "Paid for by (name of candidate or political committee)." This section does not apply to buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

### **Independent Communication Expenditures (SDCL 12-27-16.1)**

- [SDCL 12-27-16.1](#). Statements and disclaimers regarding independent communication expenditures--Control by candidate or political committee--Violation as misdemeanor. Any political committee, entity, or person that makes a communication clearly identifying a candidate, public office holder, ballot question, or political committee, other than an independent communication expenditure that is not controlled by, coordinated with, requested by, or made upon consultation with that candidate, political committee, or agent of a candidate or political committee, shall append to or include in each communication a disclaimer that:
  - (1) Identifies the political committee, entity, or person making the communication; and
  - (2) States the address or website address, if applicable, of the political committee, entity, or person.

If the communication is an independent expenditure made by a person or entity, then the disclaimer shall include the following: "This communication is independently funded and not made in consultation with any candidate, political party, or political committee." If the independent expenditure is undertaken by an entity not including a candidate, public office holder, political party, or political committee, then the following notation must also be included: "Top Five Contributors," including a listing of the names of the five persons making the largest contributions to an entity during the twelve months preceding that communication. Any person or entity making a communication under this section has the same reporting requirements as § 12-27-16. Any political committee making a communication under this section shall include each communication as an expenditure on the campaign finance disclosure report. A violation of this section is a Class 2 misdemeanor. Any subsequent offense within a calendar year is a Class 1 misdemeanor.

- "Communication Expenditure" form. Fillable/ printable electronic forms can be accessed at <https://sdsos.gov/elections-voting/campaign-finance/paper-forms.aspx>.

### **Disguised Contributions (SDCL 12-27-12)**

- [SDCL 12-27-12](#). Disguised contributions prohibited--Misdemeanor. No person or entity may make a contribution in the name of another person or entity, make a contribution disguised as a gift, make a contribution in a fictitious name, make a contribution on behalf of another person or entity, or knowingly permit another to use that person's or entity's name to make a contribution. No candidate may knowingly accept a contribution disguised as a gift. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

### **Can Public Funds be Used to Influence an Election? (SDCL 12-27-20)**

- [SDCL 12-27-20](#). Expenditure of public funds to influence election outcome prohibited. The state, an agency of the state, and the governing body of any county, municipality, or other political subdivision of the state may not expend or permit the expenditure of public funds for the purpose of influencing the nomination or election of any candidate, or for the petitioning of a

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ballot question on the ballot or the adoption or defeat of any ballot question. This section may not be construed to limit the freedom of speech of any officer or employee of the state or any political subdivision who is speaking in the officer's or employee's personal capacity. This section does not prohibit the state, its agencies, or the governing body of any political subdivision of the state from presenting factual information solely for the purpose of educating the voters on a ballot question.

### **Candidate Statement of Financial Interest (SDCL 12-25-30, SFCO 38.005)**

- Filed within 15 days after filing nominating petitions (Use “Candidate Statement of Financial Interest” paper form).
- “Candidate Statement of Financial Interest.” Fillable/ printable electronic forms can be accessed at <https://sdsos.gov/elections-voting/campaign-finance/paper-forms.aspx>.

### **Elected Official Statement of Financial Interest (SDCL 3-1A-4, SFCO 38.005)**

- Public office holders for the city shall, not more than 15 days after the person assumes office and then not later than the first day of January of every year the person continues to hold the office, file a statement of financial interest setting forth any additions or corrections to any previous statement of financial interest filed pursuant to SDCL § 12-25-30. [SFCO 38.005](#).
- “Elected Official Statement of Financial Interest.” Fillable/ printable electronic forms can be accessed at <https://sdsos.gov/elections-voting/campaign-finance/paper-forms.aspx>.

### **Nonmunicipal Political Action Committees**

- Nonmunicipal political action committees shall submit a finance disclosure statement with the city clerk by 5:00 p.m. within three business days from the last Monday one week prior to each city election. The statement shall cover the contributions and expenditures of the political action committee from the last submission with the secretary of state's office. A political action committee that regularly submits a campaign finance disclosure statement with the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to submit a campaign disclosure statement ([SFCO 38.005\(b\)\(5\)](#)).

### **Initiative and Referendum**

- 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 ([SFCO 38.004](#)). [Petition Registration Form](#).

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### **Forms**

**\*\*IMPORTANT\*\*** As campaign finance forms are updated regularly, please go to <https://sdsos.gov/elections-voting/campaign-finance/paper-forms.aspx> for the most current version.

The following campaign finance forms are used for City Elections:

Statement of Organization – Local Jurisdictions

Campaign Finance Disclosure Report – Local Jurisdictions

Financial Interest Statement – Candidate

Communication Expenditure

Financial Interest Statement – Elected Official

Ballot Question Contribution Statement

Also used are the following petitions:

5:02:08:13. Nominating Petition for Municipal Election

5:02:08:15. Municipal Initiative Petition

5:02:08:16. Municipal Referendum Petition

Go to <https://sdsos.gov/elections-voting/nominating-petitions/download-nominating-petition.aspx> for the most current, fillable/printable petition forms.

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