**5:02:08:00.  Guidelines for acceptance of petitions.** When a petition is presented for filing, the person or governing board authorized to accept the petition shall determine if it meets the following requirements:

(1)  The petition is in the form required by this chapter;

(2)  The petition contains the minimum number of valid signatures, counted according to § 5:02:08:00.01. One or more invalid signatures on a petition do not disallow other valid signatures;

(3)  Each sheet of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. The verification was completed and signed before an officer authorized to administer oaths in this state;

(4)  The declaration of candidacy contains the original signature of the candidate. Additional sheets may have an original or photocopied signature of the candidate;

(5)  If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the Office of the Secretary of State;

(6)  If a petition is for a ballot question to be voted on statewide, the sponsor(s) must submit the affidavit of completed petition when the petition sheets are submitted to the Office of the Secretary of State;

(7)  The governing board or person authorized to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the signature lines or circulator's verification on the petition provided the filing deadline has not passed; and

(8)  Following the presentation of the petition for filing, names may not be removed from the petition.

Except for petitions to nominate candidates for school boards, municipal offices, or statewide campaigns, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. **Petitions containing signatures in excess of the minimum number may be filed, but any excess signatures will be disregarded**, unless there is a challenge to that petition. Excess signatures will not be considered by the filing office unless the signatures are needed to validate the petition.

**Source:** 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 28 SDR 99, effective January 17, 2002; 35 SDR 48, effective September 8, 2008; 42 SDR 178, effective July 1, 2016; 45 SDR 9, effective July 30, 2018; 46 SDR 42, effective September 30, 2019; 47 SDR 37, effective October 6, 2020.

**General Authority:** SDCL 12-1-9(6).

**Law Implemented:** SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1, 9-13-7, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 12-7-1, 13-7-6, 12-1-3, 12-6-4, 18-3-1.

**Cross-Reference:** Sections of petition, § 5:02:08:00.02.