**5:02:08:00.05.  Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition.** Upon receiving any statewide candidate petition, 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)  A spreadsheet consisting of rows and columns shall be created listing each petition sheet number in a column and the number of eligible signatures, as defined in subsection 4(d), in a separate column;

(3)  The Office of Secretary State must use the tables in subdivision (8) which identifies how many signatures shall be randomly sampled to meet the statutory requirement based on the number of petition signatures submitted. Microsoft Excel functions, or a similar program as determined by the secretary of state, shall be used to randomly select the signatures for validation;

(4)  Each signature in the random sample shall be evaluated as to whether the signature is valid or invalid pursuant to §§ 5:02:08:00 and 5:02:08:00.01, and in accordance with:

(a)  No signature line may be counted unless the person is a registered voter in the county indicated in the signature line;

(b)  When validating a statewide partisan candidate petition, the party affiliation is also validated for each randomly selected eligible signature;

(c)  A signature line consists of two rows containing six fields each, signature line is separately numbered as per § 5:02:08:00.03;

(d)  An eligible signature is a signature line that is filled in partially or completely. If a signature line is empty or crossed out, said signature line is not included as an eligible signature. A signature line containing an abstract mark or markings shall be counted as an eligible signature; and

(e)  A random sample signatures are those eligible signatures contained in the random sample generated by the program designated in subdivision (3). The total number of valid signatures submitted is extrapolated from the random sample;

(5)  The total number of valid signatures is determined by:

(a)  Subtracting the number of invalid random sample signatures from the total number of random sample signatures;

(b)  Next, determine the percentage of valid signatures in the random sample signatures by dividing the number of valid signatures by the total number of random sample signatures;

(c)  The resulting percentage is multiplied by the total number of eligible signatures submitted; and

(d)  The resulting number is the number of valid signatures the secretary of state uses to determine how the petition is certified;

(6)  If the number of valid signatures as determined in subdivision (5) 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;

(7)  If the number of valid signatures as determined in subdivision (5) is less than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as not filed; and

(8)  The table below identifies how many signatures shall be randomly sampled to meet the state requirements:

(a)  If the sample size number is less than the safe harbor sample size number the Secretary of State shall use the safe harbor sample size number; and

(b)  If the number of submitted signatures is between two numbers listed in the signatures submitted column, the Secretary of State shall round down to the lower number if the number is 500 or less and shall round up if the number is 501 and higher.

|  |  |  |  |
| --- | --- | --- | --- |
| **Statewide Ballot Question Table** | | | |
| **Sample Size** | **Signatures**  **Submitted** | **"Safe Harbor"**  **Sample Size** | **Sample size %**  **of total** |
| 694 | 13,871 | 699 | 5.0032% |
| 699 | 15,000 | 701 | 4.6600% |
| 701 | 16,000 | 703 | 4.3813% |
| 703 | 17,000 | 704 | 4.1353% |
| 704 | 18,000 | 706 | 3.9111% |
| 706 | 19,000 | 707 | 3.7158% |
| 707 | 20,000 | 708 | 3.5350% |
| 708 | 21,000 | 709 | 3.3714% |
| 709 | 22,000 | 710 | 3.2227% |
| 710 | 23,000 | 711 | 3.0870% |
| 711 | 24,000 | 712 | 2.9625% |
| 712 | 25,000 | 713 | 2.8480% |
| 713 | 26,000 | 714 | 2.7423% |
| 714 | 27,000 | 714 | 2.6444% |
| 714 | 28,000 | 715 | 2.5500% |
| 715 | 29,000 | 715 | 2.4655% |
| 715 | 30,000 | 716 | 2.3833% |
| 716 | 31,000 | 716 | 2.3097% |
| 716 | 32,000 | 717 | 2.2375% |
| 717 | 33,000 | 717 | 2.1727% |
| 717 | 34,000 | 718 | 2.1088% |
| 718 | 35,000 | 718 | 2.0514% |
| 718 | 36,000 | 719 | 1.9944% |
| 719 | 37,000 | 719 | 1.9432% |
| 719 | 38,000 | 719 | 1.8921% |
| 719 | 39,000 | 720 | 1.8436% |
| 720 | 40,000 | 720 | 1.8000% |
| 720 | 41,000 | 720 | 1.7561% |
| 720 | 42,000 | 721 | 1.7143% |
| 721 | 43,000 | 721 | 1.6767% |
| 721 | 44,000 | 721 | 1.6386% |
| 721 | 45,000 | 721 | 1.6022% |
| 721 | 46,000 | 722 | 1.5674% |
| 722 | 47,000 | 722 | 1.5362% |
| 722 | 48,000 | 722 | 1.5042% |
| 722 | 49,000 | 722 | 1.4735% |
| 722 | 50,000 | 723 | 1.4440% |
| 723 | 51,000 | 723 | 1.4176% |
| 723 | 52,000 | 723 | 1.3904% |
| 723 | 53,000 | 723 | 1.3642% |
| 723 | 54,000 | 723 | 1.3389% |
| 723 | 55,000 | 723 | 1.3145% |
| 723 | 56,000 | 724 | 1.2911% |
| 724 | 57,000 | 724 | 1.2702% |
| 724 | 58,000 | 724 | 1.2483% |
| 724 | 59,000 | 724 | 1.2271% |
| 724 | 60,000 | 724 | 1.2067% |
| 724 | 61,000 | 724 | 1.1869% |
| 724 | 62,000 | 724 | 1.1677% |
| 724 | 63,000 | 725 | 1.1492% |
| 725 | 64,000 | 725 | 1.1328% |
| 725 | 65,000 | 725 | 1.1154% |
| 725 | 66,000 | 725 | 1.0985% |
| 725 | 67,000 | 725 | 1.0821% |
| 725 | 68,000 | 725 | 1.0662% |
| 725 | 69,000 | 725 | 1.0507% |
| 725 | 70,000 | 725 | 1.0357% |
| 725 | 71,000 | 726 | 1.0211% |
| 726 | 72,000 | 726 | 1.0083% |
| 726 | 73,000 | 726 | 0.9945% |
| 726 | 74,000 | 726 | 0.9811% |
| 726 | 75,000 | 726 | 0.9680% |
| 726 | 76,000 | 726 | 0.9553% |
| 726 | 77,000 | 726 | 0.9429% |
| 726 | 78,000 | 726 | 0.9308% |
| 726 | 79,000 | 726 | 0.9190% |
| 726 | 80,000 | 726 | 0.9075% |
| 726 | 81,000 | 726 | 0.8963% |
| 726 | 82,000 | 726 | 0.8854% |
| 726 | 83,000 | 727 | 0.8747% |
| 727 | 84,000 | 727 | 0.8655% |
| 727 | 85,000 | 727 | 0.8553% |

|  |  |  |  |
| --- | --- | --- | --- |
| **Statewide Candidate Table** | | | |
| **Sample Size** | **Signatures**  **Submitted** | **"Safe Harbor"**  **Sample Size** | **Sample size %**  **of total** |
| 187 | 250 | 213 | 74.8000% |
| 213 | 300 | 259 | 71.0000% |
| 259 | 400 | 297 | 64.7500% |
| 297 | 500 | 330 | 59.4000% |
| 330 | 600 | 358 | 55.0000% |
| 358 | 700 | 383 | 51.1429% |
| 383 | 800 | 404 | 47.8750% |
| 404 | 900 | 423 | 44.8889% |
| 423 | 1,000 | 440 | 42.3000% |
| 440 | 1,100 | 455 | 40.0000% |
| 455 | 1,200 | 469 | 37.9167% |
| 469 | 1,300 | 481 | 36.0769% |
| 481 | 1,400 | 493 | 34.3571% |
| 493 | 1,500 | 503 | 32.8667% |
| 503 | 1,600 | 512 | 31.4375% |
| 512 | 1,700 | 521 | 30.1176% |
| 521 | 1,800 | 529 | 28.9444% |
| 529 | 1,900 | 537 | 27.8421% |
| 537 | 2,000 | 543 | 26.8500% |
| 543 | 2,100 | 550 | 25.8571% |
| 550 | 2,200 | 556 | 25.0000% |
| 556 | 2,300 | 562 | 24.1739% |
| 562 | 2,400 | 567 | 23.4167% |
| 567 | 2,500 | 572 | 22.6800% |
| 572 | 2,600 | 577 | 22.0000% |
| 577 | 2,700 | 581 | 21.3704% |
| 581 | 2,800 | 585 | 20.7500% |
| 585 | 2,900 | 589 | 20.1724% |
| 589 | 3,000 | 593 | 19.6333% |
| 593 | 3,100 | 596 | 19.1290% |
| 596 | 3,200 | 600 | 18.6250% |
| 600 | 3,300 | 603 | 18.1818% |
| 603 | 3,400 | 606 | 17.7353% |
| 606 | 3,500 | 609 | 17.3143% |
| 609 | 3,600 | 612 | 16.9167% |
| 612 | 3,700 | 615 | 16.5405% |
| 615 | 3,800 | 617 | 16.1842% |
| 617 | 3,900 | 620 | 15.8205% |
| 620 | 4,000 | 622 | 15.5000% |
| 622 | 4,100 | 624 | 15.1707% |
| 624 | 4,200 | 626 | 14.8571% |
| 626 | 4,300 | 628 | 14.5581% |
| 628 | 4,400 | 630 | 14.2727% |
| 630 | 4,5000 | 632 | 14.0000% |
| 632 | 4,600 | 634 | 13.7391% |
| 634 | 4,700 | 636 | 13.4894% |
| 636 | 4,800 | 638 | 13.2500% |
| 638 | 4,900 | 639 | 13.0204% |
| 639 | 5,000 | 641 | 12.7800% |
| 641 | 5,100 | 642 | 12.5686% |
| 642 | 5,200 | 644 | 12.3462% |
| 644 | 5,300 | 645 | 12.1509% |
| 645 | 5,400 | 647 | 11.9444% |
| 647 | 5,500 | 648 | 11.7636% |
| 648 | 5,600 | 649 | 11.5714% |
| 649 | 5,700 | 651 | 11.3860% |
| 651 | 5,800 | 652 | 11.2241% |
| 652 | 5,900 | 653 | 11.0508% |
| 653 | 6,000 | 654 | 10.8833% |
| 654 | 6,100 | 656 | 10.7213% |
| 656 | 6,200 | 657 | 10.5806% |
| 657 | 6,300 | 658 | 10.4286% |
| 658 | 6,400 | 659 | 10.2813% |
| 659 | 6,500 | 660 | 10.1385% |
| 660 | 6,600 | 661 | 10.0000% |
| 661 | 6,700 | 662 | 9.8657% |
| 662 | 6,800 | 663 | 9.7353% |
| 663 | 6,900 | 664 | 9.6087% |
| 664 | 7,000 | 664 | 9.4857% |
| 664 | 7,100 | 665 | 9.3521% |
| 665 | 7,200 | 666 | 9.2361% |
| 666 | 7,300 | 667 | 9.1233% |
| 667 | 7,400 | 668 | 9.0135% |
| 668 | 7,500 | 669 | 8.9067% |
| 669 | 7,600 | 669 | 8.8026% |
| 669 | 7,700 | 670 | 8.6883% |
| 670 | 7,800 | 671 | 8.5897% |
| 671 | 7,900 | 671 | 8.4937% |
| 671 | 8,000 | 672 | 8.3875% |
| 672 | 8,100 | 673 | 8.2963% |
| 673 | 8,200 | 673 | 8.2073% |
| 673 | 8,300 | 674 | 8.1084% |
| 674 | 8,400 | 675 | 8.0238% |
| 675 | 8,500 | 675 | 7.9412% |
| 675 | 8,600 | 676 | 7.8488% |
| 676 | 8,700 | 677 | 7.7701% |
| 677 | 8,800 | 677 | 7.6932% |
| 677 | 8,900 | 678 | 7.6067% |
| 678 | 9,000 | 678 | 7.5333% |
| 678 | 9,100 | 679 | 7.4505% |
| 679 | 9,200 | 679 | 7.3804% |
| 679 | 9,300 | 680 | 7.3011% |
| 680 | 9,400 | 680 | 7.2340% |
| 680 | 9,500 | 681 | 7.1579% |
| 681 | 9,600 | 681 | 7.0938% |
| 681 | 9,700 | 682 | 7.0206% |
| 682 | 9,800 | 682 | 6.9592% |
| 682 | 9,900 | 683 | 6.8889% |
| 683 | 10,000 | 683 | 6.8300% |
| 683 | 10,100 | 684 | 6.7624% |
| 684 | 10,200 | 684 | 6.7059% |
| 684 | 10,300 | 685 | 6.6408% |
| 685 | 10,400 | 685 | 6.5865% |
| 685 | 10,500 | 686 | 6.5238% |
| 686 | 10,600 | 686 | 6.4717% |
| 686 | 10,700 | 686 | 6.4112% |
| 686 | 10,800 | 687 | 6.3519% |
| 687 | 10,900 | 687 | 6.3028% |
| 687 | 11,000 | 688 | 6.2455% |
| 688 | 11,100 | 688 | 6.1982% |
| 688 | 11,200 | 688 | 6.1429% |
| 688 | 11,300 | 689 | 6.0885% |
| 689 | 11,400 | 689 | 6.0439% |
| 689 | 11,500 | 689 | 5.9913% |
| 689 | 11,600 | 690 | 5.9397% |
| 690 | 11,700 | 690 | 5,8974% |
| 690 | 11,800 | 690 | 5.8475% |
| 690 | 11,900 | 691 | 5.7983% |
| 691 | 12,000 | 691 | 5.7583% |
| 691 | 12,100 | 691 | 5.7107% |
| 691 | 12,200 | 692 | 5.6639% |
| 692 | 12,300 | 692 | 5.6260% |
| 692 | 12,400 | 692 | 5.5806% |
| 692 | 12,500 | 693 | 5.5360% |
| 693 | 12,600 | 693 | 5.5000% |
| 693 | 12,700 | 693 | 5.4567% |
| 693 | 12,800 | 694 | 5.4141% |
| 694 | 12,900 | 694 | 5.3798% |
| 694 | 13,000 | 694 | 5.3385% |
| 694 | 13,100 | 694 | 5.2977% |
| 694 | 13,200 | 695 | 5.2576% |
| 695 | 13,300 | 695 | 5.2256% |
| 695 | 13,400 | 695 | 5.1866% |
| 695 | 13,500 | 695 | 5.1481% |
| 695 | 13,600 | 696 | 5.1103% |
| 696 | 13,700 | 696 | 5.0803% |
| 696 | 13,800 | 696 | 5.0435% |
| 696 | 13,900 | 696 | 5.0072% |
| 696 | 14,000 | 697 | 4.9714% |
| 697 | 14,100 | 697 | 4.9433% |
| 697 | 14,200 | 697 | 4.9085% |
| 697 | 14,300 | 697 | 4.8741% |
| 697 | 14,400 | 698 | 4.8403% |
| 698 | 14,500 | 698 | 4.8138% |
| 698 | 14,600 | 698 | 4.7808% |
| 698 | 14,700 | 698 | 4.7483% |
| 698 | 14,800 | 699 | 4.7162% |
| 699 | 14,900 | 699 | 4.6913% |
| 699 | 15,000 | 699 | 4.6600% |
| 699 | 15,100 | 699 | 4.6291% |
| 699 | 15,200 | 699 | 4.5987% |
| 699 | 15,300 | 700 | 4.5686% |
| 700 | 15,400 | 700 | 4.5455% |
| 700 | 15,500 | 700 | 4.5161% |
| 700 | 15,600 | 700 | 4.4872% |
| 700 | 15,700 | 700 | 4.4586% |
| 700 | 15,800 | 701 | 4.4304% |
| 701 | 15,900 | 701 | 4.4088% |
| 701 | 16,000 | 701 | 4.3813% |
| 701 | 16,100 | 701 | 4.3540% |
| 701 | 16,200 | 701 | 4.3272% |
| 701 | 16,300 | 702 | 4.3006% |
| 702 | 16,400 | 702 | 4.2805% |
| 702 | 16,500 | 702 | 4.2545% |
| 702 | 16,600 | 702 | 4.2289% |
| 702 | 16,700 | 702 | 4.2036% |
| 702 | 16,800 | 702 | 4.1786% |
| 702 | 16,900 | 703 | 4.1538% |
| 703 | 17,000 | 703 | 4.1353% |
| 703 | 17,100 | 703 | 4.1111% |
| 703 | 17,200 | 703 | 4.0872% |
| 703 | 17,300 | 703 | 4.0636% |
| 703 | 17,400 | 703 | 4.0402% |
| 703 | 17,500 | 704 | 4.0171% |
| 704 | 17,600 | 704 | 4.0000% |
| 704 | 17,700 | 704 | 3.9774% |
| 704 | 17,800 | 704 | 3.9551% |
| 704 | 17,900 | 704 | 3.9330% |
| 704 | 18,000 | 704 | 3.9111% |
| 704 | 18,100 | 705 | 3.8895% |
| 705 | 18,200 | 705 | 3.8736% |
| 705 | 18,300 | 705 | 3.8525% |
| 705 | 18,400 | 705 | 3.8315% |
| 705 | 18,500 | 705 | 3.8108% |
| 705 | 18,600 | 705 | 3.7903% |
| 705 | 18,700 | 705 | 3.7701% |
| 705 | 18,800 | 706 | 3.7500% |
| 706 | 18,900 | 706 | 3.7354% |
| 706 | 19,000 | 706 | 3.7158% |
| 706 | 19,100 | 706 | 3.6963% |
| 706 | 19,200 | 706 | 3.6771% |
| 706 | 19,300 | 706 | 3.6580% |
| 706 | 19,400 | 706 | 3.6392% |
| 706 | 19,500 | 707 | 3.6205% |
| 707 | 19,600 | 707 | 3.6071% |
| 707 | 19,700 | 707 | 3.5888% |
| 707 | 19,800 | 707 | 3.5707% |
| 707 | 19,900 | 707 | 3.5528% |
| 707 | 20,000 | 707 | 3.5350% |

Reference: Northern State University Assistant Professor of Accounting, Economics, Banking and Financial Services and Business Law, Sara Schmidt provided the methodology and the signature tables.

**Source:** 33 SDR 230, effective July 1, 2007; 42 SDR 178, effective July 1, 2016; 44 SDR 17, effective August 8, 2017; 45 SDR 9, effective July 30, 2018.

**General Authority:** SDCL 2-1-16.

**Law Implemented:** SDCL 2-1-16, 12-1-35, 12-1-36.