

Carnegie Town Hall, 235 West Tenth Street, P.O. Box 7402  
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TTY/Hearing Impaired 605-367-7039

September 27, 2013

**Via U.S. Certified Mail and electronic mail:**

Ms. Erin Arends  
900 West Golden Eagle Street  
Sioux Falls, SD 57108  
erinarends@gmail.com

Mr. Pat Knecht  
Boyce, Greenfield, Pashby & Welk, L.L.P.  
300 S. Main Avenue  
P.O. Box 5015  
Sioux Falls, SD 57117-5015  
pjknecht@bgpw.com

Re: Referendum Petition on Ordinance No. 49-13

Dear Ms. Arends and Mr. Knecht:

As you are aware, the Sioux Falls City Council adopted Ordinance No. 49-13 on August 6, 2013. Official publication of that Ordinance took place on Saturday August 10, 2013. A Registration to circulate a petition of referendum was filed by Ms. Erin Arends, who then later presented a referendum petition (the "Petition") to the City Clerk's Office on August 30, 2013. SDCL 9-19-7.

A referendum petition must contain valid signature lines of at least five percent of the registered number of voters within the municipality. SDCL 9-20-8. That percentage must be based on the number of registered voters in the municipality as determined by the Minnehaha and Lincoln County Auditors from their master registration files at the time the petition is presented. Id. On the date this Petition was presented, there were 101,783 registered voters within the City of Sioux Falls. Therefore, the Petition must contain at least 5,089 valid signature lines.

A petition is not filed in the City Clerk's Office upon its receipt. The City Clerk's Office must complete the signature validation process "to determine which signatures found on a petition sheet are valid, and to determine whether the circulator's verification is complete." Larson v. Hazeltine, 1996 SD 100, ¶ 3,

552 N.W.2d 830, 832. SDCL 2-1-15 through 2-1-17 require the City Clerk's Office to identify a five percent sampling of the submitted signature lines. The number of valid signature lines in the five percent sample is then extrapolated to determine the number of valid signature lines in the petition. Here, the Petition contained 495 petition sheets and 6,362 signature lines. Hence, the City Clerk's Office was required to randomly review 325 lines to comply with the five percent sample requirement.

The City Clerk's Office performed the signature validation process on five percent of the signatures randomly selected from the Petition. Based on the review of the sample of 325 signature lines, I have determined that the sample contains 282 valid signatures as defined by South Dakota law and the Administrative Rules of South Dakota. Extrapolation of the number of valid signatures in the sample to the number of valid signatures contained in the Petition resulted in a total of 5,642 valid signatures, SDCL 2-1-16 and 2-1-17, which exceeds the minimum 5,089 valid signature lines required by law. SDCL 9-20-8.

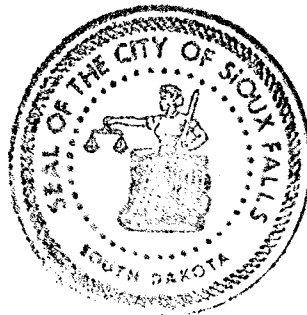
Based on the above, I hereby certify that a sufficient number of qualified electors have signed the Petition, SDCL 2-1-17, and it shall be considered filed with the City Clerk's Office. SDCL 2-1-15 through 2-1-17; Larson, 1996 SD 100, ¶ 3, 552 N.W.2d at 832. However, an Affidavit of Signature Deficiencies ("Affidavit") was presented to the City Clerk's Office on September 9, 2013 regarding this Petition. The Affidavit contests the validity of 2,084 signature lines contained within the Petition. The City Clerk's Office is required by law to review each of these alleged deficiencies and will provide both of you with a copy of the written declaration of the results in the coming weeks. SDCL 12-1-13 to 12-1-15.

This letter will be simultaneously submitted via electronic mail to Ms. Erin Arends, who registered the Petition with the City Clerk's Office and also Mr. Pat Knecht, who filed the Affidavit on behalf of Margaret Nelson, the property owner. It shall also be delivered via U.S. Certified mail, postage prepaid to their last known addresses indicated above.

Sincerely,



Lorie Hogstad  
City Clerk



cc City Council Members  
Mayor Mike Huether  
City Attorney David Pfeifle