STATE OF SOUTH DAKOTA	)	IN CIRCUIT COURT
	: SS	
COUNTY OF MINNEHAHA	)	SECOND JUDICIAL CIRCUIT

BRUCE DANIELSON and KERMIT STAGGERS, individually and as members of STOP THE FUNDING, *Petitioners,* vs. THOMAS GRECO, in his capacity as City Clerk, City of Sioux Falls, *Respondent,*	49CIV16-_____ APPLICATION FOR WRIT OF MANDAMUS

A. *Introduction:*

Petitioners, BRUCE DANIELSON ("Danielson") and KERMIT STAGGERS, each as residents of the City of Sioux Falls, and also as persons assisting themselves and other residents of the City, acting in concert under and in the name of "STOP THE FUNDING," having the shared and common purpose of circulating a petition to initiate a city ordinance under the provisions of SDCL § 9-20-2, filed an initiative petition with Respondent Thomas Greco, in his capacity as duly appointed and serving City Clerk of the City of Sioux Falls; although such initiative petition has been signed by the requisite number of qualified, registered voters of the City, said Respondent Thomas Greco has either failed or refused to present the initiated measure to the City Council in accord with SDCL § 9-20-4.

B. *Facts:*

1. On July 28, 2016, Danielson filed an initiated measure, under the caption of "Municipal Initiative Petition in the Municipality of Sioux Falls," with the Office of City Clerk, City of Sioux Falls, a true copy of which form is annexed as Exhibit A. The City Clerk's filing date stamp is visible in the upper right hand corner.

2. The measure seeks to bring before the voters of the City of Sioux Falls a proposed ordinance providing as follows:

> AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, TO PROHIBIT THE ISSUANCE OF SALES TAX REVENUE BONDS FOR AN ADMINISTRATIVE OFFICE BUILDING AT OR NEAR 231 N. DAKOTA AVE.
>
> BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SOUTH DAKOTA:
>
> The City of Sioux Falls shall not sell sales tax revenue bonds for the construction of a city administrative office building.

3. On August 23, 2016, having obtained somewhat more than six thousand, four hundred (6,400) signatures, spread upon a total of four hundred twenty-four (424) pages, Danielson filed the petitions in support of the initiated measure with Respondent Greco.

4. A representative example of the petitions filed with Respondent Greco on August 23, 2016 is reflected in Exhibit B, annexed, this two-page document being a true copy of petition # 48; this particular petition contains the identity and signatures of eight (8) voters on the first page (lines 1 through 8, inclusive), and an additional twelve (12) voters on the second page (lines 9 through 20, inclusive). Not all of the pages as filed are completely filled by signers.

5. The verification of the circulator of petition # 48 is signed by Danielson, with the oath administered by Manny Steele, notary public, on August 18, 2016.

6. Upon knowledge and belief of Danielson, approximately 5,775 signatures of Sioux Falls resident voters upon the initiated measure would be required to implicate the initiated measure provisions of Chapter 9-20, SDCL. The number of voter signatures on the petitions filed August 23, 2016, were in excess of that threshold number.

7. Under SDCL 9-20-9, the circulator of the initiative petition is to "verify that each person signing the petition is a resident and qualified voter of the municipality." The statute

further provides the State Board of Elections is to promulgate rules and a format for the initiative petition and its verification.

8. The State Board of Elections has promulgated forms for initiative petitions – ARSD 5:02:08:07 prescribes the "form of initiative petition" for statewide matters (the "State Form"), while ARSD 5:02:08:15 establishes the form for municipal initiatives (the "Municipal Form"). Each of these forms, in turn, incorporates by reference the provisions of ARSD 5:02:08:00.03, which establishes the "instructions to signers," numbered 1 through 5, inclusive, and the form for entering the name, residence and date/county of registration information for each voter signing the petition. The incorporated provisions conclude with a verification and oath of the circulator, which is to pertain unless, as stated in the text of ARSD 5:02:08:00.03, "form of petition," otherwise prescribed for a specific petition.

9. The State Form uses the same verification of circulator format as provided for in ARSD 5:02:08:00.03, namely:

> I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

10. The Municipal Form, on the other hand, uses a slightly different form of verification, as provided in ARSD 5:02:08:15, namely:

> I, under oath, state that I circulated the above initiative petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a resident and qualified voter of the municipality of _____.

11. The form used by Danielson, as shown both in Exhibit A (as initiated with the Clerk's office on July 28, 2016) and Exhibit B (completed and as filed with the Clerk's office on August 23, 2016), actually uses the first page of the Municipal Form, while the second page is that of the State Form; used as a single-page form in this case, the petition form displayed the text of the Municipal Form on the front side, with the State Form's text appearing on the reverse. As a single page form (with some 424 forms being filed), the petition used is a self-contained form, within the meaning of *Anderson v. City of Tea*, 2006 SD 112, 725 N.W.2d 595.

12. Each of the some 6,400 persons signing the collected petitions printed and signed his or her name, their respective address within the City of Sioux Falls, and the County of registration (which could be either Lincoln or Minnehaha). Petitioners, upon knowledge and believe, allege that the Respondent's process of verifying the sufficiency of the voters and their respective signatures to the petition would rely not on the special provisions of the circulator's verification, contained only in the prescribed Municipal Form, but upon the provided voter's information of name, residence and county registration.

C. *The Action Taken by Respondent:*

13. On or about August 30, 2016, Respondent Greco informed Danielson the petitions and all of the signatures thereon were invalid, as in Respondent's view, the "Petition sheets did not contain the required circulator verification that the circulator had verified that each person signing the petition sheet was a resident and qualified voter of the municipality. SDCL 9-20-9; ARSD 5:02:08:15. The Petition was not in the required form." (See Exhibit C, annexed, correspondence from Respondent Thomas Greco to Danielson, dated August 30, 2016, at pages 1-2, hereafter referenced as the "Greco Opinion".)

14. The Greco Opinion notes the requirement of a five percent sample of the signature lines, observing the "City Clerk's Office was required to randomly review 321 lines to comply with the five percent sample requirement." (Greco Opinion, at 1.)

15. Inasmuch as the second page of each petition filed utilized the State Form oath of the petition circulator, Respondent Greco concluded his office was not required to conduct the five percent sample in the verification process, but would rely on the fact the use of the State Form oath on each Petition, and according to the Greco Opinion, such use, *ipso facto*, rendered all of the some 6,400 signatures invalid. (*Id.*, at 1-2.)

16. Respondent Greco, relying on the differences in the oath of circulator in the State Form and Municipal Form, state regulations (including ARSD 5:02:08:00.01(1)(a)), and the case of Larson v. Hazeltine, 1996 SD 100, 552 N.W.2d 830, certified that an "insufficient number of qualified electors have signed the Petition, SDCL 2-1-17, and that the Petition is invalid." (*Id.*, at 2.)

17. The Greco Opinion does not reference or cite ARSD 5:02:08:00.01(1)(b), providing as follows:

> (1) No signature on a petition sheet may be counted if one of the following conditions is present: . . . . (b) The circulator's verification is not completed or is improperly completed, according to subdivision (3) unless the missing information is completed elsewhere on the petition sheet. A completed circulator's verification must include the printed name of the circulator, the circulator's residence address as provided in subdivision 5:02:08:00.01(2)(c), and complete date.

18. Danielson states upon knowledge and belief that all (or a sufficient number, equal to or in excess of 5% of the registered voters for the municipality) of the voters signing the petitions included their residence street address; referencing petition # 48 as a further example, of the twenty (20) voters signing, it may be observed that nineteen (19) identify their address as Sioux Falls, South Dakota, while one (Voter # 12) identifies his address as Brandon.

19. The petition form as filed with the Respondent Clerk on July 28, 2016 (Exhibit A, being a form that includes both the Municipal Form, namely, page 1 or front side, and the State Form, page 2, or reverse side), is otherwise identical to the completed forms as filed on August 23, 2016; the fact that the circulator's verification form on the reverse side does not track, *verbatim,* the petition form approved by the State Election Board does not change the fact the information about the residence of each voter, and the county of their registration, appears – "is completed elsewhere" (in the words of ARSD 5:02:08:00.01(1)(b)) – in each of the twenty signature blocks actually completed on each petition.

D. *Remedy Sought:*

20. The initiative is a legislative power expressly reserved by the people of South Dakota; this particular power is the "right to propose measures, which shall be submitted to a vote of the electors . . . ." (SD Const., Art. 3, § 1). This power has been extended to municipalities, as well, with the Legislature to make suitable provisions for carrying out those provisions.

21. The Legislature has responded by the adoption of Chapters 2-1 and 9-20, SDCL.

22. SDCL § 2-1-10 imposes the requirement of a circulator's verification, the precise form of which is to be prescribed by the State Board of Elections, while the municipal form of initiative petitions is addressed in SDCL § 9-20-2:

> A petition to propose an ordinance . . . shall be filed with the finance officer, containing in proper form the proposed ordinance . . . . It shall be signed by the required number of resident registered voters of the municipality. The signer or circulator shall add the signer's residence address, county of voter registration, and date of signing. 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. No signature on a petition is valid if signed more than six months prior to the filing of the petitions.

23. Notwithstanding the Greco Opinion, Petitioners allege that each of the approximate 424 separate petitions submitted to Respondent Greco are in substantial compliance with the requirements of state law, in accord with *Corbly v. City of Colton*, 278 N.W.2d 459, at 461 (S.D. 1978), and are thus valid and have been filed with the City Clerk's office (on August 23, 2016), subject to Respondent Greco's further verification process.

24. State law provides that the petitions for initiative (and referendum) are to be liberally construed, so that the real intention of the petitioners may not be defeated by a mere technicality. (SDCL § 2-1-11.)

25. Respondent Greco, as shown herein, is standing on a mere technicality, one that arises out of the unintentional, accidental marrying of the Municipal Form (front side) with the State Form (reverse side), thus yielding a hybrid form duly filed with the office of City Clerk, giving the proposed measure and the petition form intended for use by Petitioners and others, before circulation for voter signatures began. (See Exhibit A.)

26. Respondent Greco, in his official capacity as City Clerk, City of Sioux Falls, has a duty to verify and certify the petition has been signed by the requisite number of qualified, resident voters, and, by his standing on a mere technicality as described, has either failed or refused to proceed with his duties of office.

27. The initiated measure, if adopted by the voters at election conducted in due course, would prohibit the issuance of sales tax revenue bonds for the construction of a city administrative office building. Presently, Ordinance 36-16, entitled: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE "CITY"), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS TO DESIGN, CONSTRUCT, EQUIP, AND FURNISH AN OFFICE BUILDING TO BE LOCATED AT 231 N. DAKOTA AVE. AND

LANDSCAPING, STREET AND SITE IMPROVEMENTS AND SIGNAGE WITH RESPECT TO THE BUILDING AND VAN EPS PARK FOR USE BY THE CITY FOR VARIOUS GOVERNMENTAL PURPOSES AND THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE TO AN AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS IN AN AMOUNT NOT TO EXCEED $21,900,000 PLUS COSTS OF ISSUANCE, CAPITALIZED INTEREST, IF ANY, AND DEBT SERVICE RESERVE FUNDS, as amended on second reading, authorizes the issuance of sales tax revenue bonds for such purposes from and after October 1, 2016.

28. The election upon the initiated measure, if Respondent Greco were to proceed with the duties of his office, is unlikely to occur before October 1, 2016, and most certainly will not occur at any time unless Respondent Greco is directed by this Court to pursue a course of action as required by law, and contrary to that position of said Respondent Greco, as outlined in the Greco Opinion of August 30, 2016 (Exhibit C). Further relief will be sought regarding the sale of revenue bonds, if it appears City officials intend to proceed with such sale without regard to the initiated measure and any remedy allowed as to Respondent Greco.

29. Petitioners have no other plain, speedy, adequate or suitable remedy in the ordinary course of law, and thus now seek relief from this Court; hence, Petitioners seek an *alternative writ of mandamus*, and have herewith submitted to a judge of this Court such a writ for entry and subsequent service upon Respondent Greco and his counsel; or if upon subsequent

notice in accordance with SDCL § 21-29-5, Petitioners pray that the peremptory writ may issue also, either of said writs to be issued forthwith or upon notice as required by law, accordingly.

30. Petitioners further pray the Court allow for such other recovery of costs and damages, and all such other relief as may be deemed proper and just in these premises.

Dated at Canton, South Dakota, the date entered below.

Respectfully submitted,

/s/ A.J. Swanson
A.J. Swanson
Attorney for Petitioners
BRUCE DANIELSON and
KERMIT STAGGERS, individually and as
Members of STOP THE FUNDING

Dated: September 7, 2016

ARVID J. SWANSON, P.C.
27452 482nd Ave.
Canton, SD 57013
605-743-2070
E-mail: aj@ajswanson.com

(Verification of Application by Petitioners – See Separate Affidavit Forms)

Exhibit A – Municipal Initiative Petition filed July 28, 2016 (annexed)

Exhibit B – Petition # 48, as example of multiple Petitions filed August 23, 2016 (annexed)

Exhibit C – Respondent Greco's letter, dated August 30, 2016 (annexed)

MUNICIPAL INITIATIVE PETITION
IN THE MUNICIPALITY OF SIOUX FALLS

WE, THE UNDERSIGNED qualified voters of the municipality of Sioux Falls, the state of South Dakota, petition that the following ordinance be submitted to the voters of the municipality for their approval or rejection pursuant to law.

RECEIVED w/registration
CITY CLERK'S OFFICE
7/28/16 4:42
Date Time

The proposed ordinance in proper form is as follows:

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA TO PROHIBIT THE ISSUANCE OF SALES TAX REVENUE BONDS FOR AN ADMINISTRATIVE OFFICE BUILDING AT OR NEAR 231 N. DAKOTA AVE.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SOUTH DAKOTA:

The City of Sioux Falls shall not sell sales tax revenue bonds for the construction of a city administrative office building.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 2 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 3 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 4 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 5 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 6 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 7 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 8 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION

Exhibit A

NAME	RESIDENCE	DATE/COUNTY
SIGN 9 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 10 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 11 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 12 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 13 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 14 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 15 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 16 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 17 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 18 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 19 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 20 ---------- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section must be completed following circulation and before filing.

Print name of the circulator | Residence Address | City | State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Signature of Circulator

Sworn to before me this _____ day of _____, _____.
(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Form Revised 2010 - 5:02:08:07

MUNICIPAL INITIATIVE PETITION
IN THE MUNICIPALITY OF SIOUX FALLS

48

WE, THE UNDERSIGNED qualified voters of the municipality of Sioux Falls, the state of South Dakota, petition that the following ordinance be submitted to the voters of the municipality for their approval or rejection pursuant to law.

RECEIVED w/registration
CITY CLERK'S OFFICE
July 28 16 4:42
Date Time

The proposed ordinance in proper form is as follows:

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA TO PROHIBIT THE ISSUANCE OF SALES TAX REVENUE BONDS FOR AN ADMINISTRATIVE OFFICE BUILDING AT OR NEAR 231 N. DAKOTA AVE.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SOUTH DAKOTA:

The City of Sioux Falls shall not sell sales tax revenue bonds for the construction of a city administrative office building.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

	NAME	RESIDENCE	DATE/COUNTY
1	SIGN: Ron Kearney PRINT: RON KEARNEY	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 4309 So. LEWIS CITY OR TOWN: SIOUX FALLS SO. DAK	DATE OF SIGNING: 8-17-2016 COUNTY OF REGISTRATION: MINN.
2	SIGN: Ken Barber PRINT: Ken Barber	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 1700 West 9th St CITY OR TOWN: SF SD	DATE OF SIGNING: 8-17-2016 COUNTY OF REGISTRATION: Minn
3	SIGN: Darin Carlson PRINT: Darin Carlson	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 820 W 24th St CITY OR TOWN: SF SD	DATE OF SIGNING: 8/17/16 COUNTY OF REGISTRATION: Minnehaha
4	SIGN: Mark Rinkred PRINT: MARK RINKRED	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 411 N Prairie Ave #12 CITY OR TOWN: SFSD	DATE OF SIGNING: 8-17-16 COUNTY OF REGISTRATION: Minn
5	SIGN: Richard T DeVaney PRINT: Richard T DeVaney	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 330 N Prairie CITY OR TOWN: Sioux Falls SD	DATE OF SIGNING: 8-17-16 COUNTY OF REGISTRATION: Minn
6	SIGN: Janet A. DeVaney PRINT: Janet A. DeVaney	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 330 N. Prairie Ave CITY OR TOWN: Sioux Falls SD	DATE OF SIGNING: 8/17/16 COUNTY OF REGISTRATION: Minnehaha
7	SIGN: Sonja Price PRINT: Sonja Price	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 5501 E Echo Cove St CITY OR TOWN: Sioux Falls SD	DATE OF SIGNING: Aug 17-16 COUNTY OF REGISTRATION: Minnehaha
8	SIGN: Stephen P. Edwards PRINT: Stephen P. Edwards	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 432 So. Garfield Ave. CITY OR TOWN: Sioux Fall, SD. 57104	DATE OF SIGNING: 8-18-16 COUNTY OF REGISTRATION: Minn

Exhibit B

	NAME	RESIDENCE	DATE/COUNTY
9	SIGN: Annette Moyer PRINT: Annette Moyer	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 1505 N Tabor Tr CITY OR TOWN: SF, SD	DATE OF SIGNING: 8/18/16 COUNTY OF REGISTRATION: Minnehaha
10	SIGN: Joshua Law PRINT: Joshua Law	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 5210 W Parkshire CITY OR TOWN: Sioux Falls, SD	DATE OF SIGNING: 8-18-16 COUNTY OF REGISTRATION: Minnehaha
11	SIGN: Tyler Jones PRINT: Tyler Jones	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2200 S. Mace Ave CITY OR TOWN: Sioux Falls SD 57106	DATE OF SIGNING: 8/18/16 COUNTY OF REGISTRATION: minnehaha
12	SIGN: John Serrao PRINT: John Serrao	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 116 S. Oak Ridge Cir CITY OR TOWN: Brandon	DATE OF SIGNING: 8/18/16 COUNTY OF REGISTRATION: Minnehaha
13	SIGN: Kathy Lambert PRINT: Kathy Lambert	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 46797 260th St CITY OR TOWN: SF, SD 57107	DATE OF SIGNING: Minnehaha COUNTY OF REGISTRATION: 8-18-16
14	SIGN: Michelle Mueller PRINT: Michelle Mueller	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 6405 W. 54th CITY OR TOWN: SF, SD 57106	DATE OF SIGNING: Minnehaha COUNTY OF REGISTRATION: 8-18-16
15	SIGN: Carol Howe PRINT: Carol Howe	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 1404 S. Hawthorne CITY OR TOWN: Sioux Falls, SD 57105	DATE OF SIGNING: 8/18/16 COUNTY OF REGISTRATION: Minnehaha
16	SIGN: Wendell J. Pribyl PRINT: Wendell J. Pribyl	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 109 N. Marquette Ave CITY OR TOWN: Sioux Falls SD	DATE OF SIGNING: Minnehaha COUNTY OF REGISTRATION: 8/18/16
17	SIGN: Roger Serrao PRINT: Roger Serrao	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 814 Endeavor Ave CITY OR TOWN: Sioux Falls	DATE OF SIGNING: 8-18-16 COUNTY OF REGISTRATION: Minn
18	SIGN: Timothy Olson PRINT: Timothy Olson	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 1211 W Valley View CITY OR TOWN: Sioux Falls	DATE OF SIGNING: 8/18/16 COUNTY OF REGISTRATION: Minn
19	SIGN: Lisa Parker PRINT: Lisa Parker	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 201 E 36th St CITY OR TOWN: SFSD 57105	DATE OF SIGNING: 8-18-16 COUNTY OF REGISTRATION: Minne
20	SIGN: Alexis Byr PRINT: Alexis Byr	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2200 W 43rd St Apt 211 CITY OR TOWN: Sioux Falls SD 57106	DATE OF SIGNING: Minne COUNTY OF REGISTRATION: 8-18-16

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section must be completed following circulation and before filing.

Bruce Danielson — 6704 W 9th — Sioux Falls SD

Print name of the circulator — Residence Address — City — State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Bill Dan
Signature of Circulator

Sworn to before me this 18 day of Aug 2016. (Seal)

Manny Steele
Signature of Officer Administering Oath

My Commission Expires 7-17-2018

Notary
Title of Officer Administering Oath

Form Revised 2010 - 5.02.08.07

MANNY STEELE
NOTARY PUBLIC
SOUTH DAKOTA

City of Sioux Falls
Providing a Better Quality of Life for You!

Office of the City Clerk

Carnegie Town Hall, 235 West Tenth Street, P.O. Box 7402
Sioux Falls, SD 57117-7402
www.siouxfalls.org

605-367-8080 • FAX 605-367-7801
TTY/Hearing Impaired 605-367-7039

August 30, 2016

Mr. Bruce Danielson
P.O. Box 1954
Sioux Falls, SD 57101
bruce@citizens4integrity.com

Dear Mr. Danielson:

As you are aware, you registered a Petition for an Initiative ("the Petition") with the Sioux Falls City Clerk's Office on July 28, 2016. An initiative petition must contain valid signature lines of at least five percent of the registered number of voters within the municipality. SDCL 9-20-1, 9-20-8. The 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 on August 23, 2016, there were 115,528 registered voters within the City of Sioux Falls. Therefore, the Petition must contain at least 5,776 valid signature lines.

A petition is not considered "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. The election laws of South Dakota require the City Clerk's Office to identify a five percent sampling of the submitted signature lines to conduct the verification process. 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 425 sheets and 6,404 signature lines. Hence, the City Clerk's Office was required to randomly review 321 lines to comply with the five percent sample requirement.

Based on the review of the sample of 321 signature lines, the City Clerk's Office has determined that the sample does not contain sufficient valid signatures as defined by the election laws of South Dakota. The Petition sheets did not contain the required

circulator verification that the circulator had verified that each person signing the petition sheet was a resident and qualified voter of the municipality. SDCL 9-20-9; ARSD 5:02:08:15. The Petition was not in the required form. The oath contained in the Petition was the oath prescribed by ARSD 5:02:08:07, but the form of the Petition must comply with ARSD 5:02:08:15, which applies to municipal initiative petitions, and which prescribes a different oath than the one contained in the Petition.

Two separate administrative rules require that the petition be in the required form. ARSD 5:02:08:00(1)(guidelines for acceptance of petitions); ARSD 5:02:08:00.01(1)(a)(requirements for counting signatures on petitions.) Under ARSD 5:02:08:00.01(1), "[n]o signature on a petition sheet may be counted" if "the form of the petition does not meet the requirements of this chapter." An election official must follow the law during the verification process. Larson, 1996 SD 100, ¶ 17, 552 N.W.2d at 835.

Based on the above, I hereby certify that an insufficient number of qualified electors have signed the Petition, SDCL 2-1-17, and that the Petition is invalid. An election official cannot file a petition unless it contains a sufficient number of valid signature lines, which yours did not. SDCL 2-1-15 through 2-1-17; Larson, 1996 SD 100, ¶ 17, 552 N.W.2d at 835. Therefore, your Petition has not been "filed" with the City Clerk's Office and will not be presented to the City Council or placed on a future municipal election ballot.

This letter will be simultaneously delivered via U.S. Certified mail, postage prepaid to your last known address indicated above.

Sincerely,

Thomas M. Greco
City Clerk

cc City Council Members
Mayor Mike Huether
City Attorney David Pfeifle