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September 15, 2021

Milton Ustad
Chair, Union County Commission
209 East Main, Suite 200
Elk Point, SD 57025

OFFICIAL OPINION No. 21-02

Re: Potential Division of Jefferson Township in Union County

Dear Chairman Ustad,

In your capacity as Chair of the Union County Board of Commissioners you have requested an official opinion from the Attorney General's Office on the following questions:

QUESTIONS:

1. Whether, pursuant to SDCL 8-1-8(3), a petition to divide one township into two townships requires signatures from a majority of registered voters of 1) the proposed new township, or 2) from the original to-be-divided township?
2. Pursuant to SDCL 8-1-8(3), who should be considered a "resident" of a township for purposes of ascertaining a majority of the registered voters?

ANSWERS:

1. A petition to divide a township into two townships requires signatures only from a majority of residents living in the affected portion of the original to-be-divided township.