

Minnehaha County

May 2, 2023

TO: Minnehaha County Commissioners
FROM: Leah Anderson, Auditor
RE: Motion to Approve a New Limited Public Use Policy

ACTION REQUESTED: A Motion to Approve an Update to our Public Use Policy

Minnehaha County buildings exist to accommodate the business of county government, the courts, and the citizens of Minnehaha County. While Minnehaha County appreciates those citizens, who wish to take an active role in government decisions at all levels, the county buildings must accommodate many people every day without any unnecessary delay or inconvenience.

Our current Public Use Policy is vague in specifications of designated areas that political activity can take place. We have witnessed an increase in this activity and would like to have better control over where these activities can take place on our campus. Often times there will be petition signature collectors inside the vestibule area, which creates a traffic flow problem.

The Policy presented allows Public Use outside of the Minnehaha County Courthouse and the Administration Building. There are areas designated where Political Activity is permitted. We also have addressed expected Conduct during Political Activity.

Upon review and answering of questions, I would ask for your approval of this policy



Strong Foundation. Strong Future.

MINNEHAHA COUNTY
LIMITED PUBLIC USE POLICY

Minnehaha County buildings exist to accommodate the business of county government, the courts, and the citizens of Minnehaha County. As such all buildings, adjacent grounds, sidewalks and parking facilities are nonpublic forums. While Minnehaha County appreciates those citizens who wish to take an active role in federal, state and local government decisions, county buildings must accommodate many people every day without any unnecessary delay or inconvenience.

In an effort to preserve public safety and provide citizens the opportunity to conduct their county business without unnecessary disruption or inconvenience while at the same time provide for locations from which individuals or groups (“Utilizers”) may circulate petitions, distribute information, and engage in other first amendment activities (“Political Activity”), the Minnehaha County Commission has approved the following “Limited Public Use Policy.”

Utilizers may only use specifically designated areas at select facilities on the Minnehaha County campus to conduct Political Activity. The select facilities are defined as the Minnehaha County Courthouse and the Minnehaha County Administration Building.

AREAS WHERE POLITICAL ACTIVITY IS PERMITTED

Minnehaha County Courthouse

Outside: Political Activity is allowed on the south sidewalk below the main entrance doors as specifically depicted on the attached color-coded map.

Minnehaha County Administration Building

Outside: Political Activity is allowed in the area described as that portion of the Administration Building parking lot located approximately twenty-five feet (25’) west of the main entrance doors as specifically depicted on the attached color-coded map.

Collectively these areas are hereinafter referred to as the “Designated Areas.”

CONDUCT DURING POLITICAL ACTIVITY

1. Due to limited space and safety concerns within the Designated Areas, all Utilizers must check-in at the Minnehaha County Auditor’s office prior to conducting any Political Activity on the Minnehaha County campus to permit the placement of safety markers and to verify space availability within the Designated Areas.
2. Utilizers using the Designated Areas must remain outside of county buildings and within the Designated Areas when conducting any Political Activity;
3. Utilizers may approach individuals for the purpose of asking them to sign a petition provided the Utilizers are within the Designated Areas;

4. Utilizers shall not, at any time, prevent access to county buildings or obstruct vehicular or pedestrian traffic within the parking area or as individuals enter or leave county buildings;
5. Utilizers must conduct themselves in a polite, courteous and professional manner including, but not limited to, respecting an individuals' right to decline to sign a petition;
6. Utilizers must respect the rights of other individuals utilizing the Designated Areas including, but not limited to, petition circulators and other individuals engaged in Political Activity;
7. Utilizers shall not follow any individual into any building or other area of the county campus where Political Activity is prohibited;
8. Utilizers shall not leave any material unattended within the Designated Areas, including without limitation: petitions, signs, banners, pamphlets, tables, and chairs;
9. Utilizers may seek refuge inside of the Administration Building in the event of severe weather provided that all Political Activity cease inside the Administration Building and such individuals do not impede those entering and leaving the building.

PLEASE NOTE: Pursuant to SDCL 12-18-3, all petition circulation and any other Political Activity must cease on the Minnehaha County campus during the period of absentee voting and on the day of the election as the County Administration Building is considered a polling place.

Note: Any questions regarding this policy should be directed to the Auditor's Office (1st floor of the County Administration Building).