

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

444Q0336

## SENATE BILL NO. 121

Introduced by: Senators Adelstein, Olson (Russell), and Tieszen and Representatives Kirkeby, Dennert, Feickert, Novstrup (David), and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to municipal election  
2 procedures.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-13-25 be amended to read as follows:

5 9-13-25. In ~~municipalities with a population of twenty-five thousand or less~~ any  
6 municipality, the person having the highest number of votes for any office shall be declared  
7 elected. However, ~~in any municipality of the first or second class with a population of~~  
8 ~~twenty-five thousand or less~~, the governing board of any municipality may, on or before the first  
9 of October in the year preceding, approve an ordinance prescribing the secondary election  
10 procedures as found in §§ ~~9-13-26 to 9-13-27.1~~, ~~inclusive~~.

11 Section 2. That § 9-13-26 be repealed.

12 ~~—9-13-26. In municipalities over twenty-five thousand in population, if any person receives~~  
13 ~~a majority of all the votes cast for the office for which he is a candidate, he shall be declared~~  
14 ~~elected. However, in municipalities employing a city manager and having a commission form~~  
15 ~~of government, the persons having the highest number of votes cast for offices of commissioner~~



1 ~~shall be declared elected.~~

2 Section 3. That § 9-13-27 be repealed.

3 ~~—9-13-27. If no candidate in a race involving three or more candidates receives a majority of~~  
4 ~~the votes cast in a municipality with a population over twenty- five thousand, a secondary~~  
5 ~~election shall be held three weeks from the date of the first election. At the secondary election,~~  
6 ~~the only persons voted for shall be the two candidates receiving the highest number of votes at~~  
7 ~~the first election. The secondary election shall be held at the same polling places and be~~  
8 ~~conducted, returned, and canvassed. The result shall be declared and entered upon the journal~~  
9 ~~of the municipality in the same manner as the first election. The person receiving the highest~~  
10 ~~number of votes at the secondary election is elected.~~