

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

750W0168

## SENATE BILL NO. 87

Introduced by: Senators Haverly, Ewing, and Heinert and Representatives Wiik, Hawks, and Otten (Herman)

1 FOR AN ACT ENTITLED, An Act to revise the circumstances creating a vacancy in municipal  
2 office.

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

4 Section 1. That § 3-4-1 be amended to read as follows:

5 3-4-1. Every An office ~~shall become~~ becomes vacant ~~on the happening of any~~ if one of the  
6 following events applies to a member of a governing body or elected officer before the  
7 expiration of the term of ~~such~~ the office; the person:

8 (1) ~~The death of the incumbent~~ Dies;

9 (2) ~~His resignation~~ Resigns;

10 (3) ~~His removal~~ Is removed from office;

11 (4) ~~His failure~~ Fails to qualify as provided by law;

12 (5) ~~His ceasing~~ Ceases to be a resident of the state, district, county, municipality,  
13 township, ward, or precinct in which the duties of ~~his~~ the office are to be exercised  
14 or for which ~~he may have been~~ elected;

15 (6) ~~His conviction~~ Is convicted of any infamous crime or of any offense involving a



1 violation of ~~his~~ the official oath of the office; or

2 (7) ~~Whenever~~ Has a judgment ~~shall be~~ obtained against ~~him~~ the person for a breach of

3 ~~his~~ an official bond.