

AN ACT

ENTITLED, An Act to repeal the early presidential primary.

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

Section 1. That § 12-2-1 be amended to read as follows:

12-2-1. The primary election provided for in chapter 12-6 shall be held at the regular polling place in every voting precinct throughout the state on the first Tuesday in June of every even-numbered year.

Section 2. That § 12-5-1 be amended to read as follows:

12-5-1. A new political party may be organized and participate in the primary election by filing with the secretary of state not later than the first Tuesday of April at five o'clock p.m. prior to the date of the primary election, a written declaration signed by at least two and one-half percent of the voters of the state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

- (1) The name of the proposed party; and
- (2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election.

Section 3. That § 12-5-2 be amended to read as follows:

12-5-2. At each primary election the members of the respective political parties shall elect the precinct committeemen and precinct committeewomen of their political party, and pursuant to their constitution or bylaws shall elect or appoint, or both elect and appoint, the number of delegates and alternates set by the constitution or bylaws from each county for each political party to the state convention of the party. In the years when a President of the United States is to be elected, the political parties shall elect delegates and alternates to the national convention of each political party in accordance with the provisions of §§ 12-5-3.6 to 12-5-3.15, inclusive. If delegates and alternates

are not elected at large from the entire state the constitution or bylaws shall set forth the area boundaries for representation coincident with some geographical division of the state otherwise authorized or provided by law.

Section 4. That § 12-5-3.8 be amended to read as follows:

12-5-3.8. If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, it shall certify the slates to the secretary of state by the first Tuesday in April preceding the primary by five o'clock p.m. The slates certified shall be placed on the ballot by the secretary of state and the position of the slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be filed if mailed by registered mail by five o'clock p.m. on the first Tuesday in April.

Section 5. That § 12-5-3.14 be amended to read as follows:

12-5-3.14. Any candidate, committee or group supporting a candidate in any presidential primary, shall, by the first Tuesday in April prior to the presidential primary election, notify the secretary of state of an intention to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both.

Section 6. That § 12-6-4 be amended to read as follows:

12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at the primary election, other than a presidential election, may have that person's name printed upon the official primary election ballot of that person's party, unless a petition has been filed on that person's behalf not prior to January twentieth, at eight a.m., and not later than the first Tuesday of April at five p.m. prior to the date of the primary election. If the petition is mailed by registered mail by the first Tuesday of April at five p.m. prior to the primary election, it shall be considered filed. A nominating petition for national convention delegates and alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this section. Nominating petitions for all party and public offices except legislative and

judicial offices shall be filed in the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall be filed in the Office of the Secretary of State.

Section 7. That § 12-6-4.2 be repealed.

An Act to repeal the early presidential primary.

I certify that the attached Act originated in the

HOUSE as Bill No. 1055

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1055

File No. _____

Chapter No. _____

Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State