

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

646A0328

HOUSE BILL NO. 1055

Introduced by: Representatives Apa, Broderick, Crisp, Lee, Roe, and Schrempp and Senators
Aker and Thompson

1 FOR AN ACT ENTITLED, An Act to repeal the early presidential primary.

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

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

4 12-2-1. The primary election provided for in chapter 12-6, ~~except the presidential primary~~
5 ~~election~~, shall be held at the regular polling place in every voting precinct throughout the state
6 on the first Tuesday in June of every even-numbered year. ~~In a year when a President of the~~
7 ~~United States is to be elected, the primary for selection of delegates and alternates to the national~~
8 ~~convention shall be held on the last Tuesday in February of that year.~~

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

10 12-5-1. A new political party may be organized and participate in the primary election, ~~except~~
11 ~~the presidential primary election~~, by filing with the secretary of state not later than the first
12 Tuesday of April at five o'clock p.m. prior to the date of the primary election, a written
13 declaration signed by at least two and one-half percent of the voters of the state as shown by the
14 total vote cast for Governor at the last preceding gubernatorial election, which declaration shall
15 contain:

1 (1) The name of the proposed party; and

2 (2) A brief statement of the principles thereof;

3 whereupon the party shall, under the party name chosen, have all the rights of a political party
4 whose ticket ~~shall have been~~ was on the ballot at the preceding general election. ~~A new political~~
5 ~~party may participate in a presidential primary election by complying with the requirements of~~
6 ~~this section no later than the last Tuesday of December at five o'clock p.m. prior to the date of~~
7 ~~the presidential primary election.~~

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

9 12-5-2. At each primary election, ~~other than a presidential primary election~~, the members of
10 the respective political parties shall elect the precinct committeemen and precinct
11 committeewomen of their political party, and pursuant to their constitution or bylaws shall elect
12 or appoint, or both elect and appoint, the number of delegates and alternates set by the
13 constitution or bylaws from each county for each political party to the state convention of the
14 party. In the years when a President of the United States is to be elected, the political parties
15 shall elect delegates and alternates to the national convention of each political party in
16 accordance with the provisions of §§ 12-5-3.6 to 12-5-3.15, inclusive. If delegates and alternates
17 are not elected at large from the entire state the constitution or bylaws ~~must~~ shall set forth the
18 area boundaries for representation coincident with some geographical division of the state
19 otherwise authorized or provided by law.

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

21 12-5-3.8. If a political party chooses to have a primary for selection of its delegates and
22 alternates to the national convention, it shall certify the slates to the secretary of state by the ~~last~~
23 ~~Tuesday in December~~ first Tuesday in April preceding the primary by five o'clock p.m. The slates
24 certified shall be placed on the ballot by the secretary of state and the position of the slates on
25 the primary ballot shall be chosen by lot by the secretary of state. The certification shall be

1 deemed to be filed if mailed by registered mail by five o'clock p.m. on the ~~last Tuesday in~~
2 ~~December~~ first Tuesday in April.

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

4 12-5-3.14. Any candidate, committee or group supporting a candidate in any ~~of the~~
5 presidential ~~primaries~~ primary, shall, by the ~~last Tuesday in December~~ first Tuesday in April prior
6 to the presidential primary election, notify the secretary of state ~~that they intend~~ of an intention
7 to have the name of the candidate placed on the presidential primary election ballot or submit a
8 slate of candidates or both.

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

10 12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9,
11 no candidate for any office to be filled, or nomination to be made, at the primary election, other
12 than a presidential election, may have ~~his~~ that person's name printed upon the official primary
13 election ballot of ~~his~~ that person's party, unless a petition has been filed on ~~his~~ that person's behalf
14 not prior to January twentieth, at eight a.m., and not later than the first Tuesday of April at five
15 p.m. prior to the date of the primary election. If the petition is mailed by registered mail by the
16 first Tuesday of April at five p.m. prior to the primary election, it shall be considered filed. A
17 nominating petition for national convention delegates and alternates as provided in § 12-5-3.11
18 shall be filed in accordance with the provisions of this section. ~~However, a nominating petition~~
19 ~~for national convention delegates and alternates shall be filed on or after October tenth, at eight~~
20 ~~a.m., and not later than the last Tuesday of December, at five p.m., prior to the date of the~~
21 ~~presidential primary election.~~ Nominating petitions for all party and public offices except
22 legislative and judicial offices shall be filed in the office of the county auditor of the county in
23 which ~~he~~ the person is a candidate. Nominating petitions for legislative and judicial office
24 whether elected in one or more counties, and all other party and public offices to be voted on in
25 more than one county shall be filed in the Office of the Secretary of State.

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

2 ~~—12-6-4.2. The state shall reimburse each county for any costs incurred as a result of any~~

3 ~~presidential primary election held on the last Tuesday in February.~~