

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

690A0645

## HOUSE BILL NO. 1144

Introduced by: Representative Volesky

1 FOR AN ACT ENTITLED, An Act to provide for an open primary.

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

3 Section 1. That § 12-5-8 be amended to read as follows:

4 12-5-8. At the time of printing the official primary election ballots, the county auditor shall  
5 also have printed in like number, and for each political party, separate ballots upon which party  
6 voters may vote for precinct committeeman and for precinct committeewoman ~~of their political~~  
7 ~~party~~. These ballots shall be furnished to any election precinct having a contest for such position  
8 at the same time with the other election supplies. The form of these ballots shall be prescribed  
9 by the State Board of Elections.

10 Section 2. That § 12-5-13 be amended to read as follows:

11 12-5-13. The person receiving the highest number of votes ~~of his or her party~~, shall be  
12 declared elected precinct committeeman and committeewoman respectively, of their party, and  
13 shall hold such position for two years, or until ~~his or her~~ the person's successor is elected unless  
14 otherwise provided by the party's constitution or bylaws.

15 Section 3. That § 12-6-26 be amended to read as follows:

16 12-6-26. ~~No~~ Any person may vote a party ballot at any primary election ~~unless~~ if the person

1 is registered as a member of that political party to vote in the precinct in which the person seeks  
2 to vote. Any political party in its constitution or bylaws as filed pursuant to § 12-5-1.1 may allow  
3 for participation in the party's primary elections by any person who is registered to vote with no  
4 party affiliation may vote a political party's primary election ballot, but the person may vote no  
5 more than one ballot for political office and one ballot for party precinct committeeman and  
6 committeewoman.

7 Section 4. That § 12-6-50 be amended to read as follows:

8 12-6-50. Any candidate for a party nomination to public office, who receives the highest  
9 number of votes cast ~~by the voters of his party~~ in the party's primary election for the office for  
10 which ~~he~~ the person is a candidate, shall be declared the nominee of ~~his~~ the party.

11 Section 5. That § 12-6-51.1 be amended to read as follows:

12 12-6-51.1. If no candidate for United States senate, congressman or Governor in a race  
13 involving three or more candidates receives thirty-five percent of the votes ~~of his party~~ cast in  
14 the party's primary election, a secondary election shall be held two weeks from the date of the  
15 first primary election. At the secondary election the only persons voted for shall be the two  
16 candidates receiving the highest number of votes at the first election. However, if there is a tie  
17 for second place in the first primary election and there is no tie for first place, all tying second  
18 place candidates shall be placed along with the first place candidate on the ballot for the  
19 secondary election. The secondary election shall be held at the same polling places, be  
20 conducted, returned and canvassed and the results declared in the same manner as the first  
21 election. The person receiving the highest number of votes at the secondary election is nominated  
22 as the party's candidate ~~of his party~~.