

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

861A0628

SENATE BILL NO. 252

Introduced by: Senators Thompson, Hutmacher, and Lange and Representatives Kazmerzak,
Brown (Jarvis), and Lee

1 FOR AN ACT ENTITLED, An Act to nominate and elect county officers in nonpolitical
2 elections.

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

4 Section 1. Any candidate for any county office as required by law to be elected shall be
5 nominated and voted for at the primary and general elections as provided in this Act and not
6 otherwise.

7 Section 2. It is a Class 2 misdemeanor for any political party to endorse or nominate by any
8 convention or any other method any candidate for county office.

9 Section 3. The county auditor shall designate each individual county office position to be
10 filled by election. A candidate for county office shall indicate the specific position for which the
11 candidate is running.

12 Section 4. Nominating petitions for county office filed pursuant to this Act shall state the
13 position sought using the designations established pursuant to section 3 of this Act which shall
14 be filed in the office of the county auditor within the time prescribed by § 12-6-4 and shall be
15 signed by not less than fifty registered voters of the county or commissioner district. To the

1 extent it is consistent with this chapter, § 12-6-8 shall govern such petitions.

2 Section 5. No reference may be made to any party ballot or to the party affiliation of the
3 candidate in any petition filed by or on behalf of any candidate for nomination to county office
4 at any primary election or any attachment thereto.

5 Section 6. If nominating petitions filed on behalf of candidates do not exceed twice the
6 number of persons for the number of county office positions to be filled, the names of the
7 candidates do not need to be placed upon the primary ballot but the candidates shall be the
8 nominees for the county office positions.

9 Section 7. The order of names of county office candidates shall be arranged by lot. Any
10 candidate may be present or represented when the arrangement is being determined.

11 Section 8. At all primary elections at which candidates for county office are to be nominated
12 and a primary is required, there shall be prepared and furnished by the county auditor, separate
13 ballots upon which the names of the candidates shall be placed for the county offices, which
14 ballots shall be entitled "nonpolitical county office ballot" and shall contain no other designation.
15 The names of all candidates shall be placed on the ballot without any party designation.

16 Section 9. The form of the nonpolitical county office ballot shall be prescribed by the State
17 Board of Elections.

18 Section 10. The nominees shall be those persons constituting twice the number of persons
19 to be elected receiving the highest number of votes in the primary election.

20 Section 11. If after nominations have been made under the provisions of this chapter and the
21 number of nominees for a county office shall be reduced through death, withdrawal, or
22 disqualification of a nominee or nominees for such office, the registered voters of the county
23 may, if there is sufficient time for filing a nominating petition pursuant to § 12-8-6, nominate one
24 or more candidates for such county office by a petition otherwise complying with section 4 of
25 this Act.

1 Section 12. That § 12-5-1.4 be amended to read as follows:

2 12-5-1.4. If a political party qualifies for the primary ballot under § 12-5-1, candidates
3 intending to participate in the primary election the first year of qualification shall file nominating
4 petitions pursuant to § 12-6-4. However, if no voting history exists to determine the number of
5 signatures required, state or federal candidates shall file petitions bearing signatures of at least
6 two hundred fifty registered voters in the new party; and legislative ~~and county~~ candidates shall
7 file petitions bearing signatures of at least five registered voters in the new party.

8 Section 13. That § 12-6-7.1 be amended to read as follows:

9 12-6-7.1. Notwithstanding the provisions of § 12-6-7, a nominating petition for a candidate
10 for office in the state Legislature, ~~county political public office~~ and county party office shall be
11 signed by not less than fifty voters or not less than one percent of the voters who cast their vote
12 for the party's gubernatorial candidate, whichever is less. The petition shall clearly designate the
13 senatorial or representative district for which said individual is a candidate.

14 Section 14. That § 12-6-9 be amended to read as follows:

15 12-6-9. A candidate for nomination to an office, or election to a party office, having no
16 opposing candidate within ~~his~~ the candidate's party, shall automatically become the nominee of
17 ~~his~~ the candidate's party or elected party official for said office, and ~~his~~ the candidate's name ~~shall~~
18 may not be printed on the primary election ballot. If there are no opposing candidates for
19 nomination or election of ~~either state or county~~ candidates in any county, no primary election
20 ~~shall~~ may be held in that county, and the candidates shall be automatically nominated or elected.