

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

804C0292

HOUSE BILL NO. 1269

Introduced by: Representative Davis and Senator Valandra

1 FOR AN ACT ENTITLED, An Act to authorize voting across party lines in primary elections.

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

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

4 12-5-2. At each primary election the ~~members of the respective political parties~~ voters shall
5 elect the precinct committeemen and precinct committeewomen of ~~their political party~~ the
6 political parties, and pursuant to their constitution or bylaws shall elect or appoint, or both elect
7 and appoint, the number of delegates and alternates set by the constitution or bylaws from each
8 county for each political party to the state convention of the party. In the years when a President
9 of the United States is to be elected, the political parties shall elect delegates and alternates to
10 the national convention of each political party in accordance with the provisions of §§ 12-5-3.6
11 to 12-5-3.15, inclusive. If delegates and alternates are not elected at large from the entire state
12 the constitution or bylaws shall set forth the area boundaries for representation coincident with
13 some geographical division of the state otherwise authorized or provided by law.

14 Section 2. That § 12-6-14 be amended to read as follows:

15 12-6-14. The form of the official primary election ballot shall be prescribed by the State
16 Board of Elections in rules promulgated pursuant to chapter 1-26 and in accordance with the
17 provisions of this section. At the primary election there may be only one ballot for all parties or

1 principles. The ballot shall be referred to as the consolidated primary election ballot. The ballot
2 shall have a separate column for each party or principle having candidates at the primary election.
3 At the head of each column shall be printed the name of the political party or principle that it
4 represents. The political party or principle that cast the largest vote for Governor at the most
5 recent primary election at which the Governor was voted upon shall have the left-hand column,
6 and the party or principle casting the next largest vote shall have the next column, and so on.

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

8 12-6-26. No person may vote a ~~party ballot~~ at any primary election unless the person is
9 registered ~~as a member of that political party~~ in the precinct in which the person seeks to vote.
10 ~~Any political party in its constitution or bylaws as filed pursuant to § 12-5-1.1 may allow for~~
11 ~~participation in the party's primary elections by any person who is registered to vote with no~~
12 ~~party affiliation. Any registered voter may vote in the primary election of any party or principle.~~
13 In the primary election, a registered voter may vote for candidates of more than one party,
14 except that the voter may cast no more than one vote for each position for which a candidate is
15 to be nominated. The judges and the inspector of elections shall inform each elector at the
16 primary, before voting, of the requirements of this section and that if the voter violates the
17 provisions of this section, the voter's ballot will be invalid.

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

19 12-6-50. Any candidate for a party nomination to public office, who receives the highest
20 number of votes cast by the voters ~~of his party~~ for the ~~office for which he is a candidate~~
21 nomination, shall be declared the nominee of ~~his~~ the party.

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

23 12-6-51.1. If no candidate for United States Senate, ~~congressman~~ House of Representatives,
24 or Governor in a race involving three or more candidates receives thirty-five percent of the votes
25 ~~of his party~~ for the nomination of the party, a secondary election shall be held two weeks from

1 the date of the first primary election. At the secondary election the only persons voted for shall
2 be the two candidates receiving the highest number of votes at the first election. However, if
3 there is a tie for second place in the first primary election and there is no tie for first place, all
4 tying second place candidates shall be placed along with the first place candidate on the ballot
5 for the secondary election. The secondary election shall be held at the same polling places, be
6 conducted, returned and canvassed and the results declared in the same manner as the first
7 election. The person receiving the highest number of votes at the secondary election is nominated
8 as the candidate of ~~his~~ the party.