

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

609C0118

HOUSE BILL NO. 1288

Introduced by: Representative Solum and Senator Munson (David)

1 FOR AN ACT ENTITLED, An Act to revise certain time frames for election procedures that
2 follow an election.

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

4 Section 1. That § 12-6-51.2 be repealed.

5 ~~12-6-51.2. Within three days after the close of a primary or secondary election, the officer~~
6 ~~in charge of the election, with the assistance of a majority of the governing board as the~~
7 ~~canvassing board, shall make and submit to the secretary of state the canvass of votes.~~

8 Section 2. That § 12-6-51.3 be amended to read as follows:

9 ~~12-6-51.3. Within seven days after any primary or secondary election, the Board of State~~
10 ~~Canvassers shall open and examine the returns from all counties and shall complete the canvass.~~
11 Within twenty-four hours after the completion of the canvass, the secretary of state shall certify
12 runoff candidates, listed in the order determined by a drawing of names, to all county auditors
13 and include a ballot which may be duplicated.

14 Section 3. That § 12-20-36 be amended to read as follows:

15 12-20-36. Within ~~six~~ three days after the close of any election, ~~except a primary or secondary~~
16 ~~election~~, the officer in charge of the election, with the assistance of a majority of the governing
17 board as the canvassing board, shall make the canvass of votes. Each member of the governing

1 board may name and have on file with the officer in charge of the election a person to represent
2 ~~him~~ the member at the official canvass in the event of ~~his~~ the member's absence for cause.

3 Section 4. That § 12-20-47 be amended to read as follows:

4 12-20-47. Within ~~fifteen~~ seven days after the day of election, ~~except a primary or secondary~~
5 ~~election, such~~ the Board of State Canvassers shall open and examine the returns from ~~all the~~
6 ~~counties, if they are received from all counties, and if~~ each county. However, if the returns from
7 each county have not ~~all been~~ received, ~~they~~ the board may adjourn, not exceeding ten days, for
8 the purpose of obtaining the returns from ~~all the counties, and when these are received~~ each
9 county. The board shall proceed with the canvass after the returns have been received from each
10 county.

11 Section 5. That § 12-21-10 be amended to read as follows:

12 12-21-10. A candidate for any office, position, or nomination which is voted upon only by
13 the voters of one county or part thereof may ask for a recount of the official returns if such
14 candidate is defeated, according to the official returns, by a margin not exceeding two percent
15 of the total vote cast for all candidates for such office, position, or nomination. ~~Candidates~~ Any
16 candidate for nonlegislative ~~offices~~ office shall file a verified petition with the county auditor
17 within ~~ten~~ three days after the election returns have been canvassed by the official county
18 canvass. ~~Candidates~~ Any candidate for legislative ~~offices~~ office shall file a verified petition with
19 the county auditor within ~~ten~~ three days after the election returns have been canvassed by the
20 official state canvass. The petition shall state that the candidate believes a recount will change
21 the result of the election and that all of the votes cast for the office, position, or nomination
22 should be recounted. A recount shall then be conducted.

23 Section 6. That § 12-21-11 be amended to read as follows:

24 12-21-11. ~~When~~ If any legislative district comprises more than one county, any candidate for
25 election to or nomination for the Legislature who, according to the official returns, has been

1 defeated by a margin not exceeding two percent of the total vote cast for all candidates for such
2 office; ~~he~~ may, within ~~ten~~ three days after completion of the official canvass of the returns, file
3 a petition ~~such as that~~ set forth in § 12-21-10 with the county auditor of each ~~of such counties;~~
4 ~~and such county. Each county auditor shall then conduct a~~ recount ~~shall then be had in each of~~
5 ~~such counties.~~

6 Section 7. That § 12-21-12 be amended to read as follows:

7 12-21-12. ~~Whenever~~ If any candidate for an office, position, or nomination other than the
8 Legislature is voted upon in more than one county, and has been defeated according to the
9 official returns by a margin which does not exceed one-fourth of one percent of the total vote
10 cast for all candidates for such office, position, or nomination, ~~he~~ the candidate may within ~~ten~~
11 three days after completion of the official canvass by the State Board of Canvassers file a petition
12 with the secretary of state setting forth that ~~he~~ the candidate believes a recount will change the
13 result and ~~praying that such recount be had in all the precincts involved in the election;~~
14 ~~whereupon the~~ that all of the votes cast for the office, position, or nomination should be
15 recounted. The secretary of state shall ~~forthwith,~~ by registered or certified mail, notify each
16 county auditor ~~whose county includes any such~~ that has precincts of the filing of such included
17 in the petition, ~~and such.~~ Each county auditor shall then conduct a recount shall be conducted
18 ~~as to all of such precincts in each such county.~~