

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

447C0284

## SENATE BILL NO. 86

Introduced by: Senator Moore and Representatives Munson (Donald) and Michels

1 FOR AN ACT ENTITLED, An Act to nominate and elect the state's attorney in a nonpolitical  
2 election.

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

4 Section 1. Any election for state's attorney shall be conducted at the primary and general  
5 elections as provided in this Act.

6 Section 2. It is a Class 2 misdemeanor for any political party to endorse or nominate by any  
7 method any candidate for state's attorney.

8 Section 3. Nominating petitions for state's attorney filed pursuant to this Act shall be filed  
9 in the office of the county auditor within the time prescribed by § 12-6-4 and shall be signed by  
10 not less than fifty registered voters of the county. To the extent consistent with this Act, § 12-6-8  
11 governs such petitions.

12 Section 4. No reference may be made to any party ballot or to the party affiliation of the  
13 candidate in any petition filed by or on behalf of any candidate for nomination to state's attorney  
14 at any primary election or any attachment thereto.

15 Section 5. If not more than two nominating petitions are filed on behalf of candidates for the  
16 state's attorney position to be filled, the names of the candidates do not need to be placed upon  
17 the primary ballot but the candidates shall be the nominees for the state's attorney position.

1 Section 6. The order of names of state's attorney candidates shall be arranged by lot. Any  
2 candidate may be present or represented while the arrangement is being determined.

3 Section 7. At any primary election at which any candidate for state's attorney is to be  
4 nominated and a primary is required, there shall be prepared and furnished by the county auditor,  
5 separate ballots upon which the names of the candidates shall be placed for the state's attorneys,  
6 which ballots shall be entitled, nonpolitical state's attorney ballot, and shall contain no other  
7 designation. The names of all candidates shall be placed on the ballot without any party  
8 designation.

9 Section 8. The nominees shall be the two persons receiving the highest number of votes in  
10 the primary election.

11 Section 9. If after nominations have been made under the provisions of this Act and the  
12 number of nominees for a state's attorney are reduced through death, withdrawal, or  
13 disqualification of a nominee for such office, the registered voters of the county may, if there  
14 is sufficient time for filing a nominating petition pursuant to § 12-8-6, nominate a candidate for  
15 state's attorney by a petition otherwise complying with section 3 of this Act.