

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

843H0415

## HOUSE ENGROSSED NO. **HB 1221** - 01/25/2002

Introduced by: Representatives Hargens, Bartling, Burg, Elliott, Hennies (Don), Hennies (Thomas), Holbeck, Jensen, Lange, Lintz, Madsen, Olson (Mel), Peterson (Jim), Pitts, Rhoden, Sigdestad, and Van Gerpen and Senators Duxbury, Daugaard, Dennert, Koskan, Putnam, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise the date for filing certain certificates of nomination  
2 and to declare an emergency.

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

4 Section 1. That § 12-7-1 be amended to read as follows:

5 12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is  
6 not nominated by a primary election may be nominated by filing with the secretary of state or  
7 county auditor as prescribed by § 12-6-4, not prior to January first at eight a.m. and not later  
8 than the ~~third~~ first Tuesday in June at five p.m. prior to the election, a certificate of nomination  
9 which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by  
10 registered mail by the ~~third~~ first Tuesday in June at five p.m. prior to the election, it is timely  
11 submitted. The certificate shall specify that an independent candidate for nonjudicial public office  
12 shall designate the name of any national political party, or political party organized pursuant to  
13 chapter 12-5, with which the candidate has an affiliation. If no affiliation exists, the candidate  
14 shall be designated by the term, no party. It shall be signed by registered voters within the district



1 or political subdivision in and for which the officers are to be elected. The number of signatures  
2 required may not be less than one percent of the total combined vote cast for Governor at the  
3 last certified gubernatorial election within the district or political subdivision. An independent  
4 candidate for Governor shall certify the candidate's selection for lieutenant governor to the  
5 secretary of state prior to circulation of the candidate's nominating petition. The candidate and  
6 the candidate's selection for lieutenant governor or vice president shall sign the certification  
7 before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26  
8 prescribing the forms for the certificate of nomination and the certification for lieutenant  
9 governor.

10 Section 2. That § 3-4-6 be amended to read as follows:

11 3-4-6. Appointments to state offices shall be made in writing and shall continue for the  
12 remainder of the unexpired term of office. Unless otherwise provided by law, all other  
13 appointments shall be made in writing and shall continue until the next general election and until  
14 a successor is elected and qualified. A vacancy must occur prior to ~~June~~ May first in an  
15 even-numbered year, other than in a year when the term of office would normally expire, for the  
16 office to be filled by election for the remainder of the unexpired term. Any person elected to an  
17 office that was previously vacant shall take office in the year following the election on the day  
18 of that year when a full term for that office would normally commence.

19 Appointments to state offices shall be filed with the secretary of state. Appointments to  
20 county offices shall be filed in the office of the county auditor and entered in the minutes of the  
21 commissioners' proceedings.

22 Section 3. That § 7-7-1.9 be amended to read as follows:

23 7-7-1.9. An officer shall be nominated and elected at the next general election to the  
24 combined office provided for in § 7-7-1.8. If the election submitted pursuant to § 7-7-1.5 is held

1 at a primary election, each candidate for the vacant officer shall run as an independent candidate  
2 as provided in chapter 12-7, except that the petition filing deadline shall be the first Tuesday in  
3 August. The officer shall be voted upon by the voters of the counties that have resolved to  
4 combine ~~such~~ the office. Such officer shall hold office for a term of four years commencing on  
5 the first Monday of January following ~~his~~ the officer's election.

6 Section 4. That § 7-8-9 be amended to read as follows:

7 7-8-9. ~~Commissioners~~ Any commissioner to be elected at the next general election following  
8 a redistricting of the county under § 7-8-6 or 7-8-7 shall be nominated by petition ~~in accordance~~  
9 ~~with the provisions of this code as to nominations of~~ pursuant to the provisions for nominating  
10 independent candidates for public office by petition. However, the filing deadline shall be the first  
11 Tuesday in August.

12 Section 5. That § 23-3-43.1 be amended to read as follows:

13 23-3-43.1. Any candidate for election to the office of county sheriff shall file with the county  
14 auditor by the first Tuesday of April of the election year a certification issued by the commission  
15 that such person meets the qualifications provided in § 23-3-43. However, any such candidate  
16 appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 or who files an  
17 independent nominating petition shall file ~~such~~ a certification of qualification by the ~~second~~ first  
18 Tuesday of ~~August~~ June. A sheriff appointed to fill a vacancy by the county commission shall  
19 file with the county auditor ~~such~~ a certification of qualification within thirty days of ~~such~~ the  
20 appointment. Failure to file ~~such~~ a certification shall prevent the candidate's name from being  
21 placed on the ballot.

22 Section 6. Whereas, this Act is necessary for the support of the state government and its  
23 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
24 force and effect from and after its passage and approval.