

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

447J0254

## HOUSE BILL NO. 1008

Introduced by: The Committee on Local Government at the request of the Office of the  
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain municipal and school election deadlines  
2 and procedures.

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

4 Section 1. That § 9-13-1.2 be amended to read as follows:

5 9-13-1.2. If the joint election provided for in §§ 9-13-1.1 and 13-7-10.1 is ~~held on the third~~  
6 ~~Tuesday in June~~ scheduled for a date other than the second Tuesday in April, all dates associated  
7 with the election are those provided in chapter 13-7.

8 Section 2. That § 9-13-6 be amended to read as follows:

9 9-13-6. The finance officer of the municipality shall have a notice published in the official  
10 newspaper of the municipality setting forth the vacancies which will occur by termination of the  
11 terms of office of elective officers. The notice shall also state the time and place where  
12 nominating petitions may be filed for such offices. The notice shall be published once each  
13 week for two consecutive weeks between the ~~twenty-fifth~~ fifteenth day of January and the ~~tenth~~  
14 thirtieth day of ~~February~~ January.

15 Section 3. That § 9-13-7 be amended to read as follows:



1 9-13-7. No candidate for elective municipal office may be nominated unless a nominating  
2 petition is filed with the finance officer no later than five p.m. on the ~~second~~ last Friday in  
3 ~~March~~ February preceding the day of election. The petition shall be considered filed if it is  
4 mailed by registered mail by five p.m. on the ~~second~~ last Friday in ~~March~~ February before the  
5 election. ~~Such~~ The petition shall contain the name, residence address, and mailing address of  
6 the candidate, ~~his residence, his business address,~~ and the office for which ~~he~~ the candidate is  
7 nominated and shall be on the form prescribed by the State Board of Elections. The signer's post  
8 office box number may be given in lieu of a street address if the signer lives within a  
9 municipality of the second or third class. The finance officer may only accept nominating  
10 petitions that are on the prescribed form and were circulated and submitted pursuant to the  
11 provisions in chapters 9-13 and 12-6. If the nominating petition meets the statutory  
12 requirements, the filing of the petition ~~shall constitute~~ constitutes nomination.

13 Section 4. That § 9-13-9 be amended to read as follows:

14 9-13-9. In municipalities of the first and second class, if the candidate is to be voted for by  
15 the voters at large, a nominating petition shall be signed by fifteen registered voters of the  
16 municipality for each thousand or major fraction of the population, as shown by the last  
17 preceding federal census. No petition need be signed by more than fifty voters.

18 If the candidate is to be voted for by the voters of a ward ~~or subdivision~~ of a municipality  
19 of the first or second class having more than one ward ~~or subdivision~~, a nominating petition  
20 shall be signed by at least five percent of the registered voters of the ward ~~or subdivision~~. The  
21 percentage shall be based on the total number of registered voters voting in the ward ~~or~~  
22 ~~subdivision~~ at the last preceding general election. No petition need be signed by more than fifty  
23 voters.

24 In municipalities of the third class, if the candidate is to be voted for by the voters at large,

1 the nominating petition shall be signed by not less than ten registered voters of the municipality.  
2 If the candidate is to be voted for by the voters of a ward ~~or subdivision~~ of a municipality having  
3 more than one ward ~~or subdivision~~, the nominating petition shall be signed by not less than five  
4 registered voters of the ward ~~or subdivision~~. A petition signer in a municipality of the third class  
5 is not restricted in the number of petitions which the person may sign.

6 No nominating petition may be circulated until on or after the ~~second~~ last Friday in ~~February~~  
7 January prior to the election.

8 Section 5. That § 9-13-21 be amended to read as follows:

9 9-13-21. The ~~auditor, clerk, or~~ finance officer shall prepare and furnish, at the expense of  
10 the municipality, all official ballots. The quantity of ballots provided shall be at least ten percent  
11 more than the number of voters at the last comparable election. The ballots shall be white in  
12 color, of good quality of print paper, printed in black ink, and in the English language only.

13 The names of the candidates for each office to be voted for in the precinct shall be arranged  
14 without any other designation than that of the office for which they are candidates. If more than  
15 one member of the governing body is to be elected, the ballot shall contain instructions as to  
16 how many candidates for the governing body are to be voted for. The ~~auditor, clerk, or~~ finance  
17 officer shall determine, by lot, each candidate's position on the ballot. Each candidate may be  
18 present or represented when the position on the ballot is being determined.

19 ~~— A square or a circle shall appear at the left of the name of each candidate, and no other~~  
20 ~~square or circle may appear on the ballot.~~

21 No candidate's name may be printed upon the official ballot unless the candidate has been  
22 nominated as provided in this chapter.

23 Section 6. That § 13-7-5 be amended to read as follows:

24 13-7-5. Between the ~~first day and the~~ fifteenth day and the thirtieth day of the month ~~two~~

1 three months preceding the election, except in the case of the joint election as provided in  
2 § 13-7-10.1, the business manager of each school district shall publish once each week for two  
3 consecutive weeks in the official newspaper, a notice setting forth the vacancies which will  
4 occur by termination of the terms of the elective or appointive school board members. The  
5 notice shall also state the time and place where nominating petitions for school board  
6 membership may be filed for the vacancies.

7 Section 7. That § 13-7-6 be amended to read as follows:

8 13-7-6. No candidate for elective school board membership may be nominated unless such  
9 person is a resident voter of the school district and unless a nominating petition has been filed  
10 on such person's behalf with the business manager of the school district. The nominating  
11 petition shall be filed no later than five p.m. on the Friday ~~four weeks~~ thirty-nine days before  
12 the date of the election. The petition is considered filed if it is mailed by registered or certified  
13 mail by five p.m. on the Friday ~~four weeks~~ thirty-nine days before the election. A formal  
14 declaration of a candidate shall be signed by the candidate before the circulation of the petition.  
15 The petition shall be signed by not less than twenty voters of the school district or if the school  
16 district is divided into school board representation areas, the petition shall be signed by not less  
17 than twenty voters who reside within the school board representation area. No petition may be  
18 circulated until ~~eight~~ ten weeks prior to the election. There shall be added by either the signer  
19 or the circulator the signer's place of residence and date of signing. The petition shall be verified  
20 under oath by the person circulating it. The filing of the nominating petition shall constitute  
21 nomination and will entitle the candidate to have the candidate's name placed on the ballot for  
22 the term the candidate ~~desires~~ specifies on the petition only upon verification signed by the  
23 business manager that the nominating petition contains the minimum number of signatures and  
24 that the candidate is a resident voter.

1 Section 8. That § 13-7-10.2 be amended to read as follows:

2 13-7-10.2. If the joint election provided for in § 13-7-10.1 is held on the second Tuesday in  
3 April, ~~between the twenty-fifth day of January and the tenth day of February, the business~~  
4 ~~manager of each school district shall publish once each week for two consecutive weeks in the~~  
5 ~~official newspaper, a notice setting forth the vacancies which will occur by termination of the~~  
6 ~~terms of the elective or appointive school board members. The notice shall also state the time~~  
7 ~~and place where nominating petitions for school board membership may be filed for the~~  
8 ~~vacancies.~~

9 — ~~No~~ no candidate for elective school board membership may be nominated unless the  
10 candidate is a resident voter of the school district and unless a nominating petition has been filed  
11 on the candidate's behalf with the business manager of the school district no later than the  
12 ~~second last~~ Friday in March February at five p.m. prior to the date of the election. If the petition  
13 is mailed by registered mail by the ~~second last~~ Friday in March February at five p.m. before the  
14 election, it shall be considered filed. A formal declaration of a candidate shall be signed by ~~him~~  
15 the candidate before the circulation of the petition. The petition shall be signed by not less than  
16 twenty voters of the school district. No petition may be circulated until the ~~second last~~ Friday  
17 ~~in February~~ January before the election. There shall be added by either the signer or the  
18 circulator the signer's place of residence and date of signing. The petition shall be verified under  
19 oath by the person circulating the petition. The filing of the nominating petition shall constitute  
20 nomination and will entitle the candidate to have the candidate's name placed on the ballot for  
21 the term the candidate ~~desires~~ specifies on the petition only upon verification signed by the  
22 business manager that the nominating petition contains the minimum number of signatures and  
23 that the candidate is a resident voter.

24 Publication of the notice of the election provided for in § 13-7-10.1 shall be in accordance

1 with § 13-7-8.

2 Section 9. That § 13-7-10.3 be amended to read as follows:

3 13-7-10.3. Any other provision of this chapter notwithstanding, the school board may choose  
4 to hold the school board election in conjunction with the regular June primary election. The  
5 combined election is subject to approval by the county commissions of the counties in which  
6 the school district is located. Expenses of a combined election shall be shared in a manner  
7 agreed upon by the school board and the county commissions involved. All other governmental  
8 responsibilities associated with holding elections under the provisions of chapter 13-7 and Title  
9 12 shall be shared as agreed upon by the governing bodies. ~~The school's election official shall  
10 publish the notice provided in § 13-7-5 between February fifteenth and March first. No  
11 nominating petition may be circulated for signatures until March first. Nominating petitions  
12 shall be filed under the provisions of § 13-7-6 by the first Tuesday in April. The school election  
13 official shall certify to the appropriate county auditor the candidate names and ballot language  
14 to be voted on by the first Friday after the first Tuesday in April.~~

15 Section 10. That § 13-7-13 be amended to read as follows:

16 13-7-13. The business manager of the school district shall provide proper ballots, pollbooks,  
17 voting booths, and necessary supplies as required by law to the proper election officials on  
18 election day. The ballots shall be similar in form to those authorized by law for municipal  
19 elections. The quantity of ballots provided shall be at least ten percent more than the number  
20 of voters at the last comparable election. No party affiliation may appear on the ballot and the  
21 names of the candidates for the respective vacancies shall be printed on the ballot. Each  
22 candidate's position on the ballot shall be chosen by lot by the business manager and each  
23 candidate may be present or represented when ~~such arrangement~~ the position on the ballot is  
24 being determined.

1       Section 11. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       For any school board election held on the first Tuesday in June, the deadlines in this section  
4 shall apply. The school's election official shall publish the notice provided in § 13-7-5 between  
5 February fifteenth and March first. No nominating petition may be circulated for signatures until  
6 March first. Nominating petitions shall be filed under the provisions of § 13-7-6 by the first  
7 Tuesday in April.