

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

447J0767

HOUSE BILL NO. 1290

Introduced by: Representatives Valandra and Van Norman and Senator Kloucek

1 FOR AN ACT ENTITLED, An Act to provide counties the alternative to establish the office
2 of county election supervisor and to provide for their duties.

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

4 Section 1. The electors of any county may establish the office of county election supervisor
5 as provided for by this Act. The board of county commissioners, by ordinance, or upon
6 receiving a petition signed by not less than fifteen percent of the registered voters in the county,
7 based upon the total number of registered voters at the last preceding general election, shall
8 submit to the electors the question of whether to establish the office of county election
9 supervisor authorized by this Act. A petition to discontinue the office of county election
10 supervisor may be submitted to the board for submission to the electors of the county at an
11 election in the same manner used to establish such office. The procedures established in chapter
12 7-18A shall govern such initiated measure and election.

13 Section 2. In each county adopting an office of county election supervisor, pursuant to
14 section 1 of this Act, the person elected to such office shall exercise all powers authorized by
15 statute, rule, and the state constitution applicable to the county auditor concerning elections. The
16 county election supervisor shall be elected in the same manner as other county officials are



1 elected.

2 Section 3. The county election supervisor shall perform all the duties required of such
3 person by law of the county auditor relative to making out and delivering notices of special and
4 general elections, to making abstracts of and canvassing the votes cast at any special or general
5 election, to issuing certificates of election to members of the Legislature, county, and precinct
6 officers, and to forwarding the abstracts of votes cast at general or special elections to the
7 secretary of state.

8 Section 4. If the board of county commissioners for any cause fails or refuses to call a
9 special election, the county election supervisor may provide for and call any special election
10 under any of the statutes of the state in force within such county, upon the petition of a majority
11 of all the registered voters of the county, based upon the total number of registered voters at the
12 last preceding general election preceding such call.

13 Section 5. An action may be brought against the county election supervisor and the sureties
14 upon the supervisor's official bond, in the name of the state and for its use, or for the use of any
15 county or person injured by the misconduct in office of the supervisor, or by the omission of any
16 duty required of the supervisor by law.

17 Section 6. The county election supervisor's office shall remain open, upon the request of a
18 person in charge of a school or municipal election, until the closing of the polls for that election.

19 Section 7. The board of county commissioners shall establish, by resolution, the salary
20 payable to the county election supervisor.

21 Section 8. If the board of county commissioners deems it necessary for the prompt and
22 accurate dispatch of business in the office of the county election supervisor that deputies or
23 clerks be employed, the board shall by resolution fix the number of deputies or clerks to be
24 employed, the time of employment, and compensation which the deputies and clerks shall

1 receive. The compensation shall be paid monthly by warrant on the general fund.