

AN ACT

ENTITLED, An Act to revise the dates for holding certain elections and filing certain nominating petitions.

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

Section 1. That § 12-2-1 be amended to read as follows:

12-2-1. The primary election provided for in chapter 12-6 shall be held at the regular polling place in every voting precinct throughout the state on the first Tuesday after the first Monday in June of every even-numbered year.

Section 2. That § 12-6-51.4 be amended to read as follows:

12-6-51.4. Any other provision of this chapter notwithstanding, the members of the county commission may, by resolution, choose to hold the secondary election authorized pursuant to § 12-6-51.1 in conjunction with a regular school district election, and with a general municipal election if the municipality has chosen to combine with the school district pursuant to §§ 9-13-1.1 and 13-7-10. The combined election shall be held on the first Tuesday after the third Monday of June. All expenses of a combined primary runoff, school district, and municipal election shall be shared in a manner agreed upon by the governing bodies of the school district, the municipality, and the board of county commissioners. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13, 12-6, and 13-7 shall be shared as agreed upon by the governing bodies.

Section 3. That § 12-7-1 be amended to read as follows:

12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at eight a.m. and not later than the first Tuesday after the first Monday in June at five p.m. prior to the election, a certificate of nomination

which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the first Tuesday after the first Monday in June at five p.m. prior to the election, it is timely submitted. The certificate shall specify that an independent candidate for nonjudicial public office shall designate the name of any national political party, or political party organized pursuant to chapter 12-5, with which the candidate has an affiliation. If no affiliation exists, the candidate shall be designated by the term, no party. It shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

Section 4. That § 9-13-40 be amended to read as follows:

9-13-40. Any other provision of this chapter notwithstanding, the members of the governing body of a municipality may choose to hold a municipal election on the first Tuesday after the first Monday in June. The finance officer shall publish the notice required in § 9-13-6 between February fifteenth and March first. No nominating petition may be circulated for signature until March first. Nominating petitions shall be filed under the provisions of § 9-13-7 by the first Tuesday in April. All other governmental responsibilities associated with holding elections under the provisions of chapter 9-13 shall be met by the municipality.

Section 5. That § 13-7-10.4 be amended to read as follows:

13-7-10.4. For any school board election held on the first Tuesday after the first Monday in June,

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

Section 6. That § 23-3-43.1 be amended to read as follows:

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

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I certify that the attached Act
originated in the
SENATE as Bill No. 134

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 134
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State