

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

717M0150

## SENATE BILL NO. 3

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 provisions concerning the establishment  
2 of representation areas for school board members and determination of vacancies on school  
3 boards.

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

5 Section 1. That § 13-8-7 be repealed.

6 ~~—13-8-7. If at the time of election or vacancy the required number of school board members~~  
7 ~~from the unincorporated area are holdovers for at least another year, the position to be filled by~~  
8 ~~election may be filled by any voter who has residence within the district. If the required number~~  
9 ~~of board members from the unincorporated area are not holdovers, as many positions to make~~  
10 ~~the required number shall be filled only by voters who have residence within the unincorporated~~  
11 ~~area.~~

12 Section 2. That § 13-8-7.1 be amended to read as follows:

13 13-8-7.1. Any school board may establish school board member representation areas, ~~or the,~~  
14 The electors of any school district may also establish school board representation areas by a  
15 majority vote of all electors voting at an election called and held as set forth in §§ 13-8-3 to 13-



1 8-5, inclusive. The representation areas, if established, shall become effective January first of  
 2 the following year. Each representation area shall include a population with a variance of not  
 3 more than five percent and shall be reapportioned at least once every ten years. The number of  
 4 representation areas shall be the same as the number of board members. ~~If so established, the~~  
 5 ~~representation areas supersede the provisions of § 13-8-7 with regard to representation from the~~  
 6 ~~incorporated and nonincorporated areas.~~ If board member representation areas are established,  
 7 the school board member candidate shall be a resident voter and reside within the representation  
 8 area to qualify. Before the school board member representation areas are established, the entity  
 9 responsible for establishing the school board member representation areas shall state whether  
 10 the board members will be elected at large or elected by the voters who reside within the  
 11 representation area.

12 ~~Any~~ All current board members shall serve the balance of their ~~term~~ terms. At the time of  
 13 an election or vacancy, board members shall be elected or appointed in order that each  
 14 representation area shall have a resident board member.

15 Section 3. That § 13-8-23 be amended to read as follows:

16 13-8-23. A vacancy on the school board ~~shall occur on the happening of~~ occurs if any of the  
 17 following events happen before the expiration of the term of ~~such a school board member.~~ If the  
 18 member:

- 19 (1) ~~The death of the incumbent~~ Dies;
- 20 (2) ~~His removal~~ Is removed from the board;
- 21 (3) ~~His failure~~ Fails to qualify as a board member as provided by law;
- 22 (4) ~~His ceasing~~ Ceases to be a ~~voting~~ resident of the school district or representation area  
 23 where elected;
- 24 (5) ~~His conviction~~ Is convicted of any infamous crime or of any offense involving a

1 violation of ~~his~~ the member's official oath;

2 (6) ~~Whenever~~ Has a judgment ~~shall be~~ obtained against ~~him~~ the member for breach of

3 ~~his~~ the member's official bond;

4 (7) ~~His incapacity~~ Is incapacitated and is unable to attend to the duties of ~~his~~ the position;

5 (8) ~~His assuming~~ Assumes the duties of an office incompatible with the duties of a  
6 school board member;

7 (9) ~~His resignation~~ Resigns.