

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

438M0276

SENATE BILL NO. 93

Introduced by: Senators Knudson, Bartling, Bogue, Broderick, Dempster, Gant, Gray, Koetzle, Koskan, Lintz, Moore, Nesselhuf, and Sutton (Duane) and Representatives Michels, Cutler, Dennert, Dykstra, Gillespie, Hargens, Lange, O'Brien, Peters, Rhoden, and Wick

1 FOR AN ACT ENTITLED, An Act to provide for an early presidential primary.

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

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

4 12-2-1. The primary election provided for in chapter 12-6, except the presidential primary
5 election, shall be held at the regular polling place in every voting precinct throughout the state
6 on the first Tuesday after the first Monday in June of every even-numbered year. In a year when
7 a President of the United States is to be elected, the primary for selection of delegates and
8 alternates to the national convention shall be held on the last Tuesday in January of that year.

9 Section 2. That § 12-5-1 be amended to read as follows:

10 12-5-1. A new political party may be organized and participate in the primary election,
11 except the presidential primary election, by filing with the secretary of state not later than the
12 first Tuesday of April at five ~~o'clock~~ p.m. prior to the date of the primary election, a written
13 declaration signed by at least two and one-half percent of the voters of the state as shown by the
14 total vote cast for Governor at the last preceding gubernatorial election, which declaration shall



1 contain:

2 (1) The name of the proposed party; and

3 (2) A brief statement of the principles thereof;

4 whereupon the party shall, under the party name chosen, have all the rights of a political party
5 whose ticket was on the ballot at the preceding general election. A new political party may
6 participate in a presidential primary election by complying with the requirements of this section
7 no later than the last Tuesday of November at five p.m. prior to the date of the presidential
8 primary election.

9 Section 3. That § 12-5-2 be amended to read as follows:

10 12-5-2. At each primary election, other than a presidential primary election, the members
11 of the respective political parties shall elect the precinct committeemen and precinct
12 committeewomen of their political party, and pursuant to their constitution or bylaws shall elect
13 or appoint, or both elect and appoint, the number of delegates and alternates set by the
14 constitution or bylaws from each county for each political party to the state convention of the
15 party. In the years when a President of the United States is to be elected, the political parties
16 shall elect delegates and alternates to the national convention of each political party in
17 accordance with the provisions of §§ 12-5-3.6 to 12-5-3.15, inclusive. If delegates and alternates
18 are not elected at large from the entire state the constitution or bylaws shall set forth the area
19 boundaries for representation coincident with some geographical division of the state otherwise
20 authorized or provided by law.

21 Section 4. That § 12-5-3.8 be amended to read as follows:

22 12-5-3.8. If a political party chooses to have a primary for selection of its delegates and
23 alternates to the national convention, it shall certify the slates to the secretary of state by the ~~first~~
24 ~~Tuesday in April~~ last Tuesday in November preceding the primary by five o'clock p.m. The

1 slates certified shall be placed on the ballot by the secretary of state and the position of the slates
2 on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be
3 deemed to be filed if mailed by registered mail by five o'clock p.m. on the ~~first Tuesday in April~~
4 last Tuesday in November.

5 Section 5. That § 12-5-3.14 be amended to read as follows:

6 12-5-3.14. Any candidate, committee, or group supporting a candidate in any presidential
7 primary, shall, by the ~~first Tuesday in April~~ last Tuesday in November prior to the presidential
8 primary election, notify the secretary of state of an intention to have the name of the candidate
9 placed on the presidential primary election ballot or submit a slate of candidates or both.

10 Section 6. That § 12-6-4 be amended to read as follows:

11 12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9,
12 no candidate for any office to be filled, or nomination to be made, at the primary election, other
13 than a presidential election, may have that person's name printed upon the official primary
14 election ballot of that person's party, unless a petition has been filed on that person's behalf not
15 prior to January twentieth, at eight a.m., and not later than the first Tuesday of April at five p.m.
16 prior to the date of the primary election. If the petition is mailed by registered mail by the first
17 Tuesday of April at five p.m. prior to the primary election, it shall be considered filed. A
18 nominating petition for national convention delegates and alternates as provided in § 12-5-3.11
19 shall be filed in accordance with the provisions of this section. However, a nominating petition
20 for national convention delegates and alternates shall be filed on or after September tenth, at
21 eight a.m., and not later than the last Tuesday of November, at five p.m., prior to the date of the
22 presidential primary election. Nominating petitions for all party and public offices except
23 legislative and judicial offices shall be filed in the office of the county auditor of the county in
24 which the person is a candidate. Nominating petitions for legislative and judicial office whether

1 elected in one or more counties, and all other party and public offices to be voted on in more
2 than one county shall be filed in the Office of the Secretary of State.

3 Section 7. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The state shall reimburse each county for any costs incurred as a result of any presidential
6 primary election held on the last Tuesday in January.