

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0143

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 procedures concerning elections for special
2 districts.

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

4 Section 1. That § 6-16-4 be amended to read as follows:

5 6-16-4. The county auditor shall publish the notice of the voter registration deadline at least
6 once each week for two consecutive weeks, the last publication to be not less than ~~twenty-five~~
7 twenty-four nor more than thirty days prior to the election. The auditor shall publish notices of
8 election at least once each week for two consecutive weeks, the last publication to be not less
9 than four nor more than ten days before the election in at least one legal newspaper of general
10 circulation in the proposed district.

11 Section 2. That § 6-16-5 be amended to read as follows:

12 6-16-5. ~~The~~ If the proposed district contains less than one thousand eligible voters as defined
13 in § 6-16-6, the county auditor shall set a date, time, and location for a meeting to be held within
14 the district to conduct an election on the question of formation of the special district. The date
15 may not be more than sixty days after the appropriate board declares that the application for



1 incorporation is valid. The auditor shall appoint three judges of election, one of whom shall
2 serve as the superintendent, to conduct the election. The vote upon the question of incorporation
3 shall be by ballot which conforms to a ballot for a statewide question except that the statement
4 required to be printed on the ballot shall be prepared by the state's attorney. After the vote is cast
5 and counted, the judges shall prepare a certification showing the whole number of ballots cast,
6 together with the number voting for and the number voting against incorporation, and shall
7 return the certification to the county auditor. If a majority of the votes cast on the question of
8 formation is in favor, an election shall be conducted by those present at the same meeting to
9 elect the initial board of directors or trustees.

10 Section 3. That § 6-16-8 be amended to read as follows:

11 6-16-8. The State Board of Elections may promulgate rules pursuant to chapter 1-26
12 concerning:

- 13 (1) The petition form; ~~and~~ for the formation of a special district;
- 14 (2) The notice of election; and
- 15 (3) The nominating petition.

16 The petition form and notice of election shall include a description of the proposed district
17 boundaries.

18 Section 4. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If the proposed district contains one thousand or more eligible voters as defined in § 6-16-6,
21 the county auditor shall set a date for an election to be held within the district on the question
22 of formation of the special district. The date may not be more than sixty days after the
23 appropriate board declares that the application for incorporation is valid. The election shall be
24 conducted pursuant to Title 12. The vote upon the question of incorporation shall be by ballot

1 which conforms to a ballot for a statewide question except that the statement required to be
2 printed on the ballot shall be prepared by the state's attorney. The election shall be canvassed
3 by the county commission.

4 Section 5. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a majority of the votes cast in an election conducted pursuant to section 4 of this Act is
7 in favor on the question of formation of the special district, an election shall be conducted by
8 the county auditor within sixty days after the official canvass to elect the initial board of
9 directors or trustees. The election shall be conducted pursuant to Title 12. The county auditor
10 shall publish a notice of vacancy no later than fifty days prior to the election. Circulation of
11 nominating petitions may begin upon completion of the official canvass of the election to form
12 the district. Nominating petitions shall be filed with the county auditor by 5:00 p.m. at least
13 thirty days before the election. The nominating petitions shall contain signatures of at least
14 twenty-five registered voters in the district. Absentee ballots shall be made available to the
15 voters no later than twenty days before the date of election. The election shall be canvassed by
16 the county commission.