

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

942L0149

SENATE BILL NO. 134

Introduced by: Senators Gant, Adelstein, Broderick, Gray, Kooistra, Lintz, McNenny, and
Two Bulls and Representatives Willadsen, Dennert, Elliott, Faehn, Garnos,
Hennies, Koistinen, Krebs, Roberts, and Street

1 FOR AN ACT ENTITLED, An Act to revise the dates for holding certain elections and filing
2 certain nominating petitions.

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

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

5 12-2-1. The primary election provided for in chapter 12-6 shall be held at the regular polling
6 place in every voting precinct throughout the state on the first Tuesday after the first Monday
7 in June of every even-numbered year.

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

9 12-6-51.4. Any other provision of this chapter notwithstanding, the members of the county
10 commission may, by resolution, choose to hold the secondary election authorized pursuant to
11 § 12-6-51.1 in conjunction with a regular school district election, and with a general municipal
12 election if the municipality has chosen to combine with the school district pursuant to §§ 9-13-
13 1.1 and 13-7-10. The combined election shall be held on the ~~third~~ first Tuesday after the third
14 Monday of June. All expenses of a combined primary runoff, school district, and municipal
15 election shall be shared in a manner agreed upon by the governing bodies of the school district,



1 the municipality, and the board of county commissioners. All other governmental
2 responsibilities associated with holding elections under the provisions of chapters 9-13, 12-6,
3 and 13-7 shall be shared as agreed upon by the governing bodies.

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

5 12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is
6 not nominated by a primary election may be nominated by filing with the secretary of state or
7 county auditor as prescribed by § 12-6-4, not prior to January first at eight a.m. and not later
8 than the first Tuesday after the first Monday in June at five p.m. prior to the election, a
9 certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate
10 of nomination is mailed by registered mail by the first Tuesday after the first Monday in June
11 at five p.m. prior to the election, it is timely submitted. The certificate shall specify that an
12 independent candidate for nonjudicial public office shall designate the name of any national
13 political party, or political party organized pursuant to chapter 12-5, with which the candidate
14 has an affiliation. If no affiliation exists, the candidate shall be designated by the term, no party.
15 It shall be signed by registered voters within the district or political subdivision in and for which
16 the officers are to be elected. The number of signatures required may not be less than one
17 percent of the total combined vote cast for Governor at the last certified gubernatorial election
18 within the district or political subdivision. An independent candidate for Governor shall certify
19 the candidate's selection for lieutenant governor to the secretary of state prior to circulation of
20 the candidate's nominating petition. The candidate and the candidate's selection for lieutenant
21 governor or vice president shall sign the certification before it is filed. The State Board of
22 Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the
23 certificate of nomination and the certification for lieutenant governor.

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

1 9-13-40. Any other provision of this chapter notwithstanding, the members of the governing
2 body of a municipality may choose to hold a municipal election on the first Tuesday after the
3 first Monday in June. The finance officer shall publish the notice required in § 9-13-6 between
4 February fifteenth and March first. No nominating petition may be circulated for signature until
5 March first. Nominating petitions shall be filed under the provisions of § 9-13-7 by the first
6 Tuesday in April. All other governmental responsibilities associated with holding elections
7 under the provisions of chapter 9-13 shall be met by the municipality.

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

9 13-7-10.4. For any school board election held on the first Tuesday after the first Monday in
10 June, the deadlines in this section ~~shall~~ apply. The school's election official shall publish the
11 notice provided in § 13-7-5 between February fifteenth and March first. No nominating petition
12 may be circulated for signatures until March first. Nominating petitions shall be filed under the
13 provisions of § 13-7-6 by the first Tuesday in April.

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

15 23-3-43.1. Any candidate for election to the office of county sheriff shall file with the county
16 auditor by the first Tuesday of April of the election year a certification issued by the commission
17 that such person meets the qualifications provided in § 23-3-43. However, any such candidate
18 appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 or who files an
19 independent nominating petition shall file a certification of qualification by the first Tuesday
20 after the first Monday of June. A sheriff appointed to fill a vacancy by the county commission
21 shall file with the county auditor a certification of qualification within thirty days of the
22 appointment. Failure to file a certification shall prevent the candidate's name from being placed
23 on the ballot.