

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

573N0409

SENATE BILL NO. 81

Introduced by: Senators McNenny, Abdallah, Apa, Garnos, Greenfield, Hansen (Tom), Hanson (Gary), Hunhoff, Kloucek, McCracken, Napoli, Schmidt, and Sutton and Representatives Rhoden, Faehn, Gillespie, Halverson, Hargens, Nelson, Noem, Rave, and Rounds

1 FOR AN ACT ENTITLED, An Act to remove the reference to party affiliations for independent
2 candidates on the certificate of nomination and the ballot.

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

4 Section 1. 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~~ 8:00 a.m. and not
8 later than the first Tuesday after the first Monday in June at ~~five~~ 5:00 p.m. prior to the election,
9 a 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~~ 5:00 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.~~



1 ~~It~~ The certificate of nomination shall be signed by registered voters within the district or
2 political subdivision in and for which the officers are to be elected. The number of signatures
3 required may not be less than one percent of the total combined vote cast for Governor at the
4 last certified gubernatorial election within the district or political subdivision. An independent
5 candidate for Governor shall certify the candidate's selection for lieutenant governor to the
6 secretary of state prior to circulation of the candidate's nominating petition. The candidate and
7 the candidate's selection for lieutenant governor or vice president shall sign the certification
8 before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26
9 prescribing the forms for the certificate of nomination and the certification for lieutenant
10 governor.

11 Section 2. That § 12-7-7 be amended to read as follows:

12 12-7-7. Any candidate for President or Vice President of the United States who is not
13 nominated by a primary election may be nominated by filing with the secretary of state or county
14 auditor as prescribed by § 12-6-4, not prior to January twentieth at ~~eight 8:00~~ 8:00 a.m. and not later
15 than the first Tuesday in August at ~~five 5:00~~ 5:00 p.m. prior to the election, a certificate of
16 nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination
17 is mailed by registered mail by the first Tuesday in August at ~~five 5:00~~ 5:00 p.m. prior to the election,
18 it is timely submitted. ~~The certificate shall specify that an independent candidate for President~~
19 ~~or Vice President shall designate the name of any national political party, or political party~~
20 ~~organized pursuant to chapter 12-5, with which the candidate has an affiliation. If no affiliation~~
21 ~~exists, the candidate shall be designated by the term, no party.~~ The number of signatures
22 required may not be less than one percent of the total combined vote cast for Governor at the
23 last certified gubernatorial election within the state. An independent candidate for President
24 shall file a declaration of candidacy and a certification of the candidate's selection for Vice

1 President with the secretary of state prior to circulation of the candidate's nominating petitions.
2 The candidate and the candidate's selection for Vice President shall sign the certification before
3 it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26
4 prescribing the forms for the certificate of nomination and the certification for Vice President.

5 Section 3. That § 12-16-2 be amended to read as follows:

6 12-16-2. All official ballots shall be printed on good quality bond paper, in black ink, and
7 in the English language. The names of candidates for each office shall be printed in large type
8 under the designation of the party for which the nomination is made, so that all the names of
9 candidates for each party are in separate columns, the names of candidates for each office are
10 directly opposite each other, and the names of all independent candidates occupy a separate
11 column under the heading, "independent candidates." ~~If the certificate of nomination of an~~
12 ~~independent candidate filed pursuant to § 12-7-1 specifies the name of a national political party,~~
13 ~~or a political party organized pursuant to chapter 12-5, with which the independent candidate~~
14 ~~has an affiliation, the name of the political party specified shall be printed directly below the~~
15 ~~independent candidate's name on the ballot.~~ In precincts using automatic tabulating systems, the
16 ballot information, whether placed on the ballot or on the marking device, shall, as far as
17 practicable, be in the order or arrangement provided for paper ballots except that such
18 information may be in vertical or horizontal rows, or on a number of separate pages. No
19 individual race or ballot question may be divided between pages. One ballot card may be used
20 for recording a voter's vote on all races and measures.