

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

717M0149

## SENATE BILL NO. 12

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 prescribe the form of certain ballots used in local  
2 elections.

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

4 Section 1. That § 9-13-22 be repealed.

5 ~~—9-13-22. Questions submitted to the voters shall be printed upon official ballots containing~~  
6 ~~only such questions and proper instructions to the voters.~~

7 ~~—Except when otherwise specially provided, each question shall be so stated in clear and~~  
8 ~~concise language as to enable each voter to vote for or against the proposed action or measure~~  
9 ~~by marking a cross (×) or check mark (✓) in a square or circle preceding the phrase "For~~  
10 ~~\_\_\_\_\_ " (the proposition, whatever it may be) or "Against \_\_\_\_\_" (the proposition,~~  
11 ~~whatever it may be), or in case of a choice between alternative propositions, such shall be stated~~  
12 ~~so as to enable the voter to choose by making a cross (×) or check mark (✓) in a square or circle~~  
13 ~~preceding the proposition he favors.~~

14 Section 2. That § 11-2-46 be amended to read as follows:

15 11-2-46. The vote upon the question of establishing a special zoning area shall be by ballot



1 ~~in the form provided by § 9-13-22 which conforms to a ballot for a statewide question except~~  
2 ~~that the statement required to be printed on the ballot shall be prepared by the state's attorney.~~

3 If a majority of those voting vote in favor of the establishment, the territory is from that time a  
4 special zoning area by the name and style specified in the order of the board; ~~otherwise, no~~  
5 ~~further proceedings may be taken thereon.~~

6 Section 3. That § 6-16-5 be amended to read as follows:

7 6-16-5. The county auditor shall set a date, time, and location for a meeting to be held within  
8 the district to conduct an election on the question of formation of the special district. The date  
9 may not be more than sixty days after the appropriate board declares that the application for  
10 incorporation ~~to be~~ is valid. The auditor shall appoint three judges of election, one of whom  
11 shall serve as the superintendent, to conduct the election. The vote upon the question of  
12 incorporation shall be by ballot ~~in the form provided by § 9-13-22 which conforms to a ballot~~  
13 ~~for a statewide question except that the statement required to be printed on the ballot shall be~~  
14 ~~prepared by the state's attorney.~~ After the vote is cast and counted, the judges shall prepare a  
15 certification showing the whole number of ballots cast, together with the number voting for and  
16 the number voting against incorporation, and shall return the certification to the county auditor.  
17 If a majority of the votes cast on the question of formation is in favor, an election shall be  
18 conducted by those present at the same meeting to elect the initial board of directors or trustees.

19 Section 4. That § 9-3-10 be amended to read as follows:

20 9-3-10. The vote upon the question of incorporation of a territory shall be by ballot ~~in the~~  
21 ~~form provided by § 9-13-22 which conforms to a ballot for a statewide question except that the~~  
22 ~~statement required to be printed on the ballot shall be prepared by the state's attorney.~~

23 If a majority vote in favor of the incorporation, such territory ~~shall from that time be~~ is  
24 deemed a municipality by the name and style specified in the order of incorporation of the board

1 of county commissioners; otherwise no further proceedings shall be taken therein.

2 Section 5. That § 9-10-1 be amended to read as follows:

3 9-10-1. ~~Whenever~~ If a petition signed by fifteen percent of the registered voters of any first  
4 or second class municipality as determined by the total number of registered voters at the last  
5 preceding general election is presented requesting that an election be called to vote upon the  
6 proposition of employing a city manager, the governing body shall call an election for that  
7 purpose to be held within ~~twenty~~ sixty days from the date of filing such petition with the auditor.

8 ~~Such~~ The election shall be held upon the same notice and conducted in the same manner as  
9 other city elections. The vote upon the question of employing a city manager shall be by ballot  
10 ~~in the form and be cast in the manner provided by § 9-13-22~~ which conforms to a ballot for  
11 statewide question except that the statement required to be printed on the ballot shall be  
12 prepared by the municipal attorney.