

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

645R0351

HOUSE BILL NO. 1091

Introduced by: Representatives Kirkeby and Feickert and Senators Gant and Miles

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to municipal elections
2 in the case of death or withdrawal of a candidate.

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

4 Section 1. That § 9-13-7.1 be amended to read as follows:

5 9-13-7.1. Any person who has filed a nominating petition pursuant to § 9-13-7 may
6 withdraw from the nomination by a written request, signed by the person and properly
7 acknowledged and filed with the finance officer of the municipality. The name of a withdrawn
8 or deceased candidate may not be printed on the ballot if ~~it is withdrawn~~ the candidate
9 withdraws or dies no later than five p.m. on the deadline day for filing nominating petitions. If
10 the withdrawal or death of a candidate occurs at any time prior to five p.m. on the deadline day
11 for filing nominating petitions results in there being no contest on the ballot, that ballot need not
12 be voted. In addition, if that contest constitutes the only ballot to be voted upon, then the
13 election shall be canceled by the official in charge of the election and the unopposed candidate
14 shall be issued a certificate of election.

15 Section 2. That § 9-13-5.1 be repealed.



1 ~~9-13-5.1. If death or withdrawal of a candidate or candidates at any time prior to forty-eight~~
2 ~~hours preceding the opening of the polls in any municipal election occasions that there is no~~
3 ~~contest on the ballot, that ballot need not be voted and if it constitutes the only ballot to be voted~~
4 ~~upon, then the election may be canceled by the officer responsible for its conduct and the~~
5 ~~unopposed candidate issued certificate of election as though duly elected.~~