

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

555N0057

HOUSE BILL NO. 1007

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 provisions concerning election deadlines
2 and time frames.

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

4 Section 1. That § 9-13-37 be amended to read as follows:

5 9-13-37. Any other provision of this chapter notwithstanding, the members of the governing
6 body of a municipality may choose to hold a municipal election in conjunction with the regular
7 June primary election. The combined election is subject to approval by the county commissions
8 of the counties in which the municipality is located. Expenses of a combined election shall be
9 shared in a manner agreed upon by the governing body of the municipality and the county
10 commissions involved. All other governmental responsibilities associated with holding elections
11 under the provisions of chapters 9-13 and Title 12 shall be shared as agreed upon by the
12 governing bodies. The finance officer shall publish the notice required in § 9-13-6 between
13 February fifteenth and March first. No nominating petition may be circulated for signatures until
14 March first. Nominating petitions shall be filed under the provisions of § 9-13-7 by the first last
15 Tuesday in ~~April~~ March. The finance officer shall certify to the appropriate county auditor the



1 candidate names and ballot language to be voted on by the first ~~Friday~~ Thursday after the ~~first~~
2 last Tuesday in ~~April~~ March.

3 Section 2. That § 9-13-40 be amended to read as follows:

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

11 Section 3. That § 9-20-11.2 be amended to read as follows:

12 9-20-11.2. If a municipality submits a question to the electors at the next general election
13 pursuant to § 9-20-11, the municipality shall certify the ballot language to the county auditor by
14 the ~~last~~ third Tuesday in August of the year of the general election.

15 Section 4. That § 12-2-5 be amended to read as follows:

16 12-2-5. Any other provision of law notwithstanding, the members of the governing body of
17 any governmental subdivision may choose to hold their elections in conjunction with the regular
18 June primary election. The combined election is subject to approval by the county commissions
19 of the counties in which the governmental subdivision is located. Expenses of a combined
20 election shall be shared in a manner agreed upon by the governing body of the subdivision and
21 the county commissions involved. All other governmental responsibilities associated with
22 holding elections under the provisions for that subdivision and Title 12 shall be shared as agreed
23 upon by the governing bodies. The governmental subdivision clerk shall publish the notice of
24 vacancy between February fifteenth and March first. No nominating petition may be circulated

1 for signatures until March first. Nominating petitions shall be filed under the provisions required
2 for that subdivision by the ~~first last~~ Tuesday in ~~April~~ March. The clerk shall certify to the
3 appropriate county auditor the candidate names and ballot language to be voted on by the first
4 ~~Friday~~ Thursday after the ~~first last~~ Tuesday in ~~April~~ March.

5 Section 5. That § 12-5-1 be amended to read as follows:

6 12-5-1. A new political party may be organized and participate in the primary election by
7 filing with the secretary of state not later than the ~~first last~~ Tuesday of ~~April~~ March at five
8 ~~o'clock~~ p.m. prior to the date of the primary election, a written declaration signed by at least two
9 and one-half percent of the voters of the state as shown by the total vote cast for Governor at the
10 last preceding gubernatorial election, which declaration shall contain:

11 (1) The name of the proposed party; and

12 (2) A brief statement of the principles thereof;

13 whereupon the party shall, under the party name chosen, have all the rights of a political party
14 whose ticket was on the ballot at the preceding general election.

15 Section 6. That § 12-5-3.8 be amended to read as follows:

16 12-5-3.8. If a political party chooses to have a primary for selection of its delegates and
17 alternates to the national convention, it shall certify the slates to the secretary of state by the ~~first~~
18 last Tuesday in ~~April~~ March preceding the primary by five ~~o'clock~~ p.m. The slates certified shall
19 be placed on the ballot by the secretary of state and the position of the slates on the primary
20 ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be
21 filed if mailed by registered mail by five ~~o'clock~~ p.m. on the ~~first last~~ Tuesday in ~~April~~ March.

22 Section 7. That § 12-5-3.14 be amended to read as follows:

23 12-5-3.14. Any candidate, committee, or group supporting a candidate in any presidential
24 primary, shall, by the ~~first last~~ Tuesday in ~~April~~ March prior to the presidential primary election,

1 notify the secretary of state of an intention to have the name of the candidate placed on the
2 presidential primary election ballot or submit a slate of candidates or both.

3 Section 8. That § 12-5-4 be amended to read as follows:

4 12-5-4. A candidate for party precinct committeeman or committeewoman shall file a
5 statement in writing, with the county auditor of the county in which he or she is a candidate, not
6 later than the ~~first last~~ Tuesday in ~~April~~ March before the primary election. The statement shall
7 state that the ~~person whose name is subscribed thereto is~~ candidate:

8 (1) Is a resident of the precinct ~~and~~;

9 (2) Is registered as a member of the political party ~~therein named and is~~ in the statement;

10 (3) Is a candidate for precinct committeeman or committeewoman, as the case may be;
11 ~~that he is~~;

12 (4) Is desirous of serving in that position, ~~and that, if~~; and

13 (5) If elected, ~~he~~ will qualify and serve in the office.

14 The statement, when properly filed, shall operate as a nominating petition for that office.

15 Section 9. That § 12-6-4 be amended to read as follows:

16 12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9,
17 no candidate for any office to be filled, or nomination to be made, at the primary election, other
18 than a presidential election, may have that person's name printed upon the official primary
19 election ballot of that person's party, unless a petition has been filed on that person's behalf not
20 prior to January ~~twentieth, at eight a.m.~~ first, and not later than the ~~first last~~ Tuesday of ~~April~~
21 March at five p.m. prior to the date of the primary election. If the petition is mailed by registered
22 mail by the ~~first last~~ Tuesday of ~~April~~ March at five p.m. prior to the primary election, ~~it the~~
23 petition shall be considered filed. A nominating petition for national convention delegates and
24 alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this

1 section. Nominating petitions for all party and public offices except legislative and judicial
2 offices shall be filed in the office of the county auditor of the county in which the person is a
3 candidate. Nominating petitions for legislative and judicial office whether elected in one or
4 more counties, and all other party and public offices to be voted on in more than one county
5 shall be filed in the Office of the Secretary of State.

6 Section 10. That § 12-6-8.1 be amended to read as follows:

7 12-6-8.1. Any person may have his or her name withdrawn from the primary election by
8 making a written request under oath. The request shall be filed with the officer with whom the
9 nominating petition was filed pursuant to § 12-6-4, not later than the second to the last Tuesday
10 in March at five p.m. If the request is mailed by registered mail by the second to the last
11 Tuesday in March at five p.m., ~~it~~ the request is properly filed. No name ~~so~~ that is withdrawn
12 pursuant to this section may be printed on the ballots to be used at the election.

13 Section 11. That § 12-8-8 be amended to read as follows:

14 12-8-8. The secretary of state, not later than the ~~last~~ third Tuesday in August at five p.m.
15 before ~~the day fixed by law for the~~ general election ~~of the persons nominated~~, shall certify to the
16 county auditor of each county within which any voters of this state vote for ~~such~~ the officer or
17 officers nominated at the preceding primary, whose certificates of nomination have been filed
18 ~~in his office~~ the Office of the Secretary of State, or who have been regularly named or petitioned
19 for filling of a vacancy, the name and description of each person so nominated. In years when
20 a President and vice president are ~~to be~~ nominated and the national party conventions are held
21 at such a late date as to make the foregoing provisions impossible, then, the secretary of state
22 shall make the certification not later than seven days after nominations of such President and
23 vice president.

24 Section 12. That § 12-11-3 be amended to read as follows:

1 12-11-3. Each party nomination and independent petition shall be filed with the secretary
2 of state not less than forty-five days preceding any election which is not combined with a
3 primary or general election. If the election is conducted with a primary election, each party
4 nomination and independent petition shall be filed by the ~~first last~~ Tuesday in ~~April~~ March. Each
5 nomination shall be certified in a like manner as any other nomination for the purpose of a
6 general election. The election shall be conducted, canvassed, and the results certified as in a
7 general election. If the election is conducted with a general election, each party nomination and
8 independent petition shall be filed by the second Tuesday in August.

9 Section 13. That § 13-7-10.3 be amended to read as follows:

10 13-7-10.3. Any other provision of this chapter notwithstanding, the school board may choose
11 to hold the school board election in conjunction with the regular June primary election. The
12 combined election is subject to approval by the county commissions of the counties in which
13 the school district is located. Expenses of a combined election shall be shared in a manner
14 agreed upon by the school board and the county commissions involved. All other governmental
15 responsibilities associated with holding elections under the provisions of chapter 13-7 and Title
16 12 shall be shared as agreed upon by the governing bodies. The school election official shall
17 certify to the appropriate county auditor the candidate names and ballot language to be voted
18 on by the first ~~Friday~~ Thursday after the ~~first last~~ Tuesday in ~~April~~ March.

19 Section 14. That § 13-7-10.4 be amended to read as follows:

20 13-7-10.4. For any school board election held on the first Tuesday after the first Monday in
21 June, the deadlines in this section apply. The school's election official shall publish the notice
22 provided in § 13-7-5 between February fifteenth and March first. No nominating petition may
23 be circulated for signatures until March first. Nominating petitions shall be filed under the
24 provisions of § 13-7-6 by the ~~first last~~ Tuesday in ~~April~~ March.