

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

929N0701

HOUSE BILL NO. 1233

Introduced by: Representatives Deadrick and Juhnke and Senators Gant and Garnos

1 FOR AN ACT ENTITLED, An Act to revise the publishing requirement for school board
2 vacancies in newly created school districts, to revise the deadline by which candidates for
3 new school boards must file nominating petitions, and to declare an emergency.

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

5 Section 1. That § 13-7-5 be amended to read as follows:

6 13-7-5. Between the fifteenth day and the thirtieth day of the month three months preceding
7 the election, except in the case of the joint election as provided in § 13-7-10.1, the business
8 manager of each school district shall publish once each week for two consecutive weeks in the
9 official newspaper, a notice setting forth the vacancies which will occur by termination of the
10 terms of the elective or appointive school board members. However, if the vacancies set forth
11 in the notice exist within a new school board of a newly created school district entity pursuant
12 to § 13-6-62, the county auditor of the county having jurisdiction over the election shall publish
13 the notice once each week for two consecutive weeks at least one month preceding the election.

14 The notice shall also state the time and place where nominating petitions for school board
15 membership may be filed for the vacancies.

16 Section 2. That § 13-7-6 be amended to read as follows:



1 13-7-6. No candidate for elective school board membership may be nominated unless such
2 person is a resident voter of the school district and unless a nominating petition has been filed
3 on such person's behalf with the business manager of the school district. The nominating
4 petition shall be filed no later than five p.m. on the Friday thirty-nine days before the date of the
5 election. However, if the nominating petition is from a candidate for a vacancy on a new school
6 board within a newly created school district entity pursuant to § 13-6-62, the nominating petition
7 shall be filed no later than thirty days prior to the date of the election. The petition is considered
8 filed if it is mailed by registered or certified mail by five p.m. on the Friday thirty-nine days
9 before the election. A formal declaration of a candidate shall be signed by the candidate before
10 the circulation of the petition. The petition shall be signed by not less than twenty voters of the
11 school district or if the school district is divided into school board representation areas, the
12 petition shall be signed by not less than twenty voters who reside within the school board
13 representation area. No petition may be circulated until ten weeks prior to the election. There
14 shall be added by either the signer or the circulator the signer's place of residence and date of
15 signing. The petition shall be verified under oath by the person circulating it. The filing of the
16 nominating petition shall constitute nomination and will entitle the candidate to have the
17 candidate's name placed on the ballot for the term the candidate specifies on the petition only
18 upon verification signed by the business manager that the nominating petition contains the
19 minimum number of signatures and that the candidate is a resident voter.

20 Section 3. Whereas, this Act is necessary for the support of the state government and its
21 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
22 full force and effect from and after its passage and approval.