



## 2021 South Dakota Legislature

# Senate Bill 112

Introduced by: **Senator Rusch**

1 **An Act to establish requirements for filling the vacancies of certain constitutional**  
 2 **offices.**

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

4 **Section 1.** That § 3-4-3 be AMENDED.

5 **3-4-3. Appointments to fill vacancies--By whom made.**

6 All vacancies, except in the office of a member of the Legislature, representative  
 7 in Congress, and United States Senator, shall be filled by appointment, as follows:

8 (1) The attorney general, secretary of state, state auditor, state treasurer, and  
 9 commissioner of school and public lands, by the Governor with the advice and  
 10 consent of the Senate. However, if a vacancy occurs in any of the offices listed in  
 11 this subdivision while the Legislature is in recess, the Governor shall make a  
 12 temporary appointment until the next session of the Legislature;

13 (2) In other state and district offices, and the Office of Supreme Court Justice and  
 14 Circuit Judge, by the Governor;

15 ~~(2)~~(3) In county and precinct offices, by the board of county commissioners, except  
 16 vacancies on such board;

17 ~~(3)~~(4) In civil township offices, by the board of supervisors or a majority of them, by  
 18 warrant under their hands; and if a vacancy occurs from any cause in the foregoing  
 19 board of appointment the remaining officers of such board shall fill any vacancy  
 20 therein; and

21 ~~(4)~~(5) In special purpose districts, unless otherwise provided, by the remaining board of  
 22 trustees.