



2021 South Dakota Legislature

House Bill 1119

Introduced by: **Representative Weisgram**

1 **An Act to revise certain references to secondary elections.**

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

3 **Section 1.** That § 9-13-21 be AMENDED.

4 **9-13-21. Ballots--Preparation--Availability--Form--Candidate names.**

5 The finance officer shall prepare and furnish, at the expense of the municipality,
6 all official ballots. The quantity of ballots provided shall be at least ten percent more than
7 the number of voters at the last comparable election. The ballots shall be prescribed by
8 the State Board of Elections, of good quality of print paper, printed in black ink, and in the
9 English language only.

10 The ballots for municipal elections shall be available for absentee voting no later than
11 fifteen days prior to election day. If the ballots are for a ~~secondary-runoff~~ election, the
12 ballots shall be available no later than seven days prior to the ~~secondary-runoff~~ election
13 day. Absentee voting shall be conducted pursuant chapter 12-19.

14 The names of the candidates for each office to be voted for in the precinct shall be
15 arranged without any other designation than that of the office for which they are
16 candidates. If more than one member of the governing body is to be elected, the ballot
17 shall contain instructions as to how many candidates for the governing body are to be
18 voted for. The finance officer shall determine, by lot, each candidate's position on the
19 ballot. Each candidate may be present or represented when the position on the ballot is
20 being determined.

21 No candidate's name may be printed upon the official ballot unless the candidate has
22 been nominated as provided in this chapter.

23 **Section 2.** That § 9-13-25 be AMENDED.

1 **9-13-25. Election result--Highest vote total--Runoff by ordinance.**

2 In any municipality, the person having the highest number of votes for any office
3 shall be declared elected. However, the governing board of any municipality may, on or
4 before the first of October in the year preceding, approve an ordinance requiring a
5 ~~secondary runoff~~ election to be conducted pursuant to §§ 9-13-26.1 and 9-13-27.1.

6 **Section 3.** That § 9-13-27.1 be AMENDED.

7 **9-13-27.1. Runoff election--Notice.**

8 The finance officer shall have a notice of election published once during the week
9 next preceding any ~~secondary runoff~~ election. ~~Such~~The notice shall include a list of all
10 persons appearing on the ballot for the election. A facsimile of the official ballot need not
11 be published for ~~secondary runoff~~ elections.

12 **Section 4.** That § 9-13-32 be AMENDED.

13 **9-13-32. Recall election--Incumbent--Other candidates--Runoff.**

14 Any mayor, commissioner, alderman, or trustee sought to be removed may be a
15 candidate to succeed himself or herself and, unless the incumbent requests otherwise in
16 writing, the auditor shall place the incumbent's name on the official ballot without
17 nomination. The auditor shall also place on the official ballot the name of any other
18 candidate nominated as provided in this chapter. If no other candidate is nominated for
19 the position, no recall election may be held, and the incumbent shall remain in office.

20 Any ~~secondary runoff~~ election required shall be conducted as provided by this chapter.