



2021 South Dakota Legislature
House Bill 1119
ENROLLED

AN ACT

ENTITLED An Act to revise certain references to secondary elections.

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

Section 1. That § 9-13-21 be AMENDED.

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

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

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

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

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

Section 2. That § 9-13-25 be AMENDED.

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

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

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

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

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 A facsimile of the official ballot need not be published for runoff elections.

Section 4. That § 9-13-32 be AMENDED.

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

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

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

An Act to revise certain references to secondary elections.

I certify that the attached Act originated in
the:

House as Bill No. 1119

Received at this Executive Office
this _____ day of _____,
2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2021

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1119
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State