

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0147

SENATE BILL NO. 1

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 provide for nomination and election when a vacancy
2 occurs in the office of representative in the United States Congress due to extraordinary
3 circumstances.

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

5 Section 1. That chapter 12-11 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a vacancy occurs in the office of representative in the United States Congress due to
8 extraordinary circumstances as defined in 2 USC Chapter 1 § 8 as of January 1, 2008, the
9 Governor shall immediately issue a proclamation calling and setting the date for a special
10 election to fill the vacancy. The proclamation shall contain the deadline for nomination.

11 Section 2. That § 12-11-2 be amended to read as follows:

12 12-11-2. The proclamation issued pursuant to § 12-11-1 or section 1 of this Act shall be filed
13 with the secretary of state who shall, if a special election is called for, ~~thereupon~~
14 county auditor and the ~~chairman~~ chair of each political party recognized pursuant to chapter 12-
15 5 of the date and purpose ~~thereof~~ of the special election. The State Central Committee of each



1 ~~recognized~~ political party ~~so recognized shall be entitled to~~ may nominate a person to fill ~~such~~
2 ~~the~~ vacancy and ~~any independent candidates~~ candidate filing nominating petitions meeting the
3 requirements of § 12-7-1 may also have ~~their names~~ his or her name placed on the ballot.

4 Section 3. That chapter 12-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If the date of the special election conducted pursuant to section 1 of this Act requires that
7 absentee ballots cast by absent uniformed services voters or overseas voters arriving after
8 election day be counted as required by 2 USC Chapter 1 § 8 as of January 1, 2008, these
9 absentee ballots shall be processed and counted by the provisional ballot counting board. The
10 provisional ballot counting board shall meet on the deadline established in 2 USC Chapter 1 § 8
11 as of January 1, 2008, for the return of these absentee ballots. The official county canvass shall
12 be conducted within twenty-four hours after the conclusion of the absentee and provisional
13 ballot count. The official state canvass shall be held within three days after the conclusion of
14 the county canvass.