



2023 South Dakota Legislature

Senate Bill 56

Introduced by: **Senator Maher**

1 **An Act to revise requirements to relocate a county seat.**

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

3 **Section 1. That § 7-6-4 be AMENDED:**

4 **7-6-4.** ~~If fifteen~~To relocate a county seat, a petition signed by forty percent of the
5 registered voters of the county, based upon the total number of registered voters at the
6 last preceding general election, ~~of any organized county petition the board of~~ must be filed
7 with the county commissioners to change the location of the county seat which has once
8 been located by majority vote, specifying the place to which it is to be changed, auditor
9 on or before July first. The county auditor shall, within thirty days of receiving the petition,
10 verify that the signatures on the petition are registered voters of the county. A signature
11 on a petition is invalid if signed more than six months before the date the petition is filed.

12 If the county auditor verifies that the petition meets the requirements of this
13 section and section 2 of this Act, the board of county commissioners shall submit the same
14 question of relocating the county seat to the people of the county at the next general
15 election. Notice

16 The county auditor shall publish notice of the submission of the question ~~shall be~~
17 ~~included in the notice published once by the county auditor giving notice of the time and~~
18 ~~place of holding~~ with the general election notices required by § 12-12-1.

19 **Section 2. That chapter 7-6 be amended with a NEW SECTION:**

20 The petition required to relocate a county seat under § 7-6-4 must contain:

- 21 (1) The municipality proposed for relocation; and
22 (2) A statement that addresses the:
23 (a) Proposed timeline for relocation; and
24 (b) Estimated cost to the county for relocating county buildings, facilities, and
25 employees, that are required by law to be at the county seat.

1 **Section 3. That § 7-6-5 be AMENDED:**

2 **7-6-5.** The board of county commissioners shall prescribe the form of the ballots
3 to be used at said the election for the change of relocating the county seat shall be in such
4 form as the board of county commissioners shall prescribe, and such. The ballots shall
5 must be separate from the ballots cast and used for the election of state, county, and
6 other officers and shall must be received and deposited in a separate ballot box. If the
7 proposition question to change relocate the county seat is ratified approved by two-thirds
8 three-fourths of the votes cast, ~~then~~ the municipality specified in the petition shall be the
9 county seat. The votes cast shall must be returned, canvassed, and certified as provided
10 by law for the return of votes at ~~any~~ the general election.

11 **Section 4. That § 7-6-6 be AMENDED:**

12 **7-6-6.** If, upon a canvass of the votes cast as provided in § 7-6-5 ~~any municipality~~
13 ~~shall not have received the vote as required by the Constitution,~~ the question of the
14 change of the location of relocating the county seat shall is not approved by three-fourths
15 of the votes cast, the question may not again be submitted ~~before the expiration of for~~
16 four years from the date of the election.

17 **Section 5. That § 7-6-7 be AMENDED:**

18 **7-6-7.** ~~It shall be the duty of the~~ If the question to relocate the county seat is
19 approved by the voters as specified in § 7-6-5, the county officers whose offices are
20 required by law to be kept at the county seat, ~~to shall~~ shall remove their respective offices,
21 files, records, office fixtures, furniture, and all other property pertaining to their offices to
22 the county seat designated by the voters within ~~thirty days~~ one year after ~~such county~~
23 ~~seat shall have been designated by the voters under the provisions of the date of an~~
24 election held under this chapter or the end of any recount, certiorari proceeding, or
25 election contest, whichever is latest.