



2023 South Dakota Legislature

House Bill 1114

Introduced by: **Representative Arlint**

1 **An Act to to revise the qualifications to be a member of a county recount board.**

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

3 **Section 1. That § 12-21-2 be AMENDED:**

4 **12-21-2.** The county recount board of each county which conducts a recount
 5 authorized by this chapter shall ~~consist of a recount referee and two voters of the county~~
 6 ~~to be appointed by the presiding judge of the circuit court for that county, and shall provide~~
 7 ~~for representation of the two political parties with the largest party registration in that~~
 8 ~~county. The recount referee shall be a duly qualified member of the bar of the State of~~
 9 ~~South Dakota and a member of the political party which polled the largest number of votes~~
 10 ~~for Governor in the county in the last gubernatorial election. Prior to serving, each member~~
 11 ~~of the recount board shall take an oath that the member will act in good faith and with~~
 12 ~~impartiality. The state board of elections shall prescribe the oath to be taken.~~

13 At a general election, a judicial primary election, or an election for a referred or
 14 submitted question, the recount board shall consist of a recount referee who is a duly
 15 qualified member of the State Bar of South Dakota and a member of the political party
 16 that received the greatest number of votes in the county in the race for Governor in the
 17 last gubernatorial election, and two voters of the county representing the two political
 18 parties with the largest registration in the county.

19 In a non-judicial primary election or runoff election pursuant to § 12-6-51.1, the
 20 recount board must consist of members of the same political party as the candidates in
 21 the contest being recounted. The recount board must consist of a recount referee who is
 22 a duly qualified member of the state bar and two voters of the county.

23 An individual may not serve on the recount board if the individual is a candidate
 24 for the office that is the subject of the recount, or is the husband, wife, father, mother,
 25 father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or

1 sister, whether by birth or marriage, of the whole or the half-blood, of any candidate
2 involved in the recount.

3 Prior to serving, each member of the recount board shall take an oath that the
4 member will act in good faith, with impartiality, and that the member meets the
5 qualifications to serve as a member of the county recount board. The State Board of
6 Elections shall promulgate rules, pursuant to chapter 1-26, that prescribe the oath to be
7 taken under this section.