



2023 South Dakota Legislature
House Bill 1062
ENROLLED

AN ACT

ENTITLED An Act to clarify the convening of recount boards for primary elections.

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

Section 1. That § 12-21-20 be AMENDED:

12-21-20. The county auditor, immediately on the due filing of any petition for a recount or upon receipt from the secretary of state of notice of the filing with the secretary of state, shall notify in writing, with the seal of the auditor's office, the presiding judge of the circuit court for the auditor's county. The presiding judge shall appoint a board, pursuant to § 12-21-2, for each county in the circuit in which a recount is to be conducted. The presiding judge may appoint the board anytime within thirty days prior to a primary or general election or upon the filing of the petition for recount. Except as provided in § 12-21-11, the board shall convene in the office of the county auditor on:

- (1) The second Monday following the filing of the petition at nine a.m.;
- (2) The second Tuesday following the filing of the petition at nine a.m., if the second Monday is a legal holiday; or
- (3) A date selected by the presiding judge when necessary to avoid undue conflict with the electoral process and ensure the timely facilitation of a recount. The date selected by the presiding judge must provide the opportunity for recount witnesses as required by § 12-21-26.

The county auditor shall provide the recount board with laws, rules, and forms to use in conducting the recount. The board shall then proceed with the recount.

An Act to clarify the convening of recount boards for primary elections.

I certify that the attached Act originated in
the:

House as Bill No. 1062

Received at this Executive Office
this _____ day of _____,
2023 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2023

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2023
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1062
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State