

2023 South Dakota Legislature

House Bill 1123**AMENDMENT 1123A
FOR THE INTRODUCED BILL**

1 **An Act to authorize school boards to modify the length of terms for members to**
2 **allow for holding joint elections.**

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

4 **Section 1. That § 13-8-2 be AMENDED:**

5 **13-8-2.** ~~There shall be a~~ school board ~~consisting~~ consists of five, seven, or nine
6 members whose terms ~~shall be~~ are from one to three years initially, and three years
7 thereafter; provided that each school board member ~~shall be~~ is entitled to complete the
8 term of office to which ~~he~~ the member was elected. A school board may, by resolution,
9 increase the length of terms from three to four years for the purpose of holding joint
10 elections pursuant to § 13-7-10.1. Terms may not be increased unless the school board
11 conducts a public hearing thereon, after having given notice of the hearing by publication
12 at least twice in its official newspaper at least ten days before the hearing. At the hearing,
13 the board may approve the resolution or may refer the matter to the voters of the district.

14 **Section 2. That § 13-8-4 be AMENDED:**

15 **13-8-4.** If at an election held pursuant to § 13-8-3 an increase in the number of
16 board members is authorized, the school board ~~is empowered to~~ must designate the
17 number of vacancies and the number of years, not to exceed three years, or four years if
18 authorized pursuant to § 13-8-2, in each vacancy, ~~so that all succeeding annual regular~~
19 elections ~~will have,~~ insofar as practicable, the same number of vacancies to be filled.

20 The procedure for decreasing the number of board members ~~shall be~~ is the same
21 as for increasing the number of board members, and the board ~~is similarly empowered to~~
22 shall designate the vacancies and terms not to exceed three years, or four years if
23 authorized pursuant to § 13-8-2; provided, that each school board member ~~shall be~~ is
24 entitled to complete the term of office to which ~~he~~ the member was elected.

1 **Section 3. That chapter 13-7 be amended with a NEW SECTION:**

2 A school board resolution to increase school board terms to four years, pursuant
3 to § 13-8-2, is subject to a referendum if five percent of the registered voters of the school
4 district, based upon the total number of registered voters in the school district at the last
5 preceding general election, petition, within twenty days after the resolution is enacted, to
6 have the question of approval or disapproval of the resolution to increase term limits
7 placed upon the ballot at the next scheduled election or at a special election called for that
8 purpose. The business manager shall give notice that the question will be on the ballot at
9 the next scheduled election or at a special election called for that purpose as provided by
10 law for school elections and prepare official ballots according to the provisions of this title.

11 **Section 4. That chapter 13-7 be amended with a NEW SECTION:**

12 If a resolution to increase a school board term to four years is approved, pursuant
13 to § 13-8-2, the school board must designate the number of vacancies and the number of
14 years, not exceeding four years, for each vacancy so that all succeeding elections have,
15 insofar as practicable, the same number of vacancies to be filled.

16 **Section 5. That chapter 13-7 be amended with a NEW SECTION:**

17 If a school board has, by resolution, increased the length of terms from three to
18 four years for the purpose of holding joint elections pursuant to § 13-7-10.1, the school
19 board may decrease the length of terms from four years to three using the same procedure
20 as for increasing the length of terms, provided that each school board member is entitled
21 to complete the term of office to which the member was elected. The school board is
22 empowered to designate the number of vacancies and the number of the years, not to
23 exceed three years, in each vacancy so that all succeeding regular elections have, insofar
24 as practicable, the same number of vacancies to be filled.

25 **Section 6. That § 13-6-62 be AMENDED:**

26 **13-6-62.** If under the provisions of this chapter a new school district entity is
27 created, the voters shall elect a new school board to govern ~~such~~ the school district as
28 hereinafter provided. The county auditor of the county having jurisdiction shall conduct
29 the election under the existing statutory provisions for conducting ~~annual~~ regular elections
30 in school districts. The county auditor shall perform the duties specified for the business
31 manager as provided in chapter 13-7, as amended and shall also give the notice of the

1 number of school board vacancies and residency requirements for school board
2 membership as may be set forth in the plan approved by the voters. The declaration of
3 candidacy shall be filed in the office of the county auditor, and the date of election may
4 be fixed on or before the first Monday in May. Costs of conducting the election shall be
5 paid by the new school district.

6 **Section 7. That § 13-6-84.3 be AMENDED:**

7 **13-6-84.3.** Within thirty days of the last date of the public hearing, pursuant to
8 § 13-6-84.2, five percent of the voters residing within a school district may petition the
9 school board to refer the resolutions to an election. The school district shall submit the
10 question at the next ~~annual~~ regular election provided in § 13-7-10. The question shall be
11 deemed to have passed or failed by a simple majority of those voting. Upon passage, the
12 school boards shall submit the resolution to the county commissioners for implementation
13 pursuant to § 13-6-87.

14 **Section 8. That § 13-7-10 be AMENDED:**

15 **13-7-10.** The ~~annual~~ regular election for school districts shall be held between the
16 second Tuesday in April and the third Tuesday in June between the hours of seven a.m.
17 and seven p.m. of the day of the election. The school board shall select the date of the
18 election by resolution no later than the first regular meeting after January first of each
19 year. Voter registration, absentee voting, and procedures used in counting ballots shall be
20 in accordance with Title 12 except as specifically provided in chapter 13-7.

21 **Section 9. That § 13-7-30 be AMENDED:**

22 **13-7-30.** For the most recent ~~annual~~ regular school election conducted in each
23 school district as provided in § 13-7-10, each school board shall provide in the school
24 board minutes the following information:

- 25 (1) The number of registered voters of the school district on the date voter registration
26 closes;
- 27 (2) The number of registered voters of the school district who voted in the election;
- 28 (3) The percentage of registered voters of the school district who voted in the election;
- 29 and
- 30 (4) If the election was held in conjunction with a regular municipal election as provided
31 in § 13-7-10.1 or with the regular June primary as provided in § 13-7-10.3.

1 If the ~~annual~~ regular election was not conducted because there was neither a
2 contested vacancy on the school board nor any question submitted to the voters, the
3 school board shall provide that information in the school board minutes.

4 **Section 10. That § 13-8-3 be AMENDED:**

5 **13-8-3.** The voters of any school district may increase the number of board
6 members to seven or to nine, or establish or discontinue school board representation
7 areas, by a majority vote of all voters voting at an election called and held as hereinafter
8 provided. If a petition signed by ten percent of the registered voters of any school district,
9 based upon the total number of registered voters at the last preceding general election,
10 is presented to the board requesting that an election be called for the purpose of voting
11 upon the question of the change of number of board members, or the establishment or
12 discontinuation of school board representation areas, the board shall call an election. The
13 school board may, by resolution, call for an election for the purpose of voting upon the
14 question of the change of number of board members, or the establishment or
15 discontinuation of school board representation areas. The question shall be submitted to
16 the voters at an election to be held not less than forty-five nor more than sixty days from
17 the date of the filing of ~~such~~ the petition with the business manager. If ~~such~~ a petition is
18 filed less than one hundred twenty days prior to the next ~~annual~~ regular election, the
19 question ~~shall~~ must be submitted at the ~~annual~~ regular election. ~~Such~~ The election ~~shall~~
20 must be held upon the same notice and conducted in the same manner as provided by
21 chapter 13-7. Any increase or decrease in the number of board members ~~shall~~ must be
22 implemented at the next succeeding ~~annual~~ regular election.