

2024 South Dakota Legislature

House Bill 1198**AMENDMENT 1198K
FOR THE INTRODUCED BILL**

1 **An Act to revise the process for nominating candidates for the offices of lieutenant**
2 **governor, and attorney general, ~~and secretary of state.~~**

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

4 **Section 1. That a NEW SECTION be added to chapter 12-5:**

5 A political party's candidate for the office of Governor shall nominate a candidate
6 for lieutenant governor and shall certify the nomination to the secretary of state no later
7 than five p.m. central time on the second Tuesday in August in the year of the election.
8 The party's candidate for Governor and the candidate's nominee for lieutenant governor
9 shall sign the certification. The State Board of Elections shall promulgate rules, pursuant
10 to chapter 1-26, to prescribe the form for the certification of a candidate for lieutenant
11 governor.

12 **Section 2. That a NEW SECTION be added to chapter 12-5:**

13 A candidate for lieutenant governor may withdraw the nomination by filing a
14 request under oath with the secretary of state. The certified request must be submitted
15 to the secretary of state no later than five p.m. central time on the first Tuesday in August
16 in the year of the election.

17 If a candidate for lieutenant governor withdraws, is deceased, or is disqualified to
18 serve as a statewide officer, the party's candidate for Governor must nominate a
19 replacement and certify the nomination to the secretary of state no later than five p.m.
20 central time on the second Tuesday in August in the year of the election. The party's
21 candidate for Governor and the candidate's nominee for lieutenant governor shall sign the
22 certification.

23 The secretary of state may not place the name of the candidate for Governor on
24 the general election ballot until a candidate for lieutenant governor has been certified.

1 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
2 prescribing the form for the withdrawal of a candidate for lieutenant governor.

3 **Section 3. That § 12-5-17 be AMENDED:**

4 **12-5-17.** Each political party shall hold a state convention in each even-numbered
5 year for the purposes stated in § 12-5-21. The state central committee of each political
6 party shall determine the time and place of the convention. The chair of the committee
7 shall notify the secretary of state of the date and place of the convention at least ~~fifteen~~
8 ~~business days prior to~~ thirty days before the date chosen.

9 **Section 4. That § 12-5-21 be AMENDED:**

10 **12-5-21.** ~~The~~In the years the Governor is to be elected, a political party's state
11 convention shall nominate candidates for ~~lieutenant governor, attorney general,~~ secretary
12 of state, state auditor, state treasurer, commissioner of school and public lands, and public
13 utilities commissioner ~~and in.~~ In the years when a President of the United States is to be
14 elected, ~~the convention shall nominate~~ presidential electors and, national committeeman
15 and national committeewoman of the party, and a candidate for public utilities
16 commissioner.

17 **Section 5. That a NEW SECTION be added to chapter 12-5:**

18 If a political party is unable to nominate a candidate for the office of attorney
19 general at the primary election, the political party may nominate a candidate for the office
20 at the state convention.

21 **Section 6. That § 12-5-25 be AMENDED:**

22 **12-5-25.** A political party with alternative political status may nominate a
23 candidate for United States Senate, United States House of Representatives, Governor,
24 ~~attorney general, secretary of state,~~ and any legislative seat by convention, if the
25 nomination is submitted with the proper documentation to the Office of the Secretary of
26 State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August, of the
27 year of the election.

28 A candidate registered with a political party with an alternative political status may
29 choose, if allowed by the party bylaws, to participate in a primary election by submitting

1 a candidate petition ~~no later than the last Tuesday of March~~ in accordance with § 12-5-
2 1.4.

3 **Section 7. That § 12-5-26 be AMENDED:**

4 **12-5-26.** A new political party may nominate a candidate for United States Senate,
5 United States House of Representatives, Governor, attorney general, ~~secretary of state~~,
6 and any legislative seat by convention, if the nomination is submitted with the proper
7 documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central
8 time on the second Tuesday in August, of the year of the election.

9 **Section 8. That § 12-6-7 be AMENDED:**

10 **12-6-7.** A nominating petition may be composed of several sheets, ~~each~~. Each
11 sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-
12 contained sheet of paper. The petition for a candidate for the Legislature ~~shall designate~~
13 must specify the senatorial or representative district number and house for which the
14 person is a candidate.

15 The petition for ~~party office or political public office for a state~~ a political party's
16 gubernatorial or federal candidate ~~shall~~ must be signed by not less than one percent of
17 the voters who voted for that party's gubernatorial candidate at the last gubernatorial
18 election ~~in the state~~. The petition of a party's candidate for attorney general, ~~or secretary~~
19 ~~of state~~ must be signed by not less than ~~one-quarter~~ one-half of one percent of the voters
20 who voted for that party's gubernatorial candidate at the last gubernatorial election or two
21 hundred fifty qualified voters, whichever is greater. A petition for the Legislature, county
22 party office, or county political public office ~~shall~~ must be signed by not less than one
23 percent of the voters who voted for that party's gubernatorial candidate at the last
24 gubernatorial election, or fifty voters, in the county, part of the county, or district electing
25 a candidate to fill the office, whichever is less.

26 If the party meets the requirement for alternative political status as defined in
27 § 12-1-3.1, the petition for party office or political public office for a state or federal
28 candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for
29 that party's statewide candidate receiving the highest votes at the last gubernatorial
30 election in the state. A petition for the Legislature, county party office, or county political
31 public office ~~shall~~ must be signed by not less than one percent of the voters who voted for
32 that party's statewide candidate receiving the highest votes at the last gubernatorial

1 election in the county, part of the county, or district electing a candidate to fill the office,
2 whichever is less.

3 If a county uses vote centers and does not print ballots by precinct, signature
4 requirements are:

5 (1) For both partisan and independent candidates, fifty signatures for a legislative
6 candidate whose district either in whole or in part includes that county;

7 (2) For a county candidate:

8 (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty
9 signatures or signatures from one percent of the voters who voted for that
10 party's gubernatorial candidate, or the party's statewide candidate receiving
11 the highest votes if the party meets the requirement for alternative party
12 status as defined in § 12-1-3.1, at the last gubernatorial election in the
13 county electing a candidate to fill the office; or

14 (b) Independent candidate petitions ~~shall~~ must be signed by not less than one
15 percent of the total combined vote for Governor at the last certified election
16 within the county electing a candidate to fill the office;

17 (3) Half the number of signatures required under subdivision (2), for county
18 commissioner district candidates;

19 (4) Five signatures for a new party legislative candidate whose district either in whole
20 or in part includes that county;

21 (5) Five signatures for a new party county candidate; or

22 (6) Three signatures for a new party county commissioner district candidate.

23 **Section 9. That § 12-7-1 be AMENDED:**

24 **12-7-1.** Any candidate for nonjudicial public office, except the office of lieutenant
25 governor and as provided in § 12-7-7, who is not nominated by a primary election, ~~z~~ may
26 be nominated by filing a certificate of nomination with the secretary of state or county
27 auditor ~~as prescribed by~~ in the manner of filing nominating petitions as described in § 12-
28 6-4, after December thirty-first and by but no later than five p.m. local time on the last
29 Tuesday of in April at 5:00 p.m. local time before the election. A certificate of nomination
30 ~~shall~~ must be executed as provided in chapter 12-6. ~~If A certificate of nomination is timely~~
31 submitted if the certificate of nomination is mailed by registered mail ~~by~~ no later than five
32 p.m. local time on the last Tuesday of in April at 5:00 p.m. local time before the election;
33 ~~it is timely submitted.~~ The certificate of nomination ~~shall~~ must be signed by registered
34 voters within the district or political subdivision in and for which the officers are to be

1 elected. The number of signatures required may not be less than one percent of the total
2 combined vote cast for Governor at the last certified gubernatorial election within the
3 district or political subdivision. The State Board of Elections shall promulgate rules,
4 pursuant to chapter 1-26, prescribing the forms for the certificate of nomination.

5 **Section 10. That § 12-7-1.2 be AMENDED:**

6 **12-7-1.2.** An independent candidate for Governor shall ~~certify the candidate's~~
7 ~~selection~~ select a candidate for lieutenant governor and shall certify the selection to the
8 secretary of state ~~with the candidate's nominating petition~~ no later than ~~5:00~~ five p.m.
9 central time on the second Tuesday in August of the year of the election. The candidate
10 for Governor and the candidate's ~~selection~~ nominee for lieutenant governor shall sign the
11 certification ~~before the nominating petitions are circulated. If an~~

12 ~~An independent candidate for lieutenant governor withdraws, no may withdraw by~~
13 ~~filing a request under oath with the secretary of state. If an independent candidate for~~
14 ~~lieutenant governor withdraws, the independent candidate for Governor may have the~~
15 ~~candidate's name printed upon a ballot unless a must select a replacement and must~~
16 ~~certify the selection for lieutenant governor is certified to the secretary of state by the no~~
17 ~~later than 5:00 p.m. central time on the second Tuesday in August of the year of the~~
18 ~~election. The candidate for Governor and the candidate's replacement selection for~~
19 ~~lieutenant governor shall sign the certification. The secretary of state may not place the~~
20 ~~name of the candidate for Governor on the general election ballot until a replacement~~
21 ~~candidate has been certified.~~

22 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
23 prescribing the forms form for the certification for lieutenant governor.

24 **Section 11. That a NEW SECTION be added to chapter 12-7:**

25 An independent candidate for lieutenant governor may withdraw the nomination
26 by filing a request under oath with the secretary of state. The certified request must be
27 submitted to the secretary of state no later than five p.m. central time on the first Tuesday
28 in August in the year of the election.

29 If an independent candidate for lieutenant governor withdraws, is deceased, or is
30 disqualified to serve as a statewide officer, the independent candidate for Governor must
31 nominate a replacement and certify the nomination to the secretary of state no later than
32 five p.m. central time on the second Tuesday in August in the year of the election. The

1 independent candidate for Governor and the candidate's nominee for lieutenant governor
2 shall sign the certification.

3 The secretary of state may not place the name of the candidate for Governor on
4 the general election ballot until a candidate for lieutenant governor has been certified.

5 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
6 prescribing the form for the withdrawal of a candidate for lieutenant governor.

7 **Section 12. That § 12-25-28 be AMENDED:**

8 **12-25-28.** Any candidate for the United States Senate, the United States House
9 of Representatives, Governor, attorney general, secretary of state, circuit court judge, or
10 the Legislature shall file a statement of financial interest with the secretary of state not
11 more than fifteen days after filing the candidate's nominating petitions. Any Supreme
12 Court justice shall file a statement of financial interest with the secretary of state not more
13 than fifteen days following notice to the secretary of state of the justice's intention to place
14 the justice's name on the retention ballot. A violation of this section is a petty offense.
15 Any intentional violation of this section is a Class 2 misdemeanor.

16 **Section 13. That § 12-25-29 be AMENDED:**

17 **12-25-29.** Any candidate for lieutenant governor, state treasurer, ~~attorney~~
18 ~~general, secretary of state,~~ state auditor, public utilities commissioner, or commissioner
19 of school and public lands shall file a statement of financial interest with the secretary of
20 state not more than fifteen days after the candidate's nomination is certified. A violation
21 of this section is a petty offense. Any intentional violation of this section is a Class 2
22 misdemeanor.