

## 2024 South Dakota Legislature

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

1 **An Act to revise the process for nominating candidates for the offices of lieutenant**  
2 **governor, 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 public utilities commissioner.

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

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

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

21           **12-5-25.** A political party with alternative political status may nominate a  
22           candidate for United States Senate, United States House of Representatives, Governor,  
23           attorney general, secretary of state, and any legislative seat by convention, if the  
24           nomination is submitted with the proper documentation to the Office of the Secretary of  
25           State no later than 5:00 p.m. central time on the second Tuesday in August, of the year  
26           of the election.

27           A candidate registered with a political party with an alternative political status may  
28           choose, if allowed by the party bylaws, to participate in a primary election by submitting  
29           a candidate petition ~~no later than the last Tuesday of March~~ in accordance with § 12-5-  
30           1.4.

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

2 **12-5-26.** A new political party may nominate a candidate for United States Senate,  
3 United States House of Representatives, Governor, attorney general, secretary of state,  
4 and any legislative seat by convention, if the nomination is submitted with the proper  
5 documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central  
6 time on the second Tuesday in August, of the year of the election.

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

8 **12-6-7.** A nominating petition may be composed of several sheets, ~~each.~~ Each  
9 sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-  
10 contained sheet of paper. The petition for a candidate for the Legislature ~~shall designate~~  
11 must specify the senatorial or representative district number and house for which the  
12 person is a candidate.

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

24 If the party meets the requirement for alternative political status as defined in  
25 § 12-1-3.1, the petition for party office or political public office for a state or federal  
26 candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for  
27 that party's statewide candidate receiving the highest votes at the last gubernatorial  
28 election in the state. A petition for the Legislature, county party office, or county political  
29 public office ~~shall~~ must be signed by not less than one percent of the voters who voted for  
30 that party's statewide candidate receiving the highest votes at the last gubernatorial  
31 election in the county, part of the county, or district electing a candidate to fill the office,  
32 whichever is less.

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

- 3 (1) For both partisan and independent candidates, fifty signatures for a legislative  
4 candidate whose district either in whole or in part includes that county;
- 5 (2) For a county candidate:
- 6 (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty  
7 signatures or signatures from one percent of the voters who voted for that  
8 party's gubernatorial candidate, or the party's statewide candidate receiving  
9 the highest votes if the party meets the requirement for alternative party  
10 status as defined in § 12-1-3.1, at the last gubernatorial election in the  
11 county electing a candidate to fill the office; or
- 12 (b) Independent candidate petitions ~~shall~~ must be signed by not less than one  
13 percent of the total combined vote for Governor at the last certified election  
14 within the county electing a candidate to fill the office;
- 15 (3) Half the number of signatures required under subdivision (2), for county  
16 commissioner district candidates;
- 17 (4) Five signatures for a new party legislative candidate whose district either in whole  
18 or in part includes that county;
- 19 (5) Five signatures for a new party county candidate; or
- 20 (6) Three signatures for a new party county commissioner district candidate.

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

22 **12-7-1.** Any candidate for nonjudicial public office, except the office of lieutenant  
23 governor and as provided in § 12-7-7, who is not nominated by a primary election, ~~and~~ may  
24 be nominated by filing a certificate of nomination with the secretary of state or county  
25 auditor ~~as prescribed by~~ in the manner of filing nominating petitions as described in § 12-  
26 6-4, after December thirty-first and by but no later than five p.m. local time on the last  
27 Tuesday of in April at 5:00 p.m. local time before the election. A certificate of nomination  
28 ~~shall~~ must be executed as provided in chapter 12-6. ~~If A certificate of nomination is timely~~  
29 submitted if the certificate of nomination is mailed by registered mail ~~by~~ no later than five  
30 p.m. local time on the last Tuesday of in April at 5:00 p.m. local time before the election;  
31 ~~it is timely submitted.~~ The certificate of nomination ~~shall~~ must be signed by registered  
32 voters within the district or political subdivision in and for which the officers are to be  
33 elected. The number of signatures required may not be less than one percent of the total  
34 combined vote cast for Governor at the last certified gubernatorial election within the

1 district or political subdivision. The State Board of Elections shall promulgate rules,  
2 pursuant to chapter 1-26, prescribing the forms for the certificate of nomination.

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

4 **12-7-1.2.** An independent candidate for Governor shall ~~certify the candidate's~~  
5 ~~selection~~ select a candidate for lieutenant governor and shall certify the selection to the  
6 secretary of state ~~with the candidate's nominating petition~~ no later than 5:00 p.m. central  
7 time on the second Tuesday in August of the year of the election. The candidate for  
8 Governor and the candidate's ~~selection~~ nominee for lieutenant governor shall sign the  
9 certification ~~before the nominating petitions are circulated.~~ If an

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

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

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

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

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

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

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

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

6           **12-25-28.** Any candidate for the United States Senate, the United States House  
7           of Representatives, Governor, attorney general, secretary of state, circuit court judge, or  
8           the Legislature shall file a statement of financial interest with the secretary of state not  
9           more than fifteen days after filing the candidate's nominating petitions. Any Supreme  
10          Court justice shall file a statement of financial interest with the secretary of state not more  
11          than fifteen days following notice to the secretary of state of the justice's intention to place  
12          the justice's name on the retention ballot. A violation of this section is a petty offense.  
13          Any intentional violation of this section is a Class 2 misdemeanor.

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

15          **12-25-29.** Any candidate for lieutenant governor, state treasurer, ~~attorney~~  
16          ~~general, secretary of state,~~ state auditor, public utilities commissioner, or commissioner  
17          of school and public lands shall file a statement of financial interest with the secretary of  
18          state not more than fifteen days after the candidate's nomination is certified. A violation  
19          of this section is a petty offense. Any intentional violation of this section is a Class 2  
20          misdemeanor.