



2024 South Dakota Legislature

House Bill 1140

SENATE STATE AFFAIRS ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative** Mortenson

1 **An Act to revise certain provisions relating to municipal and county administrative**
 2 **actions and petitions containing illegal actions and to declare an emergency.**

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

4 **Section 1. That § 12-17B-3 be AMENDED:**

5 **12-17B-3.** Any governing body having supervision of elections within any political
 6 subdivision may adopt, experiment with, or abandon any automatic tabulating or
 7 electronic ballot marking system approved for use by the State Board of Elections. Any
 8 governing body may use the system in all or some of the precincts within its jurisdiction
 9 or in combination with any other type of voting system approved for use by the State
 10 Board of Elections. Any determination by a governing body pursuant to this section must
 11 be made at the first meeting of the year and shall be considered an administrative action.

12 **Section 2. That § 7-18A-13 be AMENDED:**

13 **7-18A-13.** If a petition to initiate is filed with the auditor, the auditor shall present
 14 it to the board of county commissioners at its next regular or special meeting. ~~The~~ Unless
 15 the board determines the petition's proposed measure is in contravention of state or
 16 federal law, which determination may be appealed to circuit court in accordance with § 7-
 17 8-27, the board shall enact the proposed ordinance or resolution and shall submit it to a
 18 vote of the voters in the manner prescribed for a referendum within sixty days after the
 19 final enactment. However, if the petition is filed within three months prior to the primary
 20 or general election, the ordinance or resolution may be submitted at the primary or general
 21 election.

22 **Section 3. That § 9-20-4 be AMENDED:**

23 **9-20-4.** When a petition to initiate is filed with the finance officer, the finance
 24 officer shall present the petition to the governing body at its first ensuing regular or special

1 meeting. The Unless the governing body determines the petition's proposed measure is in
2 contravention of state or federal law, which determination may be appealed to circuit court
3 in accordance with chapter 21-29 or 21-30, the governing body shall submit the petition
4 to a vote of the voters in the manner prescribed for a referendum.

5 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
6 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
7 full force and effect from and after its passage and approval.