



2025 South Dakota Legislature

Senate Bill 22

SENATE ENGROSSED

Introduced by: The Chair of the Committee on Local Government at the request of the Secretary of State

1 **An Act to modify provisions pertaining to the submission of a nominating petition.**

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

3 **Section 1. That § 9-13-7 be AMENDED:**

4 **9-13-7.** No candidate for elective municipal office may be nominated unless a
 5 nominating petition is filed with the finance officer no later than five p.m. on the last Friday
 6 in February preceding the day of election. ~~The petition shall be considered filed if it is~~
 7 ~~mailed by registered mail by five p.m. on the last Friday in February before the election.~~
 8 ~~The petition shall contain the name, residence address, and mailing address of the~~
 9 ~~candidate and the office for which the candidate is nominated and shall~~ The petition must
 10 be on the form prescribed by the State Board of Elections. ~~The signer's, and must contain:~~

11 (1) The name of the candidate;

12 (2) The candidate's residential address;

13 (3) The candidate's mailing address, if applicable; and

14 (4) The office for which the candidate is to be nominated.

15 _____ If an individual who signs a petition lives within a second-class or third-class
 16 municipality, the individual may give the individual's post office box number ~~may be given~~
 17 ~~in lieu of a street address if the signer lives within a municipality of the second or third~~
 18 ~~class.~~

19 The finance officer may only accept a nominating petitions that are ~~petition that is~~
 20 ~~on the prescribed form and were~~ was ~~circulated and submitted pursuant to the provisions~~
 21 ~~in chapters 9-13 of this chapter and chapter 12-6.~~ Upon verification signed by the
 22 ~~municipal finance officer or clerk~~ The municipal finance officer or clerk shall verify by
 23 signature ~~that the nominating petition contains the minimum number of signatures of~~
 24 ~~registered voters within either the municipality or ward, or both, and that the candidate~~
 25 ~~is a registered voter within either the municipality or ward, or both.~~ Upon verification by

1 the municipal finance officer or clerk, the filing of ~~the~~ a nominating petition constitutes
 2 nomination.

3 **Section 2. That § 12-6-4 be AMENDED:**

4 **12-6-4.** Except as provided by § 12-5-4 and as may be otherwise provided in
 5 chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either
 6 or both the primary or general election, other than a presidential election, may have that
 7 ~~person's~~ candidate's name printed upon the official primary election ballot of that ~~person's~~
 8 candidate's party, unless a petition has been filed on ~~that person's~~ behalf of the candidate
 9 after December ~~thirty first~~ first and by the ~~last third~~ Tuesday of March at five p.m. local
 10 time before the date of the primary election. ~~If the petition is mailed by registered mail~~
 11 ~~by the last Tuesday of March at five p.m. local time before the primary election, the~~
 12 ~~petition shall be considered timely submitted.~~

13 A nominating petition for national convention delegates and alternates as provided
 14 in § 12-5-3.11 ~~shall must~~ be filed in accordance with the provisions of this section.
 15 ~~Nominating petitions for all party and public offices~~ A nominating petition for any party or
 16 public office, except legislative and judicial offices ~~shall, must~~ be filed ~~in the office of~~ with
 17 the county auditor of the county in which the person is a candidate. ~~Nominating petitions~~
 18 A nominating petition for any legislative ~~and or~~ judicial office ~~whether elected in one or~~
 19 ~~more counties, and all other party and public offices to be, or any other public or party~~
 20 office that is voted on in more than one county ~~shall be filed in the Office of the Secretary~~
 21 of State, must be filed with the secretary of state.

22 **Section 3. That § 12-6-8.1 be AMENDED:**

23 **12-6-8.1.** Any ~~person~~ candidate may ~~have his or her name withdrawn~~ withdraw
 24 the candidate's name from the primary election by making a written request under oath.
 25 ~~The request shall be filed~~ candidate shall file the request with the officer with whom the
 26 nominating petition was filed pursuant to § 12-6-4, not later than two days after the ~~last~~
 27 third Tuesday in March at five ~~p.m.~~ p.m. local time. If the request is mailed by registered
 28 mail not later than two days after the ~~last third~~ Tuesday in March at five p.m. local time,
 29 the request is properly filed. ~~No~~ A name ~~that is~~ withdrawn pursuant to this section may
 30 not be printed on the ballots to be used at the election.