



## 2025 South Dakota Legislature

# House Bill 1182

Introduced by: **Representative Rice**

1 **An Act to provide for the recall of a member of a board of a school district.**

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

3 **Section 1. That a NEW SECTION be added to chapter 13-7:**

4 In order to recall a member of a board of a school district, a petition signed by  
 5 fifteen percent of the registered voters of the school district, based upon the total number  
 6 of registered voters at the last preceding general election, must be filed with the business  
 7 manager of the school district. The business manager shall present the petition to the  
 8 board at the next regularly scheduled meeting of the board.

9 A member of a board of a school district may be removed for:

- 10 (1) Crimes in office;  
 11 (2) Corruption;  
 12 (3) Drunkenness;  
 13 (4) Gross incompetency;  
 14 (5) Gross partiality;  
 15 (6) Malfeasance;  
 16 (7) Misconduct;  
 17 (8) Nonfeasance;  
 18 (9) Oppression; or  
 19 (10) Theft.

20 The petition must contain a specific statement of the grounds on which removal is  
 21 sought. The Board of Elections shall prescribe the form of the school board recall petition.

22 A signature on a petition is not valid if the individual signed the petition more than  
 23 sixty days before the petition is filed. The petition signatures may be challenged in the  
 24 manner established in §§ 12-1-13 to 12-1-16, inclusive.

25 **Section 2. That a NEW SECTION be added to chapter 13-7:**

1           Failure to challenge petition signatures pursuant to §§ 12-1-13 to 12-1-16,  
2           inclusive, does not prohibit an interested party from challenging the filing of the recall  
3           petition or the sufficiency of the specific statement of the grounds on which removal is  
4           sought. A challenge to the recall petition regarding the specific statement of the grounds  
5           on which removal is sought must be filed in circuit court within five business days of the  
6           filing of the recall petition. The circuit court shall conduct an expedited declaratory  
7           judgement hearing with no right to trial by jury.

8           **Section 3. That a NEW SECTION be added to chapter 13-7:**

9           The board of the school district shall, within ten days of presentation of the recall  
10          petition, order and fix a date for holding a special election. The special election must be  
11          held on a Tuesday between thirty and fifty days from the date of the order of the board.  
12          If a petition is filed within ninety days of the annual school district election, the question  
13          of removal must be submitted at the annual election.

14          The business manager shall publish notice of the election as provided in § 13-7-8.

15          **Section 4. That a NEW SECTION be added to chapter 13-7:**

16          Unless the incumbent requests otherwise in writing, the business manager shall  
17          place the incumbent's name on the official ballot without nomination. The business  
18          manager shall place on the official ballot the name of any other candidate nominated, as  
19          provided in this chapter. If no other candidate is nominated for the position, a recall  
20          election may not be held, and the incumbent remains in office.

21          **Section 5. That a NEW SECTION be added to chapter 13-7:**

22          If the incumbent is elected, the incumbent continues in office and is not obliged to  
23          qualify, pursuant to § 13-8-14, to serve the remainder of the incumbent's term.

24          If a candidate other than the incumbent is elected, the incumbent is removed from  
25          office when:

26          (1) The candidate qualifies for office; or

27          (2) The candidate's time to qualify for office expires.

28          If a candidate other than the incumbent is elected, the candidate must qualify for  
29          office within ten days of receiving the notification of election. If the candidate fails to  
30          qualify for the office, the office is deemed vacant.

31          **Section 6. That a NEW SECTION be added to chapter 13-7:**

- 1 The individual who succeeds a removed member of a board of a school district
- 2 holds the office during the remainder of the removed member's unexpired term.