



## 2025 South Dakota Legislature

# Senate Bill 173

Introduced by: **Senator Wheeler**

1 **An Act to revise the process by which a recount may be requested.**

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

3 **Section 1. That § 12-21-11 be AMENDED:**

4 **12-21-11.** If any legislative district comprises more than one county, any  
 5 candidate for election to or nomination for the Legislature who, according to the official  
 6 returns, has been defeated by a margin not exceeding two percent of the total vote cast  
 7 for all candidates for ~~such~~ the office may, within three days after completion of the official  
 8 canvass ~~of the returns, file a petition as set forth in § 12-21-10 with the county auditor of~~  
 9 ~~each county~~ by the State Board of Canvassers, file a petition with the secretary of state,  
 10 setting forth that the candidate believes a recount will change the result and that all the  
 11 votes cast for the office or nomination should be recounted. The secretary of state shall  
 12 notify the county auditor of each county that has precincts included in the petition. Each  
 13 county auditor shall then conduct a recount.

14 Notwithstanding § 12-21-20, if the recount is for a legislative district comprising  
 15 more than one county and the candidate expresses to the county auditor in writing to be  
 16 present at each county's recount, the board shall convene at the time and date determined  
 17 by mutual agreement between the county auditor and candidate. ~~All such recounts shall~~

18 A recount conducted pursuant to this section must be completed within fourteen  
 19 days following the filing of the petition.

20 **Section 2. That § 12-21-12 be AMENDED:**

21 **12-21-12.** If any candidate for an office, position, or nomination other than the  
 22 Legislature is voted upon in more than one county, and has been defeated,  according to  
 23 the official returns, by a margin which does not exceed one-fourth of one percent of the  
 24 total vote cast for all candidates for ~~such~~ the office, position, or nomination, the candidate  
 25 may,  within three days after completion of the official canvass by the State Board of

1 Canvassers~~z~~ file a petition with the secretary of state~~z~~, setting forth that the candidate  
 2 believes a recount will change the result and that all of the votes cast for the office,  
 3 position, or nomination should be recounted. The secretary of state shall~~, by registered or~~  
 4 ~~certified mail~~, notify each county auditor that has precincts included in the petition. Each  
 5 county auditor shall then conduct a recount.

6 **Section 3. That § 12-21-14 be AMENDED:**

7 **12-21-14.** Whenever any referred or submitted question is voted upon throughout  
 8 the state and is determined according to the official canvass by a margin of not exceeding  
 9 one-fourth of one percent of the total vote cast for and against on such question, there  
 10 may be filed with the secretary of state within ten days after the completion of the official  
 11 canvass by the State Board of Canvassers~~z~~, a petition signed by not less than one thousand  
 12 registered voters of the state, and representing at least five counties of the state, setting  
 13 forth that petitioners believe a recount will change the result and ~~praying that such recount~~  
 14 ~~shall be had in all the precincts involved. Such~~ that all votes cast on the question should  
 15 be recounted.

16 The petition may consist of different petitions bound together and signed and  
 17 verified substantially as provided by law with regard to petitions to invoke the referendum.  
 18 Upon the filing of ~~such~~ the petition, the secretary of state shall ~~forthwith by registered or~~  
 19 ~~certified mail~~ notify each county auditor whose county voted upon the question and ~~such~~  
 20 the recount ~~shall then~~ must be conducted in all of the precincts in each of ~~such~~ counties.

21 **Section 4. That § 12-21-15 be AMENDED:**

22 **12-21-15.** Whenever according to the official returns as publicly announced and  
 23 compiled, although not yet officially canvassed, it fairly appears that one group of  
 24 candidates for presidential electors has been elected over another group of ~~such~~  
 25 candidates by a margin not exceeding one-fourth of one percent of the total of votes cast  
 26 for both ~~such~~ groups of candidates, the chairman of the state central committee of the  
 27 political party ~~which nominated either of such~~ that nominated the groups of candidates,  
 28 or any two or more candidates of either ~~such~~ group, may file with the secretary of state  
 29 at any time after the election and prior to the canvass by the State Board of Canvassers,  
 30 a petition setting forth that in the opinion of the petitioner or petitioners all votes cast for  
 31 presidential electors should be recounted.

1           Upon the filing of ~~such~~ the petition, the secretary of state shall ~~forthwith~~ ~~by~~  
2           ~~registered or certified mail~~ notify each county auditor in the state ~~thereof~~, ~~and~~ ~~such~~, and  
3           the recount ~~shall then~~ must be conducted in all of the precincts in all of ~~such~~ the counties.