



2025 South Dakota Legislature
Senate Bill 173
ENROLLED

AN ACT

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

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

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

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

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

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

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

12-21-12. If any candidate for an office, position, or nomination other than the Legislature is voted upon in more than one county, and has been defeated, according to the official returns, by a margin which does not exceed one-fourth of one percent of the total vote cast for all candidates for the office, position, or nomination, the candidate may, within three days after completion of the official canvass by the State Board of Canvassers, file a petition with the secretary of state, setting forth that the candidate believes a recount

will change the result and that all of the votes cast for the office, position, or nomination should be recounted. The secretary of state shall notify each county auditor that has precincts included in the petition. Each county auditor shall then conduct a recount.

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

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

The petition may consist of different petitions bound together and signed and verified substantially as provided by law with regard to petitions to invoke the referendum. Upon the filing of the petition, the secretary of state shall notify each county auditor whose county voted upon the question and the recount must be conducted in all of the precincts in each of the counties.

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

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

Upon the filing of the petition, the secretary of state shall notify each county auditor in the state, and the recount must be conducted in all of the precincts in all of the counties.

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

I certify that the attached Act originated in
the:
Senate as Bill No. 173

Received at this Executive Office
this ____ day of _____,
2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

Office of the Secretary of State

ss.

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 173
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State