



2026 South Dakota Legislature

Senate Bill 34

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

1 **An Act to amend provisions pertaining to conducting a municipal or school district**
 2 **election and to declare an emergency.**

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

4 **Section 1. That a NEW SECTION be added to chapter 9-13:**

5 For purposes of this chapter, "in conjunction with" is a temporal phrase that refers
 6 to the timing of an election.

7 For purposes of this chapter, "combined with" refers to the sharing of governmental
 8 responsibilities for an election.

9 **Section 2. That § 9-13-4.1 be AMENDED:**

10 **9-13-4.1.** ~~No person~~ An individual may not vote at ~~any a~~ a municipal election unless
 11 ~~the person individual~~ is registered to vote as a voter of the municipality, pursuant to
 12 ~~chapter 12-4, and resides in~~ is a resident of the municipality at the time of the election.

13 ~~For the purposes of this section, a person resides in~~ an individual is a resident of
 14 ~~the municipality if the person actually lives~~ individual:

15 (1) Lives in the municipality for at least thirty days each year ~~is;~~

16 (2) Is a full-time postsecondary education student who ~~resided in~~ was a resident of the
 17 municipality immediately prior to leaving for the postsecondary education ~~or is;~~ or

18 (3) Is on active duty as a member of the armed forces ~~whose~~ and the individual's home
 19 of record is within the municipality. ~~A voter's qualification as a resident may be~~
 20 ~~challenged in the manner provided in § 12-18-10.~~

21 No election may be contested on the grounds that ~~any a~~ a nonresident was allowed
 22 ~~to vote if the nonresident was not challenged in the manner provided in § 12-18-10.~~

23 **Section 3. That a NEW SECTION be added to chapter 9-13:**

1 If the governing body of the municipality and the board of county commissioners
 2 of a county in which the municipality is located have agreed to combine the municipal
 3 election with a primary or general election, pursuant to § 9-13-37, and have agreed to
 4 use the same ballot for the offices, ballot questions, and other contests of each jurisdiction,
 5 an individual's right to vote in the municipal election may be challenged only on the
 6 grounds provided in § 12-18-10.

7 An individual's right to vote in the election may also be challenged as to whether
 8 the individual is a resident of the municipality, if the municipal election is:

9 (1) Combined with a primary or general election, but is conducted using separate
 10 ballots for the offices, ballot questions, and other contests of each jurisdiction;

11 (2) Combined with a regular school district election, regardless of whether the election
 12 is conducted using the same ballots for the offices, ballot questions, and other
 13 contests of each jurisdiction; or

14 (3) Not combined with any other election.

15 Any challenge to an individual's qualifications as a voter must be conducted before
 16 the precinct election board in the manner provided in § 12-18-10.

17 **Section 4. That § 9-13-6 be AMENDED:**

18 **9-13-6.** The finance officer of the municipality shall have a notice published in the
 19 official newspaper of the municipality setting forth the vacancies that ~~will~~ are to occur by
 20 termination of the terms of office of elective officers. The notice must also state the time
 21 and place where nominating petitions may be filed for the offices. The notice must be
 22 published once each week for two consecutive weeks ~~between~~ no earlier than the fifteenth
 23 day ~~and nor later than~~ the thirtieth day ~~of the month six months before the election;~~

24 (1) January, for an election held on the first Tuesday after the first Monday in June; or

25 (2) June, for an election held on the first Tuesday after the first Monday in November.

26 **Section 5. That § 9-13-13 be AMENDED:**

27 **9-13-13.** A notice of each municipal election ~~shall~~ must be published once each
 28 week for two successive weeks, ~~the first publication may not be less than ten days prior~~
 29 ~~to the election.~~ The last notice must be published no earlier than four nor later than ten
 30 days before the election. A facsimile of the official ballot ~~shall~~ must be published ~~in the~~
 31 ~~calendar week~~ at least once within the two calendar weeks prior to each election. The
 32 notice and ballot ~~shall~~ must be published in ~~the~~ each official newspaper ~~or newspapers of~~
 33 ~~the municipality as designated in~~ pursuant to § 9-12-6.

1 If no newspaper is published in the municipality, the notice ~~shall~~ must also be
2 posted in three of the most public places in the municipality.

3 **Section 6. That § 9-13-21 be AMENDED:**

4 **9-13-21.** The finance officer shall prepare and furnish, at the expense of the
5 municipality, all official ballots. The quantity of ballots provided ~~shall~~ must be at least ten
6 percent more than the number of voters at the last comparable election. The ballots ~~shall~~
7 must be as prescribed by the State Board of Elections, of good quality ~~of~~ print paper,
8 printed in black ink, and in the English language only.

9 ~~The~~ Except as otherwise provided in this section, the finance officer shall make the
10 absentee ballots for the municipal elections ~~shall be available for absentee voting election~~
11 available no later than fifteen days prior to election day. If the absentee ballots are for a
12 runoff election, the ballots ~~shall~~ must be available no later than seven days prior to the
13 runoff election day. If a municipality is located within multiple counties, the finance officer
14 of the municipality must make absentee ballots available for a uniform period of time
15 across the entire municipality. If the governing body of the municipality and the board of
16 county commissioners of at least one county in which the municipality is located have
17 agreed to combine a municipal election with a primary or general election, pursuant to
18 § 9-13-37, and have agreed to use the same ballot for the offices, ballot questions, and
19 other contests of each jurisdiction, the finance officer must make absentee ballots
20 available forty-six days before election day across the entire municipality. Absentee voting
21 ~~shall~~ must be conducted pursuant chapter 12-19.

22 The names of the candidates for each office to be voted for in the precinct ~~shall~~
23 must be arranged without any other designation than that of the office for which they are
24 candidates. If more than one member of the governing body is to be elected, the ballot
25 ~~shall~~ must contain instructions as to how many candidates ~~for the governing body are to~~
26 ~~be voted for~~ a voter may vote for. The finance officer shall determine, by lot, each
27 candidate's position on the ballot. Each candidate may be present or represented when
28 the position on the ballot is being determined.

29 No candidate's name may be printed upon the official ballot unless the candidate
30 has been nominated as provided in this chapter.

31 **Section 7. That § 13-7-4.2 be AMENDED:**

32 **13-7-4.2.** ~~No person~~ An individual may not vote at ~~any~~ a school district election
33 unless the ~~person~~ individual is registered ~~to vote~~ as a voter of the school district, pursuant

1 to chapter 12-4 ~~and resides in,~~ and is a resident of the school district at the time of the
2 election.

3 For ~~the~~ purposes of this section, ~~a person resides in~~ an individual is a resident of
4 the school district if the ~~person actually lives~~ individual:

5 (1) Lives in the school district for at least thirty days each year, ~~is;~~

6 (2) Is a full-time postsecondary education student who ~~resided in~~ was a resident of the
7 school district immediately prior to leaving for the postsecondary education, ~~or is;~~
8 or

9 (3) Is on active duty as a member of the armed forces ~~whose~~ and the individual's home
10 of record is within the school district. ~~A voter's qualification as a resident may be~~
11 ~~challenged in the manner provided in § 12-18-10.~~

12 No election may be contested on the grounds that ~~any~~ a nonresident was allowed
13 to vote if the nonresident was ~~not~~ challenged in the manner provided in § 12-18-10.

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

15 If the board of a school district and the board of county commissioners of a county
16 in which the school district is located have agreed to combine the school district election
17 with a primary or general election, pursuant to § 13-7-10.3, and have agreed to use the
18 same ballot for the offices, ballot questions, and other contests of each jurisdiction, an
19 individual's right to vote in the school district election may be challenged only on the
20 grounds provided in § 12-18-10.

21 An individual's right to vote in the election may also be challenged as to whether
22 the individual is a resident of the school district, if the school district election is:

23 (1) Combined with a primary or general election, but is conducted using separate
24 ballots for the offices, ballot questions, and other contests of each jurisdiction;

25 (2) Combined with a municipal election, regardless of whether the election is
26 conducted using the same ballots for the offices, ballot questions, and other
27 contests of each jurisdiction; or

28 (3) Not combined with any other election.

29 Any challenge to an individual's qualifications as a voter must be conducted before
30 the precinct election board in the manner provided in § 12-18-10.

31 **Section 9. That § 13-7-5 be AMENDED:**

32 **13-7-5.** ~~Between the fifteenth day and the thirtieth day of the month six months~~
33 ~~before the election, except in the case of the joint election as provided in § 13-7-10.1, the~~

1 The business manager of each school district shall publish once each week for two
 2 consecutive weeks in the official newspaper, a notice setting forth the vacancies that~~will~~
 3 are to occur by termination of the terms of the elective or appointive school board
 4 members. The notice must be published no earlier than the fifteenth nor later than the
 5 thirtieth day of:

- 6 (1) January, for an election held on the first Tuesday after the first Monday in June; or
- 7 (2) June, for an election held on the first Tuesday after the first Monday in November.

8 If the vacancies set forth in the notice exist within a new school board of a newly
 9 created school district pursuant to § 13-6-62, the county auditor of the county having
 10 jurisdiction over the election must publish the notice once each week for two consecutive
 11 weeks at least one month preceding the election. The notice must also state the time and
 12 place where nominating petitions for school board membership may be filed.

13 **Section 10. That § 13-7-8 be AMENDED:**

14 **13-7-8.** The business manager of the school district shall publish in the official
 15 newspaper notices of an election once each week for two consecutive weeks ~~with the first~~
 16 ~~publication not less than ten days.~~ The last notice must be published no earlier than four
 17 nor later than ten days before the election. The notice ~~shall~~ must state the date of the
 18 coming school election; ~~the vacancies to be filled with terms of each;~~ the candidates who
 19 have filed for these vacancies; questions, if any, to be submitted at the election; and the
 20 location of polling places.

21 A facsimile of the official ballot ~~shall be published in the calendar week prior to~~
 22 each election must be published at least once within the two calendar weeks before an
 23 election.

24 **Section 11. That a NEW SECTION be added to chapter 13-7:**

25 For purposes of this chapter, "in conjunction with" is a temporal phrase that refers
 26 to the timing of an election.

27 For purposes of this chapter, "combined with" refers to the sharing of expenses
 28 and governmental responsibilities for an election.

29 **Section 12. That § 13-7-13 be AMENDED:**

30 **13-7-13.** The business manager of the school district shall provide proper ballots,
 31 pollbooks, voting booths, and necessary supplies as required by law to the proper election

1 officials on election day. The ballots ~~shall~~ must be as prescribed by the State Board of
 2 Elections. The ~~quantity~~ number of ballots provided ~~shall~~ must be equal to at least ten
 3 percent more than the number of voters at the last comparable election. No party
 4 affiliation may appear on the ballot ~~and the~~. The names of the candidates for the respective
 5 vacancies ~~shall~~ must be printed on the ballot.

6 Each candidate's position on the ballot ~~shall be~~ is to be chosen by lot by the
 7 business manager and each candidate may be present or represented when the position
 8 on the ballot is being determined. ~~The~~

9 Except as otherwise provided in this section, the school district business manager
 10 shall make the absentee ballots for the school elections shall be available for absentee
 11 voting district election available no later than fifteen days prior to election day. If a school
 12 district is located in multiple counties, the business manager of the school district must
 13 make absentee ballots available for a uniform period of time across the entire school
 14 district. If the board of the school district and the board of county commissioners of at
 15 least one county in which the school district is located have agreed to combine the school
 16 district election with a primary or general election, pursuant to § 13-7-10.3, and have
 17 agreed to use the same ballot for the offices, ballot questions, and other contests of each
 18 jurisdiction, the business manager must make absentee ballots available forty-six days
 19 before election day across the entire school district.

20 **Section 13.** Whereas, sections 1, 2, 3, 6, 7, 8, 11, and 12 of this Act are necessary for the
 21 immediate preservation of the public peace, health, or safety, an emergency is hereby
 22 declared to exist, and sections 1, 2, 3, 6, 7, 8, 11, and 12 of this Act shall be in full force and
 23 effect from and after its passage and approval.

24 **Section 14.** Sections 4, 5, 9, and 10 of this Act are effective beginning December 1, 2026.