



2026 South Dakota Legislature

Senate Bill 138

Introduced by: **Senator Hulse**

1 **An Act to revise the time within which a recount for a school board election must be**
 2 **completed.**

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

4 **Section 1. That § 13-7-19.2 be AMENDED:**

5 **13-7-19.2.** If any candidate for the school board is defeated by a margin not
 6 exceeding two percent of the total votes cast for all candidates for the office, the candidate
 7 may, within five days after completion of the official canvass, file with the business
 8 manager of the school district a written request for a recount. Upon receipt of a recount
 9 request, the business manager shall ~~set:~~

10 ~~(1) Set the time and place for a recount. A recount board shall be established~~
 11 ~~consisting of one person chosen by each candidate declared elected and; and~~

12 ~~(2) Appoint a recount board.~~

13 The business manager shall appoint to the recount board one individual chosen by
 14 each candidate who is eligible to request a recount. If this participate in the recount.

15 If the recount board consists of an even number of persons, the business manager
 16 must appoint one additional recount board member shall be appointed by the business
 17 manager who shall be mutually. The additional board member appointed by the business
 18 manager must be agreeable to each candidate involved in the recount. If the additional
 19 board member appointed by the business manager is not agreeable to each candidate
 20 involved in the recount, the secretary of state shall appoint the additional member.

21 ~~The person individual~~ having custody of the ballot boxes containing the ballots to
 22 be recounted shall produce the ballot boxes ~~before~~ when the recount board. ~~All convenes.~~
 23 The recount board shall resolve all questions arising on the recount shall be determined
 24 by majority vote of the recount board. The recount shall must proceed as expeditiously as
 25 reasonably possible until completed.

- 1 Any recount conducted under this section must be completed before the annual
- 2 meeting of the board held pursuant to § 13-8-10.