

2026 South Dakota Legislature

House Bill 1095**AMENDMENT 1095C
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to modify provisions pertaining to the submission of a nominating petition**
2 **~~and to declare an emergency.~~**

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

4 **Section 1. That § 9-13-7 be AMENDED:**

5 **9-13-7.** No candidate for elective municipal office may be nominated unless the
6 candidate files a nominating petition with the municipal finance officer no later than five
7 p.m. ~~on the Tuesday seventy days before the date of the election. A petition is considered~~
8 ~~filed if it is mailed by registered mail by five p.m. on the last day to file a petition local~~
9 time, on the third Tuesday of March, for an election held on the first Tuesday after the
10 first Monday in June, or before five p.m. local time, on the third Tuesday of August for an
11 election held on the first Tuesday after the first Monday in November.

12 The petition must be on the form prescribed by the State Board of Elections and
13 must contain:

- 14 (1) The name of the candidate;
15 (2) The candidate's residential address;
16 (3) The candidate's mailing address, if applicable; and
17 (4) The office the candidate seeks.

18 If an individual who signs a petition lives within a second-class or third-class
19 municipality, the individual may give the individual's post office box number in lieu of a
20 street address.

21 The finance officer may only accept a nominating petition that is on the prescribed
22 form and was circulated and submitted pursuant to the provisions of this chapter and
23 chapter 12-6. The municipal finance officer or clerk shall verify by signature that the
24 nominating petition contains the minimum number of signatures of registered voters
25 within the municipality or ward, and that the candidate is a registered voter within the

1 municipality or ward. Upon verification, the filing of a nominating petition constitutes
2 nomination.

3 **Section 2. That § 9-13-7.1 be AMENDED:**

4 ~~**9-13-7.1.** Any person who has filed a nominating petition pursuant to § 9-13-7~~
5 ~~may withdraw from the nomination by a written request, signed by the person and~~
6 ~~properly acknowledged and filed with the finance officer of the municipality. The name of~~
7 ~~a withdrawn or deceased candidate may not be printed on the ballot if the candidate~~
8 ~~withdraws or dies no later than five p.m. on the deadline day for filing nominating~~
9 ~~petitions. If the withdrawal or death of a candidate occurs at any time prior to five p.m.~~
10 ~~on the deadline day for filing nominating petitions results in there being no contest on the~~
11 ~~ballot, that ballot need not be voted. In addition, if that contest constitutes the only ballot~~
12 ~~to be voted upon, then the election shall be canceled by the official in charge of the election~~
13 ~~and the unopposed candidate shall be issued a certificate of election.~~

14 Any candidate who has filed a nominating petition pursuant to § 9-13-7 may
15 withdraw from the nomination by making a written request under oath. The candidate
16 shall file the request with the municipal finance officer. The finance officer may not print
17 the name of a candidate if the candidate withdraws or dies before five p.m. local time, on
18 the first Thursday after the deadline for filing a nominating petition.

19 If the death or withdrawal of a candidate at any time before the withdrawal
20 deadline results in the number of nominating petitions filed for the vacant position to be
21 equal to or less than the number of vacancies, the contest may not be placed on the ballot,
22 and the finance officer must issue a certificate of election to the unopposed candidate. If
23 that contest is the only contest to be voted upon, the finance officer must cancel the
24 election.

25 **Section 3. That § 9-13-37 be AMENDED:**

26 **9-13-37.** Any other provision of this chapter notwithstanding, the governing body
27 of a municipality shall, in even-numbered years, hold the general municipal election in
28 conjunction with the regular June primary election or the regular November general
29 election. The expenses and governmental responsibilities of a combined election must be
30 shared in a manner agreed upon by the governing body of the municipality and the board
31 of county commissioners involved.

32 A nominating petition may not be circulated for signatures ~~more than four months~~
33 ~~before the election~~ before January first, for an election held on the first Tuesday after the

1 first Monday in June, or June first, for an election held on the first Tuesday after the first
2 Monday in November.

3 A nominating petition must be filed under the provisions of § 9-13-7 ~~at least~~
4 ~~seventy days before the election~~ before five p.m. local time on:

5 (1) The third Tuesday of March, for an election held on the first Tuesday after the first
6 Monday in June; or

7 (2) The third Tuesday of August, for an election held on the first Tuesday after the first
8 Monday in November.

9 The finance officer shall certify to the appropriate county auditor the ~~candidate~~
10 ~~names and ballot language to be voted on by the Thursday sixty eight days before the~~
11 ~~election~~ name of each candidate who has qualified to be on the ballot and each ballot
12 question to be submitted to the voters, on or before the first Friday after the deadline for
13 filing the nominating petitions.

14 **Section 4. That § 12-5-3.11 be AMENDED:**

15 **12-5-3.11.** ~~If a the bylaws of a political party has no prescribed method of~~
16 ~~selection of slates do not prescribe a method of selecting a slate of delegates and~~
17 ~~alternates to its the party's national convention, the slates of delegates and alternates to~~
18 ~~the national convention shall must be elected by the primary. Names of candidates for~~
19 ~~delegates and alternates to the national convention, in number equal to the entire number~~
20 ~~of the delegates and alternates to be selected, shall be~~

21 The number of candidates comprising a slate of delegates and alternates must:

22 (1) Equal the number of delegates and alternates required to be selected from the
23 state; and

24 (2) Be grouped in a slate upon a single nominating petition, under the respective
25 ~~designations upon a single nominating petition.~~

26 The nominating petition ~~shall~~ for a slate of delegates and alternates must contain
27 a statement indicating the ~~candidates for delegates~~ candidates' collective preference
28 choice for ~~President~~ president of the United States, ~~if any, or~~ or that the candidates have no
29 preference, or that the candidates are uncommitted. ~~No name of any candidate for~~
30 ~~delegate or alternate may be filed in~~ may be listed on the nominating petition of more
31 than one slate.

32 The nominating petition for a slate of delegates and alternates to a party's national
33 convention must be filed with the secretary of state after December thirty first and before

1 five p.m. central time on the third Tuesday of March before the date of the primary
2 election.

3 **Section 5. That § 12-6-4 be AMENDED:**

4 ~~12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in~~
5 ~~chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either~~
6 ~~or both the primary or general election, other than a presidential election, may have that~~
7 ~~person's name printed upon the official primary election ballot of that person's party,~~
8 ~~unless a petition has been filed on that person's behalf after December thirty-first and by~~
9 ~~the last Tuesday of March at five p.m. local time before the date of the primary election.~~
10 ~~If the petition is mailed by registered mail by the last Tuesday of March at five p.m. local~~
11 ~~time before the primary election, the petition shall be considered timely submitted.~~

12 ~~A nominating petition for national convention delegates and alternates as provided~~
13 ~~in § 12-5-3.11 shall be filed in accordance with the provisions of this section. Nominating~~
14 ~~petitions for all party and public offices except legislative and judicial offices shall be filed~~
15 ~~in the office of the county auditor of the county in which the person is a candidate.~~
16 ~~Nominating petitions for legislative and judicial office whether elected in one or more~~
17 ~~counties, and all other party and public offices to be voted on in more than one county~~
18 ~~shall be filed in the Office of the Secretary of State.~~

19 Except as otherwise provided by § 12-5-4 and chapter 12-9, a candidate for
20 nomination or election to any office, other than a presidential election, may not have the
21 candidate's name printed on the official primary election ballot of the candidate's political
22 party, unless a petition has been filed on the candidate's behalf after December thirty-
23 first, but before five p.m. local time on the third Tuesday of March before the date of the
24 primary election.

25 A nominating petition must be filed:

26 (1) With the secretary of state, for:

27 (a) A legislative or judicial office; and

28 (b) Any office to be voted on by the voters of more than one county; and

29 (2) With the auditor of the county in which the individual is a candidate, for all county
30 offices.

31 **Section 6. That § 12-6-8.1 be AMENDED:**

32 ~~12-6-8.1. Any person may have his or her name withdrawn~~ candidate may
33 withdraw the candidate's name from the primary election by making a written request

1 under oath. The candidate shall file the request ~~shall be filed~~ with the officer with whom
2 the nominating petition was filed pursuant to § 12-6-4, ~~not later than two days after the~~
3 ~~last Tuesday in March at five p.m. If the request is mailed by registered mail not later~~
4 ~~than two days after the last Tuesday in March at five p.m., the request is properly filed.~~
5 No, before five p.m. local time, on the first Thursday after the deadline for filing a
6 nominating petition.

7 A name that is withdrawn pursuant to this section may not be printed on the ballots
8 to be used at the election.

9 **Section 7. That § 13-7-6 be AMENDED:**

10 **13-7-6.** No candidate for elective school board membership may be nominated
11 unless the candidate is a resident voter of the school district and unless the candidate files
12 a nominating petition with the business manager of the school district. The candidate must
13 file the nominating petition ~~no later than five p.m. on the Tuesday seventy days before~~
14 ~~the date of the election. The petition is considered timely filed if the petition is mailed by~~
15 ~~registered mail by five p.m. on the Tuesday seventy days before the date of the election~~
16 before five p.m. local time, on the third Tuesday of:

- 17 (1) March, for an election held on the first Tuesday after the first Monday in June; or
18 (2) August, for an election held on the first Tuesday after the first Monday in
19 November.

20 The candidate shall sign a formal declaration of candidacy before the circulation of
21 the petition. The petition must be signed by at least twenty voters of the school district or
22 if the school district is divided into school board representation areas, the petition must
23 be signed by at least twenty voters who reside within the school board representation
24 area. ~~A nominating petition may not be circulated more than four months before the~~
25 ~~election. If the election is held on the first Tuesday after the first Monday in June, the~~
26 candidate may not circulate a nominating petition before January first. If the election is
27 held on the first Tuesday after the first Monday of November, the candidate may not
28 circulate a nominating petition before June first.

29 An individual who signs a petition or the petition circulator shall write the
30 individual's place of residence and date of signing. The petition circulator must verify the
31 petition under oath.

32 The business manager shall verify by signature that the candidate is a resident
33 voter of the school district and that the nominating petition contains the minimum number
34 of signatures. Upon verification by the business manager, the filing of the nominating

petition constitutes nomination and entitles the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition.

Section 8. That § 13-7-7 be AMENDED:

~~13-7-7. Any person who has filed a nominating petition pursuant to § 13-7-6 may withdraw from nomination by request in writing signed by the person and properly acknowledged and filed with the election official of the school district by five p.m. on the deadline day for filing nominating petitions. No name withdrawn may be printed on the ballots to be used.~~

Any candidate who has filed a nominating petition pursuant to § 13-7-6 may withdraw from the nomination by making a written request under oath. The candidate shall file the request with the school district's business manager. The business manager may not print the name of a candidate if the candidate withdraws or dies before five p.m. local time on the first Thursday after the deadline for filing a nominating petition.

If the death or withdrawal of a candidate at any time before the withdrawal deadline results in the number of nominating petitions filed for the vacant position to be equal to or less than the number of vacancies, the contest may not be placed on the ballot, and the business manager shall issue a certificate of election to the unopposed candidate. If that contest is the only contest to be voted upon, the business manager must cancel the election.

Section 9. That § 13-7-10.3 be AMENDED:

13-7-10.3. Any other provision of this chapter notwithstanding, the board of a school district shall, in even-numbered years, hold the school board election in conjunction with the regular June primary election or the regular November general election. Expenses of a combined election must be shared in a manner agreed upon by the school board and the boards of county commissioners involved. All other governmental responsibilities associated with holding elections under the provisions of title 12 and this chapter must be shared as agreed upon by the board of the school district and the boards of county commissioners involved.

The school election official shall certify to the appropriate county auditors the ~~candidate names and ballot language to be voted on by the Thursday sixty-eight days before the election~~ name of each candidate who has qualified for the ballot and each ballot question to be submitted to the voters, on or before the first Friday after the deadline for filing the nominating petitions.

- 1 **Section 10.** ~~Whereas, this Act is necessary for the immediate preservation of the public~~
2 ~~peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in~~
3 ~~full force and effect from and after its passage and approval.~~

AMENDED