

2026 South Dakota Legislature

House Bill 1285**AMENDMENT 1285A
FOR THE INTRODUCED BILL**

1 **An Act to amend provisions pertaining to the timing of municipal and school district**
2 **elections.**

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

4 **Section 1. That § 9-4-4.7 be AMENDED:**

5 **9-4-4.7.** The governing body shall within ten days after the presentation of a
6 petition pursuant to § 9-4-4.5, fix a date for holding a special election, to be on a Tuesday
7 not less than thirty nor more than fifty days from the date of the order of the governing
8 body. If a petition is filed ~~on or after January first prior to the annual~~ within the ninety
9 days prior to a regular municipal election and within sufficient time to comply with the
10 provisions of § 9-13-14, the question ~~shall~~ must be submitted at that ~~annual municipal~~
11 election. ~~The~~

12 A special election ~~shall~~ must be conducted pursuant to §§ 9-20-12 to 9-20-14,
13 inclusive, and §§ 9-20-16 and 9-20-17, ~~and shall~~ must be under the charge of the
14 municipal finance officer.

15 **Section 2. That § 9-5-3 be AMENDED:**

16 **9-5-3.** ~~Such elections~~ An election on the proposition of consolidating ~~such~~
17 contiguous municipalities as ~~fixed and~~ called by resolution ~~shall~~ must be noticed, held,
18 conducted, and canvassed, as provided for a special or ~~annual~~ regular municipal election
19 ~~as the case be set pursuant to §§ 9-13-1 and 9-13-14, respectively.~~

20 **Section 3. That § 9-5-5 be AMENDED:**

21 **9-5-5.** After the resolutions proposing the plan for annexation ~~shall~~ take effect,
22 the municipality to be annexed ~~shall~~ must, by resolution, submit the question of
23 annexation to the voters of ~~such~~ the municipality, at a special election called for that
24 purpose ~~fixing the date thereof and held pursuant to § 9-13-14, or at the next annual~~

1 regular municipal election set pursuant to § 9-13-1, provided that any ~~such~~ election ~~shall~~
2 must be held within sixty days after the ~~said~~ resolutions proposing the plan for annexation
3 ~~shall~~ take effect.

4 **Section 4. That § 9-5-7 be AMENDED:**

5 **9-5-7.** If a majority of the votes cast in the election held in the municipality
6 ~~desiring~~ to be annexed are in favor of annexation, the governing body of the municipality
7 ~~shall so declare~~ must, by resolution, ~~A,~~ publish the result of the election. The financial
8 officer of the municipality to be annexed shall file a certified copy of the whole proceedings
9 for the annexation shall be filed within ten days after the election with the ~~auditor~~ financial
10 officer of the county in which the annexing municipality ~~to which the annexation is to be~~
11 made is located, within ten days after the election.

12 Upon the filing of the certified copy ~~as provided in this section~~, the governing body
13 of the municipality to which annexation is to be made shall, by resolution, submit the
14 question of annexation to the voters of the municipality at a special election called for that
15 purpose ~~fixing. The resolution must fix~~ the date ~~thereof of the election to be~~ within sixty
16 days after the filing of the certified copy of the proceedings as provided in this section. If
17 the filing is ~~on or after January first prior to the annual~~ certified copy is filed within the
18 ninety days prior to a regular municipal election and within sufficient time to comply with
19 the provisions of ~~§ 9-13-14 chapter 9-13~~, the question ~~shall~~ must be submitted at that
20 annual municipal election.

21 **Section 5. That § 9-6-10 be AMENDED:**

22 **9-6-10.** If the governing body of a municipality with a population of less than one
23 thousand at the time of filing is presented with a petition for dissolution signed by fifteen
24 percent of the registered voters of the municipality, based upon the total number of
25 registered voters at the last preceding general election, the governing body ~~shall~~ must call
26 a special election by giving fifty days' published notice to determine whether the
27 municipality must be dissolved. A signature on the petition is not valid if signed more than
28 six months prior to the filing of the petition. If any petition is presented ~~on or after January~~
29 ~~first prior to the annual~~ within the ninety days prior to a regular municipal election and
30 within sufficient time to comply with the provisions of chapter 9-13, the question of
31 dissolution must be submitted at that ~~annual municipal~~ election.

32 The vote ~~upon the question of dissolution must be by ballot and cast in the manner~~
33 ~~provided in chapter 9-13.~~

Section 6. That § 9-7-3 be AMENDED:

9-7-3. ~~The members~~ A member of the board of trustees ~~shall hold~~ holds office for ~~three~~ a term of four years and until ~~their successors are~~ the member's successor is elected and qualified. A vacancy on the board must be filled as provided in § 9-13-14.1 or 9-13-14.2.

For purposes of staggering terms, when a municipality is organized, the trustees must be elected for terms of ~~one, two, and three~~ or four years ~~respectively~~ at the first annual election. At subsequent elections each trustee must be elected for a term of ~~three~~ four years.

Section 7. That § 9-8-1 be AMENDED:

9-8-1. The chief executive officer of a municipality under the aldermanic form is the mayor. The mayor holds office for a term of ~~not less than two nor more than five~~ two or four years, as determined by ordinance. A mayor may hold office for more than one term.

Section 8. That § 9-8-2 be AMENDED:

9-8-2. If there is a vacancy from any cause in the office of the mayor, the vacancy must be filled by ~~appointment by a motion supported by an affirmative vote of a majority vote of all the aldermen,~~ a motion supported by an affirmative vote of a majority vote of all the aldermen, ~~The motion must be made a meeting of the aldermen held as soon as practicable after the vacancy occurs, to serve. The individual appointed serves as~~ mayor until the office is filled by election for the unexpired term at the next ~~annual municipal regular~~ annual regular election or by special election as provided in § 9-13-14.2. A special election may not be held if the vacancy in the office of the mayor occurs within the twelve months preceding the regular election for the office of the mayor. Until the vacancy is filled, the powers and duties of the mayor are executed by the mayor pro tempore, as provided in § 9-8-13.

A resignation by the mayor must be in writing and must specify the effective date of the resignation. A temporary absence or temporary incapacitation of the mayor is not a vacancy in the office of the mayor.

Section 9. That § 9-8-4 be AMENDED:

9-8-4. The common council consists of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality. The term of

office for each alderman is two years, unless a municipality adopts an ordinance establishing the term of office to be ~~three, four, or five~~ years.

Except as otherwise provided in § 9-8-2, 9-13-14.1, or 9-13-14.2, the mayor and aldermen hold office until their successors are elected and qualified. ~~At the first election of aldermen,~~ If the municipality adopts an ordinance establishing the term of office to be four years, the council ~~shall~~ must, by ordinance, stagger the initial terms of the alderman in each ward ~~to provide prior to the first election of aldermen, so that two the~~ aldermen from the same ward are not up for reelection ~~in the same year.~~ A person at the same election. An individual may hold the office of alderman for more than one term. ~~The A~~ vacancy in the office of an alderman is filled as provided in § 9-13-14.1 or 9-13-14.2.

A resignation by an alderman must be in writing and must specify the effective date of the resignation.

Section 10. That § 9-8-7 be AMENDED:

9-8-7. ~~At the first regular meeting after the annual~~ the regular municipal election ~~in each year held pursuant to § 9-13-1, and after~~ the qualification of the newly elected aldermen, the council shall elect from among its members a president and vice president, who shall hold their respective offices for one year or until a president and vice president are elected the following year, whichever is later. In a year when there is no ~~annual~~ election, the council shall elect from among its members a president and vice president at the first regular meeting that occurs no more than one year after the president and vice president were last elected from among the council's members.

If an emergency prevents the first regular meeting from occurring, the election must take place at either the next regular meeting or a special meeting. If there is a vacancy in the office of the president, the council must elect a president from among its members at the first regular or special meeting that occurs after the vacancy occurred.

If there is a vacancy in the office of the vice president, the council must elect a vice president from among its members at the first regular or special meeting that occurs after the vacancy occurred. If the vacancy in the office of the vice president occurs during a meeting, the council may choose to elect a vice president from among its members during the same meeting.

Section 11. That § 9-9-3 be AMENDED:

9-9-3. The term of office of the mayor and commissioners is ~~not less than two or more than five~~ four years, as determined by ordinance, except that at the first election

after the adoption of the commission form of government, the mayor's term must be for ~~five~~ four years and the commissioners must be elected for staggered terms. If the number of commissioners is four, ~~one must be elected for one year, one two must be elected~~ for two years, ~~one for three years, and one~~ and two for four years. If the number of commissioners is two, one must be elected for two years and one for four years. At the ~~annual~~ election preceding the expiration of the term of office of the mayor or any commissioner, a successor must be elected for a term of ~~not less than two or more than five~~ two or four years, as determined by ordinance.

Section 12. That § 9-9-8 be AMENDED:

9-9-8. If the mayor is unable to perform the duties of office ~~by reason~~ because of a temporary absence or temporary incapacitation, the board must, by a majority vote of all the commissioners, appoint one of its members to act as mayor until the temporary absence or temporary incapacitation ends.

The appointed commissioner's official designation is mayor pro tempore. The mayor pro tempore is invested with all the powers and shall perform all the duties of the mayor during the mayor's temporary absence or temporary incapacitation. ~~The mayor pro tempore has only one vote as a commissioner and is not entitled to vote as mayor pro tempore.~~ The temporary absence or temporary incapacitation of the mayor is not a vacancy in the office of the mayor.

If the office of the mayor is vacated, the board of commissioners must, by a majority vote of all commissioners, appoint one of its commissioners as acting mayor. The acting mayor is invested with all the powers and shall perform all the duties of the mayor, until the vacancy is filled by election for the unexpired term at the next ~~annual~~ regular election or by special election as provided in § 9-13-14.2. A special election may not be held if the vacancy in the office of the mayor occurs within the twelve months preceding the regular election for the office of the mayor.

~~The acting mayor~~ A commissioner serving as acting mayor or mayor pro tempore has only one vote as a commissioner and is not entitled to vote as acting mayor.

Section 13. That § 9-10-1 be AMENDED:

9-10-1. If a petition signed by fifteen percent of the registered voters of any municipality, as determined by the total number of registered voters at the last preceding general election, is presented requesting that an election be called to vote on the question of employing a city manager, the governing body must call an election to be held within

fifty days from the date of the filing of the petition with the municipal finance officer. At that election, the question must be submitted to the voters. No petition is valid if filed more than six months after the circulation start date declared on the petition forms. If the petition is filed ~~on or after January first prior to the annual~~ within the ninety days prior to a regular municipal election and within sufficient time to comply with the provisions of chapter 9-13, the question ~~may~~ must be submitted at that ~~annual municipal~~ election.

The election must be held upon the same notice and conducted in the same manner as ~~other a regular municipal elections~~ election. The vote must be by ballot, in the form and cast in the manner provided by chapter 9-13.

Section 14. That § 9-10-5 be AMENDED:

9-10-5. In all commission-governed municipalities employing a city manager, the number of at-large commissioners is nine, each ~~with a three year term of office~~ elected to a term of four years. At the first election, nine commissioners must be elected, ~~three to serve until the next annual election, three to serve until the second annual election thereafter, and three to serve until the third annual election thereafter, five to serve a term of two years and four to serve a term of four years.~~ At each ~~annual regular~~ municipal election thereafter, ~~three at large commissioners must be elected for a term of three years~~ each each commissioner is elected for a term of four years.

Section 15. That § 9-10-6 be AMENDED:

9-10-6. Within sixty days after an election directing the employment of a city manager in any commission-governed municipality, a special election must be called and held to elect the nine at-large commissioners. A plurality vote in the election of commissioners is sufficient to elect the commissioners.

The commissioners shall qualify as provided by law and organize by electing a commissioner to act as mayor until the first regular meeting of the board of commissioners in the month following the first ~~annual~~ election of commissioners. At the first regular meeting in the month following the ~~annual~~ first election, the commissioners shall elect a commissioner to act as mayor for a term of one year.

Section 16. That § 9-11-6 be AMENDED:

9-11-6. If a petition signed by fifteen percent of the registered voters of any municipality, as determined by the total number of registered voters at the last preceding

1 general election, is presented to the governing body, requesting that an election be called
2 for the purpose of voting upon a question of change of form of government or upon a
3 question of the number of wards, commissioners, or trustees, the governing body must
4 call an election that must be held within fifty days from the date of the filing of the petition
5 with the municipal finance officer. At that election, the question of the change of form of
6 government or the number of wards, commissioners, or trustees, or both, must be
7 submitted to the voters. No petition is valid if filed more than six months after the
8 circulation start date declared on the petition forms. If the petition is filed ~~on or after~~
9 ~~January first prior to the annual~~ within the ninety days prior to a regular municipal election
10 and within sufficient time to comply with the provisions of chapter 9-13, the question ~~may~~
11 must be submitted at that ~~annual municipal~~ election.

12 The election must be held upon the same notice and conducted ~~in the same manner~~
13 as other municipal elections pursuant to chapter 9-13.

14 **Section 17. That § 9-11-9 be AMENDED:**

15 **9-11-9.** If the question of whether to change the form of government or number
16 of commissioners, wards, or trustees is approved in an election pursuant to § 9-11-6, at
17 the next ~~annual~~ regular municipal election or at a special election called by the governing
18 board and held pursuant to § 9-13-14, elected officials must be chosen under the changed
19 form of government.

20 If the question is approved by the voters of the municipality at a regular municipal
21 election, the governing body of the municipality must hold a special election that meets
22 the requirements of § 9-13-14, within ninety days of the canvass of the election at which
23 the question of the change was decided, for the purpose of choosing elected officials under
24 the changed form of government.

25 **Section 18. That § 9-13-1 be AMENDED:**

26 **9-13-1.** In each municipality an election of officers must be held each odd-
27 numbered year on the first Tuesday after the first Monday in June ~~or the first Tuesday~~
28 ~~after the first Monday in November~~, at a place in each ward of the municipality designated
29 by the governing body of the municipality. ~~The governing body shall establish the date of~~
30 ~~the annual election by January fourteenth of the election year.~~

31 The polls at the election must be kept open continuously from seven a.m. until
32 seven p.m.

Section 19. That § 9-13-1.1 be AMENDED:

9-13-1.1. ~~Any other provision of this chapter notwithstanding, the~~ The governing body of a municipality ~~may, in odd-numbered years, choose to hold a general~~ shall hold the regular municipal election in conjunction with a regular school district election. ~~The combined election must be approved by the board of the school district and must be held on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November.~~

Expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the governing body of the municipality and the board of the school district.

For purposes of this section, "in conjunction with" means the elections of two or more jurisdictions are held at the same time and use the same polling places, precinct officials, and ballots for the offices, ballot questions, and other contests of each jurisdiction.

Section 20. That § 9-13-14 be AMENDED:

9-13-14. Every special election authorized by law, except as provided in §§ 6-8B-4 and 9-13-14.2, ~~shall~~ must be held upon the same notice, ~~and~~ and at the same polling places, ~~and~~ and be conducted, returned, and canvassed, and the result declared, ~~as provided herein for the annual~~ a regular municipal election.

The notice of ~~such~~ the special election ~~shall~~ must state any question or questions to be voted upon.

Section 21. That § 9-13-14.1 be AMENDED:

9-13-14.1. Except as otherwise provided in this section, if a vacancy exists on a municipal governing body, the remaining members must appoint a replacement to serve until the next ~~annual~~ regular municipal election. The governing body may call a special election to fill the vacancy for the remainder of the unexpired term, as provided in § 9-13-14.2.

In the aldermanic form of municipal government, the replacement must be an individual from the same ward of the municipality.

Section 22. That § 9-13-14.2 be AMENDED:

1 **9-13-14.2.** The governing body of any municipality may, by ordinance enacted
2 prior to the vacancy, require that any vacancy on the governing body or in the office of
3 the mayor is to be filled by a special election called for that purpose to be conducted as
4 provided in § 9-13-14 and this section. ~~No~~ A special election may not be held less than
5 ninety days before ~~the annual~~ a regular municipal election.

6 The finance officer of the municipality shall publish a notice in the official newspaper
7 of the municipality stating that ~~a~~:

8 (1) A vacancy on the governing body exists, ~~that the~~;

9 (2) The vacancy will is to be filled by special election, ~~the~~;

10 (3) The date of the election, and the time and;

11 (4) The deadline for filing a nominating petition; and

12 (5) The place where nominating petitions may be filed ~~for the office~~.

13 The notice ~~shall~~ must be published once each week for two consecutive weeks
14 beginning at least sixty days before the date of the special election.

15 Nominating petitions for the vacancy ~~shall~~ must be prepared and filed as provided
16 in § 9-13-7. ~~A candidate may not be circulated~~ circulate a nominating petition more than
17 sixty days before the date of the special election, and ~~shall be filed~~ file the petition with
18 the finance officer at least thirty days before the date of the special election. The number
19 of signers required for a nominating petition ~~shall be~~ is calculated as provided in § 9-13-
20 9. If a nominating petition is filed before the second Tuesday in January, the prior year's
21 calculation of registered voters ~~shall~~ must be used. A notice of the special election ~~shall~~
22 must be published as provided in §§ 9-13-13 and 9-13-14.

23 **Section 23. That § 9-13-16 be AMENDED:**

24 **9-13-16.** Except as otherwise provided, ~~each ward shall constitute~~ constitutes an
25 election precinct. ~~Whenever~~ If the number of ~~legal~~ voters in any ward ~~shall exceed~~ is
26 greater than five hundred, the governing body ~~may~~ must, by ordinance, divide ~~such the~~
27 ward into two or more precincts ~~by ordinance~~. ~~Whenever~~.

28 If the number of ~~legal~~ voters in any two or more contiguous wards ~~shall not~~ does
29 not exceed three hundred fifty as determined by the last annual election, the governing
30 body ~~may consolidate by ordinance such two or more~~ must, by ordinance, consolidate the
31 wards into one precinct for voting purposes. ~~Such ordinances shall be passed~~ An ordinance
32 adopted pursuant to this section must be adopted and take effect before the time of giving
33 notice of election.

1 Except as provided in §§ 12-14-1 to 12-14-4, inclusive, ~~such wards and precincts~~
2 ~~shall be the precincts established pursuant to this section must be the~~ election precincts
3 for all state and county elections.

4 **Section 24. That § 9-13-16.2 be AMENDED:**

5 **9-13-16.2.** Notwithstanding the redistricting provided in § 9-13-16, the term of
6 office of any member of the governing body whose term of office extends beyond the next
7 annual regular municipal election is not affected, ~~and the~~. The governing body, ~~as part of~~
8 ~~the redistricting process,~~ shall, by ordinance, designate the wards to be represented by
9 ~~such members. Such council members may or may not~~ the district the member is to represent.
10 A member designated pursuant to this section is not required to be residents a resident
11 of the district they are the member is designated to represent.

12 Each ward for which representation is not provided ~~by such designation shall~~
13 pursuant to this section must, at the next ensuing annual election, elect a council member,
14 ~~the whose~~ term of office ~~to be~~ is determined as provided in § 9-8-4.

15 **Section 25. That § 9-13-31 be AMENDED:**

16 **9-13-31.** The governing body shall, within ten days of presentation, order and fix
17 the date for holding a special election on a Tuesday between thirty and fifty days from the
18 date of the order. If a petition is filed within six months of the ~~annual regular~~ municipal
19 election and within sufficient time to comply with the provisions of § 9-13-14, the question
20 of a successor must be submitted at that ~~annual regular~~ election.

21 The governing body shall publish a notice of election in the same manner as
22 provided in § 9-13-13.

23 **Section 26. That § 9-13-41 be AMENDED:**

24 **9-13-41.** If a municipality schedules ~~an annual~~ a regular election on the first
25 Tuesday after the first Monday in November, the term of office for each office holder whose
26 term was to expire earlier in that year ~~shall~~ must have the term extended until the office
27 holder or another candidate for the office is duly elected and qualified.

28 If a municipality schedules ~~an annual~~ a regular election on the first Tuesday after
29 the first Monday in June to elect an office that was previously elected in November, the
30 office holder who was elected in November ~~must be~~ is entitled to complete the term of
31 office to which the office holder was elected.

Section 27. That § 9-20-11 be AMENDED:

9-20-11. ~~The~~ Within ten days of the presentation of a petition pursuant to § 9-20-6, the governing body shall, upon the presentation of a petition pursuant to § 9-20-6, submit the question to the electors at a special election to be held on a Tuesday between sixty and ninety days from the date of the order of the governing body. If the petition is presented within the ninety days preceding the next annual regular municipal election or the next general election, whichever is earlier and within sufficient time to comply with the provisions of § 9-13-14, the question must be submitted at that election.

Pending the election, the governing body may not take ~~no~~ any action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. ~~However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body.~~

Section 28. That § 13-7-5 be AMENDED:

13-7-5. ~~Between the fifteenth day and the thirtieth day of the month six months before the election, except in the case of the joint election as provided in § 13-7-10.1, the~~ The business manager of each school district shall publish once each week for two consecutive weeks in the official newspaper, a notice setting forth the vacancies that ~~will~~ are to occur by termination of the terms of the elective or appointive school board members.

If the vacancies set forth in the notice exist within a new school board of a newly created school district pursuant to § 13-6-62, the county auditor of the county having jurisdiction over the election must publish the notice once each week for two consecutive weeks at least one month preceding the election.

The notice ~~must also~~ state the time and place where nominating petitions for school board membership may be filed.

Section 29. That § 13-7-10 be AMENDED:

13-7-10. ~~Unless otherwise exempted by law, each~~ Each school district must hold ~~an annual~~ a regular election each odd-numbered year, on the first Tuesday after the first Monday in June ~~or the first Tuesday after the first Monday in November, between the hours of seven a.m. and seven p.m. The school board shall select the date of the election~~

1 ~~by resolution no later than the first regular meeting after January first of each year,~~
2 between the hours of seven a.m. and seven p.m..

3 Voter registration, absentee voting, and procedures used in counting ballots must
4 be in accordance with title 12, except as otherwise provided in this chapter.

5 **Section 30. That § 13-7-10.1 be AMENDED:**

6 **13-7-10.1.** The board of a school district ~~may, in odd-numbered years, choose to~~
7 ~~hold a~~ shall hold the regular school district election in conjunction with a regular municipal
8 election. The combined election must be approved by the governing body of the
9 municipality. ~~The combined election must be held on the first Tuesday after the first~~
10 ~~Monday in June or the first Tuesday after the first Monday in November. The expenses~~

11 Expenses and governmental responsibilities of a combined election must be shared
12 in a manner agreed upon by the governing body of the municipality and the board of the
13 school district.

14 For purposes of this section, "in conjunction with" means the elections of two or
15 more jurisdictions are held at the same time and use the same polling places, precinct
16 officials, and ballots for the offices, ballot questions, and other contests of each
17 jurisdiction.

18 **Section 31. That § 13-7-30 be AMENDED:**

19 **13-7-30.** For the most recent regular school board election conducted in each
20 school district as provided in § 13-7-10, each school board shall provide in the school
21 board minutes the following information:

- 22 (1) The number of registered voters of the school district on the date voter registration
23 closes;
24 (2) The number of registered voters of the school district who voted in the election;
25 and
26 (3) The percentage of registered voters of the school district who voted in the election;
27 and
28 ~~(4) If the election was held in conjunction with a regular municipal election as provided~~
29 ~~in § 13-7-10.1 or with the regular June primary as provided in § 13-7-10.3.~~

30 If the regular election was not conducted because there was neither a contested
31 vacancy on the school board nor any question submitted to the voters, the school board
32 ~~shall~~ must provide that information in the school board minutes.

Section 32. That § 13-8-2 be AMENDED:

13-8-2. A school board consists of five, seven, or nine members whose terms are ~~from one to three~~ two or four years initially, and ~~three~~ four years thereafter; provided that each school board member is entitled to complete the term of office to which the member was elected. ~~A school board may, by resolution, increase the length of terms from three to four years or decrease the length of terms from three to two years for the purpose of holding joint elections pursuant to § 13-7-10.3.~~ Terms may not be increased or decreased unless the school board conducts a public hearing thereon, after having given notice of the hearing by publication at least twice in its official newspaper at least ten days before the hearing. At the hearing, the board may approve the resolution or may refer the matter to the voters of the district.

Section 33. That § 34A-5-20 be AMENDED:

34A-5-20. Each sanitary district shall annually elect officers on any Tuesday in the month following the anniversary date of the first election. The board of trustees shall designate a location in the district where the election ~~shall~~ is to be held. ~~If one or more of the corporate bodies making up a sanitary district is a municipality, and the anniversary date falls within three months prior to or within one month after the annual election of the municipality, the annual election of officers shall be held on the same day as the annual municipal election.~~

The annual election, ~~whether or not it is held in conjunction with the annual municipal election,~~ shall must be conducted in accordance with the municipal election laws pursuant to chapter 9-13, except as provided in this chapter.

Section 34. That § 9-13-37 be REPEALED.

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

~~A nominating petition may not be circulated for signatures more than four months before the election. A nominating petition must be filed under the provisions of § 9-13-7 at least seventy days before the election. The finance officer shall certify to the appropriate~~

1 ~~county auditor the candidate names and ballot language to be voted on by the Thursday~~
2 ~~sixty-eight days before the election.~~

3 **Section 35. That § 13-7-10.3 be REPEALED.**

4 ~~Any other provision of this chapter notwithstanding, the board of a school district~~
5 ~~shall, in even-numbered years, hold the school board election in conjunction with the~~
6 ~~regular June primary election or the regular November general election. Expenses of a~~
7 ~~combined election must be shared in a manner agreed upon by the school board and the~~
8 ~~boards of county commissioners involved. All other governmental responsibilities~~
9 ~~associated with holding elections under the provisions of title 12 and this chapter must be~~
10 ~~shared as agreed upon by the board of the school district and the boards of county~~
11 ~~commissioners involved. The school election official shall certify to the appropriate county~~
12 ~~auditors the candidate names and ballot language to be voted on by the Thursday sixty-~~
13 ~~eight days before the election.~~

14 **Section 36. That § 13-7-34 be REPEALED.**

15 ~~If a school board has, by resolution, increased the length of terms from three to~~
16 ~~four years or decreased the length of terms from three to two years for the purpose of~~
17 ~~holding joint elections pursuant to § 13-7-10.3, the school board may decrease the length~~
18 ~~of terms from four years to three or increase the length of terms from two to three years~~
19 ~~using the same procedure as used when altering the length of terms for the purpose of~~
20 ~~holding joint elections pursuant to § 13-7-10.3, provided that each school board member~~
21 ~~is entitled to complete the term of office to which the member was elected. The school~~
22 ~~board is empowered to designate the number of vacancies and the number of the years,~~
23 ~~not to exceed three years, in each vacancy so that all succeeding regular elections have,~~
24 ~~insofar as practicable, the same number of vacancies to be filled.~~

25 **Section 37.** The governing body of each municipality and the board of each school district
26 must designate the number of vacancies on the governing body or board, and the number of
27 years, not exceeding four years, for each vacancy so that all succeeding elections have,
28 insofar as practicable, the same number of vacancies to be filled.

29 **Section 38.** The governing body of each municipality and the board of each school district
30 shall extend the term of any office holder whose term was set to expire in 2026, 2028, or

1 2030, and the office holder shall serve as a member of the governing body or board until the
2 office holder or another candidate for the office is duly elected and qualified.

3 **Section 39.** This Act is effective beginning January 1, 2027.

AMENDED