



2026 South Dakota Legislature

House Bill 1323

HOUSE ENGROSSED

Introduced by: Representative Aylward

- 1 **An Act to amend the time required for filing a petition referring an ordinance or**
2 **resolution of a political subdivision.**

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

4 **Section 1. That § 7-18A-15 be AMENDED:**

5 **7-18A-15.** ~~Any ordinance or resolution adopted by a board of county~~
6 ~~commissioners may be referred to a vote of the qualified voters of the county by the filing~~
7 ~~of a petition signed by five percent of the registered voters in the county, based upon the~~
8 ~~total number of registered voters at the last preceding general election, except such~~
9 ~~ordinances and resolutions as~~The registered voters of a county may refer an ordinance or
10 resolution adopted by the board of county commissioners to the voters of the county by
11 filing a petition with the county auditor, within thirty days of the adoption of the ordinance
12 or resolution. The petition must be signed by at least five percent of the registered voters
13 of the county, based upon the total number of registered voters in the county at the last
14 general election.

15 The registered voters of a county may not refer:

- 16 (1) An ordinance or resolution that may be necessary for the immediate preservation
17 of the public peace, health, or safety, or for the support of the county government
18 and its existing public institutions; or
19 (2) A decision that:
20 (a) Executes a plan already adopted by the board or by the Legislature; or
21 (b) Provides for the supervision of county programs, employees, or officials.

22 **Section 2. That § 7-18A-29 be AMENDED:**

23 **7-18A-29.** ~~Upon the adoption of an ordinance in revision by the board, the auditor~~
24 ~~shall publish a notice, once each week for two successive weeks, in the legal newspapers~~
25 designated pursuant to § 7-18-3, a notice that an ordinance in revision was

1 ~~adopted. Twenty days after the completed publication of the notice, unless the referendum~~
2 ~~shall have been invoked, such ordinance shall become effective without publication in a~~
3 ~~newspaper. The notice must be published once a week for two successive weeks.~~

4 The ordinance is effective thirty days after the second publication of the notice.
5 The board shall publish the revised ordinances in book form.

6 **Section 3. That § 9-4-4.5 be AMENDED:**

7 ~~**9-4-4.5.** The required number of voters residing in the combined area of the~~
8 ~~municipality and special annexation precinct may file within twenty days after the~~
9 ~~publication of the annexation resolution a petition with the municipal finance officer,~~
10 ~~requiring the submission of the annexation resolution to a vote of the voters of the~~
11 ~~combined area of the municipality and special annexation precinct for its rejection or~~
12 ~~approval. The registered voters living in the municipality and area designated for~~
13 ~~annexation by the municipality may refer a resolution adopted by the governing body of~~
14 ~~the municipality to annex land for the purpose of expanding the municipality's boundaries~~
15 ~~by filing a petition with the municipal finance officer. The petition must be signed by at~~
16 ~~least five percent of the registered voters residing in the combined area of the municipality~~
17 ~~and area designated for annexation, based on the number of the registered voters of the~~
18 ~~area, as determined by the county auditor pursuant to § 9-20-8, within thirty days of the~~
19 ~~adoption of the ordinance or resolution.~~

20 **Section 4. That § 9-19-13 be AMENDED:**

21 ~~**9-19-13.** Except such resolutions or ordinances as may be necessary for the~~
22 ~~immediate preservation of the public peace, health, or safety, or support of the municipal~~
23 ~~government and its existing public institutions, or which provide for an election or for~~
24 ~~hearing on an improvement or assessment or which call for bids, which take effect upon~~
25 ~~the passage and publication thereof, every resolution or ordinance passed by the~~
26 ~~governing body shall take effect on the twentieth day after its publication unless~~
27 ~~suspended by operation of a referendum. Except as otherwise provided in this section, an~~
28 ~~ordinance or resolution passed by the governing body of a municipality takes effect on the~~
29 ~~thirtieth day after the publication of the ordinance or resolution in the municipality's legal~~
30 ~~newspaper, as designated pursuant to § 9-12-6.~~

31 An ordinance or resolution takes effect upon the passage and publication of the
32 ~~ordinance or resolution if the ordinance or resolution:~~

33 (1) May be necessary for:

- 1 (a) The immediate preservation of the public peace, health, or safety; or
2 (b) The support of the municipal government and its existing public institutions;
3 (2) Provides for an election;
4 (3) Provides for a hearing on an improvement or assessment; or
5 (4) Calls for a bid.
6 An ordinance or resolution that has been referred to a vote of the people does not
7 take effect until the completion of the referendum process.

8 **Section 5. That § 9-20-6 be AMENDED:**

9 ~~9-20-6. The required number of voters residing in any municipality may file within~~
10 ~~twenty days after the publication of any ordinance or resolution subject to referendum a~~
11 ~~petition with the auditor or clerk, requiring the submission of any such ordinance or~~
12 ~~resolution to a vote of the voters of the municipality for its rejection or approval. If filed~~
13 ~~on the twentieth day after publication, such petitions shall be filed no later than normal~~
14 ~~closing hours of the city hall or city auditor's office on said twentieth day. The registered~~
15 voters of a municipality may refer an ordinance or resolution adopted by the governing
16 body of the municipality to the voters of the municipality by filing a petition with the
17 municipal finance officer. The petition must be signed by at least five percent of the
18 registered voters of the municipality, based on the number of the registered voters of the
19 municipality, as recorded by the county auditor pursuant to § 9-2-2, within thirty days of
20 the adoption of the ordinance or resolution. The petition must be filed with the finance
21 officer before the normal finance office closing time on the thirtieth day.

22 **Section 6. That § 9-20-8 be AMENDED:**

23 ~~9-20-8. The referendum petition shall be signed by at least five percent of the~~
24 ~~registered voters in the municipality. The percentage shall be based on the number of~~
25 ~~registered voters of the municipality as recorded by the county auditor on the second~~
26 ~~Tuesday in January in the year the petition is filed. If the petition is filed before the second~~
27 ~~Tuesday in January, the prior year's calculation of registered voters shall be used. The~~
28 ~~signer or circulator shall add the signer's residence address, county of voter registration,~~
29 ~~and date of signing. The signer's post office box number may be given in lieu of a street~~
30 ~~address if the signer lives within a municipality of the second or third class. An individual~~
31 signing the petition to refer an ordinance or resolution or the petition circulator shall add
32 the individual's residence address, county of voter registration, and the date of signing. If

1 the individual lives within a second-class or third-class municipality, the individual may
2 provide the individual's post office box number in lieu of a street address.

3 **Section 7. That § 10-12-43 be AMENDED:**

4 **10-12-43.** ~~The governing body of the school district may raise additional revenues~~
5 ~~for general fund purposes only, from property tax through the imposition of an excess tax~~
6 ~~levy. The governing body of a school district may impose the excess tax levy with an~~
7 ~~affirmative two-thirds vote of the governing body on or before July fifteenth of the year~~
8 ~~prior to the year the taxes are payable. On any excess tax levy approved after July 1,~~
9 ~~2002, the governing body of the taxing district shall specify in the resolution the year or~~
10 ~~number of years the excess tax levy will be applied.~~

11 ~~The requirements for an announcement made pursuant to this section are as~~
12 ~~follows:~~

13 ~~(1) The decision of the governing body to originally impose or subsequently~~
14 ~~increase an excess tax levy shall be first published within ten days of the decision;~~

15 ~~(2) Publication shall be made at least twice in the legal newspaper designated pursuant~~
16 ~~to § 13-8-10, with no fewer than five days between publication dates, before the~~
17 ~~opt out takes effect;~~

18 ~~(3) The announcement shall be at least three newspaper columns in width and four~~
19 ~~inches in length or at least one-sixth of a page in size, whichever size is greater;~~

20 ~~(4) The announcement shall be headed with the following statement in a typeface no~~
21 ~~less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY~~
22 ~~TAX INCREASE OF \$(fill in amount)." The remainder of the announcement shall~~
23 ~~consist of a reproduction of the "Resolution for Opt Out," including the amount that~~
24 ~~property taxes will be increased annually by the proposed opt out and a statement~~
25 ~~of the right to refer the decision of the board to a vote of the people as provided~~
26 ~~in this section. The secretary of revenue, in rules promulgated pursuant to chapter~~
27 ~~1-26, shall prescribe a uniform form to be used by the school district for notification~~
28 ~~of taxpayers as required by this section. However, the requirements of subdivisions~~
29 ~~(3) and (4) shall be waived if:~~

30 ~~(A) The opt out is for less than fifteen thousand dollars; or~~

31 ~~(B) A copy of the resolution for opt out is mailed to every property taxpayer in the local~~
32 ~~governmental unit, by first class mail or bulk mail, within twenty days of the~~
33 ~~decision to opt out; and~~

1 ~~(C) A copy of the resolution for opt out is printed in each official newspaper in the local~~
2 ~~governmental unit's boundaries.~~

3 ~~For the purposes of subsections (A), (B), and (C), the first publication is not~~
4 ~~deemed to have occurred until three days after the mailing is sent or the resolution is~~
5 ~~delivered to the official newspaper.~~

6 ~~The opt out decision may be referred to a vote of the people upon a resolution of~~
7 ~~the governing body of the school district or by a petition signed by at least five percent of~~
8 ~~the registered voters in the school district and filed with the governing body within twenty~~
9 ~~days of the first publication of the decision. The referendum election shall be held on or~~
10 ~~before October first of the year prior to the time the taxes are payable.~~

11 The board of a school district may, by resolution, impose an excess tax levy to
12 raise additional revenues from property tax for general fund purposes only. The board
13 may impose the excess tax levy with an affirmative vote of at least two-thirds of the
14 members on or before July fifteenth of the year prior to the year the taxes are payable.
15 The board shall specify in the resolution the year or number of years the excess tax is to
16 be applied.

17 The decision of the board to impose or increase an excess tax levy must first be
18 published in the district's legal newspaper, as designated pursuant to § 13-8-10, within
19 ten days of the board's decision. The board must publish at least two additional
20 notifications in the district's legal newspaper, the last of which must be published not more
21 than seven days before the excess levy takes effect, provided that there are at least five
22 days between the publication of the two notices. Each notice must:

23 (1) Contain the following headline in a typeface no less than eighteen-point type:
24 "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$(fill in
25 amount)";

26 (2) Consist of a reproduction of the "Resolution for Opt Out," including the amount by
27 which property taxes are to be increased annually by the proposed opt out; and

28 (3) Include a statement of the right to refer the decision of the board to a vote of the
29 people, as provided in this section.

30 The board is not required to meet the formatting and content requirements
31 required by subdivisions (2) and (3) if the excess tax levy is for less than fifteen thousand
32 dollars or if the board has, within twenty days of the decision to impose the excess tax
33 levy, mailed to every property taxpayer in the district, by first class or bulk mail, a copy
34 of the resolution authorizing the excess tax levy and if a copy of the resolution is published
35 in each newspaper within the school district, as established in § 17-2-2.1. The additional

1 notices must be published at least three days after the mailing is sent or the resolution is
2 delivered to the official newspaper, whichever is later.

3 The registered voters of a school district may refer a resolution adopted by the
4 board of a school district to impose an excess tax levy by filing a petition with the business
5 manager of the school district. The petition must be signed by at least five percent of the
6 registered voters of the school district, based on the total number of registered voters of
7 the school district, within thirty days of the adoption of the resolution. The referendum
8 election must be held on or before October first of the year prior to the time the taxes are
9 payable. The business manager shall give notice that the question is to be on the ballot
10 at the next scheduled election or at a special election called for that purpose, as provided
11 by chapter 13-7, and prepare official ballots according to the provisions of this chapter.

12 The secretary of the Department of Revenue shall promulgate rules, pursuant to
13 chapter 1-26, prescribing the form to be used by the school district for notification of
14 taxpayers, as required by this section.

15 **Section 8. That § 10-13-35.13 be AMENDED:**

16 **10-13-35.13.** ~~The governing body of a taxing district may, by resolution, impose~~
17 ~~the levy provided in § 10-13-35.12 with an affirmative two-thirds vote of the governing~~
18 ~~body on or before July fifteenth.~~

19 ~~The decision of the governing body to impose the levy shall be published within~~
20 ~~ten days of the decision as follows:~~

21 ~~(1) — Publication shall be made at least twice in the legal newspaper designated by the~~
22 ~~governing body pursuant to law, with no fewer than five days between publication~~
23 ~~dates, before the tax imposition takes effect;~~

24 ~~(2) — The announcement shall be at least three newspaper columns in width and four~~
25 ~~inches in length or at least one-sixth of a page in size, whichever size is greater;~~

26 ~~(3) — The announcement shall be headed with the following statement in a typeface no~~
27 ~~less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY~~
28 ~~TAX IMPOSED OF \$(fill in amount)." The remainder of the announcement shall~~
29 ~~consist of a reproduction of the resolution including the amount that property taxes~~
30 ~~will be imposed and a statement of the right to refer the decision of the board to a~~
31 ~~vote of the people as provided in this section. The secretary of revenue, in rules~~
32 ~~promulgated pursuant to chapter 1-26, shall prescribe a uniform form to be used~~
33 ~~by the taxing district for notification of taxpayers as required by this~~
34 ~~section. However, the requirements of subdivisions (2) and (3) are waived if:~~

~~(a) The property tax imposed is for less than fifteen thousand dollars; or~~

~~(b) A copy of the resolution is mailed to every property taxpayer in the taxing district, by first class mail or bulk mail, within twenty days of the decision; and~~

~~(c) A copy of the resolution is printed in each legal newspaper in the taxing district's boundaries.~~

~~For the purposes of subsections (a), (b), and (c), the first publication is not deemed to have occurred until three days after the mailing is sent or the resolution is delivered to the legal newspaper.~~

~~The governing body's decision may be referred to a vote of the people upon a resolution of the governing body of the taxing district or by a petition signed by at least five percent of the registered voters in the taxing district and filed with the respective governing body within twenty days of the first publication of the decision. The referendum election shall be held on or before October first preceding the year the taxes are payable.~~
The governing body of a taxing district may, by resolution, impose the levy provided in § 10-13-35.12. The body may impose the tax levy with an affirmative vote of at least two-thirds of the total membership of the body, on or before July fifteenth of the year prior to the year in which the taxes are payable.

The decision of the governing body to impose the levy must be published in the legal newspaper designated by the governing body, within ten days of the body's decision. The body must publish at least two additional notifications in the district's legal newspaper, the last of which must be published not more than seven days before the tax levy takes effect, provided that there are at least five days between the publication of the two notices. Each notice must:

(1) Be at least three newspaper columns in width and four inches in length or at least one-sixth of a page in size, whichever size is greater;

(2) Contain the following headline in a typeface no less than eighteen-point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX IMPOSED OF \$(fill in amount)";

(3) Consist of a reproduction of the resolution including the amount that property taxes are to be imposed; and

(4) Include a statement of the right to refer the decision of the board to a vote of the people as provided in this section.

The governing body is not required to meet the formatting and content requirements required by subdivisions (3) and (4) if the excess tax levy is for less than

fifteen thousand dollars or if the body has, within twenty days of the decision to impose the excess tax levy, mailed to every property taxpayer in the municipality, by first class or bulk mail, a copy of the resolution authorizing the excess tax levy and if a copy of the resolution is published in each newspaper within the municipality, as established in § 17-2-2.1. The additional notices must be published at least three days after the mailing is sent or the resolution is delivered to the official newspaper, whichever is later.

The registered voters of a school district may refer a resolution adopted by the governing body of a taxing district to impose a tax levy by filing a petition with the finance officer of the taxing district. The petition must be signed by at least five percent of the registered voters of the taxing district, based on the total number of registered voters of the taxing district, within thirty days of the adoption of the resolution. The referendum election must be held on or before October first of the year prior to the time the taxes are payable. The business manager shall give notice that the question is to be on the ballot at the next scheduled election or at a special election called for that purpose, as provided by chapter 9-13, and prepare official ballots according to the provisions of this chapter.

The secretary of the Department of Revenue, in rules promulgated pursuant to chapter 1-26, shall prescribe a uniform form to be used by the taxing district for the notification of taxpayers as required by this section.

Section 9. That § 10-13-36 be AMENDED:

~~**10-13-36.** The governing body of a taxing district may exceed the limit pursuant to § 10-13-35 through the imposition of an excess tax levy. The governing body of a taxing district may impose an excess tax levy with an affirmative two-thirds vote of the governing body on or before July fifteenth of the year prior to the year the taxes are payable. On any excess tax levy approved after July 1, 2002, the governing body of the taxing district shall specify in the resolution the year or number of years the excess tax levy will be applied. The requirements for an announcement made pursuant to this section are as follows:~~

- ~~(1) The decision of the governing body to originally impose or subsequently increase an excess tax levy shall be published within ten days of the decision;~~
- ~~(2) Publication shall be made at least twice in the legal newspaper designated by the governing body pursuant to law, with no fewer than five days between publication dates, before the opt out takes effect;~~
- ~~(3) The announcement shall be at least three newspaper columns in width and four inches in length or at least one-sixth of a page in size, whichever size is greater;~~

~~(4) The announcement shall be headed with the following statement in a typeface no less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$(fill in amount)." The remainder of the announcement shall consist of a reproduction of the "Resolution for Opt Out," including the amount that property taxes will be increased annually by the proposed opt out and a statement of the right to refer the decision of the board to a vote of the people as provided in this section. The secretary of revenue, in rules promulgated pursuant to chapter 1-26, shall prescribe a uniform form to be used by the taxing district for notification of taxpayers as required by this section.~~

~~However, the requirements of subdivisions (3) and (4) shall be waived if:~~

~~(A) The opt out is for less than fifteen thousand dollars; or~~

~~(B) A copy of the resolution for opt out is mailed to every property taxpayer in the local governmental unit, by first class mail or bulk mail, within twenty days of the decision to opt out; and~~

~~(C) A copy of the resolution for opt out is printed in each official newspaper in the local governmental unit's boundaries.~~

~~For the purposes of subsections (A), (B), and (C), the first publication is not deemed to have occurred until three days after the mailing is sent or the resolution is delivered to the official newspaper.~~

~~The opt out decision may be referred to a vote of the people upon a resolution of the governing body of the taxing district or by a petition signed by at least five percent of the registered voters in the taxing district and filed with the respective governing body within twenty days of the first publication of the decision. The referendum election shall be held on or before October first preceding the year the taxes are payable. The governing body of a taxing district may impose an excess tax levy to exceed the limit pursuant to § 10-13-35. The governing body of a taxing district may impose an excess tax levy, with an affirmative vote of at least two-thirds of the total membership of the governing body, on or before July fifteenth of the year prior to the year the taxes are payable. The governing body of the taxing district shall specify in the resolution the year or number of years the excess tax levy is to be applied.~~

~~The decision of the governing body to impose the excess tax levy must be published in the legal newspaper designated by the governing body, within ten days of the body's decision. The body must publish at least two additional notices in the district's legal newspaper, the last of which must be published not more than seven days before the tax~~

1 levy takes effect, provided that there are at least five days between the publication of the
2 two notices. Each notice must:

3 (1) Be at least three newspaper columns in width and four inches in length or at least
4 one-sixth of a page in size, whichever size is greater;

5 (2) Contain the following headline in a typeface no less than eighteen-point type:
6 "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$(fill in
7 amount)";

8 (3) Consist of a reproduction of the "Resolution for Opt Out," including the amount that
9 property taxes is to be increased annually by the proposed opt out; and

10 (4) Include a statement of the right to refer the decision of the board to a vote of the
11 people as provided in this section.

12 The governing body is not required to meet the formatting and content
13 requirements required by subdivisions (3) and (4) if the excess tax levy is for less than
14 fifteen thousand dollars or if the body has, within twenty days of the decision to impose
15 the excess tax levy, mailed to every property taxpayer in the taxing district, by first class
16 or bulk mail, a copy of the resolution authorizing the excess tax levy and if a copy of the
17 resolution is published in each newspaper within the taxing district, as established in § 17-
18 2-2.1. The additional notices must be published at least three days after the mailing is
19 sent or the resolution is delivered to the official newspaper, whichever is later.

20 The voters of the taxing district may refer a resolution adopted by the governing
21 body of the taxing district to impose an excess tax levy by filing, with the officer in charge
22 of elections for the taxing district, a petition signed by at least five percent of the
23 registered voters of the taxing district, based upon the total number of registered voters
24 in the taxing district, within thirty days of the adoption of the resolution. The referendum
25 election must be held on or before October first of the year prior to the time the taxes are
26 payable. The officer in charge of the election shall give notice that the question is to be
27 on the ballot at the next scheduled election or at a special election called for that purpose
28 and prepare official ballots as provided by law.

29 If the opt out is for the purpose of increasing the secondary road levy pursuant to
30 § 31-12-27, only the registered voters within the area of the county not included in any
31 municipality, organized civil township, improvement district organized pursuant to chapter
32 7-25A, or county road district organized pursuant to chapter 31-12 may petition or vote
33 on the referred decision. The taxing districts may not exceed the levy limits provided in
34 chapter 10-12 except for the provisions in § 10-12-36.

1 The secretary of the Department of Revenue shall promulgate rules, pursuant to
2 chapter 1-26, prescribing the form to be used by the taxing district for notification of
3 taxpayers as required by this section.

4 **Section 10. That § 11-2-47.1 be AMENDED:**

5 **11-2-47.1.** The board's decision to incorporate the special zoning area may be
6 referred to a vote of the qualified voters of the proposed special zoning area pursuant to
7 §§ 7-18A-17 to 7-18A-24, inclusive.

8 The qualified voters of the proposed special zoning area may refer the decision
9 within ~~twenty~~ thirty days after ~~its~~ the publication of the decision, by filing a petition signed
10 by five percent of the registered voters in the special zoning area, based upon the total
11 number of registered voters at the last preceding general election. ~~The filing of a valid~~
12 ~~petition requires the submission of the decision to incorporate the special zoning area to~~
13 ~~a vote of the qualified voters of the proposed special zoning area for its rejection or~~
14 ~~approval. The~~

15 Upon the filing of a referendum petition, the effective date of the incorporation of
16 the special zoning area on which a referendum is to be held ~~shall be~~ is ~~suspended by the~~
17 ~~filing of a referendum petition~~ until the referendum process is completed.

18 **Section 11. That § 13-7-32 be AMENDED:**

19 ~~**13-7-32.** A school board resolution to increase school board terms to four years~~
20 ~~or to decrease school board terms to two years, pursuant to § 13-8-2, is subject to a~~
21 ~~referendum if five percent of the registered voters of the school district, based upon the~~
22 ~~total number of registered voters in the school district at the last preceding general~~
23 ~~election, petition, within twenty days after the resolution is enacted, to have the question~~
24 ~~of approval or disapproval of the resolution to increase or decrease term limits placed~~
25 ~~upon the ballot at the next scheduled election or at a special election called for that~~
26 ~~purpose. The registered voters of a school district may refer a resolution adopted by the~~
27 ~~board of a school district to increase or decrease the term of the members of a school~~
28 ~~board, pursuant to § 13-8-2, by filing with the business manager of the school district, a~~
29 ~~petition signed by at least five percent of the registered voters of the school district, based~~
30 ~~upon the total number of registered voters in the school district at the last preceding~~
31 ~~general election, within thirty days of the adoption of the resolution.~~

32 Within ten days of the presentation of a petition, the board of the school district
33 shall order and fix the date for holding a special election on a Tuesday between thirty and

fifty days from the date of the order. If a petition is filed within the ninety days prior to a regular school district election and with sufficient time to comply with the requirements of this chapter, the question must be submitted at that election.

The business manager shall give notice that the question ~~will~~ is to be on the ballot at the next scheduled election or at a special election called for that purpose as provided by law for school elections and prepare official ballots according to the provisions of this ~~title~~ chapter.

Section 12. That § 13-16-6.4 be AMENDED:

13-16-6.4. Approval to enter into an agreement or issue capital outlay certificates pursuant to § 13-16-6.3 is subject to a referendum if five percent of the registered voters, based upon the total number of registered voters at the last preceding general election, petition, within ~~twenty~~ thirty days thereafter, to have the question of approval to enter into the agreement or issue capital outlay certificates placed upon the ballot at a special election called for that purpose and held on:

- (1) The first Tuesday after the first Monday in March;
- (2) The first Tuesday after the first Monday in June; or
- (3) The first Tuesday after the first Monday in November.

If the bond election is held on a date listed in subdivision (2) or (3) in an even-numbered year, the election must be held in conjunction with the regular primary or general election, respectively. When the election is held in conjunction with the primary or general election, the expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the board of the school district and the boards of county commissioners involved.

The business manager shall give notice that the question is to be on the ballot at the regular or special election as provided by law for school elections and prepare official ballots therefor according to the provisions of this title. Approval of the question to enter into an agreement or issue capital outlay certificates requires an affirmative vote of at least sixty percent of those voting on the question.

If the question submitted to the voters at an election is not approved by the voters, the school board may, by resolution, place the question on the ballot at the next available election provided by this section.

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

13-26-9. ~~A decision by a school board to schedule the opening day of classes before the first Tuesday following the first Monday in September may be referred to a vote of the qualified voters of the school district by the filing of a petition signed by five percent of the registered voters in the school district, based upon the total number of registered voters voting at the last preceding general election, for districts with more than five thousand registered voters. Petitions in districts with less than five thousand registered voters must be signed by five percent of the total number of registered voters at the last preceding general election. The board in scheduling the opening day of classes shall allow sufficient time for the referendum process authorized in this section.~~ The registered voters of a school district may refer a resolution adopted by the board of a school district to schedule the first day of classes before the first Tuesday following the first Monday in September by filing with the business manager of the school district, a petition signed by at least five percent of the registered voters of the school district, based upon the total number of registered voters in the school district at the last preceding general election, within thirty days of the adoption of the resolution.

Section 14. That § 13-64-7 be AMENDED:

13-64-7. ~~A decision by a school board to implement a school sentinel program pursuant to § 13-64-1 may be referred to a vote of the qualified voters of the school district by the filing of a petition signed by five percent of the registered voters in the school district, based upon the total number of registered voters at the last preceding general election.~~ The registered voters of a school district may refer a resolution adopted by the board of a school district to implement a school sentinel program, pursuant to § 13-64-1, by filing with the business manager of the school district, a petition signed by at least five percent of the registered voters of the school district, based upon the total number of registered voters in the school district at the last preceding general election, within thirty days of the adoption of the resolution.

The board shall allow sufficient time for the referendum process authorized in this section.

Section 15. That § 7-18A-15.1 be REPEALED.

~~Any legislative decision of a board of county commissioners is subject to the referendum process. A legislative decision is one that enacts a permanent law or lays down a rule of conduct or course of policy for the guidance of citizens or their officers. Any matter of a permanent or general character is a legislative decision.~~

1 ~~No administrative decision of a governing body is subject to the referendum~~
2 ~~process, unless specifically authorized by this code. An administrative decision is one that~~
3 ~~merely puts into execution a plan already adopted by the governing body itself or by the~~
4 ~~Legislature. Supervision of a program is an administrative decision. Hiring, disciplining,~~
5 ~~and setting the salaries of employees are administrative decisions.~~

6 **Section 16. That § 7-18A-16 be REPEALED.**

7 ~~A petition to refer an ordinance or resolution subject to referendum may be filed~~
8 ~~with the auditor within twenty days after publication of the ordinance or resolution in the~~
9 ~~last to publish official county newspaper. The filing of the petition requires the submission~~
10 ~~of the ordinance or resolution to a vote of the qualified voters of the county for rejection~~
11 ~~or approval of the ordinance or resolution.~~

12 **Section 17. That § 13-26-10 be REPEALED.**

13 ~~A petition to refer a school board decision may be filed with the business manager~~
14 ~~of the school district within twenty days after its publication. The filing of the petition shall~~
15 ~~require the submission of the decision to a vote of the qualified voters of the school district~~
16 ~~for its rejection or approval.~~

17 **Section 18. That § 13-64-8 be REPEALED.**

18 ~~A petition to refer a school board decision pursuant to § 13-64-7 may be filed with~~
19 ~~the business manager of the school district within twenty days after its publication. The~~
20 ~~filing of the petition shall require the submission of the decision to a vote of the qualified~~
21 ~~voters of the school district for its rejection or approval.~~