



2026 South Dakota Legislature  
**Senate Bill 138**  
**ENROLLED**

AN ACT

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

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

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

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

- (1) Set the time and place for a recount; and
- (2) Appoint a recount board.

The business manager shall appoint to the recount board one individual chosen by each candidate who is eligible to participate in the recount.

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

The individual having custody of the ballot boxes containing the ballots to be recounted shall produce the ballot boxes when the recount board convenes. The recount board shall resolve all questions arising on the recount by majority vote. The recount must proceed as expeditiously as reasonably possible until completed.

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 138

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2026 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2026

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2026  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of State

Senate Bill No. 138  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State