



2026 South Dakota Legislature
House Bill 1095
ENROLLED

AN ACT

ENTITLED An Act to modify provisions pertaining to the submission of a nominating petition.

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

Section 1. That § 9-13-7 be AMENDED:

9-13-7. No candidate for elective municipal office may be nominated unless the candidate files a nominating petition with the municipal finance officer no later than five p.m. local time, on the third Tuesday of March, for an election held on the first Tuesday after the first Monday in June, or before five p.m. local time, on the third Tuesday of August for an election held on the first Tuesday after the first Monday in November.

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

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

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

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

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

9-13-7.1. Any candidate who has filed a nominating petition pursuant to § 9-13-7 may withdraw from the nomination by making a written request under oath. The candidate shall file the request with the municipal finance officer. The finance officer 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 finance officer must issue a certificate of election to the unopposed candidate. If that contest is the only contest to be voted upon, the finance officer must cancel the election.

Section 3. That § 9-13-37 be AMENDED:

9-13-37. 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 before January first, for an election held on the first Tuesday after the first Monday in June, or June first, for an election held on the first Tuesday after the first Monday in November.

A nominating petition must be filed under the provisions of § 9-13-7 before five p.m. local time on:

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

The finance officer shall certify to the appropriate county auditor the name of each candidate who has qualified to be on 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.

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

12-5-3.11. If the bylaws of a political party do not prescribe a method of selecting a slate of delegates and alternates to the party's national convention, the slates of delegates and alternates to the national convention must be elected by the primary.

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

- (1) Equal the number of delegates and alternates required to be selected from the state; and
- (2) Be grouped upon a single nominating petition, under the respective designations.

The nominating petition for a slate of delegates and alternates must contain a statement indicating the candidates' collective preference choice for president of the United States, that the candidates have no preference, or that the candidates are uncommitted. No candidate may be listed on the nominating petition of more than one slate.

The nominating petition for a slate of delegates and alternates to a party's national convention must be filed with the secretary of state after December thirty-first and before five p.m. central time on the third Tuesday of March before the date of the primary election.

Section 5. That § 12-6-4 be AMENDED:

12-6-4. Except as otherwise provided by § 12-5-4 and chapter 12-9, a candidate for nomination or election to any office, other than a presidential election, may not have the candidate's name printed on the official primary election ballot of the candidate's political party, unless a petition has been filed on the candidate's behalf after December thirty-first, but before five p.m. local time on the third Tuesday of March before the date of the primary election.

A nominating petition must be filed:

- (1) With the secretary of state, for:
 - (a) A legislative or judicial office; and
 - (b) Any office to be voted on by the voters of more than one county; and
- (2) With the auditor of the county in which the individual is a candidate, for all county offices.

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

12-6-8.1. Any candidate may withdraw the candidate's name from the primary election by making a written request under oath. The candidate shall file the request with

the officer with whom the nominating petition was filed pursuant to § 12-6-4, before five p.m. local time, on the first Thursday after the deadline for filing a nominating petition.

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

Section 7. That § 13-7-6 be AMENDED:

13-7-6. No candidate for elective school board membership may be nominated unless the candidate is a resident voter of the school district and unless the candidate files a nominating petition with the business manager of the school district. The candidate must file the nominating petition before five p.m. local time, on the third Tuesday of:

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

The candidate shall sign a formal declaration of candidacy before the circulation of the petition. The petition must be signed by at least twenty voters of the school district or if the school district is divided into school board representation areas, the petition must be signed by at least twenty voters who reside within the school board representation area. If the election is held on the first Tuesday after the first Monday in June, the candidate may not circulate a nominating petition before January first. If the election is held on the first Tuesday after the first Monday of November, the candidate may not circulate a nominating petition before June first.

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

The business manager shall verify by signature that the candidate is a resident voter of the school district and that the nominating petition contains the minimum number 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 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 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.

An Act to modify provisions pertaining to the submission of a nominating petition.

I certify that the attached Act originated in
the:
House as Bill No. 1095

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

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

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1095
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State