

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

578X0082

## SENATE BILL NO. 95

Introduced by: Senators Otten (Ernie), Monroe, and Tidemann and Representatives Werner, Bolin, Deutsch, Gosch, Heinemann (Leslie), and Qualm

1 FOR AN ACT ENTITLED, An Act to allow certain candidates for elective office to pay filing  
2 fees in lieu of submitting nominating petitions, and to create the election filing fee fund.

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

4 Section 1. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 In lieu of a nominating petition required pursuant to § 12-5-1.4, 12-6-4, or 12-6-7, a  
7 candidate for the United States Senate, the United States House of Representatives, Governor,  
8 or for office in the State Legislature may, within the time limits established for the submission  
9 of nominating petitions, submit to the secretary of state a notice of candidacy with the election  
10 filing fee in an amount equal to one percent of the annual salary of the office sought as it exists  
11 on January first of the year of the election. The form of the notice of candidacy shall be  
12 prescribed by the State Board of Elections. The secretary of state shall deposit any election filing  
13 fees collected into the election filing fee fund established in section 4 of this Act.

14 The candidate shall file the notice of candidacy and pay the election filing fee at the same  
15 time. The candidate may pay the election filing fee in cash or by credit card, money order, or



1 wire transfer. Once paid, the election filing fee may not be refunded.

2 Section 2. That § 12-6-11 be amended to read as follows:

3 12-6-11. ~~It shall be the duty of the~~ The secretary of state, as soon as the time for filing  
4 nominating petitions ~~in his office~~ or notices of candidacy has passed, shall immediately ~~to~~  
5 certify to the ~~several~~ county auditors ~~of the state~~ the names of the persons in whose behalf  
6 nominating petitions or notices of candidacy have been filed ~~in his office as candidates for each~~  
7 ~~political party separately, with~~ including the name of the office for which each person is a  
8 candidate, ~~and~~. The secretary of state shall provide the candidate information separately for each  
9 political party and also certify the color, style and form of the official primary election ballot of  
10 each political party.

11 Section 3. That chapter 12-7 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 In lieu of a certificate of nomination required pursuant to § 12-7-1, an independent candidate  
14 for the United States Senate, the United States House of Representatives, Governor, attorney  
15 general, secretary of state, state auditor, state treasurer, commissioner of school and public  
16 lands, public utilities commissioner, or for office in the State Legislature, who is not nominated  
17 by a primary election or by political party convention, may, within the time limits established  
18 for the submission of certificates of nomination, submit to the secretary of state a notice of  
19 candidacy with the election filing fee in an amount equal to one percent of the annual salary of  
20 the office sought as it exists on January first of the year of the election. The form of the notice  
21 of candidacy shall be prescribed by the State Board of Elections. The secretary of state shall  
22 deposit any election filing fees collected into the election filing fee fund established in section  
23 4 of this Act.

24 The candidate shall file the notice of candidacy and pay the election filing fee at the same

1 time. The candidate may pay the election filing fee in cash or by credit card, money order, or  
2 wire transfer. Once paid, the election filing fee may not be refunded.

3 Section 4. That the code be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 There is hereby created within the state treasury the election filing fee fund for the purpose  
6 of providing funds for the operation of election services within the Office of the Secretary of  
7 State. Any money in the fund is continuously appropriated to the Office of the Secretary of  
8 State.

9 Section 5. That the code be amended by adding a NEW SECTION to read:

10 The effective date of this Act is January 1, 2017.