State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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STYLE AND FORM VETO ENGROSSED NO. SB 65 - 03/29/2016

Introduced by: Senators Fiegen, Ewing, Omdahl, Otten (Ernie), Peters, Solano, Tieszen, and White and Representatives Hawks, Campbell, Heinemann (Leslie), Stalzer, and Steinhauer

FOR AN ACT ENTITLED, An Act to revise the procedure for a municipal recall petition.

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

Section 1. That § 9-13-30 be amended to read:

9-13-30. A petition signed by fifteen percent of the registered voters of the municipality, based upon the total number of registered voters at the last preceding general election, demanding the election of a successor to the mayor, commissioner, alderman, or trustee sought to be removed shall be filed with the ~~auditor~~ finance officer and presented by the ~~auditor~~ finance officer to the governing body. The allowable grounds for removal are misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross partiality. The petition shall contain a specific statement of the grounds on which removal is sought. The form for the municipal recall petition shall be prescribed by the state Board of Elections pursuant to chapter 1-26. No signature on a petition is valid if signed more than sixty days ~~prior to~~ before the filing of the petitions. When a petition to recall is filed with the finance officer, the finance officer shall present the petition to the governing body at its next

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

meeting. Only the petition signatures may be challenged in the manner established in §§ 12-1-13 to 12-1-16, inclusive. A failure to challenge petition signatures pursuant to §§ 12-1-13 to 12-1-16, inclusive, does not prohibit an interested person from challenging the filing of the recall petition or the sufficiency of the specific statement of the grounds of the recall petition.

A challenge to the recall petition regarding the specific statement of the grounds of the recall petition must be filed in circuit court within five business days of the filing of the recall petition. The circuit court shall conduct an expedited declaratory judgment hearing with no right to trial by jury.

Section 2. That § 9-13-31 be amended to read:

9-13-31.The governing body shall, ~~upon the presentation of a petition pursuant to § 9-13-30,~~ within ten days of presentation, order and fix a date for holding a special election, to be on a Tuesday not less than thirty nor more than fifty days from the date of the order of the governing body. If a petition is filed ~~on or~~ after ~~January first prior to~~ December thirty-first before the annual municipal election and within sufficient time to comply with the provisions of § 9-13-14, the question of a successor shall be submitted at that annual election.

The governing body shall have a notice of election published in the same manner as provided in § 9-13-13.