

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

921B0408

## SENATE BILL NO. 92

Introduced by: Senators Soholt, Ewing, Heinert, and Novstrup and Representatives Schoenfish, Barthel, Chaffee, and York

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the signature  
2 requirements for municipal elections.

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

4 Section 1. That § 9-20-1 be amended to read:

5 9-20-1. The registered voters of any municipality may propose ordinances and resolutions  
6 for the government of the municipality if the petition is signed by at least five percent of the  
7 registered voters in the municipality. The percentage shall be based on the number of registered  
8 voters of the municipality as recorded by the county auditor on the second Tuesday in January  
9 in the year ~~of the election~~ the petition is filed. If the petition is filed before the second Tuesday  
10 in January, the prior year's calculation of registered voters shall be used.

11 Section 2. That § 9-20-8 be amended to read:

12 9-20-8. The referendum petition shall be signed by at least five percent of the registered  
13 voters in the municipality. The percentage shall be based on the number of registered voters of  
14 the municipality as recorded by the county auditor on the second Tuesday in January in the year  
15 ~~of the election~~ the petition is filed. If the petition is filed before the second Tuesday in January,



1 the prior year's calculation of registered voters shall be used. The signer or circulator shall add  
2 the signer's residence address, county of voter registration, and date of signing. The signer's post  
3 office box number may be given in lieu of a street address if the signer lives within a  
4 municipality of the second or third class.

5 Section 3. That § 9-13-14.2 be amended to read:

6 9-13-14.2. The governing body of any municipality may, by ordinance enacted prior to the  
7 vacancy, require that any vacancy on the governing body or in the office of the mayor is to be  
8 filled by a special election called for that purpose to be conducted as provided in § 9-13-14 and  
9 this section. No ~~such~~ special election may be held less than ninety days before the annual  
10 municipal election. The finance officer of the municipality shall publish a notice in the official  
11 newspaper of the municipality stating that a vacancy exists, that the vacancy will be filled by  
12 special election, the date of the election, and the time and place where nominating petitions may  
13 be filed for the office. The notice shall be published once each week for two consecutive weeks  
14 beginning at least sixty days before the date of the special election. Nominating petitions for the  
15 vacancy shall be prepared and filed as provided in § 9-13-7, may not be circulated more than  
16 sixty days before the date of the special election, and shall be filed at least thirty days before the  
17 date of the special election. The number of signers required for a nominating petition shall be  
18 calculated as provided in § 9-13-9. If a nominating petition is filed before the second Tuesday  
19 in January, the prior year's calculation of registered voters shall be used. A notice of the special  
20 election shall be published as provided in §§ 9-13-13 and 9-13-14.