



## 2020 South Dakota Legislature

# House Bill 1177

Introduced by: **Representative Post**

1 **An Act to require that school district elections occur in conjunction with the general**  
 2 **election.**

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

4 **Section 1.** That § 13-6-62 be AMENDED:

5 **13-6-62. New school district--Election of board--Notices and declarations of**  
 6 **candidacy--Costs.**

7 If under the ~~provisions~~ of this chapter a new school district entity is created, the  
 8 voters shall elect a ~~new school~~ board to govern such school ~~the new~~ district as hereinafter  
 9 ~~provided.~~

10 The ~~county~~ auditor of the county having jurisdiction shall conduct the election  
 11 under the ~~existing~~ statutory provisions for conducting annual board elections in school  
 12 districts. The ~~county~~ auditor shall perform the duties specified for the business manager  
 13 ~~as provided~~ in chapter 13-7, ~~as amended~~ and shall ~~also give the~~ provide notice of  
 14 regarding the number of ~~school~~ board vacancies and the residency requirements for ~~school~~  
 15 board membership, as may be set forth in the plan approved by the voters.

16 ~~The~~ A declaration of candidacy shall must be filed ~~in the office with the auditor~~ of  
 17 the county auditor, ~~and the date of.~~

18 The election ~~may be fixed on or before the first Monday in May~~ shall take place on  
 19 the date fixed for the next general election.

20 ~~Costs~~ The cost of conducting the election shall must be paid by the new school  
 21 district.

22 **Section 2.** That § 13-6-64 be AMENDED:

23 **13-6-64. New school district--Board members--Assumption of office.**

24 The ~~school~~ board members of a ~~newly created~~ new school district ~~elected on or~~  
 25 ~~before the first Monday in May~~ shall qualify and assume office ~~as soon as can be~~

1 ~~conveniently done but not before~~ on the first Monday in January of the year in which the  
 2 district will become operational. ~~They, or as soon thereafter as practicable.~~

3 The members shall organize the board as provided in chapter 13-8 and may  
 4 ~~immediately~~ contract for services and supplies to be furnished to the newly created new  
 5 school district ~~for the fiscal year beginning July first of the year following the election and~~  
 6 ~~organization of such board. However, provided that if a new~~ the new district does not  
 7 become operational, the contracts are void.

8 The board shall meet as often as ~~it deems~~ necessary before the new district  
 9 becomes operational, ~~and its.~~ Any expenses shall constitute a legal claim incurred by the  
 10 board under §§ 13-8-37 and 13-8-38, constitute a legal claim to be paid by the ~~new~~ district  
 11 when it becomes operational.

12 ~~The school boards~~ board of each existing districts ~~district~~ reorganized into newly  
 13 ~~created districts shall~~ the new district may continue to operate until the end of the current  
 14 fiscal year.

15 **Section 3.** That § 13-6-84.3 be AMENDED:

16 **13-6-84.3. Exchange of land--Submission of question to voters--**  
 17 **Implementation.**

18 Within thirty days ~~of after~~ the last date of the public hearing, pursuant to § 13-6-  
 19 84.2, five percent of the voters residing within a school district may petition the ~~school~~  
 20 board of the district to refer the resolutions to an election. ~~The school district board~~ shall  
 21 submit the question at the next ~~annual~~ election provided for in § 13-7-10. ~~The Passage of~~  
 22 the question shall be deemed to have passed or failed by requires a simple majority of  
 23 those voting. Upon passage, ~~the school boards~~ board of each affected district shall ~~submit~~  
 24 forward the resolution to the board of county commissioners having jurisdiction for  
 25 implementation pursuant to § 13-6-87.

26 **Section 4.** That § 13-7-6.1 be AMENDED:

27 **13-7-6.1. Option to adopt campaign finance law.**

28 The board of a school district governing body may, by ~~ordinance or resolution,~~  
 29 adopt the provisions of chapter 12-27.

30 **Section 5.** That § 13-7-10 be AMENDED:

1           **13-7-10. School district elections--Date —Hours--Procedures.**

2           ~~The annual election for school districts shall be held between the second Tuesday~~  
 3 ~~in April and the third Tuesday in June. Unless otherwise exempted by law, each school~~  
 4 ~~district shall hold an election between the hours of seven a.m. and seven p.m. of the day~~  
 5 ~~of the election. The school board shall select the date of the election by resolution no later~~  
 6 ~~than the first regular meeting after January first of each year, on the first Tuesday after~~  
 7 ~~the first Monday in November of each even-numbered year, beginning in November 2024.~~  
 8 Voter registration, absentee voting, and procedures used in counting ballots ~~shall be~~ must  
 9 be conducted in accordance with ~~Title~~ title 12, except as specifically provided in this  
 10 ~~chapter 13-7.~~

11 **Section 6.** That § 13-7-30 be AMENDED:

12           **13-7-30. School district elections--Information in minutes.**

13           ~~For the most recent annual, each school district election conducted in each school~~  
 14 ~~district as provided in accordance with § 13-7-10, each school the board shall provide in~~  
 15 ~~the school board, publish in the minutes the following information:~~

- 16           (1) The number of registered voters of the school district on the date voter registration  
 17            ~~closes~~ closed;
- 18           (2) The number of registered voters of the school district who voted in the election;  
 19           and
- 20           (3) The percentage of registered voters of the school district who voted in the election;  
 21           and
- 22           ~~(4) If the election was held in conjunction with a regular municipal election as provided~~  
 23 ~~in § 13-7-10.1 or with the regular June primary as provided in § 13-7-10.3.~~

24           ~~If the annual, an~~ election was not conducted because there was neither a contested  
 25 vacancy on the ~~school~~ board nor ~~any~~ a question submitted to the voters, the ~~school~~ board  
 26 shall ~~provide~~ publish that information in the ~~school board~~ minutes.

27 **Section 7.** That § 13-8-2 be AMENDED:

28           **13-8-2. Board of a school district--Terms of office.**

29           ~~There shall be a school board consisting~~ The board of a school district consists of  
 30 five, seven, or nine members ~~whose terms shall be from~~.

31           Except as otherwise provided in this section, the term of office for a member of the  
 32 board is one to three years initially, and three years thereafter; ~~provided that each school~~  
 33 ~~board.~~

1 Each member shall be is entitled to complete the term of office to which ~~he~~the  
2 member was elected, except in the case of a school district's dissolution.

3 The term of office for a member of the board elected during 2021 continues until  
4 the election scheduled in November 2024.

5 The term of office for a member of the board elected during 2022 continues until  
6 the election scheduled in November 2026.

7 The term of office for a member of the board elected during 2023 continues until  
8 the election scheduled in November 2024 or until the election scheduled in November  
9 2026, as specified by the board.

10 Thereafter, the term of office for a member of the board is four years.

11 **Section 8.** That § 13-8-3 be AMENDED:

12 **13-8-3. Board membership--Board representation areas--Petition --**  
13 **Resolution.**

14 The voters of ~~any a~~ school district may increase the number of board members to  
15 seven or to nine, or establish or discontinue ~~school~~board representation areas, if approved  
16 by a majority ~~vote of all voters of those~~ voting at an election called and held as hereinafter  
17 provided for in this section.

18 If a petition signed by ~~ten percent of the registered voters of any a~~ school district,  
19 ~~based upon the total number of~~ equal in number to at least ten percent of those registered  
20 ~~voters to vote at the last preceding general election,~~ is presented to the board requesting  
21 that an election be called ~~for the purpose of voting to vote~~ upon the question of ~~the change~~  
22 ~~of changing the~~ number of board members, or ~~the establishment or discontinuation of~~  
23 ~~school~~ upon the question of establishing or discontinuing board representation areas, the  
24 board shall call an election.

25 The ~~school~~board may, by resolution, call for an election ~~for the purpose of voting~~  
26 upon the question of ~~the change of~~ changing the number of board members, or ~~the~~  
27 ~~establishment or discontinuation of school~~ establishing or discontinuing board  
28 representation areas.

29 ~~The question shall be submitted~~ Except as otherwise provided in this section, the  
30 board shall submit the question to the voters at an election to be held ~~not less no fewer~~  
31 than forty-five nor more than sixty days from the date of the filing of suchafter:

32 (1) The date on which the petition is filed with the business manager; or

33 (2) The date on which the resolution is passed by the board.

1           If ~~such a~~ the petition is filed ~~less or the resolution is passed with fewer than one~~  
 2 hundred twenty days ~~prior to~~ until the next annual election, the ~~question shall be~~  
 3 ~~submitted~~ board shall submit the question to the voters at the annual election. Such

4           Beginning in 2024, if the petition is filed or the resolution is passed with fewer than  
 5 one hundred twenty days until the next general election, the board shall submit the  
 6 question to the voters at the general election.

7           ~~An election shall be held upon the same notice and~~ under this section must be  
 8 ~~conducted in the same manner as provided by~~ accordance with chapter 13-7.

9           Any increase ~~or decrease~~ in the number of board members ~~shall be implemented~~  
 10 is effective at the next ~~succeeding annual~~ election.

11           Any decrease in the number of board members is effective at the expiration of the  
 12 respective terms.

13 **Section 9.** That § 13-8-4 be AMENDED:

14           **13-8-4. Board membership—Increase—Decrease--Procedure.**

15           If at an election held pursuant to § 13-8-3 an increase in the number of board  
 16 members is authorized, the ~~school board is empowered to~~ of the district may designate  
 17 the number of vacancies and the number of years, ~~not to exceed three years,~~ in each  
 18 ~~vacancy term,~~ so that all succeeding ~~annual~~ elections will have, insofar as practicable, the  
 19 ~~same a~~ similar number of vacancies to be filled.

20           The procedure for decreasing the number of board members ~~shall be~~ is the same  
 21 as for increasing the number of board members, ~~and the.~~ The board is ~~similarly~~  
 22 ~~empowered to~~ may designate the vacancies and ~~terms not to exceed three years;~~  
 23 ~~provided, that each school~~ the number of years in each term, so that all succeeding  
 24 elections will have, insofar as practicable a similar number of vacancies to be filled.

25           A member of the board member shall be is entitled to complete the term of office  
 26 to which ~~he~~ the member was elected.

27 **Section 10.** That § 13-8-10 be AMENDED:

28           **13-8-10. Meetings of board--Election of president and vice president.**

29           The board shall hold the annual meeting ~~shall be held~~ on the second Monday of  
 30 July, unless otherwise designated by the board at the prior regular meeting.

31           Beginning in 2024, the board shall hold the annual meeting on the second Monday  
 32 of December, unless otherwise designated by the board at the prior regular meeting

1 ~~Regular~~ The board shall hold regular meetings shall be on the second Monday of  
 2 each month, unless otherwise designated by the board at the annual meeting.

3 At the annual meeting, the school board shall ~~organize by the election of~~ elect a  
 4 president and a vice president from among its membership, ~~and such officers~~ members.  
 5 The president and vice president shall serve until the next annual meeting. The board shall  
 6 ~~designate the depository or depositories as provided in § 13-16-15, and the custodians of~~  
 7 ~~all accounts; and designate the legal newspaper to be used for publishing all official~~  
 8 ~~notices and proceedings. A majority of the members of the school board constitutes a~~  
 9 ~~quorum for the purpose of conducting business. Any board action may be taken if it is~~  
 10 ~~approved by the majority of the members voting.~~

11 Special meetings may be held ~~upon call of~~ called by the president ~~or in the~~  
 12 ~~president's absence by,~~ by the vice-president in the president's absence, or by a majority  
 13 of the board members. Notice of such ~~The business manager shall provide to each board~~  
 14 member oral or written notice of a special meeting shall be given by the business manager  
 15 ~~to the board members either orally or in writing in sufficient time to permit their~~ the  
 16 member's presence.

17 **Section 11.** That a NEW SECTION be added:

18 **13-8-10.01. Quorum.**

19 A majority of the board constitutes a quorum for the purpose of transacting  
 20 business. Any action may be taken by the board, if approved by a majority of the members  
 21 voting on the question.

22 **Section 12.** That a NEW SECTION be added:

23 **13-8-10.02. Official newspaper--Annual designation.**

24 The board of each school district shall annually designate an official newspaper to  
 25 be used for the publication of notices and proceedings.

26 **Section 13.** That § 13-8-14 be AMENDED:

27 **13-8-14. Assumption of office by newly elected or appointed members--**

28 **Oath and bond.**

29 ~~The~~ Each individual newly elected ~~members of the school to the board of a school~~  
 30 district shall qualify and assume membership at the annual meeting of the school board  
 31 ~~in July, and.~~

1           Each individual newly appointed members to the board shall assume membership  
2           at the ~~next first~~ meeting following such ~~the~~ appointment, ~~by taking and subscribing to,~~

3           Each individual newly elected or newly appointed to the board shall take an oath  
4           or affirmation to support the laws and Constitution of the United States and ~~the State of~~  
5           ~~South Dakota and this state,~~ to faithfully perform the duties of ~~school a board membership~~  
6           member, and ~~by filing a bond if required by law, file a bond and having it have the bond~~  
7           approved.

8           **Section 14.** That § 13-6-63 be REPEALED.

9                   **13-6-63. Election and terms of members of new board--Residence**  
10                  **requirements.**

11           **Section 15.** That § 13-7-10.1 be REPEALED.

12                   **13-7-10.1. Joint school district and municipal elections authorized--Date--**  
13                  **Sharing costs and responsibilities.**

14           **Section 16.** That § 13-7-10.2 be REPEALED.

15                   **13-7-10.2. Notices and nomination procedure for certain joint elections.**