

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

375C0098

## SENATE BILL NO. 103

Introduced by: Senators Brosz, Brown (Arnold), Frederick, Reedy, and Shoener and  
Representatives Konold, Duniphan, Fryslie, Haley, Munson (Donald), and  
Solum

1 FOR AN ACT ENTITLED, An Act to revise the election procedure for forming a municipality.

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

3 Section 1. That § 9-3-3 be amended to read as follows:

4 9-3-3. ~~Such persons~~ Any person making application for the organization of a municipality

5 shall cause an accurate census to be taken of the resident population of the ~~territory included in~~

6 ~~said map as of a day~~ proposed municipality not more than thirty days previous to the time of

7 presenting ~~such~~ the application to the board of county commissioners ~~as hereinafter provided.~~

8 ~~Such.~~ The census shall exhibit the name of ~~every head of a family~~ each person residing ~~within~~

9 ~~such territory on such day~~ in the proposed municipality and the number of persons belonging to

10 ~~every such~~ each family and ~~shall also state the names of all persons residing within such territory~~

11 ~~at such time. It~~ as of a certain date. The census shall be verified by the affidavit of the person

12 taking the ~~same~~ census.

13 Section 2. That § 9-3-5 be amended to read as follows:

14 9-3-5. The application for incorporation shall be by a petition ~~subscribed and~~ verified by the

15 ~~applicants and subscribed~~ circulator and signed by not less than ~~fifteen~~ twenty-five percent of the

16 ~~registered voters residing within such territory, based upon the total number of registered voters~~

1 ~~at the last preceding general election. It~~ landowners in the proposed municipality who are also  
2 registered voters of this state. The application shall set forth identify the type of government to  
3 be formed, the number of trustees, commissioners, or wards in the municipality, the boundaries  
4 and area ~~thereof~~ according to the survey, and the resident population ~~thereof~~ according to the  
5 census taken. ~~It~~ The application shall be presented at the time indicated in the notice of ~~such the~~  
6 application or as soon thereafter as the board of county commissioners can receive and consider  
7 the ~~same~~ application.

8 Section 3. That § 9-3-6 be amended to read as follows:

9 9-3-6. If the board, after proof by affidavit or oral examination of witnesses, ~~shall be~~ is  
10 satisfied that the requirements of this chapter have been fully complied with, ~~it~~ the board shall  
11 make an order declaring that ~~such territory~~ the proposed municipality shall, with the assent of  
12 the ~~qualified~~ landowners in the proposed municipality who are also registered voters ~~thereof as~~  
13 ~~hereinafter provided of this state,~~ be an incorporated municipality by the name specified in the  
14 application. ~~Such~~ The name shall be different from that of any other municipality in this state. ~~It~~  
15 The board shall also include in ~~such the~~ order a notice for a meeting ~~of the voters resident in the~~  
16 ~~proposed municipality, at a convenient place therein, on some day within one month therefrom,~~  
17 ~~to determine whether such territory shall become an incorporated municipality~~ and election to  
18 be held as provided in chapter 6-16.

19 Section 4. That § 9-3-17 be amended to read as follows:

20 9-3-17. ~~There shall be~~ Each official elected at the first election ~~three trustees at large, who~~  
21 shall hold ~~their offices~~ office until the first Monday in May next following or until ~~their~~  
22 ~~successors are elected and qualified. The trustees shall appoint a finance officer and a treasurer~~  
23 a successor is elected and qualified.

24 Section 5. That § 6-16-6 be amended to read as follows:

25 6-16-6. A person who is a landowner in the proposed district and is registered to vote in the

1 proposed district may vote in the elections provided for in § 6-16-5. However, the qualifications  
2 of a voter for municipal or irrigation district elections are provided in ~~chapter~~ chapters 9-3 and  
3 46A-4. Absentee voting is allowed pursuant to chapter 12-19 for the election on the question of  
4 formation of the special district.

5 Section 6. That § 9-3-7 be repealed.

6 ~~—9-3-7. The board shall give ten days' notice of such meeting by publication and by posting~~  
7 ~~a copy of such notice at ten of the most public places in the proposed municipality.~~

8 Section 7. That § 9-3-8 be repealed.

9 ~~—9-3-8. At such meeting the polls shall be kept open from nine o'clock in the forenoon until~~  
10 ~~four o'clock in the afternoon.~~

11 Section 8. That § 9-3-9 be repealed.

12 ~~—9-3-9. The voters at such meeting shall first elect three inspectors, who shall elect one of~~  
13 ~~their number as clerk and shall without delay open the polls to receive the ballots of the voters.~~