

# State of South Dakota

## SEVENTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 1999

429C0846

### HOUSE BILL NO. 1274

Introduced by: Representatives Smidt, Cutler, and Peterson and Senator Whiting

1 FOR AN ACT ENTITLED, An Act to provide for an early presidential primary.

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

3 Section 1. That § 12-2-1 be amended to read as follows:

4 12-2-1. The primary election provided for in chapter 12-6, except the presidential primary  
5 election, shall be held at the regular polling place in every voting precinct throughout the state  
6 on the first Tuesday in June of every even-numbered year. In a year when a President of the  
7 United States is to be elected, the primary for selection of delegates and alternates to the national  
8 convention shall be held on the last Tuesday in February of that year.

9 Section 2. That § 12-5-1 be amended to read as follows:

10 12-5-1. A new political party may be organized and participate in the primary election, except  
11 the presidential primary election, by filing with the secretary of state not later than the first  
12 Tuesday of April at five o'clock p.m. prior to the date of the primary election, a written  
13 declaration signed by at least two and one-half percent of the voters of the state as shown by the  
14 total vote cast for Governor at the last preceding gubernatorial election, which declaration shall  
15 contain:

16 (1) The name of the proposed party; and

17 (2) A brief statement of the principles thereof;

1       whereupon the party shall, under the party name chosen, have all the rights of a political  
2       party whose ticket was on the ballot at the preceding general election. A new political party may  
3       participate in a presidential primary election by complying with the requirements of this section  
4       no later than the last Tuesday of December at five p.m. prior to the date of the presidential  
5       primary election.

6       Section 3. That § 12-5-2 be amended to read as follows:

7       12-5-2. At each primary election, other than a presidential primary election, the members of  
8       the respective political parties shall elect the precinct committeemen and precinct  
9       committeewomen of their political party, and pursuant to their constitution or bylaws shall elect  
10      or appoint, or both elect and appoint, the number of delegates and alternates set by the  
11      constitution or bylaws from each county for each political party to the state convention of the  
12      party. In the years when a President of the United States is to be elected, the political parties  
13      shall elect delegates and alternates to the national convention of each political party in  
14      accordance with the provisions of §§ 12-5-3.6 to 12-5-3.15, inclusive. If delegates and alternates  
15      are not elected at large from the entire state the constitution or bylaws shall set forth the area  
16      boundaries for representation coincident with some geographical division of the state otherwise  
17      authorized or provided by law.

18      Section 4. That § 12-5-3.8 be amended to read as follows:

19      12-5-3.8. If a political party chooses to have a primary for selection of its delegates and  
20      alternates to the national convention, it shall certify the slates to the secretary of state by the ~~first~~  
21      ~~Tuesday in April~~ last Tuesday in December preceding the primary by five o'clock p.m. The slates  
22      certified shall be placed on the ballot by the secretary of state and the position of the slates on  
23      the primary ballot shall be chosen by lot by the secretary of state. The certification shall be  
24      deemed to be filed if mailed by registered mail by five o'clock p.m. on the ~~first Tuesday in April~~  
25      last Tuesday in December.

Section 5. That § 12-5-3.14 be amended to read as follows:

12-5-3.14. Any candidate, committee, or group supporting a candidate in any presidential primary, shall, by the ~~first Tuesday in April~~ last Tuesday in December prior to the presidential primary election, notify the secretary of state of an intention to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both.

Section 6. That § 12-6-4 be amended to read as follows:

12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at the primary election, other than a presidential election, may have that person's name printed upon the official primary election ballot of that person's party, unless a petition has been filed on that person's behalf not prior to January twentieth, at eight a.m., and not later than the first Tuesday of April at five p.m. prior to the date of the primary election. If the petition is mailed by registered mail by the first Tuesday of April at five p.m. prior to the primary election, it shall be considered filed. A nominating petition for national convention delegates and alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this section. However, a nominating petition for national convention delegates and alternates shall be filed on or after October tenth, at eight a.m., and not later than the last Tuesday of December, at five p.m., prior to the date of the presidential primary election. Nominating petitions for all party and public offices except legislative and judicial offices shall be filed in the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall be filed in the Office of the Secretary of State.

Section 7. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as follows:

The state shall reimburse each county for any costs incurred as a result of any presidential

1 primary election held on the last Tuesday in February.