

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

780H0154

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 10** - 01/14/2002

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain township election provisions.

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

3 Section 1. That § 8-1-23 be amended to read as follows:

4 8-1-23. Except as provided in § 8-1-28, ~~whenever~~ if fifteen percent of the registered voters
5 of any civil township, based upon the total number of registered voters at the last preceding
6 general election, petition the township clerk ~~therefor, such, the clerk, at the direction of the~~
7 board of supervisors, shall call an election. The election shall be called in the manner prescribed
8 by law for holding special township meetings, ~~at which election~~ and the question shall be
9 submitted, "Shall the civil township organization of _____ township be abolished?" "Yes." "No."
10 ~~Such~~ The election shall be held within sixty days of the filing of the petition and in the manner
11 ~~and under the regulations~~ provided by law for holding elections for the election of civil township
12 officers. ~~All voters at such election in favor of abolishing such township organization shall erase~~
13 ~~the word "No" from their ballots. All voters at such election who do not favor the abolishing of~~
14 ~~such township organization shall erase the word "Yes" from their ballots. The township clerk~~
15 shall provide a sufficient number of printed ~~or written~~ ballots for the proper conduct of ~~such the~~



1 election.

2 Section 2. That chapter 8-1 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 No petition to abolish a township may be filed within one year following an election on the
5 question of abolishing the township.

6 Section 3. That § 8-3-7 be amended to read as follows:

7 8-3-7. No person may vote at any township meeting unless ~~he~~ the person is registered to vote
8 pursuant to chapter 12-4 and resides in the township. For the purposes of this section, a person
9 resides in the township if the person actually lives in the township for at least thirty consecutive
10 days each year, is a full-time postsecondary education student who resided in the township
11 immediately prior to leaving for the postsecondary education, or is on active duty as a member
12 of the armed forces whose home of record is within the township. A voter's qualification as a
13 resident may be challenged in the manner provided in § 12-18-10. No election may be contested
14 on the grounds that any nonresident was allowed to vote if the nonresident was not challenged
15 in the manner provided in § 12-18-10.

16 Section 4. That § 8-3-17.1 be amended to read as follows:

17 8-3-17.1. If nominating petitions are required pursuant to § 8-3-1.1, then any voter qualified
18 to vote in a township candidate election may vote by absentee ballot as prescribed in chapter
19 12-19. Absentee voting shall be allowed for any township ballot question election and shall be
20 conducted as prescribed in chapter 12-19.