

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

570H0599

SENATE BILL NO. 105

Introduced by: Senator Diedtrich (Elmer) and Representatives Wick, Eccarius, and Holbeck

1 FOR AN ACT ENTITLED, An Act to provide for the recall of certain school district officials.

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

3 Section 1. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any school board member may be removed from office at any time by the registered voters
6 of the school district as provided in this Act.

7 Section 2. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 A petition signed by at least five percent of the registered voters of the school district, based
10 upon the total number of registered voters at the last preceding school district election, or signed
11 by a number of registered voters of the school district equal to at least fifteen percent of the
12 number of voters voting in the school district at the last preceding school district election,
13 whichever is greater, demanding the removal from office of a school board member shall be filed
14 with the school district governing body. The petition shall contain a specific statement of the
15 grounds on which removal is sought. The form for the school board recall petition shall be



1 prescribed by the State Board of Elections pursuant to chapter 1-26. No signature on a petition
2 is valid if signed more than six months before the filing of the petitions.

3 Section 3. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The school board shall, upon the presentation of a petition pursuant to section 2 of this Act,
6 within ten days, order and fix a date for holding a special election, to be on a Tuesday not less
7 than thirty nor more than fifty days from the date of the order of the school board. If a petition
8 is filed within three months before the annual school district election and within sufficient time
9 to comply with the provisions of § 13-7-8.1, the question of removal of the board member shall
10 be submitted at the annual election.

11 Section 4. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The official ballot shall allow the voters of the school district to choose whether the school
14 board member sought to be removed from office is to be removed from or retained in office.

15 Section 5. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 If the voters choose to retain the incumbent in office, the incumbent shall continue in office
18 and is not required to qualify again.

19 Section 6. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 If the voters choose to remove the incumbent from office, the incumbent is deemed removed
22 from office, and a vacancy in the office is deemed to exist. The vacancy shall be filled as provided
23 in § 13-8-25, except that the incumbent who was removed may not be appointed to fill the
24 vacancy.