

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

780H0040

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1116** - 01/23/2002

Introduced by: Representatives McCaulley, Begalka, Brown (Jarvis), Duenwald, Duniphan, Eccarius, Frost, Fryslie, Garnos, Hansen (Tom), Hennies (Don), Hennies (Thomas), Hunhoff, Jaspers, Jensen, Juhnke, Klaudt, Koistinen, Lintz, Madsen, McCoy, Michels, Monroe, Murschel, Napoli, Pederson (Gordon), Peterson (Bill), Rhoden, Sebert, Slaughter, Smidt, Sutton (Duane), Teupel, Van Etten, Van Gerpen, and Wick and Senators Bogue, Apa, Brosz, Brown (Arnold), Craddock, de Hueck, Diedrich (Larry), Diedrich (Elmer), Everist, Greenfield, Koskan, Madden, McCracken, Putnam, and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit a person from being on the general election
2 ballot for President or vice-president and another office.

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

4 Section 1. That chapter 12-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the deadline provided in § 12-6-55, if any person is certified as a
7 presidential or vice-presidential candidate pursuant to § 12-5-3.16 and that person is a candidate
8 for another office, the person shall choose one of the candidacies and withdraw from any other
9 candidacy. If the person fails to choose one of the candidacies within seven days of certification
10 as a presidential or vice-presidential candidate, the person is deemed to have chosen the
11 candidacy pursuant to § 12-5-3.16 and is further deemed to have withdrawn from any other



1 candidacy. The resulting vacancy may be filled within seven days after the withdrawal in the
2 manner provided in §§ 12-6-56 and 12-6-57.

3 Section 2. That chapter 12-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Notwithstanding the deadline provided in § 12-6-55, if any person is nominated as a
6 presidential or vice-presidential candidate pursuant to § 12-7-7 and that person is a candidate for
7 another office, the person shall choose one of the candidacies and withdraw from any other
8 candidacy. If the person fails to choose one of the candidacies within seven days of certification
9 as a presidential or vice-presidential candidate, the person is deemed to have chosen the
10 candidacy pursuant to § 12-7-7 and is further deemed to have withdrawn from any other
11 candidacy.

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

13 12-6-3. No person ~~shall~~ may be a candidate for nomination or election to more than one
14 public office, ~~but~~ no matter if such person appears on the ballot in name or is represented by
15 electors pursuant to § 12-5-3.16 or 12-7-7. However, a candidate for any such office ~~shall~~ is not
16 ~~be~~ prohibited from being elected to any one or more party offices as may be provided in chapter
17 12-5.