AN ACT

ENTITLED, An Act to revise the date for filing certain certificates of nomination.

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

Section 1. That § 12-7-1 be amended to read as follows:

12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at eight a.m. and not later than the first Tuesday in June at five p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the first Tuesday in June at five p.m. prior to the election, it is timely submitted. The certificate shall specify that an independent candidate for nonjudicial public office shall designate the name of any national political party, or political party organized pursuant to chapter 12-5, with which the candidate has an affiliation. If no affiliation exists, the candidate shall be designated by the term, no party. It shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

Section 2. The provisions of this Act are effective on January 1, 2003.

Section 3. That § 3-4-6 be amended to read as follows:

3-4-6. Appointments to state offices shall be made in writing and shall continue for the remainder of the unexpired term of office. Unless otherwise provided by law, all other appointments shall be made in writing and shall continue until the next general election and until a successor is elected and qualified. A vacancy must occur prior to May first in an even-numbered year, other than in a year when the term of office would normally expire, for the office to be filled by election for the remainder of the unexpired term. Any person elected to an office that was previously vacant shall take office in the year following the election on the day of that year when a full term for that office would normally commence.

Appointments to state offices shall be filed with the secretary of state. Appointments to county offices shall be filed in the office of the county auditor and entered in the minutes of the commissioners' proceedings.

Section 4. That § 7-7-1.9 be amended to read as follows:

7-7-1.9. An officer shall be nominated and elected at the next general election to the combined office provided for in § 7-7-1.8. If the election submitted pursuant to § 7-7-1.5 is held at a primary election, each candidate for the vacant officer shall run as an independent candidate as provided in chapter 12-7, except that the petition filing deadline shall be the first Tuesday in August. The officer shall be voted upon by the voters of the counties that have resolved to combine the office. Such officer shall hold office for a term of four years commencing on the first Monday of January following the officer's election.

Section 5. That § 7-8-9 be amended to read as follows:

7-8-9. Any commissioner to be elected at the next general election following a redistricting of the county under § 7-8-6 or 7-8-7 shall be nominated by petition pursuant to the provisions for nominating independent candidates for public office by petition. However, the filing deadline shall be the first Tuesday in August.

Section 6. That § 23-3-43.1 be amended to read as follows:

23-3-43.1. Any candidate for election to the office of county sheriff shall file with the county auditor by the first Tuesday of April of the election year a certification issued by the commission that such person meets the qualifications provided in § 23-3-43. However, any such candidate appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 or who files an independent nominating petition shall file a certification of qualification by the first Tuesday of June. A sheriff appointed to fill a vacancy by the county commission shall file with the county auditor a certification of qualification within thirty days of the appointment. Failure to file a certification shall prevent the candidate's name from being placed on the ballot.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1221

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1221
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State