

2023 South Dakota Legislature

Senate Bill 40**AMENDMENT 40A
FOR THE INTRODUCED BILL**

1 **An Act to revise the process for nominating candidates for ~~the offices of lieutenant~~**
2 **~~governor, attorney general, and secretary of state~~ statewide offices.**

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

4 **Section 1. That chapter 12-5 be amended with a NEW SECTION:**

5 A candidate for Governor shall select a candidate for lieutenant governor and certify
6 the selection to the secretary of state no later than five p.m. central time on the second
7 Tuesday in August of the year of the election. The candidate for Governor and the
8 candidate's selection for lieutenant governor shall sign the certification. The State Board
9 of Elections shall promulgate rules, pursuant to chapter 1-26, to prescribe the form for
10 certification of a candidate for lieutenant governor under this section.

11 A candidate for lieutenant governor may withdraw by filing a request under oath
12 with the secretary of state. If a candidate for lieutenant governor withdraws, the candidate
13 for Governor shall select a replacement and certify the selection to the secretary of state
14 no later than five p.m. central time on the second Tuesday in August of the year of the
15 election. The candidate for Governor and the candidate's replacement selection for
16 lieutenant governor shall sign the certification. The secretary of state may not place the
17 name of the candidate for Governor on the general election ballot until a replacement
18 candidate has been certified.

19 **Section 2. That § 12-5-17 be AMENDED:**

20 **12-5-17.** Each political party shall hold a state convention ~~in each even numbered~~
21 ~~year for the purposes stated in § 12-5-21-~~, in the years the President of the United States
22 is to be elected, for the purpose of nominating candidates for:

23 ~~(1) State auditor;~~

24 ~~(2) State treasurer;~~

25 ~~(3) Commissioner of school and public lands;~~

1 ~~(4) Public utilities commissioner; and~~
 2 ~~(5) In the years the President of the United States is to be elected;~~

3 ~~(a) Presidential elector;~~
 4 ~~(b)(2) National committeeman; and~~
 5 ~~(c)(3) National committeewoman.~~

6 ~~A political party may only hold a state convention for the purposes in this section~~
 7 ~~in an even-numbered year.~~ The state central committee of each political party shall
 8 determine the date, time, and place of the convention. The chair of the committee shall
 9 notify the secretary of state of the date and place of the convention at least ~~fifteen~~
 10 ~~business~~ thirty days ~~prior to~~ before the date chosen.

11 **Section 3. That § 12-5-25 be AMENDED:**

12 **12-5-25.** A political party with alternative political status may nominate a
 13 candidate for United States Senate, United States House of Representatives, Governor,
 14 attorney general, secretary of state, state auditor, state treasurer, commissioner of school
 15 and public lands, public utilities commissioner, and any legislative seat by convention, if
 16 the nomination is submitted with the proper documentation to the Office of the Secretary
 17 of State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August, of the
 18 year of the election.

19 A candidate registered with a political party with an alternative political status may
 20 choose, if allowed by the party bylaws, to participate in a primary election by submitting
 21 a candidate petition ~~no later than the last Tuesday of March~~ in accordance with § 12-5-
 22 1.4.

23 **Section 4. That § 12-5-26 be AMENDED:**

24 **12-5-26.** A new political party may nominate a candidate for United States Senate,
 25 United States House of Representatives, Governor, attorney general, secretary of state,
 26 state auditor, state treasurer, commissioner of school and public lands, public utilities
 27 commissioner, and any legislative seat by convention, if the nomination is submitted with
 28 the proper documentation to the Office of the Secretary of State no later than ~~5:00~~ five
 29 p.m. central time on the second Tuesday in August, of the year of the election.

30 **Section 5. That § 12-6-7 be AMENDED:**

1 **12-6-7.** A nominating petition may be composed of several sheets, ~~each.~~ Each
2 sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-
3 contained sheet of paper. The petition for a candidate for the Legislature ~~shall designate~~
4 must specify the ~~senatorial or representative legislative~~ district ~~number~~ and ~~house~~
5 chamber for which the person is a candidate.

6 The petition for ~~party office or political public office for a state~~ a party's
7 gubernatorial or federal candidate ~~shall~~ must be signed by not less than one percent of
8 the voters who voted for that party's gubernatorial candidate at the last gubernatorial
9 election ~~in the state.~~ The petition for a party's candidate for attorney general ~~or,~~ secretary
10 of state, state auditor, state treasurer, commissioner of school and public lands, or public
11 utilities commissioner, must be signed by not less than one-half percent of the voters who
12 voted for that party's gubernatorial candidate at the last gubernatorial election. A petition
13 for the Legislature, county party office, or county political public office ~~shall~~ must be signed
14 by not less than one percent of the voters who voted for that party's gubernatorial
15 candidate at the last gubernatorial election, or fifty voters, in the county, part of the
16 county, or district electing a candidate to fill the office, whichever is less.

17 If the party meets the requirement for alternative political status as defined in
18 § 12-1-3.1, the petition for party office or political public office for a state or federal
19 candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for
20 that party's statewide candidate receiving the highest votes at the last gubernatorial
21 election in the state. A petition for the Legislature, county party office, or county political
22 public office ~~shall~~ must be signed by not less than one percent of the voters who voted for
23 that party's statewide candidate receiving the highest votes at the last gubernatorial
24 election in the county, part of the county, or district electing a candidate to fill the office,
25 whichever is less.

26 If a county uses vote centers and does not print ballots by precinct, signature
27 requirements are:

- 28 (1) For both partisan and independent candidates, fifty signatures for a legislative
29 candidate whose district either in whole or in part includes that county;
- 30 (2) For a county candidate:
- 31 (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty
32 signatures or signatures from one percent of the voters who voted for that
33 party's gubernatorial candidate, or the party's statewide candidate receiving
34 the highest votes if the party meets the requirement for alternative party

- 1 status as defined in § 12-1-3.1, at the last gubernatorial election in the
 2 county electing a candidate to fill the office; or
- 3 (b) Independent candidate petitions ~~shall~~ must be signed by not less than one
 4 percent of the total combined vote for Governor at the last certified election
 5 within the county electing a candidate to fill the office;
- 6 (3) Half the number of signatures required under subdivision (2), for county
 7 commissioner district candidates;
- 8 (4) Five signatures for a new party legislative candidate whose district either in whole
 9 or in part includes that county;
- 10 (5) Five signatures for a new party county candidate; or
- 11 (6) Three signatures for a new party county commissioner district candidate.

12 **Section 6. That § 12-7-1 be AMENDED:**

13 **12-7-1.** Any candidate for ~~nonjudicial~~ public office, except judicial office, the office
 14 of lieutenant governor, and as provided in § 12-7-7, who is not nominated by a primary
 15 election, may be nominated by filing a certificate of nomination with the secretary of state
 16 or county auditor ~~as prescribed by~~ in the manner of nominating petitions as described in
 17 § 12-6-4, after December thirty-first and by but no later than five p.m. local time on the
 18 last Tuesday of in April at 5:00 p.m. local time before the election. A certificate of
 19 nomination ~~shall~~ must be executed as provided in chapter 12-6. If the certificate of
 20 nomination is mailed by registered mail ~~by~~ no later than five p.m. local time on the last
 21 Tuesday of in April at 5:00 p.m. local time before the election, it is timely submitted. The
 22 certificate of nomination ~~shall~~ must be signed by registered voters within the district or
 23 political subdivision in and for which the officers are to be elected. The number of
 24 signatures required may not be less than one percent of the total combined vote cast for
 25 Governor at the last certified gubernatorial election within the district or political
 26 subdivision. The State Board of Elections shall promulgate rules, pursuant to chapter 1-
 27 26, prescribing the forms for the certificate of nomination.

28 **Section 7. That § 12-7-1.2 be AMENDED:**

29 **12-7-1.2.** An independent candidate for Governor shall ~~certify the candidate's~~
 30 selection select a candidate for lieutenant governor and certify the selection to the
 31 secretary of state ~~with the candidate's nominating petition~~ no later than five p.m. central
 32 time on the second Tuesday in August of the year of the election. The candidate and the

1 candidate's selection for lieutenant governor shall sign the certification ~~before the~~
 2 ~~nominating petitions are circulated.~~

3 ~~If an~~An independent candidate for lieutenant governor ~~withdraws, no may~~
 4 withdraw by filing a request under oath with the secretary of state. If an independent
 5 candidate for lieutenant Governor withdraws, the independent candidate for Governor may
 6 have the candidate's name printed upon a ballot unless a shall select a replacement and
 7 certify the selection for lieutenant governor is certified to the secretary of state by the no
 8 later than five p.m. central time on the second Tuesday in August of the year of the
 9 election. The candidate for Governor and the candidate's replacement selection for
 10 lieutenant governor shall sign the certification. The secretary of state may not place the
 11 name of the candidate for Governor on the general election ballot until a replacement
 12 candidate has been certified.

13 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
 14 prescribing the ~~forms form~~ for the certification for lieutenant governor.

15 **Section 8. That § 12-25-28 be AMENDED:**

16 **12-25-28.** Any candidate for the ~~United States Senate, the United States House~~
 17 ~~of Representatives, Governor, circuit court judge, or the Legislature~~ following offices shall
 18 file a statement of financial interest with the secretary of state not more than fifteen days
 19 after filing the candidate's nominating petitions:

- 20 (1) United States Senate;
 21 (2) United States House of Representatives;
 22 (3) Governor;
 23 (4) Attorney general;
 24 (5) Secretary of state;
 25 (6) State auditor;
 26 (7) State treasurer;
 27 (8) Commissioner of school and public lands;
 28 (9) Public utilities commissioner;
 29 (10) Circuit court judge; and
 30 ~~(7)~~(11) Legislature.

31 Any Supreme Court justice shall file a statement of financial interest with the
 32 secretary of state not more than fifteen days following notice to the secretary of state of
 33 the justice's intention to place the justice's name on the retention ballot.

1 A violation of this section is a petty offense. Any intentional violation of this section
2 is a Class 2 misdemeanor.

3 **Section 9. That § 12-25-29 be AMENDED:**

4 **12-25-29.** Any candidate for **lieutenant governor**, ~~state treasurer, attorney~~
5 ~~general, secretary of state, state auditor, public utilities commissioner, or commissioner~~
6 ~~of school and public lands~~ the following offices shall file a statement of financial interest
7 with the secretary of state not more than fifteen days after the candidate's nomination is
8 certified:

9 ~~(1) Lieutenant governor;~~

10 ~~(2) State treasurer;~~

11 ~~(3) State auditor;~~

12 ~~(4) Public utilities commissioner; and~~

13 ~~(5) Commissioner of school and public lands.~~

14 A violation of this section is a petty offense. Any intentional violation of this section
15 is a Class 2 misdemeanor.

16 **Section 10. That § 12-25-29.1 be AMENDED:**

17 **12-25-29.1.** Any candidate for ~~United States Senate, United States House of~~
18 ~~Representatives, Governor, lieutenant governor, state treasurer, attorney general,~~
19 ~~secretary of state, state auditor, public utilities commissioner, commissioner of school and~~
20 ~~public lands, or state legislator~~ the following offices who has been nominated at the
21 convention of a party with alternative political status shall file a statement of financial
22 interest with the secretary of state not more than fifteen days after the candidate's
23 nomination is certified:

24 (1) United States Senate;

25 (2) United States House of Representatives;

26 (3) Governor;

27 (4) Attorney general;

28 (5) State auditor;

29 (6) State treasurer;

30 (7) Secretary of state;

31 (8) Public utilities commissioner;

32 (9) Commissioner of school and public lands; and

33 (10) Legislature.

1 A violation of this section is a petty offense. Any intentional violation of this section
2 is a Class 2 misdemeanor.

3 **Section 11. That § 3-1A-2 be AMENDED:**

4 **3-1A-2.** Any person who assumes the Office of Governor, lieutenant governor,
5 state treasurer, attorney general, secretary of state, state auditor, commissioner of school
6 and public lands, ~~Public Utilities Commissioner~~ public utilities commissioner, Supreme
7 Court justice, circuit court judge, or state legislator shall, within fifteen days after the
8 person assumes office, file a statement of financial interest setting forth any additions or
9 corrections to any previous statement of financial interest filed pursuant to ~~§~~ § 12-25-28
10 ~~or 12-25-29 to § 12-25-29.1, inclusive.~~

11 **Section 12. That § 12-5-21 be REPEALED:**

12 ~~The state convention shall nominate candidates for lieutenant governor, attorney~~
13 ~~general, secretary of state, state auditor, state treasurer, commissioner of school and~~
14 ~~public lands, and public utilities commissioner and in the years when a President of the~~
15 ~~United States is to be elected, presidential electors and national committeeman and~~
16 ~~national committeewoman of the party.~~