

## 2025 South Dakota Legislature

**Senate Bill 22****AMENDMENT 22C  
FOR THE SENATE ENGROSSED BILL**

1 **An Act to modify provisions pertaining to the submission of a nominating petition.**

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

3 **Section 1. That § 9-13-7 be AMENDED:**

4 **9-13-7.** No candidate for elective municipal office may be nominated unless a  
5 nominating petition is filed with the finance officer no later than five p.m. on the last Friday  
6 in February preceding the day of election. ~~The petition shall be considered filed if it is~~  
7 ~~mailed by registered mail by five p.m. on the last Friday in February before the election.~~  
8 ~~The petition shall contain the name, residence address, and mailing address of the~~  
9 ~~candidate and the office for which the candidate is nominated and shall~~ The petition must  
10 be on the form prescribed by the State Board of Elections. The signer's, and must contain:

- 11 (1) The name of the candidate;  
12 (2) The candidate's residential address;  
13 (3) The candidate's mailing address, if applicable; and  
14 (4) The office for which the candidate is to be nominated.

15 \_\_\_\_\_ If an individual who signs a petition lives within a second-class or third-class  
16 municipality, the individual may give the individual's post office box number may be given  
17 in lieu of a street address if the signer lives within a municipality of the second or third  
18 class.

19 The finance officer may only accept a nominating petitions that are petition that is  
20 on the prescribed form and were was circulated and submitted pursuant to the provisions  
21 in chapters 9-13 of this chapter and chapter 12-6. Upon verification signed by the  
22 municipal finance officer or clerk The municipal finance officer or clerk shall verify by  
23 signature that the nominating petition contains the minimum number of signatures of  
24 registered voters within either the municipality or ward, or both, and that the candidate  
25 is a registered voter within either the municipality or ward, or both. Upon verification by

1 the municipal finance officer or clerk, the filing of ~~the~~ a nominating petition constitutes  
2 nomination.

3 **Section 2. That § 12-6-4 be AMENDED:**

4 **12-6-4.** Except as provided by § 12-5-4 and as may be otherwise provided in  
5 chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either  
6 or both the primary or general election, other than a presidential election, may have that  
7 ~~person's~~ candidate's name printed upon the official primary election ballot of that ~~person's~~  
8 candidate's party, unless a petition has been filed on ~~that person's~~ behalf of the candidate  
9 after ~~December thirty first~~ first November thirtieth and by the ~~last third~~ Tuesday of March  
10 at five p.m. local time before the date of the primary election. ~~If the petition is mailed by~~  
11 ~~registered mail by the last Tuesday of March at five p.m. local time before the primary~~  
12 ~~election, the petition shall be considered timely submitted.~~

13 A nominating petition for national convention delegates and alternates as provided  
14 in § 12-5-3.11 ~~shall must~~ be filed in accordance with the provisions of this section.  
15 ~~Nominating petitions for all party and public offices~~ A nominating petition for any party or  
16 public office, except legislative and judicial offices ~~shall, must~~ be filed in the office of with  
17 the county auditor of the county in which the person is a candidate. ~~Nominating petitions~~  
18 A nominating petition for any legislative ~~and or~~ judicial office ~~whether elected in one or~~  
19 ~~more counties, and all other party and public offices to be, or any other public or party~~  
20 office that is voted on in more than one county ~~shall be filed in the Office of the Secretary~~  
21 of State, must be filed with the secretary of state.

22 **Section 3. That § 12-6-4.1 be AMENDED:**

23 **12-6-4.1.** No petition or certificate of nomination covered by this chapter may be  
24 circulated prior to the first day of January of December first in the year immediately  
25 preceding the year in which the election will be held.

26 **Section 4. That § 12-6-8 be AMENDED:**

27 **12-6-8.** ~~No person~~ An individual may not sign the nominating petition of a  
28 candidate ~~before January;~~  
29 (1) Before December first in the year immediately preceding the year in which the  
30 election is to be held, ~~nor for;~~  
31 (2) For whom the person individual is not entitled to vote, ~~nor for;~~

Underscores indicate new language.  
Overstrikes indicate deleted language.

1 ~~(3) For a political candidate of a party of which the person individual is not a member,~~  
2 ~~nor for; or~~

3 ~~(4) For more than the number of candidates required to be nominated for the same~~  
4 ~~office.~~

5 ~~The signer of petition circulator or the individual who signs the petition shall add~~  
6 ~~the signer's place of residence and the date of signing. The signer's individual's post office~~  
7 ~~box number may be given in lieu of a street address if the signer lives within a municipality~~  
8 ~~of the second or third class. A~~

9 ~~A candidate shall sign a formal declaration of the candidate shall be signed by the~~  
10 ~~candidate candidacy before the circulation of petitions petition may be circulated. The~~  
11 ~~signed declaration of the candidate shall candidacy must accompany and be a part of the~~  
12 ~~petition. An original signed declaration shall must accompany the group of petitions~~  
13 ~~petition upon filing.~~

14 ~~The petition shall must be verified under oath by the persons circulating the petition~~  
15 ~~each petition circulator. The verification by the person circulating the petition circulator~~  
16 ~~may not be notarized by the candidate whom the petition is nominating. Any person~~  
17 ~~circulating a petition circulator who falsely attests to the verification is guilty of a Class 6~~  
18 ~~felony.~~

19 ~~A nominating petition for any election shall must be a self-contained sheet of paper~~  
20 ~~in order to have the candidate's name placed on the ballot. The provisions of this section~~  
21 ~~may not prohibit a person an individual registered with party affiliation from signing either~~  
22 ~~a petition nominating an independent or a nonpolitical candidate for office if the person~~  
23 ~~individual has not previously signed a petition for that office to be filled.~~

24 **Section 5. That § 12-6-8.1 be AMENDED:**

25 ~~**12-6-8.1.** Any person candidate may have his or her name withdrawn withdraw~~  
26 ~~the candidate's name from the primary election by making a written request under oath.~~  
27 ~~The request shall be filed candidate shall file the request with the officer with whom the~~  
28 ~~nominating petition was filed pursuant to § 12-6-4, not later than two days after the last~~  
29 ~~third Tuesday in March at five ~~p.m~~ p.m. local time. If the request is mailed by registered~~  
30 ~~mail not later than two days after the last third Tuesday in March at five p.m. local time,~~  
31 ~~the request is properly filed. ~~No~~ A name ~~that is~~ withdrawn pursuant to this section may~~  
32 ~~not be printed on the ballots to be used at the election.~~

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

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1           **12-7-1.** Any candidate for nonjudicial public office, except as provided in § 12-7-  
2 7, who is not nominated by a primary election may be nominated by filing a certificate of  
3 nomination with the secretary of state or county auditor as prescribed by § 12-6-4, ~~after~~  
4 ~~December thirty first and by the~~ beginning November thirtieth but not later than five p.m.  
5 local time on the last Tuesday of April at 5:00 p.m. local time before the election. A  
6 certificate of nomination ~~shall~~ must be executed as provided in chapter 12-6. ~~If the~~  
7 ~~certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00~~  
8 ~~p.m. local time before the election, it is timely submitted.~~ The certificate of nomination  
9 ~~shall~~ must be signed by registered voters within the district or political subdivision in and  
10 for which the officers are to be elected. The number of signatures required may not be  
11 less than one percent of the total combined vote cast for Governor at the last certified  
12 gubernatorial election within the district or political subdivision. The State Board of  
13 Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the  
14 certificate of nomination.

15 **Section 7. That § 12-7-1.1 be AMENDED:**

16           **12-7-1.1.** No petition or certificate of nomination covered by this chapter may be  
17 circulated prior to ~~the first day of January of~~ December first in the year immediately  
18 preceding the year in which the election will be held.

19 **Section 8. That § 12-7-7 be AMENDED:**

20           **12-7-7.** Any candidate for President or ~~Vice President~~ vice president of the United  
21 States who is not nominated by a primary election may be nominated by filing ~~with the~~  
22 ~~secretary of state, after December thirty first and by the first Tuesday in August at 5:00~~  
23 ~~p.m. central time before the election,~~ a certificate of nomination ~~which shall~~ with the  
24 secretary of state beginning November thirtieth but not later than five p.m. central time  
25 on the first Tuesday in August before the election. The certificate of nomination must be  
26 executed as provided in chapter 12-6. ~~If the certificate of nomination is mailed by~~  
27 ~~registered mail by the first Tuesday in August at 5:00 p.m. central time before the election,~~  
28 ~~it is timely submitted.~~ The number of signatures required may not be less than one percent  
29 of the total combined vote cast for Governor at the last certified gubernatorial election  
30 within the state.

31           An independent candidate for President shall file a declaration of candidacy and a  
32 certification of the candidate's selection for ~~Vice President~~ vice president with the secretary  
33 of state with the candidate's nominating petitions. The candidate and the candidate's

1 selection for ~~Vice President~~ vice president shall sign the certification before the nominating  
2 petitions are submitted. If an independent candidate for ~~Vice President~~ vice president  
3 withdraws pursuant to § 12-6-55, ~~no the secretary of state may not print the name of the~~  
4 independent candidate for President ~~shall have the candidate's name printed~~ upon a ballot  
5 unless a replacement selection for ~~Vice President~~ vice president is certified to the secretary  
6 ~~of state~~ by the second Tuesday in August.

7 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,  
8 prescribing the forms for the certificate of nomination and the certification for ~~Vice~~  
9 ~~President~~ vice president.

