

AN ACT

ENTITLED, An Act to revise certain provisions concerning the election procedures for political parties.

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

Section 1. That § 12-5-1 be amended to read as follows:

12-5-1. A new political party may be organized and participate in the primary election by filing with the secretary of state not later than the first Tuesday of April at five p.m. prior to the date of the primary election, a written declaration signed by at least two and one-half percent of the voters of the state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

- (1) The name of the proposed party; and
- (2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election.

A political party loses the right to participate in the primary election for failure to meet the definition of political party as defined in § 12-1-3.

Section 2. That § 12-5-1.2 be repealed.

Section 3. That § 12-5-1.4 be amended to read as follows:

12-5-1.4. If a political party qualifies for the primary ballot under § 12-5-1, each candidate intending to participate in a primary election shall file a nominating petition pursuant to § 12-6-4. In each primary election following the qualification of a political party and prior to the next gubernatorial election, each:

- (1) State and federal candidate for that party shall file a petition bearing signatures of at least two hundred fifty registered voters in that party; and

- (2) Legislative and county candidate for that party shall file a petition bearing signatures of at least five registered voters in that party.

Section 4. That § 12-5-2 be amended to read as follows:

12-5-2. Each political party may elect precinct committeemen and precinct committeewomen at each primary election. If a party chooses to elect precinct committeemen and committeewomen at the primary election pursuant to §§ 12-5-4 to 12-5-13, inclusive, the party shall provide for such election in the party's constitution or bylaws.

Section 5. That § 12-5-3.6 be amended to read as follows:

12-5-3.6. A state political party, in its Constitution or bylaws, shall determine the method of allocating delegates and alternates to its next national convention.

Section 6. That § 12-5-3.7 be repealed.

Section 7. That § 12-5-3.8 be amended to read as follows:

12-5-3.8. If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the first Tuesday in April preceding the primary by five p.m. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be filed if mailed by registered mail by five p.m. on the first Tuesday in April.

Section 8. That § 12-5-3.9 be amended to read as follows:

12-5-3.9. The state chairperson of the political party shall certify the candidates or slates to the secretary of state. If the state chairperson wrongfully refuses to certify any candidate or slate, the aggrieved candidate or slate of delegates and alternates is entitled to a writ of mandamus against the state chairperson pursuant to chapter 21-29 to compel certification. A hearing upon the writ shall be

held within five days of the commencement of the action.

Section 9. That § 12-5-3.10 be repealed.

Section 10. That § 12-5-14 be amended to read as follows:

12-5-14. The precinct committeemen and the precinct committeewomen of each political party; the state committeemen and committeewomen; the county chairperson, vice-chairperson, and secretary-treasurer or secretary and treasurer; and the elected public officers who reside in the county and other officers as designated by the party's constitution or bylaws, shall constitute the county central committee of their respective parties. They shall form their party organization by electing a county chairperson and other officers as determined by the party's constitution or bylaws. The name and mailing address of the county chairperson shall be certified to the county auditor immediately following the election of the county chairperson or change of the county chairperson. The name and mailing address of the state party chairperson shall be certified to the secretary of state immediately following the election or appointment of the state party chairperson.

Section 11. That § 12-5-15 be amended to read as follows:

12-5-15. The county central committee may fill vacancies in its membership, except for public officers, in accordance with the party's constitution or bylaws.

Section 12. That § 12-5-16 be repealed.

Section 13. That § 12-5-19 be repealed.

Section 14. That § 12-5-22 be amended to read as follows:

12-5-22. Nominations by a state convention shall be made by a majority vote of the votes cast and shall be certified to the secretary of state by the officers of the convention, within three days of the close of the convention. No certification may be received by the secretary of state later than the second Tuesday in August.

Section 15. That § 12-5-23 be repealed.

Section 16. That § 12-5-24 be repealed.

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\_\_\_\_\_  
I certify that the attached Act  
originated in the

SENATE as Bill No. 6

\_\_\_\_\_  
Secretary of the Senate  
\_\_\_\_\_

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 6  
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