



2024 South Dakota Legislature

Senate Bill 99

Introduced by: **Senator Duhamel**

1 **An Act to modify provisions pertaining to the deadlines for the filing of certain**
 2 **election-related documents.**

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

4 **Section 1. That § 12-4-5 be AMENDED:**

5 **12-4-5.** The county auditor shall enter in the master registration file the name of
 6 each eligible person whose completed application for registration and mail registration
 7 card is received ~~no later than 5:00 p.m. local time~~ during regular business hours at least
 8 fifteen days preceding the election by the county auditor or the local, state, or federal
 9 agency responsible for conducting voter registration under this chapter. A voter
 10 registration completed at any local, state, or federal agency during any week commencing
 11 on Tuesday through the following Monday ~~shall~~ must be sent to the appropriate county
 12 auditor by the agency receiving the registration or mail registration card no later than the
 13 following Wednesday. The State Board of Elections ~~may~~ shall promulgate rules, pursuant
 14 to chapter 1-26, prescribing the method for the alternative transmission of voter
 15 registration information by computer from the agency to the secretary of state. The name
 16 of any voter who has registered to vote by ~~5:00 p.m. local time~~ the close of regular
 17 business hours fifteen days preceding a runoff election ~~shall~~ must be added to the file
 18 used for the runoff election.

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

20 **12-6-4.** Except as provided by § 12-5-4 and as may be otherwise provided in
 21 chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either
 22 or both the primary or general election, other than a presidential election, may have that
 23 person's name printed upon the official primary election ballot of that person's party,
 24 unless a petition has been filed on that person's behalf after December thirty-first ~~and by~~
 25 but before the close of regular business hours for the office where the petition must be

1 ~~filed on~~ the last Tuesday of March ~~at five p.m. local time~~ before the date of the primary
2 election. If The petition is considered timely submitted if the petition is mailed by
3 registered mail by five p.m., local time, on the last Tuesday of March ~~at five p.m. local~~
4 ~~time~~ before the primary election, ~~the petition shall be considered timely submitted.~~ A
5 nominating petition for national convention delegates and alternates as provided in § 12-
6 5-3.11 ~~shall must~~ be filed in accordance with the provisions of this section. Nominating
7 petitions for all party and public offices except legislative and judicial offices ~~shall must~~ be
8 filed in the office of the county auditor of the county in which the person is a candidate.
9 Nominating petitions for legislative and judicial office, whether elected in one or more
10 counties, and all other party and public offices to be voted on in more than one county
11 ~~shall must~~ be filed in the Office of the Secretary of State.

12 **Section 3. That § 12-6-8.1 be AMENDED:**

13 **12-6-8.1.** Any person may ~~have his or her name withdrawn~~ withdraw from the
14 primary election by making a written request under oath. The request ~~shall must~~ be filed
15 with the officer with whom the nominating petition was filed pursuant to § 12-6-4, not
16 later than the close of regular business hours for the office where the petition is filed two
17 days after the last Tuesday in March ~~at five p.m.~~ If. The request is properly filed if the
18 request is mailed by registered mail not later than five p.m., local time, two days after the
19 last Tuesday in March ~~at five p.m.,~~ ~~the request is properly filed.~~ No name that is withdrawn
20 pursuant to this section may be printed on the ballots to be used at the election.

21 **Section 4. That § 12-6-55 be AMENDED:**

22 **12-6-55.** Any person nominated to any elective office may ~~cause that person's~~
23 ~~name to be withdrawn~~ withdraw from the nomination by request in writing, subscribed
24 and sworn to by that person before any officer qualified to administer oaths and take
25 acknowledgments. The request ~~shall must~~ be filed with the officer with whom the
26 nominating petition was filed pursuant to § 12-6-4, not later than the close of regular
27 business hours for the office where the petition is filed on the first Tuesday in August ~~at~~
28 ~~5:00 p.m.~~ before the next election. No person's name withdrawn under this section may
29 be printed upon the ballots for that office unless the same person is subsequently selected
30 to fill the vacancy in accordance with § 12-6-56.

31 **Section 5. That § 12-7-1 be AMENDED:**

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~~ but before the close of regular business hours for the office
5 where the petition must be filed on the last Tuesday of April at 5:00 p.m. local time before
6 the election. A certificate of nomination ~~shall~~ must be executed as provided in chapter 12-
7 6. ~~If~~ A certificate of nomination is timely submitted if the certificate of nomination is mailed
8 by registered mail by the last Tuesday of April at ~~5:00~~ five p.m., local time, before the
9 election, ~~it is timely submitted~~. The certificate of nomination ~~shall~~ must be signed by
10 registered voters within the district or political subdivision in and for which the officers are
11 to be elected. The number of signatures required may not be less than one percent of the
12 total combined vote cast for Governor at the last certified gubernatorial election within the
13 district or political subdivision. The State Board of Elections shall promulgate rules,
14 pursuant to chapter 1-26, prescribing the forms for the certificate of nomination.

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

16 **12-7-7.** Any candidate for President or Vice President of the United States who is
17 not nominated by a primary election may be nominated by filing with the secretary of
18 state, after December thirty-first ~~and by~~ but before five p.m., central time, on the first
19 Tuesday in August ~~at 5:00 p.m. central time~~ before the election, a certificate of nomination
20 ~~which shall~~ that must be executed as provided in chapter 12-6. ~~If~~ A certificate of
21 nomination is timely submitted if the certificate of nomination is mailed by registered mail
22 by five p.m., central time, on the first Tuesday in August ~~at 5:00 p.m. central time~~ before
23 the election, ~~it is timely submitted~~. The number of signatures required may not be less
24 than one percent of the total combined vote cast for Governor at the last certified
25 gubernatorial election within the state. An independent candidate for President shall file a
26 declaration of candidacy and a certification of the candidate's selection for Vice President
27 with the secretary of state with the candidate's nominating petitions. The candidate and
28 the candidate's selection for Vice President ~~shall~~ must sign the certification before the
29 nominating petitions are submitted. If an independent candidate for Vice President
30 withdraws pursuant to § 12-6-55, no independent candidate for President ~~shall~~ may have
31 the candidate's name printed upon a ballot unless a replacement selection for Vice
32 President is certified to the secretary of state by the second Tuesday in August. The State
33 Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms
34 for the certificate of nomination and the certification for Vice President.

1 **Section 7. That § 12-19-2.1 be AMENDED:**

2 **12-19-2.1.** At ~~anytime~~ any time prior to an election, a voter may apply for an
3 absentee ballot in person at the office of and to the person in charge of the election ~~for an~~
4 ~~absentee ballot~~ during regular office hours ~~up to 5:00~~ or until four p.m. on the day before
5 the election, whichever is later. If the voter applies in person, the voter ~~shall~~ must
6 complete a combined absentee ballot ~~application/~~ application form and return envelope
7 and show the person in charge of the election the voter's identification card as required in
8 § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

9 In the event of confinement because of sickness or disability, a qualified voter may
10 apply in writing pursuant to the provisions of § 12-19-2 ~~in writing~~ and obtain an absentee
11 ballot by authorized messenger ~~so~~ designated over the signature of the voter. The person
12 in charge of the election ~~may deliver~~ shall provide the ballot to be delivered to the qualified
13 voter to the authorized messenger ~~a ballot to be delivered to the qualified voter. Any. An~~
14 ~~application for~~ to have a ballot delivered by authorized messenger must be received by
15 the person in charge of the election before ~~3:00~~ three p.m. on the day of the election. If
16 the application designating an authorized messenger also indicates a request for an
17 absentee ballot for any future election, ~~such the~~ absentee ballot shall must be mailed to
18 the address provided on the application. If no address is provided, the ballot ~~shall~~ must
19 be mailed to the person's voter registration address.

20 **Section 8.** Sections 1 to 6, inclusive, of this Act are effective January 1, 2025.