

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

555Z0822

HOUSE BILL NO. 1291

Introduced by: Representatives Latterell, Ahlers, Brunner, Campbell, DiSanto, Frye-Mueller, Greenfield (Lana), Haugaard, Heinemann, Jensen (Kevin), Johnson, Kaiser, Marty, May, Mills, Peterson (Sue), Pischke, Qualm, Rhoden, Rounds, Willadsen, and Zikmund and Senators Jensen (Phil), Bolin, Heinert, Killer, Kolbeck, Maher, Monroe, Nelson, Netherton, Otten (Ernie), and Wiik

1 FOR AN ACT ENTITLED, An Act to revise the procedure to nominate candidates for the
2 United States Senate.

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

4 Section 1. That chapter 12-5 be amended by adding a NEW SECTION to read:

5 Notwithstanding any other provision of title 12, each recognized political party in the
6 Legislature may nominate one candidate for the United States Senate. Before the Legislature
7 adjourns sine die, a candidate is required to receive a majority vote of the political party
8 members of the candidate's party in each house of the Legislature to be nominated for the United
9 States Senate. The vote for nomination of the candidate by each party shall be entered into the
10 journal. If any member of the Legislature has changed the member's party affiliation since the
11 last general election, that member may only vote for the political party nomination for which
12 the member had designated at the last general election.

13 If a political party does not have any party members in the Legislature, the state central



1 committee of that political party may nominate one candidate for the United States Senate. No
2 registered voter who has a designated party affiliation on January first of the year of the general
3 election may file a nominating petition for the United States Senate. Any independent candidate
4 who files a nominating petition that meets the requirements of chapter 12-7 may also have his
5 or her name placed on the ballot for United States Senate.

6 Section 2. That § 12-6-51.1 be amended to read:

7 12-6-51.1. If no candidate for ~~United States Senate~~, United States House of Representatives,
8 or Governor in a race involving three or more candidates receives thirty-five percent of the votes
9 of the candidate's party, a runoff election shall be held ten weeks from the date of the first
10 primary election. At the runoff election the only persons voted for shall be the two candidates
11 receiving the highest number of votes at the first election. However, if there is a tie for second
12 place in the first primary election and there is no tie for first place, all tying second place
13 candidates shall be placed along with the first place candidate on the ballot for the runoff
14 election. The runoff election shall be held at the same polling places, be conducted, returned,
15 and canvassed and the results declared in the same manner as the first election. However, if the
16 runoff election does not have a federal race, the electronic ballot marking system is not required,
17 and hand-counted ballots may be used. The person receiving the highest number of votes at the
18 runoff election is nominated as the candidate for the party.