

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

168Z0852

CONFERENCE COMMITTEE ENGROSSED NO. **HB 1286** - 3/9/2018

Introduced by: Representatives Qualm, Bartling, Hawley, and Peterson (Kent) and Senators Greenfield (Brock), Curd, and Maher

1 FOR AN ACT ENTITLED, An Act to authorize certain political parties to be classified under
2 alternative political status, to revise certain provisions regarding nominating petitions, and
3 to declare an emergency.

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

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

6 For the purposes of this title, the term, alternative political status, means that a political party
7 meets the requirements of this section commencing with the 2014 general election and each
8 general or special statewide election thereafter. Any political party that meets the definition of
9 political party as defined in § 12-1-3 and has a total party registration of less than two and a half
10 percent of the total number of registered voters, as recorded at the Office of the Secretary of
11 State on the date of the last general election, shall receive alternative political status. Any party
12 that has a total party registration of two and a half percent or more of the total number of
13 registered voters, as recorded at the Office of the Secretary of State on the date of the last
14 general election, shall no longer be classified as alternative political status, but shall remain a



political party for the next two general election cycles.

Section 2. That § 12-6-7 be amended to read:

12-6-7. A nominating petition may be composed of several sheets, each sheet shall have identical headings printed at the top and shall be a self-contained sheet of paper. The petition for party office or political public office shall be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election in the county, part of the county, district, or state electing a candidate to fill the office. If the party meets the requirement for alternative political status as defined in section 1 of this Act, the petition for party office or political public office shall be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the county, part of the county, district, or state electing a candidate to fill the office. If a county uses vote centers and does not print ballots by precinct, signature requirements for both partisan and independent candidates are:

- (1) Fifty signatures for a legislative candidate whose district either in whole or in part includes that county;
- (2) Thirty signatures for a county candidate;
- (3) Fifteen signatures for county commissioner district candidates;
- (4) Five signatures for a new party legislative candidate whose district either in whole or in part includes that county;
- (5) Five signatures for a new party county candidate; or
- (6) Three signatures for a new party county commissioner district candidate.

Section 3. That chapter 12-5 be amended by adding a NEW SECTION to read:

A political party with alternative political status may nominate a candidate for United States Senate, United States House of Representatives, Governor, and any legislative seat by

1 convention, if the nomination is submitted with the proper documentation to the Office of the
2 Secretary of State no later than 5:00 p.m. central time on the second Tuesday in August, of the
3 year of the election.

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

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

8 A political party that did not have a candidate for Governor in 2014 may nominate a
9 candidate for United States Senate, United States House of Representatives, Governor, and any
10 legislative seat by convention, provided that the nomination is submitted with the proper
11 documentation to the Office of the Secretary of State no later than 5:00 p.m. central time
12 August 1, 2018.

13 Section 5. Section 4 of this Act is repealed on January 1, 2019.

14 Section 6. That chapter 12-5 be amended by adding a NEW SECTION to read:

15 A new political party may nominate a candidate for United States Senate, United States
16 House of Representatives, Governor, and any legislative seat by convention, if the nomination
17 is submitted with the proper documentation to the Office of the Secretary of State no later than
18 5:00 p.m. central time on the second Tuesday in August, of the year of the election.

19 Section 7. That § 12-5-1 be amended to read:

20 12-5-1. A new political party may be organized and participate in the primary election by
21 filing with the secretary of state not later than the last Tuesday of March at five p.m. prior to the
22 date of the primary election, a written declaration signed by at least ~~two and one-half~~ one
23 percent of the voters of the state as shown by the total vote cast for Governor at the last
24 preceding gubernatorial election, which declaration shall contain:

1 (1) The name of the proposed party; and

2 (2) A brief statement of the principles thereof;

3 whereupon the party shall, under the party name chosen, have all the rights of a political party
4 whose ticket was on the ballot at the preceding general election. No signature on a declaration
5 is valid if the declaration was signed more than one year prior to filing of the declaration.

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

8 The national and state chairperson of a recognized political party may request in writing,
9 subscribed and sworn to by each chairperson before any officer qualified to administer oaths and
10 take acknowledgments, to no longer be recognized as a political party. The political party shall
11 also comply with the requirements for dissolution pursuant to chapter 12-27.

12 Section 8. That § 12-5-1.5 be amended to read:

13 12-5-1.5. If a new political party organizing does not have a candidate for United States
14 Senate, United States House of Representatives, Governor, or Legislature, ~~that~~ who is
15 nominated at a primary election, the new political party may be organized by filing with the
16 secretary of state not later than July first at five p.m. central time, a written declaration signed
17 by at least ~~two and one-half~~ one percent of the voters of the state as shown by the total vote cast
18 for Governor at the last preceding gubernatorial election. The declaration shall contain:

19 (1) The name of the proposed party; and

20 (2) A brief statement of the principles of the proposed party.

21 The new political party shall, under the party name chosen, have all the rights of a political party
22 whose ticket was on the ballot at the preceding general election. No signature on a declaration
23 is valid if the declaration was signed more than one year prior to filing of the declaration.

24 A political party loses the right to participate in the primary election for failure to meet the

1 definition of political party as defined in § 12-1-3.

2 The national and state chairperson of a recognized political party may request in writing,
3 subscribed and sworn to by each chairperson before any officer qualified to administer oaths and
4 take acknowledgments, to no longer be recognized as a political party. The political party shall
5 also comply with the requirements for dissolution pursuant to chapter 12-27.

6 Section 9. Whereas, this Act is necessary for the support of the state government and its
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
8 full force and effect from and after its passage and approval.