

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

771C0077

## HOUSE BILL NO. 1016

Introduced by: The Committee on Local Government at the request of the State Board of  
Elections

1 FOR AN ACT ENTITLED, An Act to revise the procedure for school district elections  
2 involving ties votes or request for recount.

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

4 Section 1. That § 13-7-9.5 be repealed.

5 ~~—13-7-9.5. If there are more than two candidates for a position on the school board and two~~  
6 ~~candidates are tied for a position after a recount has been held according to § 13-7-19.1, a~~  
7 ~~secondary election between the tied candidates shall be held.~~

8 Section 2. That § 13-7-9.6 be repealed.

9 ~~—13-7-9.6. If a secondary election is required according to § 13-7-9.5, the secondary election~~  
10 ~~shall be held two weeks from the date of the first election. The secondary election shall be held~~  
11 ~~at the same polling places, be conducted, returned and canvassed, and the result declared in the~~  
12 ~~same manner as the first election except that the business manager shall publish a notice of~~  
13 ~~election only once during the week preceding the secondary election.~~

14 ~~—The person receiving the highest number of votes at the secondary election shall be elected.~~  
15 ~~If there is a tie vote after a secondary election the tie shall be resolved according to the~~  
16 ~~provisions of § 13-7-19.1.~~

1 Section 3. That § 13-7-19.2 be amended to read as follows:

2 13-7-19.2. If any candidate for the school board is defeated by a margin not exceeding two  
3 percent of the total votes cast for all candidates for the office, the candidate may, within five days  
4 after completion of the official canvass, file with the ~~recount referee~~ business manager of the  
5 school district a written request for a recount. Upon receipt of a recount request, the ~~recount~~  
6 ~~referee~~ business manager shall set the time and place for a recount. A recount board shall be  
7 established consisting of one person chosen by each candidate declared elected and by each  
8 candidate who is eligible to request a recount. If this board consists of an even number of  
9 persons, one additional recount board member shall be appointed by the ~~recount referee~~ business  
10 manager who shall be mutually agreeable to each candidate involved in the recount. The person  
11 having custody of the ballot boxes containing the ballots to be recounted shall produce ~~them~~ the  
12 ballot boxes before ~~such~~ the recount board. All questions arising on the recount shall be  
13 determined by majority vote of ~~such~~ the recount board. The recount shall proceed as  
14 expeditiously as reasonably possible until completed.