

AN ACT

ENTITLED, An Act to provide for the filling of a vacancy if no person is elected to succeed an elected official in municipalities.

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

Section 1. That chapter 9-13 be amended by adding thereto a NEW SECTION to read as follows:

If for any reason a municipality fails to elect any person to succeed an elected official whose term has expired or an elected official fails to file a nominating petition or qualify, the office is deemed vacant. The elected official whose term has expired shall continue to act in an official capacity until the vacancy is filled by election or appointment pursuant to § 9-13-14.1 or 9-13-14.2.

Section 2. That § 9-7-3 be amended to read as follows:

9-7-3. The members of the Board of Trustees shall hold office for three years and until their successors are elected and qualified. A vacancy on the board shall be filled as provided in § 9-13-14.1 or 9-13-14.2.

When a municipality is organized, the trustees shall be elected for terms of one, two, and three years respectively at the first annual election. At subsequent elections each trustee shall be elected for a term of three years.

Section 3. That § 9-9-3 be amended to read as follows:

9-9-3. No term of office of the members of the board including the mayor may exceed five years as determined by ordinance, except that at the first election after the adoption of the commission form of government the mayor's term shall be for five years and the commissioners shall determine by lot their respective terms. If the number of commissioners is four, one shall serve for one year, one for two years, one for three years, and one for four years. If the number of commissioners is two, one shall serve for two years and one for four years. At the annual election preceding the expiration of the term of office of the mayor or any commissioner, a successor shall be elected for a term not

to exceed five years as determined by ordinance. A vacancy on the commission shall be filled as provided in § 9-13-14.1 or 9-13-14.2.

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I certify that the attached Act originated in the

SENATE as Bill No. 100

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 100
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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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