

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

840S0153

HOUSE BILL NO. 1044

Introduced by: Representatives Jones, Blake, Bolin, Boomgarden, Gibson, and Nelson
(Stace) and Senators Hundstad and Frerichs

1 FOR AN ACT ENTITLED, An Act to revise certain water project district voter eligibility
2 provisions.

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

4 Section 1. That § 6-16-2 be amended to read as follows:

5 6-16-2. The application for organization shall be a petition verified by one or more
6 circulators by affidavit stating that each affiant personally witnessed the signatures on the
7 petition and believe the signatures to be genuine. ~~The~~ Except as provided in this section, the
8 petition shall be signed by at least twenty-five percent of the registered voters within the
9 proposed district. If the proposed district is in two or more counties, a petition shall be filed in
10 each county and each petition shall be signed by at least twenty-five percent of the registered
11 voters within the proposed district in that county. The petition shall be accompanied by a deposit
12 covering the estimated costs as determined by the county auditor of the public notices and the
13 conduct of the election for the formation of the district. If the district to be formed is a road
14 district that contains no registered voters, the petition shall be signed by at least twenty-five
15 percent of the landowners. If the district to be formed is a water project district, any petition



1 required by this section shall be signed by qualified voters of the proposed district, as defined
2 in § 46A-18-2.1, in the appropriate county.

3 Section 2. That § 6-16-6 be amended to read as follows:

4 6-16-6. Any person who is registered to vote and resides in the proposed district may vote
5 in the elections provided for in § 6-16-5. However, the qualifications of a voter for irrigation
6 district elections are as provided in chapter 46A-4, and the qualifications of a voter for water
7 project district elections are as provided in § 46A-18-2.1. Absentee voting is allowed pursuant
8 to chapter 12-19 for the election on the question of formation of the special district or any other
9 question to be voted on by the eligible voters of the district. If the district to be formed is a road
10 district that contains no registered voters, voter eligibility is based solely on landowners. For the
11 purpose of this section, a person resides in a proposed district if the person actually lives in the
12 proposed district for at least thirty days in the last year.

13 Section 3. That § 46A-18-2.1 be amended to read as follows:

14 46A-18-2.1. Except as otherwise provided in this chapter, no person may vote in any
15 election held pursuant to this chapter unless the person is a qualified voter of the water project
16 district. A qualified voter of the district is a person who is a registered voter ~~and~~, a resident of
17 the district any county in which a portion of the district is located, and an owner of real property
18 located within the district. For purposes of this section, the term, owner of real property,
19 includes any person listed as the owner of real property in the records in the office of the register
20 of deeds of the county in which the real property is located. If real property is sold under a
21 contract for deed that is of record in the office of the register of deeds, the purchaser of the land,
22 as named in the contract for deed, is treated as the owner. If the election is conducted based on
23 director divisions, no person may vote in the election unless the person is a qualified voter of
24 the person's respective director division. A qualified voter of a director division is a person who

- 1 is a ~~registered voter and a resident of~~ qualified voter of the district and the owner of real
- 2 property in the director division.