

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

285U0630

HOUSE BILL NO. 1170

Introduced by: Representative Campbell and Senator Kirkeby

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for a secondary election if the
2 candidates for the United States Senate, United States House of Representatives, or
3 Governor do not receive a sufficient percentage of the votes cast during a primary election.

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

5 Section 1. That § 12-6-51.1 be repealed.

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



- 1 ~~marking system is not required and hand-counted ballots may be used. The person receiving the~~
- 2 ~~highest number of votes at the secondary election is nominated as the candidate for the party.~~