

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

285U0630

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1170** - 01/28/2013

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representative Campbell and Senator Kirkeby

1 FOR AN ACT ENTITLED, An Act to revise certain provisions 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 amended to read as follows:

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~~ ten weeks from the date of the
9 first 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



1 election. However, if the secondary election does not have a federal race, the electronic ballot
2 marking system is not required and hand-counted ballots may be used. The person receiving the
3 highest number of votes at the secondary election is nominated as the candidate for the party.