



2024 South Dakota Legislature

House Joint Resolution 5002

Introduced by: **Representative Mulally**

1 **A JOINT RESOLUTION, Proposing and submitting to the voters at the next general**
 2 **election an amendment to the Constitution of the State of South Dakota**
 3 **revising the process by which a legislative vacancy is filled.**

4 **Section 1.** That at the next general election held in the state, the following amendment to
 5 Article III of the Constitution of the State of South Dakota, as set forth in section 2 of this
 6 Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for
 7 approval.

8 **Section 2. That Article III, § 10 of the Constitution of the State of South Dakota, be**
 9 **AMENDED:**

10 **§ 10.** The Governor shall make ~~appointments~~ an appointment to fill ~~such vacancies~~
 11 as any vacancy that may occur in either house of the Legislature from a list of three
 12 candidates submitted by the central committees of the former legislator's political party
 13 in the counties comprising the vacant legislative district within ninety days of receiving
 14 the list. The central committees of the former legislator's political party in the counties
 15 comprising the vacant legislative district shall submit the list of three candidates to the
 16 Governor within thirty days of the vacancy occurring.

17 If any of the counties comprising the vacant legislative district do not have a central
 18 committee of the former legislator's political party, the statewide central committee of the
 19 former legislator's political party must represent the county without a central committee.

20 If the Legislature is in session when the vacancy occurs, the central committees of
 21 the former legislator's political party in the counties comprising the vacant legislative
 22 district must submit the list of three candidates to the Governor within five days of the
 23 vacancy occurring, and the Governor must make the appointment within ten days of
 24 receiving the list.