



2023 South Dakota Legislature

Senate Bill 40

HOUSE ENGROSSED

Introduced by: **Senator Johnson**

1 **An Act to revise the process for nominating candidates for lieutenant governor and**
 2 **to make related technical changes.**

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

4 **Section 1. That chapter 12-5 be amended with a NEW SECTION:**

5 A candidate for Governor shall select a candidate for lieutenant governor and certify
 6 the selection to the secretary of state no later than five p.m. central time on the second
 7 Tuesday in August of the year of the election. The candidate for Governor and the
 8 candidate's selection for lieutenant governor shall sign the certification. The State Board
 9 of Elections shall promulgate rules, pursuant to chapter 1-26, to prescribe the form for
 10 certification of a candidate for lieutenant governor under this section.

11 A candidate for lieutenant governor may withdraw by filing a request under oath
 12 with the secretary of state. If a candidate for lieutenant governor withdraws, the candidate
 13 for Governor shall select a replacement and certify the selection to the secretary of state
 14 no later than five p.m. central time on the second Tuesday in August of the year of the
 15 election. The candidate for Governor and the candidate's replacement selection for
 16 lieutenant governor shall sign the certification. The secretary of state may not place the
 17 name of the candidate for Governor on the general election ballot until a replacement
 18 candidate has been certified.

19 **Section 2. That § 12-5-17 be AMENDED:**

20 **12-5-17.** Each political party shall hold a state convention ~~in each even-numbered~~
 21 ~~year for the purposes stated~~ as provided for in § 12-5-21.

22 The state central committee of each political party shall determine the date, time,
 23 and place of the convention. The chair of the committee shall notify the secretary of state
 24 of the date and place of the convention ~~at least fifteen business~~ thirty days prior to before
 25 the date chosen.

1 **Section 3. That § 12-5-21 be AMENDED:**

2 **12-5-21.** ~~The~~ In a year when the Governor is to be elected, ~~state convention shall~~
 3 ~~nominate candidates for lieutenant governor,~~ the attorney general, secretary of state,
 4 state auditor, state treasurer, commissioner of school and public lands, and public utilities
 5 commissioner and in the years ~~must be nominated by state convention.~~ In a year when
 6 a President of the United States is to be elected, presidential electors and national
 7 committeeman and national committeewoman of the party ~~must be nominated by state~~
 8 convention.

9 **Section 4. That § 12-7-1.2 be AMENDED:**

10 **12-7-1.2.** An independent candidate for Governor shall ~~certify the candidate's~~
 11 ~~selection~~ select a candidate for lieutenant governor and certify the selection to the
 12 secretary of state with the candidate's nominating petition no later than five p.m. central
 13 time on the second Tuesday in August of the year of the election. The candidate and the
 14 candidate's selection for lieutenant governor shall sign the certification ~~before the~~
 15 ~~nominating petitions are circulated.~~

16 ~~If an~~ An independent candidate for lieutenant governor ~~withdraws, no~~ may
 17 withdraw by filing a request under oath with the secretary of state. If an independent
 18 candidate for lieutenant Governor withdraws, the independent candidate for Governor ~~may~~
 19 ~~have the candidate's name printed upon a ballot unless a~~ shall select a replacement and
 20 certify the selection for lieutenant governor is certified to the secretary of state by the ~~no~~
 21 later than five p.m. central time on the second Tuesday in August of the year of the
 22 election. The candidate for Governor and the candidate's replacement selection for
 23 lieutenant governor shall sign the certification. The secretary of state may not place the
 24 name of the candidate for Governor on the general election ballot until a replacement
 25 candidate has been certified.

26 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,
 27 prescribing the ~~forms~~ form for the certification for lieutenant governor.

28 **Section 5. That § 12-25-29 be AMENDED:**

29 **12-25-29.** Any candidate for ~~lieutenant governor,~~ state treasurer, attorney general,
 30 secretary of state, state auditor, public utilities commissioner, or commissioner of school
 31 and public lands shall file a statement of financial interest with the secretary of state not
 32 more than fifteen days after the candidate's nomination is certified.

1 A violation of this section is a petty offense. Any intentional violation of this section
2 is a Class 2 misdemeanor.

3 **Section 6. That chapter 12-25 be amended with a NEW SECTION:**

4 A candidate certified to be selected as lieutenant governor under sections 1 and 4
5 of this Act shall file a statement of financial interest with the secretary of state not more
6 than fifteen days after the candidate's certification.

7 A violation of this section is a petty offense. An intentional violation of this section
8 is a Class 2 misdemeanor.