

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

592U0037

SENATE STATE AFFAIRS ENGROSSED NO. **SB 82** - 02/15/2013

Introduced by: Senators Adelstein, Bradford, and Buhl and Representatives Hunhoff
(Bernie), Kopp, and Schrempp

1 FOR AN ACT ENTITLED, An Act to provide for the nomination of candidates for certain
2 constitutional officers using political party primary elections.

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

4 Section 1. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 At the general election held in 2016 and every four years thereafter, there shall be chosen
7 by the qualified voters of the state a secretary of state having the qualification prescribed by law
8 who shall hold office for a term of four years from the first Tuesday after the first Monday in
9 January following the election and until a successor is elected and qualified.

10 Section 2. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 No person is qualified to hold the office of secretary of state except a citizen of the United
13 States who is a qualified voter of this state, is at least twenty-five years old, and has resided in
14 this state for at least two years immediately preceding the election.



1 Section 3. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The secretary of state during the secretary's term of office shall reside at the state capital.

4 Section 4. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a vacancy occurs in the office of secretary of state by death, resignation, or otherwise, the
7 Governor shall make a temporary appointment to fill the vacancy, but the person so appointed
8 may hold the office only until the next general election and until a successor is elected and
9 qualified.

10 Section 5. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any candidate for the office of secretary of state shall be nominated and voted for at the
13 primary and general elections as provided in this Act. The office of secretary of state is a
14 political party office. It is a Class 2 misdemeanor for any political party to endorse or nominate
15 by any convention, or other method, any candidate for the office of secretary of state.

16 Section 6. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 Nominating petitions for the offices of attorney general, secretary of state, state auditor, state
19 treasurer, commissioner of school and public lands, and public utilities commissioner filed
20 pursuant to this Act shall be filed in the Office of the Secretary of State within the time
21 prescribed by § 12-6-4 and shall be signed by a number of registered voters not less than one
22 percent of the total combined vote cast for Governor at the most recent certified gubernatorial
23 election. To the extent it is consistent with this Act, the provisions of § 12-6-8 govern such
24 petitions. The order of names of candidates for each office certified by the secretary of state to

1 each of the county auditors shall be arranged by lot. Any candidate has the right to be present
2 or represented when the arrangement is being determined.

3 Section 7. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If, after nominations have been made under the provisions of this Act and the number of
6 nominees for any office specified in section 6 of this Act is reduced through death, withdrawal,
7 or disqualification of a nominee for the office, the registered voters of the state, may, if there
8 is sufficient time for filing a nominating petition pursuant to § 12-8-6, nominate one or more
9 candidates for the office by a petition otherwise complying with this Act.

10 Section 8. That § 12-5-21 be amended to read as follows:

11 12-5-21. The state convention shall nominate candidates for lieutenant governor, ~~attorney~~
12 ~~general, secretary of state, state auditor, state treasurer, commissioner of school and public~~
13 ~~lands, and public utilities commissioner~~ and in the years when a President of the United States
14 is to be elected, presidential electors and national committeeman and national committeewoman
15 of the party.