



2023 South Dakota Legislature

House Bill 1123

Introduced by: **Representative Jamison**

1 **An Act to authorize school boards to modify the length of terms for members to**
 2 **allow for holding joint elections.**

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

4 **Section 1. That § 13-8-2 be AMENDED:**

5 **13-8-2.** ~~There shall be a~~ A school board consisting consists of five, seven, or nine
 6 members whose terms ~~shall be~~ are from one to three years initially, and three years
 7 thereafter; provided that each school board member ~~shall be~~ is entitled to complete the
 8 term of office to which ~~he~~ the member was elected. A school board may, by resolution,
 9 increase the length of terms from three to four years for the purpose of holding joint
 10 elections pursuant to § 13-7-10.1. Terms may not be increased unless the school board
 11 conducts a public hearing thereon, after having given notice of the hearing by publication
 12 at least twice in its official newspaper at least ten days before the hearing. At the hearing,
 13 the board may approve the resolution or may refer the matter to the voters of the district.

14 **Section 2. That § 13-8-4 be AMENDED:**

15 **13-8-4.** If at an election held pursuant to § 13-8-3 an increase in the number of
 16 board members is authorized, the school board ~~is empowered to~~ must designate the
 17 number of vacancies and the number of years, not to exceed three years, or four years if
 18 authorized pursuant to § 13-8-2, in each vacancy, ~~so that all succeeding annual regular~~
 19 elections ~~will have,~~ insofar as practicable, the same number of vacancies to be filled.

20 The procedure for decreasing the number of board members ~~shall be~~ is the same
 21 as for increasing the number of board members, and the board ~~is similarly empowered to~~
 22 shall designate the vacancies and terms not to exceed three years, or four years if
 23 authorized pursuant to § 13-8-2; provided, that each school board member ~~shall be~~ is
 24 entitled to complete the term of office to which ~~he~~ the member was elected.

1 **Section 3. That chapter 13-7 be amended with a NEW SECTION:**

2 A school board resolution to increase school board terms to four years, pursuant
3 to § 13-8-2, is subject to a referendum if five percent of the registered voters of the school
4 district, based upon the total number of registered voters in the school district at the last
5 preceding general election, petition, within twenty days after the resolution is enacted, to
6 have the question of approval or disapproval of the resolution to increase term limits
7 placed upon the ballot at the next scheduled election or at a special election called for that
8 purpose. The business manager shall give notice that the question will be on the ballot at
9 the next scheduled election or at a special election called for that purpose as provided by
10 law for school elections and prepare official ballots according to the provisions of this title.

11 **Section 4. That chapter 13-7 be amended with a NEW SECTION:**

12 If a resolution to increase a school board term to four years is approved, pursuant
13 to § 13-8-2, the school board must designate the number of vacancies and the number of
14 years, not exceeding four years, for each vacancy so that all succeeding elections have,
15 insofar as practicable, the same number of vacancies to be filled.

16 **Section 5. That § 13-6-62 be AMENDED:**

17 **13-6-62.** If under the provisions of this chapter a new school district entity is
18 created, the voters shall elect a new school board to govern ~~such~~ the school district as
19 hereinafter provided. The county auditor of the county having jurisdiction shall conduct
20 the election under the existing statutory provisions for conducting ~~annual~~ regular elections
21 in school districts. The county auditor shall perform the duties specified for the business
22 manager as provided in chapter 13-7, as amended and shall also give the notice of the
23 number of school board vacancies and residency requirements for school board
24 membership as may be set forth in the plan approved by the voters. The declaration of
25 candidacy shall be filed in the office of the county auditor, and the date of election may
26 be fixed on or before the first Monday in May. Costs of conducting the election shall be
27 paid by the new school district.

28 **Section 6. That § 13-6-84.3 be AMENDED:**

29 **13-6-84.3.** Within thirty days of the last date of the public hearing, pursuant to
30 § 13-6-84.2, five percent of the voters residing within a school district may petition the
31 school board to refer the resolutions to an election. The school district shall submit the

1 question at the next ~~annual~~ regular election provided in § 13-7-10. The question shall be
2 deemed to have passed or failed by a simple majority of those voting. Upon passage, the
3 school boards shall submit the resolution to the county commissioners for implementation
4 pursuant to § 13-6-87.

5 **Section 7. That § 13-7-10 be AMENDED:**

6 **13-7-10.** The ~~annual~~ regular election for school districts shall be held between the
7 second Tuesday in April and the third Tuesday in June between the hours of seven a.m.
8 and seven p.m. of the day of the election. The school board shall select the date of the
9 election by resolution no later than the first regular meeting after January first of each
10 year. Voter registration, absentee voting, and procedures used in counting ballots shall be
11 in accordance with Title 12 except as specifically provided in chapter 13-7.

12 **Section 8. That § 13-7-30 be AMENDED:**

13 **13-7-30.** For the most recent ~~annual~~ regular school election conducted in each
14 school district as provided in § 13-7-10, each school board shall provide in the school
15 board minutes the following information:

- 16 (1) The number of registered voters of the school district on the date voter registration
17 closes;
- 18 (2) The number of registered voters of the school district who voted in the election;
- 19 (3) The percentage of registered voters of the school district who voted in the election;
20 and
- 21 (4) If the election was held in conjunction with a regular municipal election as provided
22 in § 13-7-10.1 or with the regular June primary as provided in § 13-7-10.3.

23 If the ~~annual~~ regular election was not conducted because there was neither a
24 contested vacancy on the school board nor any question submitted to the voters, the
25 school board shall provide that information in the school board minutes.

26 **Section 9. That § 13-8-3 be AMENDED:**

27 **13-8-3.** The voters of any school district may increase the number of board
28 members to seven or to nine, or establish or discontinue school board representation
29 areas, by a majority vote of all voters voting at an election called and held as hereinafter
30 provided. If a petition signed by ten percent of the registered voters of any school district,
31 based upon the total number of registered voters at the last preceding general election,

1 is presented to the board requesting that an election be called for the purpose of voting
2 upon the question of the change of number of board members, or the establishment or
3 discontinuation of school board representation areas, the board shall call an election. The
4 school board may, by resolution, call for an election for the purpose of voting upon the
5 question of the change of number of board members, or the establishment or
6 discontinuation of school board representation areas. The question shall be submitted to
7 the voters at an election to be held not less than forty-five nor more than sixty days from
8 the date of the filing of ~~such~~ the petition with the business manager. If ~~such~~ a petition is
9 filed less than one hundred twenty days prior to the next ~~annual~~ regular election, the
10 question ~~shall~~ must be submitted at the ~~annual~~ regular election. ~~Such~~ The election ~~shall~~
11 must be held upon the same notice and conducted in the same manner as provided by
12 chapter 13-7. Any increase or decrease in the number of board members ~~shall~~ must be
13 implemented at the next succeeding ~~annual~~ regular election.