



2023 South Dakota Legislature  
**House Bill 1123**  
**ENROLLED**

AN ACT

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

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

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

**13-8-2.** A school board consists of five, seven, or nine members whose terms are from one to three years initially, and three years thereafter; provided that each school board member is entitled to complete the term of office to which the member was elected. A school board may, by resolution, increase the length of terms from three to four years or decrease the length of terms from three to two years for the purpose of holding joint elections pursuant to § 13-7-10.3. Terms may not be increased or decreased unless the school board conducts a public hearing thereon, after having given notice of the hearing by publication at least twice in its official newspaper at least ten days before the hearing. At the hearing, the board may approve the resolution or may refer the matter to the voters of the district.

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

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

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

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

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

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

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

If a resolution to decrease the length of a school board term from three to two years is approved pursuant to § 13-8-2, each member of the school board must be elected at the regularly scheduled election.

**Section 5. That chapter 13-7 be amended with a NEW SECTION:**

If a school board has, by resolution, increased the length of terms from three to four years or decreased the length of terms from three to two years for the purpose of holding joint elections pursuant to § 13-7-10.3, the school board may decrease the length of terms from four years to three or increase the length of terms from two to three years using the same procedure as used when altering the length of terms for the purpose of holding joint elections pursuant to § 13-7-10.3, provided that each school board member is entitled to complete the term of office to which the member was elected. The school board is empowered to designate the number of vacancies and the number of the years, not to exceed three years, in each vacancy so that all succeeding regular elections have, insofar as practicable, the same number of vacancies to be filled.

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

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

**Section 7. That § 13-6-84.3 be AMENDED:**

**13-6-84.3.** Within thirty days of the last date of the public hearing, pursuant to § 13-6-84.2, five percent of the voters residing within a school district may petition the school board to refer the resolutions to an election. The school district shall submit the question at the next regular election provided in § 13-7-10. The question shall be deemed to have passed or failed by a simple majority of those voting. Upon passage, the school boards shall submit the resolution to the county commissioners for implementation pursuant to § 13-6-87.

**Section 8. That § 13-7-10 be AMENDED:**

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

**Section 9. That § 13-7-30 be AMENDED:**

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

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

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

**Section 10. That § 13-8-3 be AMENDED:**

**13-8-3.** The voters of any school district may increase the number of board members to seven or to nine, or establish or discontinue school board representation areas, by a majority vote of all voters voting at an election called and held as hereinafter provided. If a petition signed by ten percent of the registered voters of any school district, based upon the total number of registered voters at the last preceding general election, is presented to the board requesting that an election be called for the purpose of voting upon the question of the change of number of board members, or the establishment or discontinuation of school board representation areas, the board shall call an election. The school board may, by resolution, call for an election for the purpose of voting upon the question of the change of number of board members, or the establishment or discontinuation of school board representation areas. The question shall be submitted to the voters at an election to be held not less than forty-five nor more than sixty days from the date of the filing of the petition with the business manager. If a petition is filed less than one hundred twenty days prior to the next regular election, the question must be submitted at the regular election. The election must be held upon the same notice and conducted in the same manner as provided by chapter 13-7. Any increase or decrease in the number of board members must be implemented at the next succeeding regular election.

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1123

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1123  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State