



2023 South Dakota Legislature

House Bill 1146

Introduced by: **Representative Sjaarda**

1 **An Act to establish a citizen's legal standing to request a writ of mandamus or**
2 **prohibition.**

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

4 **Section 1. That chapter 12-26 be amended with a NEW SECTION:**

5 An individual registered to vote, pursuant to chapter 12-4, may file in state court
6 a request for a writ of mandamus against any state or local official who fails or wrongly
7 refuses to abide by or enforce state election law or rule. A request for a writ of mandamus
8 is timely filed within thirty days of the official canvass of the votes of the election impacted
9 by the official's failure or refusal to act.

10 An individual registered to vote, pursuant to chapter 12-4, may file in state court
11 a request for a writ of prohibition against any state or local official who acts outside of or
12 without the authority of state election law or rule. A request for a writ of prohibition is
13 timely filed within thirty days of the official canvass of the votes of the election impacted
14 by the official's action.