



2024 South Dakota Legislature

Senate Bill 13

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Mehlhaff**

1 **An Act to revise the process for nominating candidates for the offices of lieutenant**
 2 **governor, attorney general, and secretary of state.**

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 nominate a candidate for lieutenant governor and
 6 shall certify the nomination to the secretary of state no later than five p.m. central time
 7 on the second Tuesday in August in the year of the election. The candidate for Governor
 8 and the candidate's nominee for lieutenant governor shall sign the certification.

9 A candidate for lieutenant governor may withdraw the nomination by filing a
 10 request under oath with the secretary of state. If a candidate for lieutenant governor
 11 withdraws, the candidate for Governor must nominate a replacement and certify the
 12 nomination to the secretary of state pursuant to this section. The secretary of state may
 13 not place the name of the candidate for Governor on the general election ballot until a
 14 candidate for lieutenant governor has been certified. The State Board of Elections shall
 15 promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification and
 16 withdrawal of a candidate for lieutenant governor.

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

18 **12-5-17.** Each political party shall hold a state convention in each even-numbered
 19 year for the purposes stated in § 12-5-21. The state central committee of each political
 20 party shall determine the time and place of the convention. The chair of the committee
 21 shall notify the secretary of state of the date and place of the convention at least ~~fifteen~~
 22 ~~business days prior to~~ thirty days before the date chosen.

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

1 **12-5-21.** ~~The~~In a year when the Governor is to be elected, the delegates selected
 2 to participate in the state convention shall nominate candidates for ~~lieutenant governor,~~
 3 ~~attorney general, secretary of state,~~ state auditor, state treasurer, commissioner of school
 4 and public lands, and public utilities commissioner ~~and in.~~ In the years when a President
 5 of the United States is to be elected, the delegates shall nominate a candidate for public
 6 utilities commissioner, presidential electors, and national committeeman and national
 7 committeewoman of the party.

8 **Section 4. That a NEW SECTION be added to chapter 12-5:**

9 If a political party is unable to nominate a candidate for the office of attorney
 10 general or secretary of state at the primary election, the political party may nominate a
 11 candidate for the office at the state convention.

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

13 **12-5-25.** A political party with alternative political status may nominate a
 14 candidate for United States Senate, United States House of Representatives, Governor,
 15 attorney general, secretary of state, and any legislative seat by convention, if the
 16 nomination is submitted with the proper documentation to the Office of the Secretary of
 17 State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August, ~~of~~ in the
 18 year of the election.

19 A candidate registered with a political party with an alternative political status may
 20 choose, if allowed by the party bylaws, to participate in a primary election by submitting
 21 a candidate petition no later than the last Tuesday of March in accordance with § 12-5-
 22 1.4.

23 **Section 6. That § 12-5-26 be AMENDED:**

24 **12-5-26.** A new political party may nominate a candidate for United States Senate,
 25 United States House of Representatives, Governor, attorney general, secretary of state,
 26 and any legislative seat by convention, if the nomination is submitted with the proper
 27 documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central
 28 time on the second Tuesday in August, ~~of~~ in the year of the election.

29 **Section 7. That § 12-6-7 be AMENDED:**

1 **12-6-7.** A nominating petition may be composed of several sheets,~~each.~~ Each
 2 sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-
 3 contained sheet of paper. The petition for a candidate for the Legislature ~~shall designate~~
 4 must specify the senatorial or representative district number and house for which the
 5 person is a candidate.

6 The petition for ~~party office or political public office for a state~~ a political party's
 7 gubernatorial or federal candidate ~~shall~~ must be signed by not less than one percent of
 8 the voters who voted for that party's gubernatorial candidate at the last gubernatorial
 9 election ~~in the state.~~ The petition of a party's candidate for attorney general or secretary
 10 of state must be signed by not less than one-quarter of one percent of the voters who
 11 voted for that party's gubernatorial candidate at the last gubernatorial election or two
 12 hundred fifty qualified voters, whichever is greater. A petition for the Legislature, county
 13 party office, or county political public office ~~shall~~ must be signed by not less than one
 14 percent of the voters who voted for that party's gubernatorial candidate at the last
 15 gubernatorial election, or fifty voters, in the county, part of the county, or district electing
 16 a candidate to fill the office, whichever is less.

17 If the party meets the requirement for alternative political status as defined in
 18 § 12-1-3.1, the petition for party office or political public office for a state or federal
 19 candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for
 20 that party's statewide candidate receiving the highest votes at the last gubernatorial
 21 election in the state. A petition for the Legislature, county party office, or county political
 22 public office shall be signed by not less than one percent of the voters who voted for that
 23 party's statewide candidate receiving the highest votes at the last gubernatorial election
 24 in the county, part of the county, or district electing a candidate to fill the office, whichever
 25 is less.

26 If a county uses vote centers and does not print ballots by precinct, signature
 27 requirements are:

- 28 (1) For both partisan and independent candidates, fifty signatures for a legislative
 29 candidate whose district either in whole or in part includes that county;
- 30 (2) For a county candidate:
- 31 (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty
 32 signatures or signatures from one percent of the voters who voted for that
 33 party's gubernatorial candidate, or the party's statewide candidate receiving
 34 the highest votes if the party meets the requirement for alternative party

- 1 status as defined in § 12-1-3.1, at the last gubernatorial election in the
 2 county electing a candidate to fill the office; or
 3 (b) Independent candidate petitions ~~shall~~ must be signed by not less than one
 4 percent of the total combined vote for Governor at the last certified election
 5 within the county electing a candidate to fill the office;
 6 (3) Half the number of signatures required under subdivision (2), for county
 7 commissioner district candidates;
 8 (4) Five signatures for a new party legislative candidate whose district either in whole
 9 or in part includes that county;
 10 (5) Five signatures for a new party county candidate; or
 11 (6) Three signatures for a new party county commissioner district candidate.

12 **Section 8. That § 12-7-1 be AMENDED:**

13 **12-7-1.** Any candidate for nonjudicial public office, except the office of lieutenant
 14 governor and as provided in § 12-7-7, who is not nominated by a primary election may
 15 be nominated by filing a certificate of nomination with the secretary of state or county
 16 auditor ~~as prescribed in the manner of filing nominating petitions as described in~~ by § 12-
 17 6-4, after December thirty-first ~~and by~~ but no later than five p.m. local time on the last
 18 Tuesday of April ~~at 5:00 p.m. local time~~ before the election. A certificate of nomination
 19 ~~shall~~ must be executed as provided in chapter 12-6. ~~If A certificate of nomination is timely~~
 20 submitted if the certificate of nomination is mailed by registered mail ~~by~~ no later than five
 21 p.m. local time on the last Tuesday of April ~~at 5:00 p.m. local time~~ before the election, ~~it~~
 22 ~~is timely submitted.~~ The certificate of nomination ~~shall~~ must be signed by registered voters
 23 within the district or political subdivision in and for which the officers are to be elected.
 24 The number of signatures required may not be less than one percent of the total combined
 25 vote cast for Governor at the last certified gubernatorial election within the district or
 26 political subdivision. The State Board of Elections shall promulgate rules, pursuant to
 27 chapter 1-26, prescribing the forms for the certificate of nomination.

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

29 **12-7-1.2.** An independent candidate for Governor shall ~~certify the candidate's~~
 30 ~~selection~~ nominate a candidate for lieutenant governor and shall certify the nomination to
 31 the secretary of state ~~with the candidate's nominating petition~~ no later than five p.m.
 32 central time on the second Tuesday in August in the year of election. The candidate for

1 Governor and the candidate's ~~selection~~ nominee for lieutenant governor shall sign the
2 certification ~~before the nominating petitions are circulated.~~

3 ~~If an~~An independent candidate for lieutenant governor ~~withdraws, no~~ may
4 withdraw by filing a request under oath with the secretary of state. If an independent
5 candidate for lieutenant governor withdraws, the independent candidate for Governor ~~may~~
6 ~~have the candidate's name printed upon a ballot unless~~ must nominate a replacement
7 ~~selection~~ candidate for lieutenant governor ~~is certified~~ and certify the nomination to the
8 secretary of state ~~by the second Tuesday in August pursuant to this section. The secretary~~
9 ~~of state may not place the name of the candidate for Governor on the general election~~
10 ballot until a candidate for lieutenant governor has been certified.

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

13 **Section 10. That § 12-25-28 be AMENDED:**

14 **12-25-28.** Any candidate for the United States Senate, the United States House
15 of Representatives, Governor, attorney general, secretary of state, circuit court judge, or
16 the Legislature shall file a statement of financial interest with the secretary of state not
17 more than fifteen days after filing the candidate's nominating petitions. Any Supreme
18 Court justice shall file a statement of financial interest with the secretary of state not more
19 than fifteen days following notice to the secretary of state of the justice's intention to place
20 the justice's name on the retention ballot. A violation of this section is a petty offense.
21 Any intentional violation of this section is a Class 2 misdemeanor.

22 **Section 11. That § 12-25-29 be AMENDED:**

23 **12-25-29.** Any candidate for lieutenant governor, state treasurer, ~~attorney~~
24 ~~general, secretary of state,~~ state auditor, public utilities commissioner, or commissioner
25 of school and public lands shall file a statement of financial interest with the secretary of
26 state not more than fifteen days after the candidate's nomination is certified. A violation
27 of this section is a petty offense. Any intentional violation of this section is a Class 2
28 misdemeanor.