



## 2025 South Dakota Legislature

# Senate Bill 89

Introduced by: **Senator Pischke**

1 **An Act to repeal the requirement that judicial officers be listed on a separate**  
 2 **nonpolitical ballot.**

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

4 **Section 1. That § 12-16-1 be AMENDED:**

5 **12-16-1.** The county auditor shall provide printed ballots for each election in which  
 6 the voters of the entire county participate. Except as provided in § 12-6-9, printed ballots  
 7 for a primary election ~~shall~~ must contain the name of each candidate who has filed for  
 8 nomination and is approved. The printed ballots for the election of officers ~~shall~~ must  
 9 contain the name of each candidate whose nomination has been certified or filed with the  
 10 county auditor in the manner provided by law, unless the candidate is deemed elected by  
 11 having no opposition. The names of the candidates ~~shall~~ must appear on the ballot exactly  
 12 as listed in the declaration of candidacy of the candidates' nominating petitions.

13 Sample ballots ~~shall~~ must be printed on paper of a different color from the official  
 14 ballot but in the same form. The sample ballots and official ballots ~~shall~~ must be printed  
 15 and in the possession of the county auditor not later than forty-eight days prior to a  
 16 primary or general election. ~~However, if~~ If there is a challenge pursuant to § 12-1-13 or  
 17 12-1-16, official ballots may not be printed until the challenge has been resolved or until  
 18 sixty days prior to the primary or general election, whichever occurs first.

19 The county auditor shall ~~also~~ prepare the necessary ballots, if any question is  
 20 required to be submitted to the voters of the county. Ballots for general elections ~~shall~~  
 21 must be of the style and form prescribed in §§ 12-16-2 to ~~12-16-11~~ 12-16-10.1, inclusive.

22 **Section 2. That § 12-16-11 be REPEALED.**

23 At each ~~general election when judicial officers are elected, there shall be a separate~~  
 24 ~~ballot entitled "nonpolitical judiciary ballot" which shall be prescribed by the State Board~~  
 25 ~~of Elections.~~