



2025 South Dakota Legislature

Senate Bill 94

SENATE ENGROSSED

Introduced by: **Senator Hulse**

1 **An Act to amend provisions pertaining to the duties of presidential electors.**

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

3 **Section 1. That a NEW SECTION be added to chapter 12-24:**

4 The office of presidential elector becomes vacant if the elector:

5 (1) Dies;

6 (2) Resigns;

7 (3) Fails to qualify, as provided by law; or

8 (4) Fails to appear at the designated time and place of the meeting.

9 An elector may resign the office of presidential elector by submitting a letter of
10 resignation to the secretary of state.

11 **Section 2. That § 12-24-2 be AMENDED:**

12 **12-24-2.** If a vacancy occurs before the meeting of the electors, the chair of the
13 political party that nominated the elector must immediately select a replacement and file
14 the selection with the secretary of state.

15 If ~~any~~ an elector named in the Governor's certificate fails to appear before nine
16 o'clock in the morning of the day of election of President and vice president ~~as aforesaid,~~
17 the electors there present ~~shall immediately proceed to elect by ballot, in the presence of~~
18 the Governor, a person to fill such ~~must immediately elect, by ballot, an individual to fill~~
19 the vacancy. If more than one person voted for to fill such vacancy shall have the highest
20 and ~~individual receives~~ an equal number of votes, the Governor, ~~in the presence of the~~
21 electors attending, shall decide by lot which of such persons shall be elected ~~must, in the~~
22 presence of the remaining electors, name one of the individuals receiving an equal number
23 of votes to fill the vacancy. If the Governor is not present or is one of the remaining
24 electors, the secretary of state must name the individual to fill the vacancy.

1 **Section 3. That § 12-24-3 be AMENDED:**

2 **12-24-3.** Immediately after ~~such the~~ choice of elector is made, the name of the
3 ~~person so chosen shall forthwith~~ individual chosen to fill the vacancy must be certified to
4 the Governor by the electors making ~~such the~~ choice; ~~and the~~ The Governor shall cause
5 notice to be immediately given, in writing, to the ~~elector~~ individual chosen to fill ~~such the~~ the
6 ~~vacancy; and the person so chosen shall be an elector and~~ If the Governor is not present,
7 the secretary of state shall notify the individual chosen to fill the vacancy.

8 The individual chosen to fill the vacancy shall meet the other electors at the same
9 time and place, and then and there discharge all and singular set forth in § 12-24-1 to
10 discharge the duties enjoined upon ~~him~~ the individual as an elector, by the Constitution
11 and laws of the United States and of this state.

12 **Section 4. That a NEW SECTION be added to chapter 12-24:**

13 Each elector of President and vice president of the United States, from this state,
14 shall vote for the candidates for the office of president and vice president receiving the
15 highest number of votes in this state's general election.

16 An elector vacates the office of presidential elector if the elector:

17 (1) Refuses to vote; or

18 (2) Attempts to vote for any candidate other than the candidate receiving the highest
19 number of votes in this state's general election.

20 If the office of presidential elector becomes vacant pursuant to this section, the
21 remaining electors present must fill the vacancy in the same manner as provided in § 12-
22 24-2.