

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

156Y0303

## SENATE BILL NO. 98

Introduced by: Senators Kennedy and Youngberg and Representatives York and Bartling

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding deadlines for municipal  
2 election recounts.

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

4 Section 1. That § 9-13-27.3 be amended to read:

5 9-13-27.3. If any candidate for the municipal governing body is defeated by a margin not  
6 exceeding two percent of the total votes cast for all candidates for the office, or by a margin of  
7 five votes or less, the candidate may, within five days after completion of the official canvass,  
8 file with the municipal finance officer a written request for a recount. ~~Upon receipt of a recount~~  
9 ~~request, the~~ The finance officer shall set the time and place for the recount to occur within ten  
10 days of the date of the receipt of the recount request. A recount board shall be established  
11 consisting of one person chosen by each candidate declared elected and by each candidate who  
12 is eligible to request a recount. If this board consists of an even number of persons, one  
13 additional recount board member shall be appointed by the finance officer who shall be mutually  
14 agreeable to each candidate involved in the recount. Each representative to the recount board  
15 shall be named within three days of the receipt of the recount request by the finance officer. The



1 person having custody of the ballot boxes containing the ballots to be recounted shall deliver  
2 them to the recount board. Any question arising on the recount shall be determined by majority  
3 vote of the recount board. The recount shall proceed expeditiously until completed.

4 Section 2. That § 9-13-27.4 be amended to read:

5 9-13-27.4. Notwithstanding any other provisions of law, recounts of municipal ballot  
6 questions shall be conducted ~~when~~ if, within five days after completion of the official canvass  
7 of a municipal ballot question election at which a question is approved or disapproved by a  
8 margin not exceeding two percent of the total votes cast in the election, any three registered  
9 voters of the municipality file a petition duly verified by ~~them~~ such voters, setting forth that they  
10 believe a recount will change the outcome. The finance officer shall set the time and place for  
11 the recount to occur within ten days of the date of the receipt of the recount request. A recount  
12 board shall be appointed by the finance officer who shall appoint one person on each side of the  
13 question and one person who shall be mutually agreed upon by the other two appointed. Each  
14 representative to the recount board shall be named within three days of the receipt of the recount  
15 request by the finance officer. The recount shall be conducted according to the provisions of § 9-  
16 13-27.3.