

AN ACT

ENTITLED, An Act to revise provisions regarding deadlines for municipal election recounts.

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

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

9-13-27.3. If any candidate for the municipal governing body is defeated by a margin not exceeding two percent of the total votes cast for all candidates for the office, or by a margin of five votes or less, the candidate may, within five days after completion of the official canvass, file with the municipal finance officer a written request for a recount. The finance officer shall set the time and place for the recount to occur within ten days of the date of the receipt of the recount request. A recount board shall be established consisting of one person chosen by each candidate declared elected and by each candidate who is eligible to request a recount. If this board consists of an even number of persons, one additional recount board member shall be appointed by the finance officer who shall be mutually agreeable to each candidate involved in the recount. Each representative to the recount board shall be named within three days of the receipt of the recount request by the finance officer. The person having custody of the ballot boxes containing the ballots to be recounted shall deliver them to the recount board. Any question arising on the recount shall be determined by majority vote of the recount board. The recount shall proceed expeditiously until completed.

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

9-13-27.4. Notwithstanding any other provisions of law, recounts of municipal ballot questions shall be conducted if, within five days after completion of the official canvass of a municipal ballot question election at which a question is approved or disapproved by a margin not exceeding two percent of the total votes cast in the election, any three registered voters of the municipality file a petition duly verified by such voters, setting forth that they believe a recount will change the outcome. The finance officer shall set the time and place for the recount to occur within ten days of

the date of the receipt of the recount request. A recount board shall be appointed by the finance officer who shall appoint one person on each side of the question and one person who shall be mutually agreed upon by the other two appointed. Each representative to the recount board shall be named within three days of the receipt of the recount request by the finance officer. The recount shall be conducted according to the provisions of § 9-13-27.3.

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I certify that the attached Act
originated in the

SENATE as Bill No. 98

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 98
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State