



2024 South Dakota Legislature

House Bill 1075

Introduced by: **Representative Massie**

1 **An Act to modify provisions pertaining to the deadlines for the filing of certain**
 2 **election related documents.**

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

4 **Section 1. That § 12-4-5 be AMENDED:**

5 **12-4-5.** The county auditor shall enter in the master registration file the name of
 6 each eligible person whose completed application for registration and mail registration
 7 card is received ~~no later than 5:00 p.m. local time~~ during regular business hours at least
 8 fifteen days preceding the election by the county auditor or the local, state, or federal
 9 agency responsible for conducting voter registration under this chapter. A voter
 10 registration completed at any local, state, or federal agency during any week commencing
 11 on Tuesday through the following Monday ~~shall~~ must be sent to the appropriate county
 12 auditor by the agency receiving the registration or mail registration card no later than the
 13 following Wednesday. The State Board of Elections ~~may~~ shall promulgate rules, pursuant
 14 to chapter 1-26, prescribing the method for the alternative transmission of voter
 15 registration information by computer from the agency to the secretary of state. The name
 16 of any voter who has registered to vote by ~~5:00 p.m. local time~~ the close of regular
 17 business hours fifteen days preceding a runoff election ~~shall~~ must be added to the file
 18 used for the runoff election.

19 **Section 2. That § 12-6-4 be AMENDED:**

20 **12-6-4.** Except as provided by § 12-5-4 and as may be otherwise provided in
 21 chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either
 22 or both the primary or general election, other than a presidential election, may have that
 23 person's name printed upon the official primary election ballot of that person's party,
 24 unless a petition has been filed on that person's behalf after December thirty-first ~~and by~~
 25 but before the close of regular business hours for the office where the petition must be

1 ~~filed on~~ the last Tuesday of March ~~at five p.m. local time~~ before the date of the primary
 2 election. ~~If The petition is considered timely submitted if~~ the petition is mailed by
 3 registered mail by five p.m., local time, on the last Tuesday of March ~~at five p.m. local~~
 4 ~~time~~ before the primary election, ~~the petition shall be considered timely submitted.~~ A
 5 nominating petition for national convention delegates and alternates as provided in § 12-
 6 5-3.11 ~~shall must~~ be filed in accordance with the provisions of this section. Nominating
 7 petitions for all party and public offices except legislative and judicial offices ~~shall must~~ be
 8 filed in the office of the county auditor of the county in which the person is a candidate.
 9 Nominating petitions for legislative and judicial office, whether elected in one or more
 10 counties, and all other party and public offices to be voted on in more than one county
 11 ~~shall must~~ be filed in the Office of the Secretary of State.

12 **Section 3. That § 12-6-8.1 be AMENDED:**

13 **12-6-8.1.** Any person may ~~have his or her name withdrawn~~ withdraw from the
 14 primary election by making a written request under oath. The request ~~shall must~~ be filed
 15 with the officer with whom the nominating petition was filed pursuant to § 12-6-4, not
 16 later than the close of regular business hours for the office where the petition is filed two
 17 days after the last Tuesday in March ~~at five p.m.~~ ~~If. The request is properly filed if~~ the
 18 request is mailed by registered mail not later than five p.m., local time, two days after the
 19 last Tuesday in March ~~at five p.m.,~~ ~~the request is properly filed.~~ No name that is withdrawn
 20 pursuant to this section may be printed on the ballots to be used at the election.

21 **Section 4. That § 12-6-55 be AMENDED:**

22 **12-6-55.** Any person nominated to any elective office may ~~cause that person's~~
 23 ~~name to be withdrawn~~ withdraw from the nomination by request in writing, subscribed
 24 and sworn to by that person before any officer qualified to administer oaths and take
 25 acknowledgments. The request ~~shall must~~ be filed with the officer with whom the
 26 nominating petition was filed pursuant to § 12-6-4, not later than the close of regular
 27 business hours for the office where the petition is filed on the first Tuesday in August ~~at~~
 28 ~~5:00 p.m.~~ before the next election. No person's name withdrawn under this section may
 29 be printed upon the ballots for that office unless the same person is subsequently selected
 30 to fill the vacancy in accordance with § 12-6-56.

31 **Section 5. That § 12-7-1 be AMENDED:**

1 **12-7-1.** Any candidate for nonjudicial public office, except as provided in § 12-7-
 2 7, who is not nominated by a primary election may be nominated by filing a certificate of
 3 nomination with the secretary of state or county auditor as prescribed by § 12-6-4, after
 4 December thirty-first ~~and by~~ but before the close of regular business hours for the office
 5 where the petition must be filed on the last Tuesday of April at 5:00 p.m. local time before
 6 the election. A certificate of nomination ~~shall~~ must be executed as provided in chapter 12-
 7 6. ~~If~~ A certificate of nomination is timely submitted if the certificate of nomination is mailed
 8 by registered mail by the last Tuesday of April at ~~5:00~~ five p.m., local time, before the
 9 election, ~~it is timely submitted~~. The certificate of nomination ~~shall~~ must be signed by
 10 registered voters within the district or political subdivision in and for which the officers are
 11 to be elected. The number of signatures required may not be less than one percent of the
 12 total combined vote cast for Governor at the last certified gubernatorial election within the
 13 district or political subdivision. The State Board of Elections shall promulgate rules,
 14 pursuant to chapter 1-26, prescribing the forms for the certificate of nomination.

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

16 **12-7-7.** Any candidate for President or Vice President of the United States who is
 17 not nominated by a primary election may be nominated by filing with the secretary of
 18 state, after December thirty-first ~~and by~~ but before five p.m., central time, on the first
 19 Tuesday in August ~~at 5:00 p.m. central time~~ before the election, a certificate of nomination
 20 ~~which shall~~ that must be executed as provided in chapter 12-6. ~~If~~ A certificate of
 21 nomination is timely submitted if the certificate of nomination is mailed by registered mail
 22 by five p.m., central time, on the first Tuesday in August ~~at 5:00 p.m. central time~~ before
 23 the election, ~~it is timely submitted~~. The number of signatures required may not be less
 24 than one percent of the total combined vote cast for Governor at the last certified
 25 gubernatorial election within the state. An independent candidate for President shall file a
 26 declaration of candidacy and a certification of the candidate's selection for Vice President
 27 with the secretary of state with the candidate's nominating petitions. The candidate and
 28 the candidate's selection for Vice President ~~shall~~ must sign the certification before the
 29 nominating petitions are submitted. If an independent candidate for Vice President
 30 withdraws pursuant to § 12-6-55, no independent candidate for President ~~shall~~ may have
 31 the candidate's name printed upon a ballot unless a replacement selection for Vice
 32 President is certified to the secretary of state by the second Tuesday in August. The State
 33 Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms
 34 for the certificate of nomination and the certification for Vice President.

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

2 **12-8-8.** The secretary of state, ~~not later than the third Tuesday in August at five~~
 3 ~~p.m. before the general election, shall certify to the county auditor of each county within~~
 4 ~~which any voters of this state vote for the officer or officers nominated at the preceding~~
 5 ~~primary, whose certificates of nomination have been filed in the Office of the Secretary of~~
 6 ~~State, or who have been regularly named or petitioned for filling of a vacancy, the name~~
 7 ~~and description of each person so nominated shall certify to each county auditor the name~~
 8 ~~and description of each person who has been nominated for an office or designated to fill~~
 9 ~~a vacancy in a nomination for an office to be voted on by the voters of the county before~~
 10 ~~the close of regular business hours for the respective county on the third Tuesday in~~
 11 ~~August. In years a year when a President and vice-president Vice President are nominated~~
 12 ~~and the, if a national party conventions are held at such a late date as to make convention~~
 13 ~~is held on a date that makes the foregoing provisions impossible, then, the secretary of~~
 14 ~~state shall must make the certification not later than seven days after nominations of such~~
 15 ~~the nomination of a party's candidate for President and vice president.~~

16 **Section 8. That § 12-19-2.1 be AMENDED:**

17 **12-19-2.1.** At ~~anytime~~ any time prior to an election, a voter may apply for an
 18 absentee ballot in person at the office of and to the person in charge of the election ~~for an~~
 19 ~~absentee ballot~~ during regular office hours ~~up to 5:00 or until five p.m.~~ on the day before
 20 the election, whichever is later. If the voter applies in person, the voter ~~shall must~~
 21 complete a combined absentee ballot ~~application/~~ application form and return envelope
 22 and show the person in charge of the election the voter's identification card as required in
 23 § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

24 In the event of confinement because of sickness or disability, a qualified voter may
 25 apply in writing pursuant to the provisions of § 12-19-2 ~~in writing~~ and obtain an absentee
 26 ballot by authorized messenger ~~so~~ designated over the signature of the voter. The person
 27 in charge of the election ~~may deliver~~ shall provide the ballot to be delivered to the qualified
 28 voter to the authorized messenger ~~a ballot to be delivered to the qualified voter. Any. An~~
 29 ~~application for~~ to have a ballot delivered by authorized messenger must be received by
 30 the person in charge of the election before ~~3:00~~ three p.m. on the day of the election. If
 31 the application designating an authorized messenger also indicates a request for an
 32 absentee ballot for any future election, ~~such the~~ absentee ballot shall must be mailed to

- 1 the address provided on the application. If no address is provided, the ballot ~~shall~~ must
- 2 be mailed to the person's voter registration address.