

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

840S0153

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1044** - 1/25/2011

Introduced by: Representatives Jones, Blake, Bolin, Boomgarden, Gibson, and Nelson  
(Stace) and Senators Hundstad and Frerichs

1 FOR AN ACT ENTITLED, An Act to revise certain water project district voter eligibility  
2 provisions.

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

4 Section 1. That § 6-16-2 be amended to read as follows:

5 6-16-2. The application for organization shall be a petition verified by one or more  
6 circulators by affidavit stating that each affiant personally witnessed the signatures on the  
7 petition and believe the signatures to be genuine. ~~The~~ Except as provided in this section, the  
8 petition shall be signed by at least twenty-five percent of the registered voters within the  
9 proposed district. If the proposed district is in two or more counties, a petition shall be filed in  
10 each county and each petition shall be signed by at least twenty-five percent of the registered  
11 voters within the proposed district in that county. The petition shall be accompanied by a deposit  
12 covering the estimated costs as determined by the county auditor of the public notices and the  
13 conduct of the election for the formation of the district. If the district to be formed is a road  
14 district that contains no registered voters, the petition shall be signed by at least twenty-five



1 percent of the landowners. If the district to be formed is a water project district, any petition  
2 required by this section shall be signed by qualified voters of the proposed district, as defined  
3 in § 46A-18-2.1, in the appropriate county.

4 Section 2. That § 6-16-6 be amended to read as follows:

5 6-16-6. Any person who is registered to vote and resides in the proposed district may vote  
6 in the elections provided for in § 6-16-5. However, the qualifications of a voter for irrigation  
7 district elections are as provided in chapter 46A-4, and the qualifications of a voter for water  
8 project district elections are as provided in § 46A-18-2.1. Absentee voting is allowed pursuant  
9 to chapter 12-19 for the election on the question of formation of the special district or any other  
10 question to be voted on by the eligible voters of the district. If the district to be formed is a road  
11 district that contains no registered voters, voter eligibility is based solely on landowners. For the  
12 purpose of this section, a person resides in a proposed district if the person actually lives in the  
13 proposed district for at least thirty days in the last year.

14 Section 3. That § 46A-18-2.1 be amended to read as follows:

15 46A-18-2.1. Except as otherwise provided in this chapter, no person may vote in any  
16 election held pursuant to this chapter unless the person is a qualified voter of the water project  
17 district. A qualified voter of the district is a person who is a registered voter and ~~a resident of~~  
18 ~~the district~~ an owner of real property located within the district. For purposes of this section, the  
19 term, owner of real property, includes any person listed as the owner of real property in the  
20 records in the office of the register of deeds of the county in which the real property is located.  
21 If real property is sold under a contract for deed that is of record in the office of the register of  
22 deeds, the purchaser of the land, as named in the contract for deed, is treated as the owner. If the  
23 election is conducted based on director divisions, no person may vote in the election unless the  
24 person is a qualified voter of the person's respective director division. A qualified voter of a

- 1 director division is a person who is a ~~registered voter and a resident of~~ qualified voter of the
- 2 district and the owner of real property in the director division.