

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

592U0037

SENATE BILL NO. 82

Introduced by: Senators Adelstein, Bradford, and Buhl and Representatives Hunhoff
(Bernie), Kopp, and Schrempp

1 FOR AN ACT ENTITLED, An Act to provide for the nonpolitical election of the secretary of
2 state.

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

4 Section 1. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 At the general election held in 2016 and every four years thereafter, there shall be chosen
7 by the qualified voters of the state a secretary of state having the qualification prescribed by law
8 who shall hold office for a term of four years from the first Tuesday after the first Monday in
9 January following the election and until a successor is elected and qualified.

10 Section 2. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 No person is qualified to hold the office of secretary of state except a citizen of the United
13 States who is a qualified voter of this state, is at least twenty-five years old, and has resided in
14 this state for at least two years immediately preceding the election.

15 Section 3. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The secretary of state during the secretary's term of office shall reside at the state capital.

3 Section 4. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If a vacancy occurs in the office of secretary of state by death, resignation, or otherwise, the
6 Governor shall make a temporary appointment to fill the vacancy, but the person so appointed
7 may hold the office only until the next general election and until a successor is elected and
8 qualified.

9 Section 5. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any candidate for the office of secretary of state shall be nominated and voted for at the
12 primary and general elections as provided in this Act. The office of secretary of state is a
13 nonpolitical office. It is a Class 2 misdemeanor for any political party to endorse or nominate
14 by any convention, or other method, any candidate for the office of secretary of state.

15 Section 6. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Nominating petitions for the office of secretary of state filed pursuant to this Act shall be
18 filed in the Office of the Secretary of State within the time prescribed by § 12-6-4 and shall be
19 signed by a number of registered voters not less than one percent of the total combined vote cast
20 for Governor at the most recent certified gubernatorial election. To the extent it is consistent
21 with this Act, the provisions of § 12-6-8 govern such petitions. In any petition filed by or on
22 behalf of any candidate for nomination to the office of secretary of state at any primary election
23 or any attachment to the petition, no reference may be made to any party ballot or to the party
24 affiliation of such candidate. The order of names of candidates for the office of secretary of state

1 certified by the secretary of state to each of the county auditors shall be arranged by lot. Any
2 candidate has the right to be present or represented when the arrangement is being determined.
3 If no more than two nominating petitions are filed on behalf of candidates for the office of
4 secretary of state the names of such persons need not be placed upon the primary ballot but such
5 persons shall be declared the nominees for the office.

6 Section 7. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 At all primary elections at which candidates for the office of secretary of state are to be
9 nominated and a primary is required, there shall be prepared and furnished by the several county
10 auditors, separate ballots upon which shall be placed the names of the candidates for the office.
11 The ballots shall be entitled "nonpolitical ballot for the office of secretary of state" and may
12 contain no other designation. The names of all candidates shall be placed thereon without any
13 party designation in the order designated by the secretary of state. The form of the nonpolitical
14 ballot shall be prescribed by the State Board of Elections.

15 Section 8. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 If, after nominations have been made under the provisions of this Act and the number of
18 nominees for the office of secretary of state is reduced through death, withdrawal, or
19 disqualification of a nominee for the office, the registered voters of the state, may, if there is
20 sufficient time for filing a nominating petition pursuant to § 12-8-6, nominate one or more
21 candidates for the office by a petition otherwise complying with this Act.

22 Section 9. That chapter 1-8 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 The nominees for the office of secretary of state are the two persons receiving the highest

1 number of votes in the primary election.