

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

732Y0075

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **SB 78** - 2/28/2017

Introduced by: Senators Tidemann, Cammack, Cronin, Ewing, Haverly, Heinert, Killer, Maher, Novstrup, Partridge, Peters, White, and Wiik and Representatives Lake, Bartels, Bartling, Brunner, Chase, Dennert, Duvall, Glanzer, Gosch, Lesmeister, McCleerey, Qualm, Rasmussen, Rounds, Schoenfish, Turbiville, Willadsen, and Wollmann

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding election petitions for  
2 conservation district supervisors.

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

4 Section 1. That § 38-8-39 be amended to read:

5 38-8-39. The governing body of a district shall consist of a board of supervisors.

6 ~~At the general election on the referendum regarding establishment of a new district, there~~  
7 ~~shall be elected on a nonpartisan ballot, five supervisors who shall reside within the district, to~~  
8 ~~be elected at large. Three supervisors shall be rural landowners or occupiers; one shall be a~~  
9 ~~resident of an urban area and one shall be a taxpayer of real property. Each conservation district~~  
10 ~~shall have a board of supervisors consisting of five members, each of whom shall be elected on~~  
11 ~~a nonpartisan ballot at a general election and whose term of office shall be four years~~  
12 ~~commencing on the first of January following election. Supervisors shall be registered voters~~  
13 ~~within the district, to be elected at large.~~



1       The board of supervisors may, at its discretion, choose to elect its supervisors in precincts  
2       that contain as near as possible an equal number of residents, as determined by the last  
3       preceding federal decennial census.

4       Before any general election, the board of supervisors of an organized conservation district  
5       shall give notice of any district offices for which nominations may be filed. The notice shall be  
6       published at least once each week for two consecutive weeks in the official newspaper or  
7       newspapers of any counties within the territory of the district. The last publication may not be  
8       less than ten nor more than fifteen days before the deadline for filing nominating petitions. The  
9       Division of Resource Conservation and Forestry shall provide the required notice before a  
10      referendum regarding establishment of a new district.

11      Supervisors shall be nominated by a petition signed by twenty-five or more voters in the  
12      district for which the candidate seeks election.

13      The petition shall be verified by the circulator and be accompanied by the declaration of the  
14      candidate in a form substantially conforming to nominating petitions prescribed under the  
15      primary election laws of this state governing nominating petitions for nonpolitical candidates.  
16      The petition shall be filed on or before July first of the year in which the general election is to  
17      be held, with the county auditor of the county, or where more than one county is within the  
18      territorial limits of the district, with the secretary of state. The auditor shall prepare ballots  
19      substantially in the form of the nonpolitical ballot and give notice thereof as provided by the  
20      general election laws of this state. The supervisors shall be elected by plurality. The election  
21      shall be conducted, canvassed, recounted, and contested as elections under the general laws of  
22      this state, except as otherwise provided in this chapter, and unless the general laws are  
23      inapplicable. If the details concerning the conduct, canvassing, recounting or contest of the  
24      election are not set forth within this chapter, and the general election laws are not applicable,

1 then the commission shall promulgate rules pursuant to chapter 1-26 to make possible the  
2 submission to an election any matter which by the terms of this chapter may be submitted to a  
3 vote of the voters of any proposed or established district.

4 Section 2. That § 38-8-42 be amended to read:

5 38-8-42. For the purpose of staggering terms, at the first general election, the three at-large  
6 ~~candidate~~ candidates receiving the largest number of votes shall be elected for a four-year term;  
7 ~~the urban candidate receiving the largest number of votes shall be elected for a four-year term;~~  
8 ~~the landowner or operator receiving the largest number of votes shall serve a four-year term,~~ and  
9 the two candidates receiving the next highest number of votes shall be elected for two-year  
10 terms. In succeeding elections all supervisors shall be elected for four-year terms commencing  
11 the following January first.