



# 2025 South Dakota Legislature

## House Bill 1130

### ENROLLED

AN ACT

**ENTITLED An Act to provide permissible dates for municipal and school district elections.**

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

**Section 1. That § 9-13-1 be AMENDED:**

**9-13-1.** In each municipality an election of officers must be held each year on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November, at a place in each ward of the municipality designated by the governing body of the municipality. The governing body shall establish the date of the annual election by January fourteenth of the election year. The polls at the election must be kept open continuously from seven a.m. until seven p.m.

**Section 2. That § 9-13-1.1 be AMENDED:**

**9-13-1.1.** Any other provision of this chapter notwithstanding, the governing body of a municipality may, in odd-numbered years, choose to hold a general municipal election in conjunction with a regular school district election. The combined election must be approved by the board of the school district and must be held on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November.

Expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the governing body of the municipality and the board of the school district.

**Section 3. That § 9-13-5 be AMENDED:**

**9-13-5.** No election may be held in any municipality, or ward thereof, if:

- (1) The number of nominating petitions filed for each vacant position to be filled does not exceed the number of vacancies; and
- (2) No other question is to be submitted to the voters.

The auditor or clerk shall issue certificates of election to the unopposed nominees, if any, in the same manner as to successful candidates after election.

**Section 4. That § 9-13-6 be AMENDED:**

**9-13-6.** The finance officer of the municipality shall have a notice published in the official newspaper of the municipality setting forth the vacancies that will occur by termination of the terms of office of elective officers. The notice must also state the time and place where nominating petitions may be filed for the offices. The notice must be published once each week for two consecutive weeks between the fifteenth day and the thirtieth day of the month six months before the election.

**Section 5. That § 9-13-6.1 be AMENDED:**

**9-13-6.1.** If more than one commissioner or alderman is to be elected for a like term, the governing body may, at least six months before the election, approve an ordinance requiring that candidates run for a specific position representing one of the incumbent seats.

**Section 6. That § 9-13-7 be AMENDED:**

**9-13-7.** No candidate for elective municipal office may be nominated unless the candidate files a nominating petition with the finance officer no later than five p.m. on the Tuesday seventy days before the date of the election. A petition is considered filed if it is mailed by registered mail by five p.m. on the last day to file a petition. The petition must be on the form prescribed by the State Board of Elections and must contain:

- (1) The name of the candidate;
- (2) The candidate's residential address;
- (3) The candidate's mailing address, if applicable; and
- (4) The office the candidate seeks.

If an individual who signs a petition lives within a second-class or third-class municipality, the individual may give the individual's post office box number in lieu of a street address.

The finance officer may only accept a nominating petition that is on the prescribed form and was circulated and submitted pursuant to the provisions of this chapter and chapter 12-6. The municipal finance officer or clerk shall verify by signature that the nominating petition contains the minimum number of signatures of registered voters

within the municipality or ward, and that the candidate is a registered voter within the municipality or ward. Upon verification, the filing of a nominating petition constitutes nomination.

**Section 7. That § 9-13-9 be AMENDED:**

**9-13-9.** If a candidate is to be elected at large in a first-class or second-class municipality, a nominating petition must be signed by five percent of the registered voters of the municipality based on the number of registered voters recorded by the county auditor on the second Tuesday of the month five months before the election, or fifty voters, whichever is less.

If the candidate is to be elected for a ward of a first-class or second-class municipality that has more than one ward, a nominating petition must be signed by five percent of the registered voters of the ward based on the number of registered voters recorded by the county auditor on the second Tuesday of the month five months before the election, or fifty voters, whichever is less.

If a candidate is to be elected at large in a third-class municipality, the nominating petition must be signed by not less than three registered voters of the municipality. If the candidate is to be elected for a ward of a third-class municipality having more than one ward, the nominating petition must be signed by not less than three registered voters of the ward. A registered voter in a municipality of the third class may sign more than one petition.

A nominating petition may not be circulated more than four months before the election.

**Section 8. That § 9-13-14.1 be AMENDED:**

**9-13-14.1.** Except as otherwise provided in this section, if a vacancy exists on a municipal governing body, the remaining members must appoint a replacement to serve until the next annual municipal election. The governing body may call a special election to fill the vacancy for the remainder of the unexpired term, as provided in § 9-13-14.2. In the aldermanic form of municipal government, the replacement must be an individual from the same ward of the municipality.

**Section 9. That § 9-13-25 be AMENDED:**

**9-13-25.** Except as otherwise provided in this section, the person having the highest number of votes for any municipal office is elected.

The governing body of any municipality may, by ordinance enacted at least six months before the election, require a runoff election to be conducted pursuant to §§ 9-13-26.1 and 9-13-27.1.

**Section 10. That § 9-13-31 be AMENDED:**

**9-13-31.** The governing body shall, within ten days of presentation, order and fix the date for holding a special election on a Tuesday between thirty and fifty days from the date of the order. If a petition is filed within six months of the annual municipal election and within sufficient time to comply with the provisions of § 9-13-14, the question of a successor must be submitted at that annual election.

The governing body shall publish a notice of election in the same manner as provided in § 9-13-13.

**Section 11. That § 9-13-37 be AMENDED:**

**9-13-37.** Any other provision of this chapter notwithstanding, the governing body of a municipality shall, in even-numbered years, hold the general municipal election in conjunction with the regular June primary election or the regular November general election. The expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the governing body of the municipality and the board of county commissioners involved.

A nominating petition may not be circulated for signatures more than four months before the election. A nominating petition must be filed under the provisions of § 9-13-7 at least seventy days before the election. The finance officer shall certify to the appropriate county auditor the candidate names and ballot language to be voted on by the Thursday sixty-eight days before the election.

**Section 12. That a NEW SECTION be added to chapter 9-13:**

If a municipality schedules an annual election on the first Tuesday after the first Monday in November, each office holder whose term was to expire earlier in that year shall have the term extended until the office holder or another candidate for the office is duly elected and qualified.

If a municipality schedules an annual election on the first Tuesday after the first Monday in June to elect an office that was previously elected in November, the office holder who was elected in November must be entitled to complete the term of office to which the office holder was elected.

**Section 13. That § 13-7-5 be AMENDED:**

**13-7-5.** Between the fifteenth day and the thirtieth day of the month six months before the election, except in the case of the joint election as provided in § 13-7-10.1, the business manager of each school district shall publish once each week for two consecutive weeks in the official newspaper, a notice setting forth the vacancies that will occur by termination of the terms of the elective or appointive school board members.

If the vacancies set forth in the notice exist within a new school board of a newly created school district pursuant to § 13-6-62, the county auditor of the county having jurisdiction over the election must publish the notice once each week for two consecutive weeks at least one month preceding the election. The notice must also state the time and place where nominating petitions for school board membership may be filed.

**Section 14. That § 13-7-6 be AMENDED:**

**13-7-6.** No candidate for elective school board membership may be nominated unless the candidate is a resident voter of the school district and unless the candidate files a nominating petition with the business manager of the school district. The candidate must file the nominating petition no later than five p.m. on the Tuesday seventy days before the date of the election. The petition is considered timely filed if the petition is mailed by registered mail by five p.m. on the Tuesday seventy days before the date of the election.

The candidate shall sign a formal declaration of candidacy before the circulation of the petition. The petition must be signed by at least twenty voters of the school district or if the school district is divided into school board representation areas, the petition must be signed by at least twenty voters who reside within the school board representation area. A nominating petition may not be circulated more than four months before the election.

An individual who signs a petition or the petition circulator shall write the individual's place of residence and date of signing. The petition circulator must verify the petition under oath.

The business manager shall verify by signature that the candidate is a resident voter of the school district and that the nominating petition contains the minimum number

of signatures. Upon verification by the business manager, the filing of the nominating petition constitutes nomination and entitles the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition.

**Section 15. That § 13-7-9 be AMENDED:**

**13-7-9.** No election may be held in a school district if:

- (1) The number of nominating petitions filed for each vacant position to be filled does not exceed the number of vacancies; and
- (2) No other questions are to be submitted to the voters.

The business manager shall issue certificates of election to the unopposed nominees in the same manner as to successful candidates after election.

**Section 16. That § 13-7-10 be AMENDED:**

**13-7-10.** Unless otherwise exempted by law, each school district must hold an annual election on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November, between the hours of seven a.m. and seven p.m. The school board shall select the date of the election by resolution no later than the first regular meeting after January first of each year. Voter registration, absentee voting, and procedures used in counting ballots must be in accordance with title 12, except as otherwise provided in this chapter.

**Section 17. That § 13-7-10.1 be AMENDED:**

**13-7-10.1.** The board of a school district may, in odd-numbered years, choose to hold a school district election in conjunction with a regular municipal election. The combined election must be approved by the governing body of the municipality. The combined election must be held on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November. The expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the governing body of the municipality and the board of the school district.

**Section 18. That § 13-7-10.3 be AMENDED:**

**13-7-10.3.** Any other provision of this chapter notwithstanding, the board of a school district shall, in even-numbered years, hold the school board election in conjunction with the regular June primary election or the regular November general election. Expenses

of a combined election must be shared in a manner agreed upon by the school board and the boards of county commissioners involved. All other governmental responsibilities associated with holding elections under the provisions of title 12 and this chapter must be shared as agreed upon by the board of the school district and the boards of county commissioners involved. The school election official shall certify to the appropriate county auditors the candidate names and ballot language to be voted on by the Thursday sixty-eight days before the election.

**Section 19. That a NEW SECTION be added to chapter 13-7:**

If the board of a school district schedules an annual election on the first Tuesday after the first Monday in November, each office holder whose term was to expire earlier in that year shall have the term extended until the office holder or another candidate for the office is duly elected and qualified.

If the board of a school district schedules an annual election on the first Tuesday after the first Monday in June to elect an office that was previously elected in November, the office holder who was elected in November must be entitled to complete the term of office to which the office holder was elected.

**Section 20. That § 13-8-14 be AMENDED:**

**13-8-14.** Any individual newly elected to the board of a school district shall qualify and assume membership at the first meeting of the school board following the canvas of the votes. An individual appointed to the board of a school district shall qualify and assume membership at the next meeting following the individual's appointment.

Any individual elected or appointed to the board of a school district must take and subscribe to an oath or affirmation to support the laws and Constitution of the United States and this state and to faithfully perform the duties of school board membership. An individual elected or appointed to the board of a school district must file a bond if required by law and must have the bond approved.

**Section 21. That § 9-13-1.2 be REPEALED.**

**Section 22. That § 9-13-40 be REPEALED.**

**Section 23. That § 13-7-10.2 be REPEALED.**

**Section 24. That § 13-7-10.4 be REPEALED.**

**Section 25.** This Act is effective beginning January 1, 2026.

An Act to provide permissible dates for municipal and school district elections.

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 \_\_\_\_\_  
 I certify that the attached Act originated in  
 the:  
 House as Bill No. 1130

Received at this Executive Office  
 this \_\_\_\_\_ day of \_\_\_\_\_,  
 2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
 \_\_\_\_\_  
 Chief Clerk

By \_\_\_\_\_  
 \_\_\_\_\_  
 for the Governor

\_\_\_\_\_  
 Speaker of the House

The attached Act is hereby  
 approved this \_\_\_\_\_ day of  
 \_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
 \_\_\_\_\_  
 Chief Clerk

\_\_\_\_\_  
 \_\_\_\_\_  
 Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
 President of the Senate

Attest:

Filed \_\_\_\_\_, 2025  
 at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
 Secretary of the Senate

\_\_\_\_\_  
 Secretary of State

House Bill No. 1130  
 File No. \_\_\_\_\_  
 Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
 Asst. Secretary of State