

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

276V0148

SENATE BILL NO. 35

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise the conditions for which certain elections may be
2 delayed for an emergency situation and to declare an emergency.

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

4 Section 1. That § 12-2-4 be amended to read as follows:

5 12-2-4. Notwithstanding § 12-2-3, the county auditor may, upon request of the
6 superintendent of an election precinct, if an emergency exists by reason of mechanical failure
7 of a voting machine or an unanticipated shortage of ballots or like unforeseen event warrants
8 it, extend the polling hours for that precinct until the emergency situation has been resolved. ~~The~~
9 ~~governing body holding a local election may delay the opening of any polling place for any~~
10 ~~election except a primary or general election for one week if weather conditions make it~~
11 ~~impossible to open at the correct time. The polling place shall then remain open for the same~~
12 ~~number of hours as it would normally have been open. If the emergency situation is not resolved~~
13 ~~within two hours, except for a primary or general election, the polling place shall remain closed~~
14 ~~for one week and reopen at the time of the closure of the polling place.~~

15 Section 2. That chapter 12-2 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 No earlier than twenty-four hours before the polls open, the person in charge of the election
3 may call a special emergency meeting, pursuant to §§ 1-25-1 and 1-25-1.1, of the local
4 governing board to postpone any election, except a primary or general election, for one week
5 if the weather conditions put into question the opening of a polling place. The polling place shall
6 then remain open for the same number of hours as it would normally have been open. Absentee
7 voting shall continue pursuant to chapter 12-19.

8 Section 3. That chapter 12-2 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The person in charge of the election shall use any and all means necessary to notify the
11 voters in the jurisdiction of the postponement of an election pursuant to this chapter. If the
12 postponement misses the deadline for the official newspaper, a notice shall be posted in three
13 of the most public places within the jurisdiction.

14 Section 4. Whereas, this Act is necessary for the support of the state government and its
15 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
16 full force and effect from and after its passage and approval.