

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

439B0568

SENATE ENGROSSED NO. **SB 75** - 1/30/2019

Introduced by: Senator Bolin and Representative Rounds

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding who is eligible to
2 serve as a candidate in the event of a vacancy.

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

4 Section 1. That § 12-6-55 be amended to read:

5 12-6-55. Any person nominated to any elective office may cause ~~his~~ that person's name to
6 be withdrawn from nomination by request in writing, subscribed and sworn to by ~~him~~ that
7 person before any officer qualified to administer oaths and take acknowledgments. The request
8 shall be filed with the officer with whom the nominating petition was filed pursuant to § 12-6-4,
9 not later than the first Tuesday in August at 5:00 p.m. before the ~~ensuing~~ next election. No
10 person's name ~~so~~ withdrawn ~~shall~~ under this section may be printed upon the ballots ~~to be used~~
11 ~~at such election~~ for that office unless the same person is subsequently selected to fill the vacancy
12 in accordance with § 12-6-56.

13 Section 2. That § 12-6-56 be amended to read:

14 12-6-56. If a vacancy occurs by reason of death or withdrawal after a primary election, a
15 party candidate for public office may be ~~replaced by a new nominee~~ chosen if a meeting of the



1 appropriate party central committee is held and the results are certified to the appropriate official
2 within the times prescribed by § 12-8-6. If the vacancy is a party candidate for presidential
3 elector or statewide office, the vacancy shall be filled by the State Party Central Committee. If
4 the vacancy is a party candidate for public office other than presidential elector or statewide
5 office, the vacancy shall be filled by a vote of county party central committee members in
6 attendance who reside in the affected district.