2020 South Dakota Legislature

House Bill 1298

CONFERENCE COMMITTEE ENGROSSED

Introduced by: ***Representative*** *Jamie Smith at the request of the Office of the Governor*

An Act to provide for the postponement of certain elections and to declare an emergency.

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

Section 1. Notwithstanding any other provision of law, any election scheduled to be held from April 14, 2020, through May 26, 2020, shall be postponed in the interest of public health and safety. Any candidate deadline associated with the original election date shall remain in place. The members of the governing body of the political subdivision holding the election shall choose any Tuesday in June 2020 as the alternate election date.

If the governing body of the political subdivision chooses to hold the election on the primary election date of June 2, 2020, the following provisions are required:

(1) The combined election is subject to approval by the county commission of any county in which the political subdivision is located;

(2) Any expense from a combined election shall be apportioned in a manner agreed upon by the governing body of the subdivision and the county commission of each county in which the political subdivision is located; and

(3) Any other obligation arising under state law for either election shall be handled as agreed upon by the governing body of the subdivision and the county commission of each county in which the political subdivision is located.

The person in charge of the election shall use any and all reasonable means necessary to notify any eligible voter in the jurisdiction regarding the postponement of an election under this section. Upon the selection of an election date consistent with this section, the person in charge of the election shall publish a notice of election once each week for the two consecutive weeks prior to the election. A facsimile of the official ballot shall be published in one of the two calendar weeks prior to each election. The notice and ballot shall be published in the official newspaper of the jurisdiction.

For any election postponed under this section, any absentee voting period that opened prior to postponement shall extend through 5:00 p.m. local time the day before the new election date.

Section 2. This Act is repealed on December 31, 2020.

Section 3. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.