

The seal of the State of South Dakota is a circular emblem. It features a central illustration of a landscape with a river, a bridge, and a sun. The words "STATE OF SOUTH DAKOTA" are written in a circular path around the top, and "GREAT SEAL" around the bottom. The year "1889" is at the bottom center. A banner across the middle reads "UNDER GOD THE PEOPLE RULE".

Municipal Recall Election Guidelines

A handwritten signature in black ink that reads "Monae L. Johnson".

Monae L. Johnson

South Dakota Secretary of State

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Municipal Recall Election Guidelines for ALL Municipalities ([SDCL 9-13-29 to 35](#))

Who Can Be Recalled?

In any municipality, with or without a city manager, the mayor, any city commissioner, any alderman, or any member of the board of trustees may be removed from office at any time by the voters qualified to vote for a successor ([SDCL 9-13-29](#)).

Voters Submit Petition for Recall

- 15% of the registered voters of the municipality based upon the total number of registered voters at the last general election ([SDCL 9-13-30](#)).
- The petition shall contain a specific statement of the grounds on which removal is sought.
- The allowable grounds for removal are misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross partiality.
- Petition found in [ARSD 5:02:08:17](#).
- No signature on a petition is valid if signed more than sixty days before the filing of the petitions.
- Voters should have someone lined up to run against the incumbent before filing petitions!

Set Election Date

- Within 10 days of the presentation of the petition to the governing body an election date must be set for not less than 30 nor more than 50 days on a Tuesday (in order to meet all the publication requirements, we encourage the governing board to set the date for at least 40 days out).
- If a petition is filed on or after January first prior to the annual municipal election and within sufficient time to comply with the notice provisions of [SDCL 9-13-14](#), the question of a successor shall be submitted at that annual election (follow annual election procedures for notices and deadlines) ([SDCL 9-13-31](#)).
- Any mayor, commissioner, alderman, or trustee sought to be removed may be a candidate to succeed himself or herself and, unless the incumbent requests otherwise in writing, the auditor shall place the incumbent's name on the official ballot without nomination. The auditor shall also place on the official ballot the name of any other candidate nominated by petition. **If no other candidate is nominated for the position, no recall election may be held, and the incumbent shall remain in office.**
 - Any secondary election required shall be conducted as provided by [SDCL 9-13](#).

*The information that follows applies if the governing board sets an election date for **40 days** from the presentation of the petition and they will be utilizing hand-counted paper ballots. If using optical scan ballots, call the Secretary of State's office.*

Notice of Vacancy

- If you have a weekly paper, you will need to get the Notice of Vacancy submitted for publication the week prior to the beginning of petition circulation.
- Publish this notice twice: once the week nominating petition circulation begins and again the following week.
- The Notice of Vacancy can be found in [ARSD 5:02:04:10](#).

Nominating Petition Circulation Begins

- 40 days before the election date (*this is a suggested date to begin circulation, nothing in statute specifically establishes the dates for petition circulation*).
- The petition format can be found in [ARSD 05:02:08:13](#).

Nominating Petition Filing Deadline

- 20 days before the election date (*this is a suggested date to begin circulation, nothing in statute specifically establishes the dates for petition circulation*).

Registration Deadline Notice

- Publish the Registration Deadline Notice once each week for two consecutive weeks. The last notice must be 10-15 days before registration deadline ([SDCL 12-4-5.2](#)).
- The Registration Deadline Notice can be found in [ARSD 5:02:04:04](#).

Registration Deadline

- 15 days before the election date ([SDCL 12-4-5](#)).

Absentee Ballots

- Absentee ballots must be available no later than fifteen days prior to the election ([SDCL 9-13-21](#)).

Notice of Recall Election

- Publish the Notice of Recall Election once each week for two consecutive weeks ([SDCL 9-13-13](#)). The first notice must be not less than 10 days before the election date and the second notice should be the week before the election.
- The Notice of Recall Election can be found in [ARSD 5:02:04:11](#).

Facsimile Ballot

- Publish the Facsimile Ballot in the calendar week prior to the election date ([SDCL 9-13-13](#)).

Ballot Format

- Use ballot the format established in [ARSD 5:02:06:12](#).

Newspapers

- Ensure that you are receiving confirmation from the newspaper that everything is being timely published for each publication. Have email confirmation backup and call if needed.
- Remember to be cognizant of holidays during the time of publications.

Other Items to Note

- If the incumbent shall be elected, he shall continue in office and not be obliged again to qualify ([SDCL 9-13-33](#)).
- If some person other than the incumbent is elected, the incumbent shall be deemed removed from office upon or at the expiration of the time for qualification of his successor. The successor shall qualify within ten days after receiving notification of his election, and in case of his failure to qualify, the office shall be deemed vacant ([SDCL 9-13-34](#)).
- The successor of any removed mayor, commissioner, alderman, or trustee shall hold office during the remainder of the predecessor's unexpired term ([SDCL 9-13-35](#)).