

RECALLS

WHO CAN BE RECALLED?

- Only applies to **Municipalities**
- **SDCL 9-13-29**
- In any municipality, with or without a city manager
 - Mayor
 - Commissioner
 - Alderman
 - Any member of the board of trustees



RECALLS

GROUND FOR RECALL (SDCL 9-13-30)

- Misconduct
- Malfeasance
- Nonfeasance
- Crimes in office
- Drunkenness
- Gross incompetency
- Corruption
- Theft
- Oppression
- Gross partiality



RECALLS

PETITION FOR RECALL

- Signed by 15% of the registered voters of the municipality, based upon the total number of registered voters at the last preceding general election.
- Petition shall contain a specific statement of the grounds on which removal is sought.
- Petition form ([ARSD 5:02:08:17](#))
- No signature is valid if signed more than 60 days prior to the filing of the petitions.
- New language added to [SDCL 9-13-30](#): A challenge to the recall petition regarding the specific statement of the grounds of the recall petition must be filed in circuit court within five business days of the filing of the recall petition. The circuit court shall conduct an expedited declaratory judgment hearing with no right to trial by jury.

Questions?



SPECIAL ELECTIONS

Municipalities:

- Initiative
- Referendum
- Recall
- Bond – 60% to pass
- Change in form of government

Schools:

- School start date
- School consolidation/reorganization
- Bond – 60% to pass
- Tax levy opt out – held on or before October 1st
- Discontinue attendance center
- Some capital outlay certificates
- Implementation of a school sentinel program

SPECIAL ELECTIONS

- If the petition meets the requirements of **ARSD 5:02:08:00** and **5:02:08:00.01** the governing body needs to move forward and set the election date.
- Notices and Publications for Special Elections
 - Notice of Voter Registration Deadline.
 - Publication of facsimile ballot.
 - Notice of Election.
- Notices of Vacancy (for special municipal elections to fill vacancy).
- One year waiting period after election on form of city government to vote on the question again (**SDCL 9-11-8**).
- Tax levy opt out elections require a “NOTICE TO TAXPAYERS” publication (**SDCL 10-13-35** and **10-12-43**).
- Municipality required to publish the entire initiated or referred measure once a week for two successive weeks (**SDCL 9-20-4** and **9-20-12**).



QUESTIONS?

