

## **Chapter 11**

### **Elections**

#### **Section 11-1 Date of annual municipal election – Hours of voting.**

An annual election for the election of officers shall be held on the second Tuesday of April of each year, at a place in the municipality as the city council shall designate. However, the city council may change the date for the annual election of officers to be in conjunction with a regular school district election or with a county election. (SDCL 9-13-1.1 & 9-13-1.2).

The polls at such election shall be kept open continuously from 7:00 a.m. to 7:00 p.m. (SDCL 9-13-1)

#### **Section 11-2 Qualification to hold office.**

No person is eligible to be nominated, elected or appointed as a mayor or as an alderman unless such person is a citizen of the United States, a voter of and resident of the City of Menno for at least three (3) months next preceding the election or appointment, and if an alderman, a voter of and resident of the ward for which such person is to hold office. (SDCL 9-8-1.1 & 9-14-2)

#### **Section 11-3 Absence of contest.**

No election shall be held in the city wherein there is no question to be submitted to the electors or wherein there are no opposing candidates for any office. In the case there are no opposing candidates the finance officer shall issue certificates of election to the nominees, if any, in the same manner as to successful candidates after election.

#### **Section 11-4 Publication of notice of vacancies – Times.**

The finance officer of the city shall have a notice published in the official newspaper of the city setting forth the vacancies which will occur by termination of the terms of office of elective officers. The notice shall also state the time and place where nominating petitions may be filed for such offices. The notice shall be published once each week for two consecutive weeks between the fifteenth (15<sup>th</sup>) day of January and the thirtieth (30<sup>th</sup>) day of January. (SDCL 9-13-6)

#### **Section 11-5 Filing certificates of nomination.**

No candidate for elective municipal office may be nominated unless a nominating petition is filed with the finance officer no later than five p.m. on the last Friday in February before the election. Such petition shall contain the name of the candidate, his residence address, and the office for which he is nominated and be on the form prescribed by the state board of elections. (SDCL 9-13-7)

#### **Section 11-6 Number of signers required for nominating petitions.**

If the candidate is to be voted for by the voters at large, a nominating petition shall be signed by fifteen registered voters of the city for each thousand or major fraction thereof of the population as shown by the last preceding federal census. No petition need be signed by more than fifty voters. (SDCL 9-13-9)

If the candidate is to be voted for by the voters of a ward or subdivision, a nominating petition shall be signed by at least five percent of the registered voters of such ward or subdivision. The percentage shall

be based on the total number of registered voters voting in such ward or subdivision at the last preceding general election. No petition need be signed by more than fifty voters. (SDCL 9-13-9)

**Section 11-7 Residence mailing address and date added to signature – Form and verification of petition.**

Each voter signing a nominating petition or the person circulating such petition shall add to the voter's signature the voter's place of residence mailing address and the date of signing. The petition may be composed of several sheets, which shall have identical headings and shall be verified under oath by the persons circulating it, attesting the legality of the signatures thereon. (SDCL 9-13-11)

**Section 11-8 Notice of municipal election.**

A notice of each municipal election shall be published once each week for two successive weeks, the first publication may not be less than ten days prior to the election. A facsimile of the official ballot shall be published in the calendar week prior to each election. The notice and ballot shall be published in the official newspaper of the city. (SDCL 9-13-13)

**Section 11-9 Special elections.**

Every special election authorized by law shall be held upon the same notice, at the same polling places, be conducted, returned, and canvassed, and the result declared as provided herein for the annual municipal election.

The notice of such special election shall state any question or questions to be voted upon. (SDCL 9-13-14)

**Section 11-10 Qualifications of voters.**

Every person resident of this municipality who shall be of the age of eighteen years and upwards, not otherwise disqualified, who shall have complied with the provisions of law relating to the registration of voters shall be entitled to vote at any municipal election. (SDCL 12-3-1)

**Section 11-11 Election precincts.**

The city shall be divided into three wards that are defined as follows: (SDCL 9-13-16)

Ward 1: That portion of the City of Menno north of US Highway 18, and that portion of the City of Menno west of a line from US Highway 18 south on Fifth Street to Main Street, then west to Third Street, then extending south on Third Street to the city limits.

Ward 2: That portion of the City of Menno south of US Highway 18 and east of a line south on Fifth Street to Juniper Street, and that portion of the City of Menno north of Juniper Street east to the city limits, except for that portion east of Pine Street and South of Poplar Street.

Ward 3: That portion of the City of Menno west of Fifth Street, south of Main Street, and east of Third Street, extending south to the city limits; and that portion of the City of Menno east of Fifth Street, south of Juniper Street, extending south and east to the city limits; and that portion of the City of Menno east of Pine Street and south of Poplar Street, extending south and east to the city limits.

**Section 11-12 General election laws**

Except as otherwise provided, all municipal elections of the city shall be conducted canvassed, recounted, and contested under the election laws of this state.

**Section 11-13 Precinct election boards – Composition – Compensation.**

Each voting precinct shall be presided over by an election board consisting of a minimum of two precinct deputies and one precinct superintendent appointed by the governing body.

Compensation for election officials will be as published in the annual salary listing at the first meeting in January of each year. (Amended 5-6-13)

**Section 11-14 Notice to persons elected – Time allowed for qualification.**

The finance officer, within two days after the result of the election is declared, shall notify all persons elected to office of their election. If a person does not qualify within ten days after the first meeting next succeeding the election, the office shall become vacant. (SDCL 9-13-28)