

Proposed Amendment to the South Dakota Constitution

That Article VII of the Constitution of South Dakota be amended by adding thereto a NEW SECTION to read as follows:

§ 4. The purpose of this section is to establish open primary elections for the offices of governor, the legislature, all county elective offices, and the United States Senate and House of Representatives. Primary elections covered by this section shall be open to all candidates and all voters without regard for candidates' or voters' party registration or affiliation, or lack thereof.

In a primary election covered by this section, all candidates shall be listed on a single primary ballot regardless of political party, and any voter may vote for any candidate regardless of party affiliation or lack thereof. The two candidates receiving the greatest numbers of votes cast shall advance to a general election. If more than one candidate is to be elected to an office, the number of candidates advancing to the general election shall be twice the number to be elected.

Only those candidates properly advancing from the primary election shall appear on the general election ballot; however, the legislature may, by law, establish procedures for replacing candidates who have advanced from the primary election but will not participate in the general election due to death, withdrawal from the race, or disqualification.

Candidates may select a party preference to be listed alongside their names on the primary ballot; the same designation shall appear alongside candidates who advance to the general election. The ballot shall state that a candidate's indicated party affiliation does not constitute or imply endorsement of the candidate by the party designated, and no candidate for that office shall be deemed the official candidate of any party by virtue of his or her advancement to the general election from the primary election.

Endorsement, nomination, or selection by any means by a political party shall be neither necessary nor sufficient for a candidate's name to appear on any ballot in a primary election covered by this section.

The legislature may pass laws, and the secretary of state and board of elections may adopt rules and regulations, as necessary to implement this section. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity will not affect any other provision or application of the section that can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.