

2026 Election Law Update & Guidance

Mechanics of the new law

- Beginning with next year's election cycle, the new state law permits a school board to hold their annual election on one of only two dates, one of which is in June and the other in November.
- In even numbered years – beginning in 2026 – the annual school board election must be held on Primary Election Day, which would be Tuesday, June 2, 2026, or General Election Day, which would be Tuesday, November 3, 2026. In subsequent even numbered years, the annual school board election must be held on Primary Election Day or General Election Day as scheduled.
- In odd numbered years – beginning in 2027 – the annual school board election must be held on Tuesday, June 8, 2027, or Tuesday, November 2, 2027. For odd numbered years, school boards have the choice of the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November for their election.
- School boards are not required to hold their election on the same date as other local government bodies have chosen. The only date requirement in the new state law is the school board election must be held on either the June or November date.
- The new state law provides the option for school boards to combine the election date of their choice with a municipality and/or county, but they are not compelled to do so if they wish to hold their election independently.
- There is no change to school board term lengths and those are still governed by SDCL 13-8-2: <https://sdlegislature.gov/Statutes/13-8-2>.

ASBSD Guidance

- ASBSD strongly suggests your district communicate with your district's County Auditor(s) prior to setting your school board election date. If your district normally sets your election date at your reorganization meeting in July, we suggest communicating with your district's County Auditor(s) right away or delaying the setting of your district's school board election date until you have contacted them. You can find the list of County Auditors here: <https://vip.sdsos.gov/CountyAuditors.aspx>.
 - ASBSD can provide your district with a list of counties your district boundaries cross, if needed. Contact Tyler at tpickner@asbsd.org for that information.
- ASBSD believes designating the June election date in both even and odd-numbered years provides school districts with the continuity of the school year you have experienced in prior years.
- Holding the school board election in June will:
 - Maintain the continuity school boards currently have in seating board members at the annual reorganization meeting in July.
 - Avoid seating board members in the middle of the school year, which would happen if an election were held in November.
 - Provide newly seated board members with multiple meetings to prepare for the start of the school year.
 - Afford the school board several months to work together before entering into important processes such as negotiations, budget setting and calendar development.

- Avoids the need to reappoint school board sub-committees, which would have been set initially in previous meetings, but would be disrupted if new members were elected during the school year.
- ASBSD recommends your school board canvas your district's election – within the parameters of SDCL 13-7-18 (<https://sdlegislature.gov/Statutes/13-7-18>) – in the same month as your election is held in order for potential new school board members to assume their seats at your next regularly scheduled school board meeting.
 - Effective January 1, 2026, SDCL 13-8-14 (<https://sdlegislature.gov/Statutes/13-8-14>) states board members elected to the school board “assume membership at the first meeting of the school board following the canvas of the votes.”
- ASBSD also advises you to speak with your school district attorney to ensure all processes in the new state law are met when preparing for your annual school board election.

Secretary of State's office information

- It is ASBSD's understanding that the Secretary of State's office will continue to develop and provide election resources, including the election calendar, as well as hold election training webinars.