



Secretary of State

Jason M. Gant

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March 19, 2012

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

RE: Submission under Section 5, Voting Rights Act, State of South Dakota

Dear Voting Section Chief:

I am submitting to you the election related South Dakota law changes that took place during the 87th South Dakota Legislature and signed by the Governor during the 2012 Legislative Session from January 10, 2012 through March 19, 2012.

1. **SDCL 12-14, 12-15-1, 12-4-10**

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise provisions concerning elections conducted at voting centers and to declare an emergency, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on February 23, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. **28 C.F.R. § 51.27 (a) – (b): Approval of Changes**

A copy of Senate Bill 58 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. **28 C.F.R. § 51.27 (c): Changes Affecting Voting**

Senate Bill 58 amends the current statute chapter by adding thereto a new section, South Dakota Codified Law (SDCL) 12-14, and amends the current statutes, SDCL 12-15-1 and 12-4-10, to revise provisions concerning elections conducted at voting centers and to declare an emergency.

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c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office. The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 58 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota Senate was lawfully called into order on the 7th Legislative Day and voted in favor of the measure on January 23, 2012 and the 87th South Dakota House of Representatives was lawfully called into order on the 24th Legislative Day and voted in favor of the measure on February 21, 2012. Senate Bill was signed by the Senate President on February 22, 2012 and by the Speaker of the House on February 22, 2012. Governor Dugaard signed Senate Bill 58 on February 24, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and Senate Bill 58 was signed by Governor Dugaard on February 24, 2012. The changes took effect immediately after Governor Dugaard signed the bill.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

To allow the use of electronic pollbooks and to establish Vote Centers.

i. 28 C.F.R. § 51.27 (n): Affect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

2. SDCL 2-1, 12-27-22, 12-27-23, 12-27-41

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise the procedures for filing referred laws, initiated constitutional amendments, and initiated measures and to revise certain election provisions and campaign finance requirements for referred laws, initiated constitutional amendments, and initiated measures, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 70 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 70 creates a new section in SDCL 2-1 and amends the current statutes, SDCL 12-27-22, 12-27-23, 12-27-41, to revise the procedures for filing referred laws, initiated constitutional amendments, and initiated measures and to revise certain election provisions and campaign finance requirements for referred laws, initiated constitutional amendments, and initiated measures

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500

East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 70 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota Senate was lawfully called into order on the 17th Legislative Day and voted in favor of the measure on February 8, 2012 and the 87th South Dakota House of Representatives was lawfully called into order on the 25th Legislative Day and voted in favor of the measure on February 22, 2012. Senate Bill 70 was signed by the Senate President on February 23, 2012 and by the Speaker of the House on February 24, 2012. Governor Daugaard signed Senate Bill 70 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and Senate Bill 70 was signed by Governor Daugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

Previously in state law, the deadline for the filing of an initiated measure was different from the deadline for filing of an initiated constitutional amendment. The Secretary of State's Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to establish the same deadline for both. Also previously in state law, a ballot question committee filed a mid-year report with the Secretary of State and not a pre-primary report in which all other entities filed, thus creating another deadline. The Secretary of State's Office, South Dakota Legislature, and Governor Daugaard

determined it was necessary to create uniformity and establish the same deadlines for all persons and entities regarding campaign finance disclosure statements.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

3. SDCL 2-1

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to provide for the withdrawal of referred measures in certain circumstances, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 93 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 93 amends the current statute chapter by adding thereto a new section, South Dakota Codified Law (SDCL) 2-1, to provide for the withdrawal of referred measures in certain circumstances.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 93 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota Senate was lawfully called into order on the 12th Legislative Day and voted in favor of the measure on January 31, 2012 and the 87th South Dakota House of Representatives was lawfully called into order on the 24th Legislative Day and voted in favor of the measure on February 21, 2012. Senate Bill 93 was signed by the Senate President on February 21, 2012 and by the Speaker of the House on February 23, 2012. Governor Dugaard signed Senate Bill 93 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and Senate Bill 93 was signed by Governor Dugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This law allows for the withdrawal of a referred measure. If the South Dakota Legislature passed a bill during an odd numbered year and then that bill was referred to a vote of the people at the next general election, there were no statutes in place to allow for the referred measure to be removed from the ballot if the next legislative session addressed the concerns of the sponsors that referred the bill. This law change will remedy this situation.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

4. SDCL 12-4-2, 12-4-9, 12-4-4.11, 12-20-37

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions concerning elections, which was approved by the 87th South Dakota Legislature and signed by Governor Daugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 128 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 128 amends the current statutes, South Dakota Codified Law (SDCL) 12-4-2, 12-4-9, 12-4-4.11, and 12-20-37, to revise certain provisions concerning elections.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 128 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota Senate was lawfully called into order on the 21st Legislative Day and voted in favor of the measure on February 14, 2012 and the 87th South Dakota House of Representatives was lawfully called into order on the 25th Legislative Day and voted in favor of the measure on February 22, 2012. Senate Bill 128 was signed by the Senate President on February 23, 2012 and by the Speaker of the House on February 24, 2012. Governor Daugaard signed Senate Bill 128 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and Senate Bill 128 was signed by Governor Daugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This law change will allow the County Auditor to maintain the master registration file in paper or electronic form. Previously in state law, the County Auditor had to maintain the master registration file in paper form only. Also, this bill will allow the County Auditor to send election returns to the Secretary of State in any envelope of their choosing. Previously, the County Auditor had to send their election returns in one particular envelope and the Secretary of State could not certify the returns if received in the incorrect envelope.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

5. SDCL 12-19-2.1, 13-7-14, 9-13-21,

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions concerning the application for absentee voting, which was approved by the 87th South Dakota Legislature and signed by Governor Daugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 137 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 137 amends the current statutes, South Dakota Codified Law (SDCL) 12-19-2.1, 13-7-14, 9-13-21, to authorize the secretary of state to revise certain provisions concerning the application for absentee voting.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 137 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota Senate was lawfully called into order on the 16th Legislative Day and voted in favor of the measure on February 7, 2012 and the 87th South Dakota House of Representatives was lawfully called into order on the 25th Legislative Day and voted in favor of the measure on February 22, 2012. Senate Bill 137 was signed by the Senate President on February 23, 2012 and by the Speaker of the House on February 24, 2012. Governor Daugaard signed Senate Bill 137 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and Senate Bill 137 was signed by Governor Daugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This law creates uniformity in absentee voting throughout jurisdictions. Previously in state law, SDCL 12-19, which governs absentee voting, did not pertain to all elections and allowed local jurisdictions, mainly school and municipal elections, to govern their own absentee voting and create their own laws. This law change creates one chapter in statute that governs all absentee voting in any jurisdiction.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

6. SDCL 9-13

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to retain certain members of municipal governing bodies in office following the redistricting of municipal wards, which was approved by the 87th South Dakota Legislature and signed by Governor Daugaard on February 22, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1076 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1076 amends the current statute chapter by adding thereto a new section, South Dakota Codified Law (SDCL) 9-13, to retain certain members of municipal governing bodies in office following the redistricting of municipal wards.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1076 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota House of

Representatives was lawfully called into order on the 12th Legislative Day and voted in favor of the measure on January 31, 2012 and the 87th South Dakota Senate was lawfully called into order on the 18th Legislative Day and voted in favor of the measure on February 9, 2012. House Bill 1076 was signed by the Speaker of the House on February 10, 2012 and by the Senate President on February 13, 2012. Governor Dugaard signed House Bill 1076 on February 22, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and House Bill 1076 was signed by Governor Dugaard on February 22, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State's Office, South Dakota Legislature, and Governor Dugaard determined it was necessary to clearly state in SDCL that the term of office of any member of the governing body of a municipality whose term of office extends beyond the next annual election is not affected, and the governing body, as part of the redistricting process.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

7. SDCL 12-27-39, 12-27-40, 12-27-42, 12-27

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to require certain campaign finance requirements to apply to all counties and municipalities, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1179 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1179 amends the current statute chapter by adding thereto a new section, South Dakota Codified Law (SDCL) 12-27 and amends the current statutes, SDCL 12-27-39, 12-27-40, and 12-27-42, to require certain campaign finance requirements to apply to all counties and municipalities.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1179 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota House of Representatives was lawfully called into order on the 20th Legislative Day and voted in favor of the measure on February 13, 2012 and the 87th South Dakota Senate was lawfully called into order on the 28th Legislative Day and voted in favor of the measure on February 27, 2012. House Bill 1179 was signed by the Speaker of the House on

February 28, 2012 and by the Senate President on February 29, 2012. Governor Daugaard signed House Bill 1179 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and House Bill 1179 was signed by Governor Daugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

Previously in state law, campaign finance requirements for ballot questions did not apply in counties with population greater than five thousand, first and second class municipalities, and school districts with more than two thousand average daily membership. This law change will regulate campaign finance requirements for those jurisdictions for ballot questions.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

8. SDCL 12-27-39, 12-27-40, 12-27-42, 12-27

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise the filing deadlines for the nomination of certain independent candidates, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on March 2, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1182 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1182 amends the current statute, South Dakota Codified Law (SDCL) 12-7-1, to revise the filing deadlines for the nomination of certain independent candidates.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1182 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota House of Representatives was lawfully called into order on the 12th Legislative Day and voted in favor of the measure on January 31, 2012 and the 87th South Dakota Senate was lawfully called into order on the 27th Legislative Day and voted in favor of the measure on February 24, 2012. House Bill 1182 was signed by the Speaker of the House on February 27, 2012 and by the Senate President on February 28, 2012. Governor Dugaard signed House Bill 1182 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South

Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and House Bill 1182 was signed by Governor Daugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State's Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to move the deadline for filing nominating petitions for independent candidates for all offices except U.S. President to the last Tuesday in April.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

9. SDCL 12-1, 22-24B

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to prohibit registered sex offenders from circulating petitions and to provide a penalty for the violation thereof, which was approved by the 87th South Dakota Legislature and signed by Governor Daugaard on March 12, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1186 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1186 amends the current statute chapters by adding thereto a new section, South Dakota Codified Law (SDCL) 12-1 and 22-24B, to prohibit registered sex offenders from circulating petitions and to provide a penalty for the violation thereof.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1186 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota House of Representatives was lawfully called into order on the 30th Legislative Day and voted in favor of the measure on February 29, 2012 and the 87th South Dakota Senate was lawfully called into order on the 29th Legislative Day and voted in favor of the measure on February 28, 2012. House Bill 1186 was signed by the Speaker of the House on February 29, 2012 and by the Senate President on March 1, 2012. Governor Dugaard signed House Bill 1186 on March 12, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and House Bill 1186 was signed by Governor Dugaard on March 12, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State's Office, South Dakota Legislature, and Governor Dugaard determined it was necessary to prohibit sex offenders from circulating petitions because of the personal information that is written on a petition form.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

10. SDCL 12-4-18, 23A-27-35

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions regarding the voting rights of persons convicted of a felony or serving time in the state penitentiary, which was approved by the 87th South Dakota Legislature and signed by Governor Dugaard on March 12, 2012. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1247 passed by the 87th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1247 amends the current statutes, South Dakota Codified Law (SDCL) 12-4-18 and 23A-27-35, to revise certain provisions regarding the voting rights of persons convicted of a felony or serving time in the state penitentiary.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1247 was the 87th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 87th South Dakota Legislature. The 87th South Dakota House of Representatives was lawfully called into order on the 20th Legislative Day and voted in favor of the measure on February 13, 2012 and the 87th South Dakota Senate was lawfully called into order on the 29th Legislative Day and voted in favor of the measure on February 28, 2012. House Bill 1247 was signed by the Speaker of the House on February 29, 2012 and by the Senate President on February 29, 2012. Governor Dugaard signed House Bill 1247 on March 12, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 87th South Dakota Legislature and House Bill 1247 was signed by Governor Dugaard on March 12, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State's Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to level the playing field and provide clarity and fairness when it comes to the voting rights of convicted felons. Previously in state law, a person convicted of a felony and sentenced to the state penitentiary would lose their voting rights, however if another person was convicted of the same felony, but only sentenced to the county jail or probation would retain their voting rights. The current law is confusing and does not treat convicted felons equally. This law change would remedy this situation. The result of the legislation is that any person convicted of a felony would lose their voting rights until their sentence is completed.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

11. ARSD 5:02:17:14

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the administrative rule change regarding electronic pollbook security, which was approved by the South Dakota Board of Elections on November 29, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of administrative rule embodying a change passed by the South Dakota Board of Elections and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

The administrative rule change amends the current Administrative Rule (ARSD) 5:02:17:14, to revise electronic pollbook security.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of ARSD 5:02:17:14 was the South Dakota Board of Elections. The changes that form the basis of this submission were accomplished by a vote of the South Dakota Board of Elections. The Board of Elections was lawfully called into order on November 29, 2011 and voted in favor of the measure on November 29, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

South Dakota Codified Law (SDCL) 12-1-9 states that the State Board of Elections shall promulgate rules, pursuant to SDCL 1-26 concerning: 1. Forms for voter registration and voter file maintenance; 2. Forms and colors of ballots; 3. Forms for notices; 4. The uniformity of election procedures; 5. The operation of the State Board of Elections; 6. The procedure to accept a petition and verify petition signatures; 7. Petition forms; 8. Envelopes for absentee voting; 9. Instructions to voters and absentee voters; and 10. Recounts. Notices of the hearing are published and sent to all interest parties at least 20 days prior to the hearing and the public is welcome to testify on proposed changes. Decisions of the Board are made by majority vote. Prior to becoming effective, rule changes must also be approved by a six person Rules Review Committee of the Legislature following a public hearing.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the State Board of Elections. The changes took effect on January 12, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The State Board of Elections felt it was necessary to allow e-Pollbooks to be used on both the internet and intranet.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

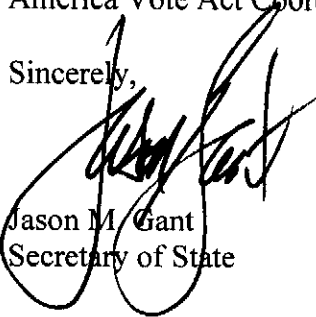
The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

Thank you for your consideration of this preclearance submission. If you have any questions or need any additional information, please contact Brandon Johnson, Help America Vote Act Coordinator at (605)773-5003.

Sincerely,



Jason M. Gant
Secretary of State

Enclosures: Senate Bill 58 of the 87th South Dakota Legislature
Approved change in statutes to SDCL 12-4, 12-15-1, 12-4-10 and 12-1-3
Signature page approving changes to SDCL
Senate Bill 70 of the 87th South Dakota Legislature
Approved change in statute to SDCL 2-1, 12-13-2, 12-27-3, 12-27-22, 12-27-23 and 12-27-41
Signature page approving changes to SDCL
Senate Bill 93 of the 87th South Dakota Legislature

Approved change in statute to SDCL 2-1
Signature page approving changes to SDCL
Senate Bill 128 of the 87th South Dakota Legislature
Approved change in statute to SDCL 12-4-2, 12-4-9, 12-4-4.11 and 12-20-37
Signature page approving changes to SDCL
Senate Bill 137 of the 87th South Dakota Legislature
Approved change in statute to SDCL 12-19-2.1, 13-7-14 and 9-13-21
Signature page approving changes to SDCL
House Bill 1076 of the 87th South Dakota Legislature
Approved change in statute to SDCL 9-13
Signature page approving changes to SDCL
House Bill 1179 of the 87th South Dakota Legislature
Approved change in the statute chapter to SDCL 12-27-39, 12-27-40, 12-27-42 and 12-27
Signature page approving changes to SDCL
House Bill 1182 of the 87th South Dakota Legislature
Approved change in statute to SDCL 12-7-1
Signature page approving changes to SDCL
House Bill 1186 of the 87th South Dakota Legislature
Approved change in statute to SDCL 12-1 and 22-24B
Signature page approving changes to SDCL
House Bill 1247 of the 87th South Dakota Legislature
Approved change in statute to SDCL 12-4-18 and 23A-27-35
Signature page approving changes to SDCL
ARSD 5:02:17:14
State Board of Elections meeting minutes

AN ACT

ENTITLED, An Act to revise certain provisions concerning elections conducted at voting centers and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 12-14 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any other provision of law, any jurisdiction may conduct an election using vote centers pursuant to the provisions of this section. The election shall be conducted in conformance with all applicable election laws and rules with the following exceptions:

- (1) The jurisdiction may use vote centers that allow the voters in the jurisdiction to vote at any one of the vote centers in lieu of establishing precincts and wards for the election;
- (2) Any person who is registered to vote and living in the jurisdiction may be appointed as a polling place superintendent or deputy to any of the vote centers;
- (3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration books;
- (4) The secretary of state shall prescribe the form of the ballot to be used at vote centers until the State Board of Elections promulgates rules pursuant to subdivision 12-1-9(2);
- (5) The entire jurisdiction is designated as one voting precinct for this election; and
- (6) The jurisdiction shall submit a plan for approval to the secretary of state. The Board of Elections shall promulgate rules pursuant to chapter 1-26 concerning the plan by July 1, 2013.

Section 2. That § 12-15-1 be amended to read as follows:

12-15-1. The county auditor shall, not less than twenty days before any election, appoint a precinct superintendent and two precinct deputies who shall constitute the precinct election board and a precinct superintendent and two precinct deputies of the counting board if the board is

appointed pursuant to § 12-15-14 or 12-15-14.1 for each of the voting precincts or vote centers of the county. Additional precinct deputies may be appointed in increments of two. The county auditor shall make the appointments from lists of names submitted by the county central committee of each party. If the county auditor fails to receive the list at least forty-five days prior to an election, the county auditor shall make the appointments.

Section 3. That § 12-4-10 be amended to read as follows:

12-4-10. The county auditor shall provide from the master registration file, in paper or electronic format, a separate list of the names and addresses of all registered voters in each voting precinct as established pursuant to chapter 12-14, § 9-13-16, or 13-7-11 in the county, which shall be known as the precinct registration list. The list for any voting precinct shall be designed so that each name can be distinctly marked whenever the registrant presents himself or herself for voting and shall contain a space in which may be recorded the record of any challenge, affidavit, or other information as may be required. Each entry shall be made by the precinct superintendent or precinct deputies when the voter presents himself or herself for voting.

Section 4. That § 12-1-3 be amended to read as follows:

12-1-3. Terms used in this title mean:

- (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the ballot to be voted upon for nomination or election at any election;
- (2) "Election," any election held under the laws of this state;
- (3) "Election officials," state and local officials charged with the duty of conducting elections and the canvass of returns;
- (4) "Elector," a person qualified to register as a voter, whether or not the person is registered;
- (4A) "Electronic pollbook," an electronic system containing both the registration list and pollbook;

- (5) "General election," the vote required to be taken in each voting precinct of the state on the first Tuesday after the first Monday in November of each even-numbered year;
- (6) "Party office," an office of a political party organization as distinct from a public office;
- (7) "Person in charge of an election," or "person charged with the conduct of an election," the county auditor in all cases except local elections for a municipality, school district, township, or other political subdivision, in which case it is the officer having the position comparable to the auditor in that unit of government if not specifically designated by law;
- (8) "Petition," a form prescribed by the State Board of Elections, which contains the question or candidacy being petitioned, the declaration of candidacy if required and the verification of the circulator. If multiple sheets of paper are necessary to obtain the required number of signatures, each sheet shall be self-contained and separately verified by the circulator;
- (9) "Petition circulator," a resident of the State of South Dakota who is at least eighteen years of age who circulates nominating petitions or other petitions for the purpose of placing candidates or issues on any election ballot;
- (10) "Political party," a party whose candidate for Governor at the last preceding general election at which a Governor was elected received at least two and one-half percent of the total votes cast for Governor;
- (10A) "Pollbook" or "poll list," a list containing in numerical order the names of all persons voting at the election and type of ballot voted;
- (10B) "Polling place," a designated place voters may go to vote;
- (11) "Primary" or "primary election," an election held at which candidates are nominated for public office;
- (12) "Public office," an elected position in government;
- (12A) "Registration list," a list of eligible voters;

- (13) "Registered mail," does not include certified mail;
- (14) "Registration officials," the county auditor and deputies and other persons authorized to assist in registration pursuant to chapter 12-4;
- (14A) "Vote center," a polling place when the precinct has been defined as the entire jurisdiction and an electronic pollbook is utilized;
- (15) "Voter," a person duly registered to vote or one who is performing the act of voting.

Section 5. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise certain provisions concerning elections conducted at voting centers and to declare an emergency.

I certify that the attached Act originated in the

SENATE as Bill No. 58

Lee Jacobsen
Secretary of the Senate

[Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

Val Paunl
Speaker of the House

Attest:

Karen Berdes
Chief Clerk

Senate Bill No. 58
File No. _____
Chapter No. _____

Received at this Executive Office this 22 day of February,

20 12 at 2:46 P.M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 23rd day of February, A.D., 20 12

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 2-23, 2012
at 4:07 o'clock P.M.

Jason Lat
Secretary of State

By _____
Asst. Secretary of State

AN ACT

ENTITLED, An Act to revise the procedures for filing referred laws, initiated constitutional amendments, and initiated measures and to revise certain election provisions and campaign finance requirements for referred laws, initiated constitutional amendments, and initiated measures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as follows:

The petition as it is to be circulated for a referred law shall be filed with the secretary of state prior to circulation for signatures and shall:

- (1) Contain the title of the referred law;
- (2) Contain the effective date of the referred law;
- (3) Contain the date of the general election at which the referred law is to be submitted;
- (4) Be accompanied by a notarized form that includes the names and addresses of the petition sponsors; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition shall be filed with the secretary of state within ninety days after the adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The form of the petition and affidavit shall be prescribed by the State Board of Elections.

Section 2. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as follows:

The petition as it is to be circulated for an initiated constitutional amendment shall be filed with the secretary of state prior to circulation for signatures and shall:

- (1) Contain the full text of the initiated constitutional amendment;
- (2) Contain the date of the general election at which the initiated constitutional amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized form that includes the names and addresses of the petition sponsors; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated constitutional amendment as prepared by the attorney general. The form shall be approved by the secretary of state prior to circulation.

For any initiated constitutional amendment petition, no signatures may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. The initiated constitutional amendment petition shall be filed with the secretary of state at least one year before the next general election. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The form of the petition and affidavit shall be prescribed by the State Board of Elections.

Section 3. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as follows:

The petition as it is to be circulated for an initiated measure shall be filed with the secretary of state prior to circulation for signatures and shall:

- (1) Contain the full text of the initiated measure;
- (2) Contain the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;

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- (4) Be accompanied by a notarized form that includes the names and addresses of the petition sponsors; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated measure as prepared by the attorney general. The form shall be approved by the secretary of state prior to circulation.

For any initiated measure petition, no signatures may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. The initiated measure petition shall be filed with the secretary of state at least one year before the next general election. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The form of the petition and affidavit shall be prescribed by the State Board of Elections.

Section 4. That § 2-1-2 be repealed.

Section 5. That § 2-1-2.1 be repealed.

Section 6. That § 2-1-4 be repealed.

Section 7. That § 2-1-6.2 be repealed.

Section 8. That § 12-13-2 be amended to read as follows:

12-13-2. The county auditor shall, on or before the first day of October of each year in which there is a general election, send by electronic transmission or mail to each official newspaper of the county a copy of all measures and questions as certified pursuant to § 12-13-1.

Section 9. That § 12-27-3 be amended to read as follows:

12-27-3. The treasurer for a political action committee shall file a statement of organization with the secretary of state not later than fifteen days after the date upon which the committee made



contributions, received contributions, or paid expenses in excess of five hundred dollars. However, if such activity falls within thirty days of any statewide election, the statement of organization shall be filed within forty-eight hours. A candidate shall file a statement of organization for a candidate campaign committee with the secretary of state not later than fifteen days after becoming a candidate pursuant to this chapter. Notwithstanding the provisions of § 12-27-41, the statement of organization shall include the original signature of each person filing the statement. A political committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to file a statement of organization. A violation of this section is a Class 2 misdemeanor.

Section 10. That § 12-27-22 be amended to read as follows:

12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state by the treasurer of every:

- (1) Candidate or candidate campaign committee for any statewide or legislative office;
- (2) Political action committee;
- (3) Political party; and
- (4) Ballot question committee.

The statement shall be signed and filed by the treasurer of the political committee or political party. The statement shall be received by the secretary of state and filed by 5:00 p.m. each February first and shall cover the contributions and expenditures for the preceding calendar year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the second Friday prior to each primary and general election complete through the fifteenth day prior to that election. If a candidate is seeking nomination at the biennial state convention, the candidate or the candidate campaign committee shall file a campaign finance disclosure statement with the secretary of state by 5:00 p.m. on the second Friday prior to any biennial state convention. Any statement filed

pursuant to this section shall be consecutive and shall cover contributions and expenditures since the last statement filed.

The following are not required to file a campaign finance disclosure statement:

- (1) A candidate campaign committee for legislative or county office on February first following a year in which there is not an election for the office;
- (2) A county, local, or auxiliary committee of any political party, qualified to participate in a primary or general election, prior to a statewide primary election;
- (3) A legislative or county candidate campaign committee without opposition in a primary election, prior to a primary election;
- (4) A candidate campaign committee whose name is not on the general election ballot, prior to the general election; and
- (5) A political committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service.

A violation of this section is a Class 1 misdemeanor.

Section 11. That § 12-27-23 be amended to read as follows:

12-27-23. If the treasurer for a ballot question committee does not file a statement of organization pursuant to chapter 2-1, the treasurer shall file a statement of organization with the secretary of state not later than fifteen days after the date which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars. However, if such activity falls within thirty days of any statewide election, the statement of organization shall be filed within forty-eight hours. A ballot question committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to file a statement of organization.

A violation of this section is a Class 2 misdemeanor.

Section 12. That § 12-27-41 be amended to read as follows:

12-27-41. Any statement required to be filed under this chapter may be filed by electronic transmission in accordance with the methods approved by the secretary of state. To be timely filed, any statement received by electronic transmission shall be legible and readable when received by the means it was delivered.

An Act to revise the procedures for filing referred laws, initiated constitutional amendments, and initiated measures and to revise certain election provisions and campaign finance requirements for referred laws, initiated constitutional amendments, and initiated measures.

I certify that the attached Act originated in the

SENATE as Bill No. 70

Lee Jacobsen
Secretary of the Senate

Received at this Executive Office this 27 day of February,

2012 at 9:40 A M.

By Judy Davis
for the Governor

[Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

The attached Act is hereby approved this 1st day of March, A.D., 2012

Davis Dugard
Governor

Val Rausch
Speaker of the House

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Attest:

Karen Burden
Chief Clerk

Filed 3-1, 2012
at 4:40 o'clock P M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

Senate Bill No. 70
File No. _____
Chapter No. _____

AN ACT

ENTITLED, An Act to provide for the withdrawal of referred measures in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as follows:

A petition of the voters referring a law to the vote of the electors pursuant to § 2-1-3 may be withdrawn no later than one hundred twenty days prior to the next general election, if no less than two-thirds of the petition sponsors file with the secretary of state, in writing, their request for withdrawal of the question from the ballot. The secretary of state shall attach to the petitions on file the request for withdrawal and shall take no other action thereon.

An Act to provide for the withdrawal of referred measures in certain circumstances.

I certify that the attached Act originated in the

SENATE as Bill No. 93

Lee Jacobsen
Secretary of the Senate

W. H. [Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

Val Bann
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

Senate Bill No. 93
File No. _____
Chapter No. _____

Received at this Executive Office this 24 day of February,

20 12 at 10:50 A M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 1st day of March, A.D., 20 12

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-1, 20 12
at 4:40 o'clock P M.

Jason Sent
Secretary of State

By _____
Asst. Secretary of State

AN ACT

ENTITLED, An Act to revise certain provisions concerning elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-4-2 be amended to read as follows:

12-4-2. The county auditor has complete charge of maintaining and safeguarding the voter registration records in the county. The county auditor shall retain all voter registration records in the auditor's office in paper or electronic form. All such records shall be open to public inspection at all times during office hours, except pursuant to § 12-4-9.

Voter registration shall be conducted by each county auditor and municipal finance officer. Voter registration shall be available at the secretary of state's office and at those locations which provide driver licenses; food stamps; temporary assistance for needy families; women, infants, and children nutrition program; medicaid; military recruitment; and assistance to the disabled as provided by the Department of Human Services.

Section 2. That § 12-4-9 be amended to read as follows:

12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format that contains each person registered in each voting precinct within the county. This file shall be known as the master registration file and shall be, at all times during office hours, open to public inspection. However, public access to social security numbers and driver license numbers contained in the master registration file shall be prohibited. Public access to each voter's day and month of birth shall be restricted. Public access to the voter's year of birth is not restricted. The master registration file shall contain all information from each voter's registration card. The master registration file shall also include the date of the last election the voter has voted in and when the voter's information was last updated. The master registration file may also contain additional voter history information.

Section 3. That § 12-4-4.11 be amended to read as follows:

12-4-4.11. If an overseas citizen who has never resided in South Dakota is eligible to register to vote pursuant to § 12-4-4.4 as the adult child of an overseas citizen and has not reached the age of twenty-two, the voter registration of the adult child shall be accompanied by a photocopy of the adult child's United States passport identification page and an overseas registrant form indicating where the adult child's parent is registered to vote in South Dakota. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, concerning the overseas registrant form.

Section 4. That § 12-20-37 be amended to read as follows:

12-20-37. The secretary of state shall provide for the guidance and direction of the county auditor in making the returns according to law.

Section 5. That § 12-4-24.1 be repealed.

An Act to revise certain provisions concerning elections.

I certify that the attached Act originated in the

SENATE as Bill No. 128

Lee Jacobsen
Secretary of the Senate

[Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

Val Baum
Speaker of the House

Attest:

Karen Berdes
Chief Clerk

Senate Bill No. 128
File No. _____
Chapter No. _____

Received at this Executive Office this 27 day of February,

20 12 at 9:40 A.M.

By Judith Davis
for the Governor

The attached Act is hereby approved this 1st day of March, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
Office of the Secretary of State

ss.

Filed 3-1, 2012
at 4:40 o'clock P.M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

AN ACT

ENTITLED, An Act to revise certain provisions concerning the application for absentee voting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-19-2.1 be amended to read as follows:

12-19-2.1. At anytime prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. on the day of the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If the application designating an authorized messenger also indicates a request for an absentee ballot for any future election, such absentee ballot shall be mailed to the address provided on the application. If no address is provided, the ballot shall be mailed to the person's voter registration address.

Section 2. That § 13-7-14 be amended to read as follows:

13-7-14. Absentee voting shall be permitted in school district elections, including school district bond elections and shall be conducted pursuant to chapter 12-19. The school board, with the approval of the county auditor and board of county commissioners, may permit absentee ballots to be voted at the county auditor's office in the county of jurisdiction.

Section 3. That § 9-13-21 be amended to read as follows:

9-13-21. The finance officer shall prepare and furnish, at the expense of the municipality, all official ballots. The quantity of ballots provided shall be at least ten percent more than the number of voters at the last comparable election. The ballots shall be white in color, of good quality of print paper, printed in black ink, and in the English language only.

The ballots for municipal elections shall be available for absentee voting no later than fifteen days prior to election day. If the ballots are for a secondary election, the ballots shall be available no later than seven days prior to the secondary election day. Absentee voting shall be conducted pursuant chapter 12-19.

The names of the candidates for each office to be voted for in the precinct shall be arranged without any other designation than that of the office for which they are candidates. If more than one member of the governing body is to be elected, the ballot shall contain instructions as to how many candidates for the governing body are to be voted for. The finance officer shall determine, by lot, each candidate's position on the ballot. Each candidate may be present or represented when the position on the ballot is being determined.

No candidate's name may be printed upon the official ballot unless the candidate has been nominated as provided in this chapter.

An Act to revise certain provisions concerning the application for absentee voting.

I certify that the attached Act originated in the

SENATE as Bill No. 137

Lee Jacobson
Secretary of the Senate

[Signature]
President of the Senate

Attest:

Lee Jacobson
Secretary of the Senate

Val Rausch
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

Senate Bill No. 137
File No. _____
Chapter No. _____

Received at this Executive Office this 27 day of February,

20 12 at 9:40 A.M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 1st day of March, A.D., 20 12

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-1, 20 12
at 4:40 o'clock P.M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

AN ACT

ENTITLED, An Act to retain certain members of municipal governing bodies in office following the redistricting of municipal wards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 9-13 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the redistricting provided in § 9-13-16, the term of office of any member of the governing body whose term of office extends beyond the next annual election is not affected, and the governing body, as part of the redistricting process, shall designate the wards to be represented by such members. Such council members may or may not be residents of the district they are designated to represent. Each ward for which representation is not provided by such designation shall, at the next ensuing annual election, elect a council member, the term of office to be determined as provided in § 9-8-4.

An Act to retain certain members of municipal governing bodies in office following the redistricting of municipal wards.

I certify that the attached Act originated in the

HOUSE as Bill No. 1076

Karen Gerdes
Chief Clerk

Val Ramey
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

Walter R. Williams
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

House Bill No. 1076
File No. _____
Chapter No. _____

Received at this Executive Office this 14th day of February, 2012 at 10:15 A.M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 21st day of February, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 2-22, 2012
at 9:30 o'clock A.M.

Jason Fant
Secretary of State

By _____
Asst. Secretary of State

violation arose out of a county office or ballot question, municipal general fund if the violation arose out of a municipal ballot question, or the school district general fund if the violation arose out of a school district office or ballot question. A civil enforcement action for a violation of the chapter concerning a municipal ballot question may, with the consent of the state's attorney, be brought by the municipality's attorney. A civil enforcement action for a violation of the chapter concerning a school district office or ballot question may, with the consent of the state's attorney, be brought by the school district's attorney. A civil action brought under this section shall be commenced in the county where filings under the chapter are required, in the county where the person resides, or in the county where the organization, political party, or political committee has its principal office.

Section 3. That § 12-27-42 be amended to read as follows:

12-27-42. Any statement, form, or filing required by this chapter shall be filed with the secretary of state in the case of a statewide office or legislative office election. Any statement, form, or filing required by this chapter shall be filed with the county auditor in the case of a county office election, with the municipal finance officer or clerk in the case of a municipal ballot question election, with the school business manager in the case of a school district office election, or with the person in charge of the election in the case of other political subdivisions or special purpose districts. However, any county, municipality, school district, or other political subdivision may, by resolution, direct that any statement, form, or filing required by this chapter be electronically filed with the secretary of state, rather than being filed with the county, municipality, school district, or other political subdivision.

Section 4. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

~~Nothing in this chapter prevents any political subdivision from adopting additional standards or requirements relating to campaign finance for elections held under the political subdivision's own~~

jurisdiction that are more stringent than the provisions of this title.

An Act to require certain campaign finance requirements to apply to all counties and municipalities.

I certify that the attached Act originated in the

HOUSE as Bill No. 1179

Karen Gerdes
Chief Clerk

Vac Bannal
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

Gabe Pj
President of the Senate
Pro Tempore

Attest:

Lee Jacobsen
Secretary of the Senate

House Bill No. 1179
File No. _____
Chapter No. _____

Received at this Executive Office this 29 day of February,

2012 at 11:40 A.M.

By Judy Lewis
for the Governor

The attached Act is hereby approved this 2nd day of March, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,

SS.

Office of the Secretary of State

Filed 3-2, 2012
at 4:18 o'clock P M.

Secretary of State

By Judy Larson, Exec. Asst.
Asst. Secretary of State

AN ACT

ENTITLED, An Act to require certain campaign finance requirements to apply to all counties and municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-27-39 be amended to read as follows:

12-27-39. The provisions of this chapter apply to each statewide office, legislative office, statewide ballot question, county offices and ballot questions in counties with population greater than five thousand according to the most recent Federal census, ballot questions in first class municipalities, and school district offices and ballot questions in school districts with more than two thousand average daily membership. Any municipal or school district election covered by this chapter shall conform to the contribution limits applicable to legislative offices. This chapter does not apply to the unified judicial system, nor does this chapter apply to any township or special purpose district offices or ballot questions or elections for municipal offices. However, the governing body of any county, township, municipality, school district, or special purpose district not otherwise covered by this chapter may adopt an ordinance or resolution to make the provisions of this chapter, with or without amendments, applicable to township, school district, or special purpose district elections.

Section 2. That § 12-27-40 be amended to read as follows:

12-27-40. The state's attorney shall investigate any violation of the provisions of this chapter relating to elections for county and school district office or county, municipal, or school district ballot questions, and prosecute any violation thereof. In lieu of bringing a criminal action, the state's attorney may elect to file a civil action for any violation of this chapter. In a civil action, in addition to other relief, the court may impose a civil penalty in an amount not to exceed one thousand dollars for each violation. Any civil penalty recovered shall be paid to the county general fund if the

AN ACT

ENTITLED, An Act to revise the filing deadlines for the nomination of certain independent candidates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-7-1 be amended to read as follows:

12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at 8:00 a.m. and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00 p.m. prior to the election, it is timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

An Act to revise the filing deadlines for the nomination of certain independent candidates.

I certify that the attached Act originated in the

HOUSE as Bill No. 1182

Karen Gerdes
Chief Clerk

Vaughan
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

W. J. [Signature]
President of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

House Bill No. 1182
File No. _____
Chapter No. _____

Received at this Executive Office this 29 day of February,

20 12 at 9:20 A M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 2nd day of March, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-2, 2012
at 4:18 o'clock P M.

Secretary of State
By Judy A. Larson, Exec. Asst.
Asst. Secretary of State

AN ACT

ENTITLED, An Act to prohibit registered sex offenders from circulating petitions and to provide a penalty for the violation thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as follows:

No registered sex offender may circulate any petition, either on the registered sex offender's own behalf or on the behalf of, or in the employ of, another person in any place frequented by the public or door to door on private property. A violation of this section is a Class 1 misdemeanor.

Section 2. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 1 of this Act do not apply, if the registered sex offender circulating or assisting in circulating petitions under circumstances where the registered sex offender is in the employ of, and under the immediate supervision of, another person and where the circumstances preclude any contact with children.

Section 3. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 1 of this Act do not apply, if the registered sex offender is circulating any nominating petitions on his or her own behalf for election to any federal, state, or local office for which the registered sex offender is otherwise qualified.

Section 4. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

No registered sex offender is eligible to circulate certain nominating petitions pursuant to sections 1 to 3, inclusive, of this Act.

An Act to prohibit registered sex offenders from circulating petitions and to provide a penalty for the violation thereof.

I certify that the attached Act originated in the

HOUSE as Bill No. 1186

Karen Gerdes
Chief Clerk

Val Bann
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

[Signature]
President Pro Tempore of the Senate

Attest:

Lee Jacobsen
Secretary of the Senate

Received at this Executive Office this 1 day of March,

2012 at 2:00 P M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 12th day of March, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed 3-12, 2012
at 3:00 o'clock P M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

House Bill No. 1186

File No. _____

Chapter No. _____

AN ACT

ENTITLED, An Act to revise certain provisions regarding the voting rights of persons convicted of a felony or serving time in the state penitentiary.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-4-18 be amended to read as follows:

12-4-18. The clerk of courts shall, within fifteen days after the close of each month, prepare and deliver to the auditor an abstract from the records of the names of persons declared mentally incompetent in the preceding month. The notice shall be sent to the county auditor of the county in which the person declared incompetent resides. The county auditor shall remove from the master registration list the names of persons identified in accordance with the information provided pursuant to this section and names of those sentenced to imprisonment in the federal penitentiary system and may remove names published in an obituary.

Voter registration records maintained in or transmitted to the statewide voter registration file shall be matched with the death records maintained as vital statistics records by the Department of Health and the records of felony convictions maintained by the Unified Judicial System. Any voter identified as deceased or who is serving a sentence for a felony conviction shall be removed from the voter registration records. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, determining how voter registration records shall be matched.

Section 2. That § 23A-27-35 be amended to read as follows:

23A-27-35. A sentence of imprisonment in the state penitentiary for any term suspends the right of the person so sentenced, to hold public office, to become a candidate for public office, and to serve on a jury. Any such person so sentenced forfeits all public offices and all private trusts, authority, or power during the term of such imprisonment. Any person who is serving a term in any penitentiary shall be a competent witness in any action now pending or hereafter commenced in the

courts of this state, and the person's deposition may be taken in the same manner prescribed by statute or rule relating to taking of depositions. After a suspension of sentence pursuant to § 23A-27-18, upon the termination of the time of the original sentence or the time extended by order of the court, a defendant's rights withheld by this section are restored. However, the voting rights of any person sentenced to imprisonment in the state penitentiary shall be governed by Title 12.

An Act to revise certain provisions regarding the voting rights of persons convicted of a felony or serving time in the state penitentiary.

I certify that the attached Act originated in the

HOUSE as Bill No. 1247

Karen Gerdes
Chief Clerk

Vac Ramm
Speaker of the House

Attest:

Karen Gerdes
Chief Clerk

[Signature]
President of the Senate
Pro Tempore

Attest:

Lee Jacobsen
Secretary of the Senate

House Bill No. 1247
File No. _____
Chapter No. _____

Received at this Executive Office this 29 day of February,

20 12 at 2:30 P M.

By Judy Davis
for the Governor

The attached Act is hereby approved this 12th day of March, A.D., 2012

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
Office of the Secretary of State

Filed 3-12, 2012
at 3:00 o'clock PM.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

Electronic Pollbook Security

5:02:17:14. Electronic pollbook security. The ~~pollbook~~ file containing active and inactive registered voter names, numbers, ~~and~~ ballot types and other voter information for an electronic pollbook must be located in the electronic pollbook. The electronic pollbook file may ~~not~~ only be located on a network drive or removable drive if password protected. The electronic pollbook ~~may not~~ shall be connected to a secure the internet or intranet connection.

An electronic pollbook file shall be password protected. The password shall be provided only to the precinct superintendent and person in charge of the election who may not divulge the password to any other person.

No person, other than the ~~election worker~~ precinct election official assigned to operate the electronic pollbook, may be allowed to enter any information into the electronic pollbook.

Following the completion of the recapitulation sheet at the close of the polls, the electronic pollbook file shall be immediately closed so that it is password protected.

The electronic pollbook file may not be reopened prior to the official canvass. If the board of canvassers examines the electronic pollbook file, the board must check the "~~properties~~" audit trail of the electronic pollbook file prior to opening the file to determine that the file has not been accessed since the close of the polls.

Source: 35 SDR 306, effective July 1, 2009.

General Authority: SDCL 12-1-9(4).

Law Implemented: SDCL ~~12-8-5~~, 12-16-28, 12-18-5.



Secretary of State

Jason M. Gant

State Capitol | 500 East Capitol Avenue | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

Board of Elections Minutes - Amended

The meeting was called to order by Secretary of State Jason M. Gant on November 29th, 2011 at 10:01 a.m. Board Members present were Secretary Gant, Linda Lea Viken, Matt McCaulley, Pam Lynde, Chris Madsen, Richard Casey, Cindy Shultz. Also present were Patty McGee, Sully County Auditor, Bob Litz, Minnehaha County Auditor, Aaron Lorenzen, Director of Elections, Andrew Pietrus, Secretary of States Office, Bob Mercer, Mike Severson, and Megan Luther.

Moved by Madsen and seconded by Casey to approve the minutes of the September 14th, 2011, meeting. Motion Carried.

Secretary Gant moved into the official rules hearing.

The Board of Elections convened at 10:02 a.m. on Tuesday, November 29, 2011, at Boyce, Greenfield, Pashby & Welk, LLP. Located at 101 N. Phillips Ave, Suite 600, Sioux Falls, South Dakota.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the Board numbered 5:02:17:14, 5:02:03:01, 5:02:10:01, 5:02:10:01:04, 5:02:03:25 proposed under the authority of 12-1-9 and 12-4-4.11.

Hearing Officer: Jason M. Gant, Secretary of State, Pierre, South Dakota.

Members of the Board in Attendance: Linda Lea Viken, Matt McCaulley, Pam Lynde, Chris Madsen, Richard Casey, Cindy Shultz.

Others in Attendance: Patty McGee, Sully County Auditor, Bob Litz, Minnehaha County Auditor, Aaron Lorenzen, Director of Elections, Andrew Pietrus, Secretary of State's Office, Bob Mercer, Mike Severson, and Megan Luther.

Secretary Gant opened the State Board of Elections Rules Hearing at 10:03 a.m.

Secretary Gant introduced ARSD 5:02:17:14, which would update the electronic poll book security.

Discussion was held on the security of the electronic poll book, and the measures that counties would be using to ensure security.

There were no public comments or letters.

Casey moved to approve the administrative rule as presented and second by Madsen.

Secretary Gant called the voice vote.

Ayes: Casey, Viken, Shultz, Lynde, Madsen, McCaulley, Gant

Nays: Zero

Motion passes unanimously.

Secretary Gant introduced ARSD 5:02:03:01, which would change the voter registration card form.

Board members expressed concern in not allowing the form to be prescribed by rule but instead general requirements for what should be on the form.

Board members expressed desire to find a way to have the form in administrative rule, but not require the Board to be called in order to make stylistic changes to the form.

There were no public comments or letters.

Secretary Gant deferred action on ARSD 5:02:03:01 until the next Board meeting.

Secretary Gant introduced ARSD 5:02:10:01, which would change the absentee ballot application form and include the military and overseas citizen voter information.

Board members expressed the same concern as with administrative rule change 5:02:03:01.

There were no public comments or letters.

Secretary Gant deferred action on ARSD 5:02:10:01 until the next Board meeting.

Secretary Gant introduced ARSD 5:02:10:01:04, which would delete the military and overseas citizen absentee ballot application.

Secretary Gant expressed desire to combine this form with the standard absentee ballot application, prescribed by ARSD 5:02:10:01.

There were no public comments or letters.

Secretary Gant deferred action on ARSD 5:02:10:01:04 until the next Board meeting.

Secretary Gant introduced ARSD 5:02:03:25, which would have created a voter registration form for the adult children of overseas citizens.

Secretary Gant stated this was a rule change that was brought forth from legislation passed in 2011 (HB 1130).

Board members expressed concern that the SDCL requires the Board of Elections to prescribe the exact form in ARSD and not just basic parameters.

Board members discussed the ramifications of postponing the administrative rule to the next Board meeting.

There were no public comments or letters.

Secretary Gant deferred action on ARSD 5:02:03:25 until the next Board meeting.

Secretary Gant closed the State Board of Elections Rules Hearing at 12:24 p.m.

The Board recessed for lunch at 12:25 p.m.

Board came out of recess at 12:53 p.m.

Secretary Gant moved to discussion on the Janis v Nelson lawsuit, and ACLU interactions with the office in recent months.

Secretary Gant asked for a motion to submit the proposed legislation to the LRC

Motion by Viken, second by McCaulley that pursuant to the action taken by the Board of Elections on May 12, 2010, settling the Janis v Nelson lawsuit, the Secretary of State is requested to introduce legislation on behalf of the Board of Elections to amend SDCL 12-18-10 consistent with the changes approved. Secretary Gant called the voice vote.

Ayes: Casey, Viken, Madsen, McCaulley, Shultz, Lynde, Gant
Nays: zero

Secretary Gant began discussing felon voting rights and the open invitation for the ACLU to come to Pierre and discuss the submitted felon legislation.

Secretary Gant moved to the next item on the agenda and discussing future legislation and future administrative rule changes.

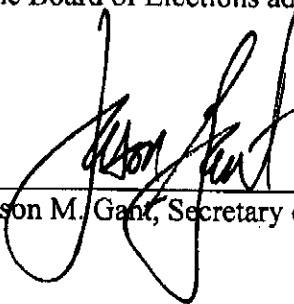
Viken recommended that the Board of Elections be allowed to review legislation on election and related matters before introduction. (Added pursuant to January 19, 2012 motion.)

Viken recommended that applicable statutes be amended to require review of electronic poll book requirements by the Board of Elections.

Secretary Gant stated the next Board of Elections rules meeting will be held when time permits in order to have the proposed rules presented to the Legislative Rules Review Committee.

With no further business before the Board, McCaulley moved to adjourn and second by Viken.

The Board of Elections adjourned at 1:57 pm.



Jason M. Gant, Secretary of State



Aaron Lorenzen, Recorder