



U.S. Department of Justice

Civil Rights Division

TCH:RSB:JER:RAK:tst
DJ 166-012-3
2013-0282

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

RECEIVED

APR 01 2013

March 26, 2013

S.D. SEC. OF STATE

The Honorable Jason M. Gant
Secretary of State
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Mr. Gant:

This refers to the changes to ARSD 5:02:03:01, ARSD 5:02:03:13, ARSD 5:02:03:24, ARSD 5:02:05:02, ARSD 5:02:05:02:01, ARSD 5:02:06:24, ARSD 5:02:22:01, ARSD 5:02:22:02, and ARSD 5:02:22:03, relating to instructions posted in polling places, notice procedures, voter registration instructions, the submission of vote center plans, the ballot format for vote centers, procedures for appealing decisions related to the use of vote centers, alternate optical scan ballots, and voter registration forms; as well as the repeal of ARSD 5:04:06:01, ARSD 5:04:06:02, and ARSD 5:04:06:03, relating to the transfer of information from a county voter registration database to the statewide voter registration file, for the State of South Dakota, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on January 31, 2013; additional information was received on March 21, 2013.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

for T. Christian Herren, Jr.

T. Christian Herren, Jr.
Chief, Voting Section