



South Dakota Republican Party
PO Box 1099 Pierre, SD 57501

July 9, 2018

The Honorable Shantel Krebs
South Dakota Secretary of State
500 East Capitol Drive
Pierre, SD 57501

Secretary Krebs,

We have reviewed the purported Certification of Candidates submitted to your office by the South Dakota Democratic Party, which are available online on the Secretary of State's website. There are two separate forms submitted for a certification, one dated June 20, 2018 and received June 22, 2018 and one dated June 21, 2018 and received June 25, 2018.

These documents were not submitted in substantial compliance with SDCL 12-5-22. SDCL 12-5-22 requires that such a certification "shall be certified to the secretary of state by the officers of the convention, within three days of the close of the convention[.]"

Neither of the certifications received by your office are compliant with statute. The State Democratic Convention adjourned on the 16th of June. Under no circumstance would the certifications received on June 22nd or 25th be timely certifications under SDCL 12-5-22. In addition, they are not executed by any person in their capacity as an officer during the South Dakota Democratic Party Convention.

The Secretary of State's office is ministerial. The certification is plainly not in compliance with South Dakota law. This office does not have the discretion to ignore the plain language of statute, specifically mandated timeframes. The South Dakota Republican Party hereby demands that the Secretary of State not recognize the certification submitted by the State Democratic Party, and to not certify the candidacy of any candidate identified in said certifications.

Respectfully,

A handwritten signature in black ink that reads "Dan Lederman". The signature is written in a cursive, flowing style.

Dan Lederman
Chairman
South Dakota Republican Party

cc: Deputy Attorney General Ann F. Mines Bailey



South Dakota Secretary of State
SHANTEL KREBS

July 9, 2018

South Dakota Democratic Party
Attn: Ann Tornberg
PO Box 1485
Sioux Falls, SD 57101

Dear Ms. Tornberg,

Today our office received the enclosed letter. Based upon this letter, we re-examined the certifications of nominations which we received from the South Dakota Democratic Party and consulted again with the Attorney General's office concerning their prior advice in this matter which was to accept and file the certification. South Dakota Codified Law, section 12-5-22 provides that "[n]ominations by a state convention shall be made by a majority vote of the votes cast and shall be certified to the secretary of state **by the officers of the convention**, within three days of the close of the convention. No certification may be received by the secretary of state later than the second Tuesday in August."

The South Dakota Democratic Party convention ended on Saturday, June 16. Applying SDCL §§ 2-14-14 and 15-6-6(a), your certification was required to be made by the close of business on June 20, 2018. Our records indicate that your certification dated June 20, 2018, was not received by our office until June 22, 2018. Further, the mailed document was received by our office on June 25, 2018. As neither of these certifications was received by June 20, I must conclude the requirements of SDCL § 12-5-22 have not been met and the certification of candidates must be rejected.

For your candidates to be certified for the general election ballot you may, pursuant to SDCL § 12-15-17, give notice of another convention and resubmit your certification of nominations. Please be mindful of the statutory requirement that you provide notice to the Secretary of State's Office thirty days prior to that convention. Such convention must be held and the certification of nominations must be received by our office no later than 5:00 pm CT on August 14th pursuant to SDCL § 12-5-22.

Sincerely,

Shantel Krebs
Secretary of State

SOUTH DAKOTA STATE CAPITOL • 500 E. CAPITOL AVE. • PIERRE, SD 57501

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Filed this 22nd day of
June 2018

June 20, 2018
Secretary of State
Capitol Building
500 East Capitol Avenue, Ste 204
Pierre, SD 57501-5070

Shantel Krebs

SECRETARY OF STATE

RECEIVED
JUN 22 2018
S.D. SEC. OF STATE

Secretary of State Krebs:

I am writing this letter in accordance with SDCL 12-5-22 as Chair of the South Dakota Democratic Party to certify the nominations made at the South Dakota Democratic Party State Convention.

The South Dakota Democratic Party held its State Convention on June 15-16, 2018 in Sioux Falls. The delegates of the Convention nominated the following individuals to the offices listed:

Lt. Governor: Michelle Lavallee

Michelle is registered to vote at 221 S Phillips Ave Apt 601, Sioux Falls, SD 57104.

Attorney General: Randy Seiler

Randy is registered to vote as Randolph Seiler, and is registered at 2411 Whispering Shores Dr, Fort Pierre, SD 57532.

State Treasurer: Aaron Matson

Aaron is registered to vote at 4310 W. 59th St. Unit 11, Sioux Falls, SD 57108. This is also his mailing address.

State Auditor: Tom Cool

Tom is registered as Thomas Cool, and is registered at 6113 W 32nd St Sioux Falls, SD 57106. He is 68 years old.

Commissioner of School and Public Lands: Woody Houser

Woody is registered as Woodrow Houser II, and is registered at 47267 300th St Beresford, SD 57004.

PUC: Wayne Frederick

Wayne is registered to vote at 27853 292nd Ave, Winner, SD 57580.

Secretary of State: Alexandra Frederick

Alexandra is registered to vote at 27853 292nd Ave Winner, SD 57580

Sincerely,

Ann Tomberg

Ann Tomberg, Chair of the South Dakota Democratic Party