



## South Dakota Secretary of State

**Monae L. Johnson**  
Secretary of State

**Thomas J. Deadrick**  
Deputy Secretary of State

### **Secretary of State's Office – Response to SD Searchlight Article on HB 1062**

**Date:** 10/15/25

**Submitted by:** Office of the South Dakota Secretary of State

Chair Howard and Members of GOAC,

The Secretary of State's Office was requested, by GOAC, to answer the Searchlight news article by Makenzie Huber regarding HB 1062.

#### **I. Preliminary Statement**

This submission addresses inaccuracies and allegations in South Dakota Searchlight's July 31, 2025, article concerning HB 1062 and the statewide voter registration file.

#### **II. Questions Presented**

1. The article inaccurately characterizes what HB 1062 required the Secretary of State to publish.
2. The article's descriptions of the published file (including "source of registration" and contact fields) are incomplete and inaccurate.
3. The speculative claims of illegality and threatened litigation are presented as fact without necessary legal distinctions.

#### **III. Factual Background**

1. **Publication & headline.** On July 31, 2025, SD Searchlight published "SD election office publishes voter list labeling thousands as public assistance applicants..." attributing the publication to HB 1062.

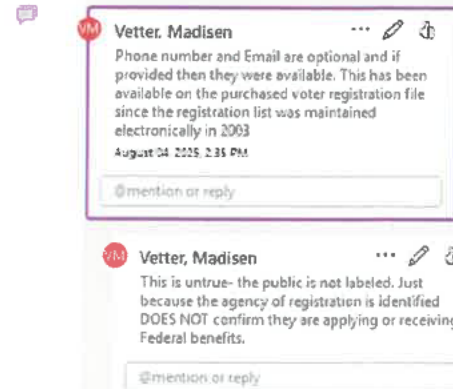
**SD Searchlight Article:**

**SD election office publishes voter list labeling thousands as public assistance applicants- Information is included in newly required free version of statewide registration spreadsheet**

By: Makenzie Huber - July 31, 2025 4:16 pm

Thousands of South Dakotans have been publicly labeled as applicants for government assistance and thousands more have had their email address and phone number exposed, due to a new state law and the way the state's election office is implementing it. Although the legislation creating the law received some Democratic votes, it's a product of the Republican-dominated Legislature. Republican Gov. Larry Rhoden signed it into law and Republican Secretary of State Monae Johnson is carrying out its provisions. Several legislators, both Democrats and Republicans, are now telling South Dakota Searchlight they did not intend for the law to expose sensitive information — especially the identity of public assistance applicants.

"This is what happens when you put the wrong people in charge," said state House Minority Leader Erin Healy, D-Sioux Falls, who voted against the bill. "We talk a lot about freedom and privacy in this state, so it's a shame that this legislation led to this type of breach."



(screenshots are of "SD Searchlight Corrections" document from Madisen Vetter to Mackenzie Huber on 8/7/25- the article was pasted into a word document and corrected, then sent back to the reporter.) Link to the article is here: <https://southdakotasearchlight.com/2025/07/31/south-dakota-election-office-publishes-spreadsheet-labeling-thousands-public-assistance-applicants/>

2. **Central claim.** The article alleges that "thousands" were publicly labeled as public-assistance applicants and that "thousands more" had emails/phone numbers exposed, attributing causation to the law "and the way the state's election office is implementing it."

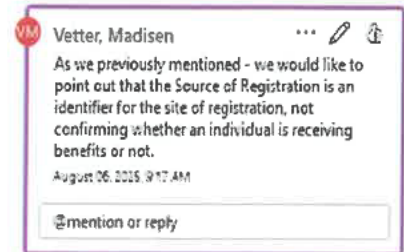
HB 1062 did **not** create new disclosures of registrant contact information; contact fields have been part of the purchasable Voter Registration File for years under existing statute and rule. HB 1062 changed **access/fee structure**, not the underlying categories of releasable data.

The file **does not label anyone as a benefits recipient**. The field at issue reflects the **registration channel** (e.g., county office, DMV, mail/online, or an NVRA-designated agency). That is an **administrative source code**, not a benefits status.

#### About the new law

The legislation passed in March. It requires the Secretary of State's Office — which oversees elections — to make the state's entire voter registration list freely available online, after the list was previously available only for a \$2,500 fee. Activists who favor the hand-counting of ballots, oppose the use of vote-counting machines and deny the legitimacy of the 2020 presidential election were among those who promoted the legislation as an "election integrity" measure.

When the law took effect July 1, the Secretary of State's Office made the statewide voter registration list freely available on its website, containing information about 668,419 registered voters. A screenshot of the statewide voter registration list published on July 1, 2025 and downloaded off of the South Dakota Secretary of State's website shares "source of registration" information. The category includes public assistance applicants, among other methods of voter registration.



3. **Data fields described.** The piece alleges that the file included name, party, address, and—where provided—phone/email, and referenced a column showing how voters registered, citing an internal tally of 7,186 voters identified as registering while “applying” for assistance. Phone and email appear **only if the voter voluntarily provided them** at registration or update. Their inclusion in the public file is **authorized by statute** and has been standard practice. Sensitive identifiers are **not** disclosed.

**Source-of-registration:** The field indicates **where/how** the application was accepted (county office, DMV, by mail/online, etc). It **does not reveal whether a person applied for, qualified for, or receives public assistance**. Equating an NVRA agency code with individual benefit status is a **misinterpretation**.

South Dakota Searchlight downloaded the list and found it included information such as each voter's name, political party and address. It additionally included phone numbers and email addresses, if voters provided those two pieces of optional information while filling out their voter registration form, or if the information was automatically included when voters registered through another government form, such as an application for a driver's license.

There was also a column identifying where and how voters registered, such as at a driver's exam station, a disability services office, a military recruitment center, or while applying for assistance from the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, or the Women, Infants and Children program.

In all, 7,186 people were labeled as having registered to vote while applying for some form of public assistance, according to a Searchlight analysis.

**Vetter, Madisen** ... 1  
Again, not additional- as the phone number and email have previously been included.

@mention or reply

**Vetter, Madisen** ... 1  
Same as previous corrections

@mention or reply

**Vetter, Madisen** ... 1  
Same as previous- does not identify applications for benefits

@mention or reply

4. **Subsequent versioning.** The article inaccurately claims that the Office replaced an older spreadsheet and that columns about how a voter registered were removed, while alleging that information remained under a "County" field for some records.
5. **Threatened litigation & demands.** The article recycles ACLU allegations and a demand letter requesting removal of the files, removal of "source of registration" data, notices to voters, and website language changes.

In response to Searchlight questions about the legality of the state's actions, South Dakota Attorney General Marty Jackley said he is appointing lawyers from his office to discuss the matter with the Secretary of State's Office and legislators.

The ACLU of South Dakota sent a letter Thursday to the Secretary of State's Office asking it to:

- Remove copies of the statewide voter registration file from its website.
- Remove from the file all data about the method by which a person registered to vote.
- Notify all South Dakota registered voters whose confidential information was exposed.
- Update language on its website clarifying what registration information is public and clarifying that voter registrations completed through a public assistance office will remain confidential.

Rapid City Republican Rep. Heather Baxter was the main sponsor of the legislation requiring free publication of the voter registration list. She said this week it wasn't her intention to publicize how voters registered. She only wanted information necessary to verify South Dakota's voter rolls and to contact voters about their registration's accuracy.

The bill's lead Senate sponsor, Rapid City Republican John Carley, expressed similar motivations.

"All the bill did was make the voter registration file available at no cost to the public," Carley said. **The source information wasn't included in the voter registration file before this law and it shouldn't be there after.**

Legislators are all included in the spreadsheet, because they have to be registered to run

**Vetter, Madisen** ... 1  
Correction: as previously mentioned, Source of Registration has been collected for over 20 years.

@mention or reply

6. **Process with reporter.** The reporter invited corrections on July 31; our office submitted detailed corrections on August 7; the reporter declined to correct.

#### Email #1

From: Makenzie Huber [REDACTED]

Sent: Thursday, July 31, 2025 4:32:43 PM

Subject: [EXT] Article: voter registration files

Hi there,

Thanks for taking my emails and calls. [Here's a link](#) to the voter registration file story. If you find any inaccuracies, please let me know. Thanks!

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Makenzie Huber (she/her)

Politics & Public Policy Reporter

South Dakota Searchlight [REDACTED]

#### Email #2

To: Makenzie Huber [REDACTED]

From: Madisen Vetter [REDACTED] 8/07/2025 9:30am

Makenzie,

Thank you for giving us the opportunity to share some corrections. To make things a little easier I copied your text and added comments/ corrections where appropriate. Some of the comments are repetitive.

The document is attached.

Let me know if you need anything else.

Warmest Regards,

**Madisen Vetter**

#### Email #3

Huber [REDACTED]

Sent: 08/07/2025, 2025 12:30pm

Subject: [EXT] SD Searchlight Article Corrections

Hi Madisen,

500 EAST CAPITOL AVENUE, PIERRE, SD 57501-5070 | TELEPHONE: (605) 773-3537 | FAX: (605) 773-6580

[WWW.SDSOS.GOV](http://WWW.SDSOS.GOV) | [SDSOS@STATE.SD.US](mailto:SDSOS@STATE.SD.US)



Thank you for reaching out. I appreciate your feedback. I reviewed your notes with my editor, and we did not see any errors or mistakes pointed out in your comments that needed corrections in the article. I'll keep your feedback and notes in mind for future reporting! Thank you again, and I hope you enjoy your weekend!

Makenzie Huber (she/her)  
Politics & Public Policy Reporter  
South Dakota Searchlight [REDACTED]

#### IV. Argument

**Point 1 – The article conflates HB 1062’s publication mandate with the Office’s historical data practices and optional registrant contact fields.**

HB 1062 concerns public access to the statewide voter registration file that was previously available for a fee; the article’s framing suggests the law exposed new categories and optional contact fields that have long existed when supplied by registrants, which is misleading.

**Point 2 – The “source of registration” characterization is presented without critical legal distinctions and with speculative harm.**

The article wrongly suggests that noting a registration source amounts to revealing confidential public-assistance information. That assumption misunderstands two entirely different concepts—one permissible under election law, the other protected by unrelated confidentiality statutes. By blurring this distinction, the article relies on speculation rather than law or fact.

**Point 3 – Claims of “tracking” via download form are presented without operational justification or security rationale.**

The article calls a basic request form a “privacy invasion,” overlooking the simple reasons it exists—to manage access, prevent abuse, and communicate updates. It substitutes speculation for explanation and presents assumption as fact.

The web form isn’t for tracking users; it’s a basic operational tool. It lets us manage access, so the file isn’t scraped or overloaded, notify prior downloaders if a new version is posted, keep a simple access log for accountability and security, and answer user questions about the file. We collect only name

and email, use them only for these purposes, and do not sell or share them. Anyone who prefers not to use the form can request the same file by email or mail.

In addition, the form is required to comply with SDCL 12-4-37 which directs the Secretary of State to post weekly updates of the statewide voter registration file, while SDCL 12-4-41 prohibits placing that information on the internet with unrestricted access. The Attorney General's Official Opinion 25-02 (Aug. 25, 2025) harmonizes these statutes and confirms that requiring a brief request form and issuing a one-time, time-limited download link are reasonable, minimal restrictions that give full effect to both provisions.

**Point 5 – The record shows our timely effort to correct the public narrative; corrections were declined.**

The reporter invited corrections; we provided a line-by-line corrections document; the reporter declined to make any changes. GOAC should weigh the credibility of the article accordingly and rely on primary documents.

**V. Requested Relief**

1. **Record Reliability.** Enter this letter into the GOAC record and note that the article's author declined to correct documented inaccuracies.
2. **Primary Sources.** Evaluate HB 1062 implementation based on statutes, guidance, version histories, and court orders—not secondary reporting.

**VI. Conclusion**

The SD Searchlight article's narrative—particularly its treatment of "source of registration," optional contact fields email and phone number, and the causation it ascribes to HB 1062—omits essential legal and operational context and Huber declined documented corrections.

We have provided direct answers, a timeline, and our argument before you today and submitted the source exhibits so the Committee can see what happened and when.

Thank you,

Regards,



Monae L. Johnson  
Secretary of State