

State Board of Elections 2018 Proposed Draft Legislation

#1. FOR AN ACT ENTITLED, An Act to revise certain provisions regarding political party status and to declare an emergency.

That § 12-1-3 be amended to read:

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;

(5A) "Paid circulator," any person who receives money or anything of value for collecting signatures for a petition;

(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," commencing with the 2014 general election and every general election thereafter, a party whose candidate for any statewide office ~~at the last preceding general election~~ received at least two and one-half percent of the total votes cast for that statewide office shall remain a political party for the next two general election cycles;

(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;
- (16) "Independent (IND)" or "no party affiliation (NPA)," any voter who writes independent, I, Ind, the field is blank, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the choice of party field on the voter registration form;
- (17) "Independent candidate," notwithstanding the definition of independent as stated in this chapter, any registered voter regardless of party affiliation who declares to be an independent candidate for public office pursuant to this chapter;
- (18) "Other," any voter who writes a political party not recognized in South Dakota in the choice of party field on the voter registration form.

#2. FOR AN ACT ENTITLED, An Act to remove direct recording electronic devices from the list of systems that can be certified in South Dakota and to declare an emergency.

That § 12-17B-2 be amended to read:

12-17B-2. Capabilities required of automatic tabulating, ~~direct recording electronic~~, or electronic ballot marking systems--Approval of changes or modifications. Any automatic tabulating, ~~direct recording electronic~~, or electronic ballot marking system used in an election shall enable the voter to cast a vote for all offices and on all measures on which the voter is entitled to vote. Automatic tabulating, electronic ballot marking device or election voting equipment systems cannot be connected to the internet. Ballot marking devices cannot save or tabulate votes marked on those systems. Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state. No system may be approved unless the system fulfills the requirements as established by the State Board of Elections. Any changes or modifications to an approved system shall be approved by the State Board of Elections prior to distribution and use.

#3. FOR AN ACT ENTITLED, An Act to repeal direct recording electronic voting systems from being used in South Dakota and to declare an emergency.

That § 12-17B-2.1 be repealed:

~~12-17B-2.1. Direct recording electronic voting system--Requirements. No direct recording electronic voting system may be certified or used unless it is capable of producing in random order a paper copy of each ballot cast on the system. No direct recording electronic voting system may be certified which transmits uncounted votes or ballots through the internet.~~

#4. FOR AN ACT ENTITLED, An Act to repeal direct recording devices from the list of election systems a governing body can adopt, experiment with or abandon and to declare an emergency .

That § 12-17B-3 be amended to read:

12-17B-3. Authority of governing body to adopt, experiment with or abandon system. Any governing body having supervision of elections within any political subdivision may adopt, experiment with, or abandon any automatic tabulating, ~~direct recording electronic~~, or electronic ballot marking system approved for use by the State Board of Elections. Any governing body may use the system in all or some of the precincts within its jurisdiction or in combination with any other type of voting system approved for use by the State Board of Elections.

#5. FOR AN ACT ENTITLED, An Act to repeal direct recording devices from the list of election systems that can be contracted for use with a governing body of a political subdivision and to declare an emergency.

That § 12-17B-4 be amended to read:

12-17B-4. Contract by political subdivision with county for use of system. The governing body of a political subdivision may contract with any county for the use of an automatic tabulating, ~~direct recording electronic~~, or electronic ballot marking system for elections within the political subdivision.