

South Dakota State Board of Elections
Notice of Public Hearing to Adopt Rules

A public hearing will be held in the conference room of the South Dakota Association of County Officials Building, 211 E. Prospect Ave., Pierre, South Dakota, on June 15, 2017, at 10:00 a.m. Central Time, to consider the adoption and amendment of proposed rules numbered

§§ 5:02:03:14; 5:02:04:13; 5:02:04:17; 5:02:04:18; 5:02:04:19; 5:02:06:01; 5:02:06:10; 5:02:06:17; 5:02:06:20; 5:02:06:26 (New); 5:02:06:27 (New); 5:02:06:28 (New); 5:02:08:00.01; 5:02:08:00.02; 5:02:08:00.05; 5:02:08:36; 5:02:08:37 (Repeal); 5:02:08:38 (Repeal); 5:02:10:01; and 5:02:10:08, inclusive..

The effects of the rules are the following: Specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice to provide consistency with all county auditors and comply with signed House Bill 1036 from the 2017 Legislative Session. Change the name of a Secondary Election to Runoff Election in the above administrative rules is due to signed House Bills 1036 and 1037. Add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election which should have been included in the past. Due to the passage of Senate Bill 77 and House Bills 1001 & 1034 the addition of the following language is being added to the general election ballot “Legislative Research Council’s Prison/Jail Population Cost Estimate and/or Fiscal Note. Additional clean up amendments to the primary and general election ballot formats to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B and new primary and general election ballot formats are being added to allow county auditor’s to purchase new ballot marking devices. Amending the tax levy opt-out ballot format to be used by county, municipality or school to provide clarification on the format for those local jurisdictions. Create a new ballot format for capital outlay elections for school districts to provide assistance to the school district. Create a new ballot format for school sentinel program elections to provide assistance to the school district. Create a new ballot format to assist county auditors with ballot for tax levy ballots for maintaining repairing, constructing or reconstructing roads and bridges. Clarifying that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side due to passage of HB 1034. Amended the rule for the random sample on statewide candidates and statewide ballot measures due to passage of HB 1035 by replacing the 5% random sample requirement to a sample that is statistically correlative to not less than a 95% level of confidence with a margin of error equal to not more than 3.62%. Repealed two petitions for conservation district candidates and amended the third petition due to the passage of SB 78 which changed the candidates for district supervisors to run at large instead of by areas. Amended the application for absentee voting to add language to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under to comply with the federal law and we also provided other language to simplify the application instructions. Removed language requiring an Uniformed Overseas Citizens Absentee Voter has to provide their voting residence on the ballot return envelope as there is no state law that requires those voters to provide that information.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Secretary of State, State Capitol, 500 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Office of the Secretary of State by June 15, 2017, to be considered at the hearing.

After the hearing, the State Board of Elections will consider all written and oral comments it receives on the proposed rules. The State Board of Elections may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Office of the Secretary of State at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3537.

Copies of the proposed rules may be obtained without charge from the
State Board of Elections
c/o Office of the Secretary of State
State Capitol, Suite 204
500 East Capitol Avenue
Pierre, South Dakota 57501

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