

**Board of Elections – 2017 Proposed Statute Changes
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#1: 1-8-10. Fees of secretary of state enumerated--Collection. The secretary of state shall charge the following fees for services performed in the Office of the Secretary of State and shall collect the fees in advance:

- (1) For making a copy or transcript of any record, instrument, or paper on file in the office, two dollars per page;
- (2) For filing and safekeeping of any instrument or paper required by law to be filed only, ten dollars; except the oath of office of members of the Legislature and legislative officers, employees and governmental officers, employees and agencies, there is no fee;
- (3) For each commission, requisition, passport, or other document, signed by the Governor and attested by the secretary of state, under the great seal of the state, except commissions issued for executive appointment and extraditions, and making the proper record for the same, five dollars;
- (4) For filing application, bond, and issuing commission of notary public, thirty dollars;
- (5) For official certificate, attestation, and impression of the great seal, twenty-five dollars;
- (6) For filing or recording any other instrument or document, ten dollars; ~~and~~
- (7) For a certified copy of any document, instrument, or paper on file in the office, two dollars per page and fifteen dollars for the certificate and affixing the seal; ~~and~~
- (8) If the document is a petition and the request is for an electronic file the following fees shall be:
 - (a) Nominating petition for a legislative candidate or special district candidate, fifteen dollars;
 - (b) Nominating petition for a statewide candidate, fifty dollars;
 - (c) Petitions for statewide ballot measure, five hundred dollars;
 - (d) Petitions for new party formation, five hundred dollars.

#2: 1-8-14. Electronic filing of documents--Secure and interactive website. The secretary of state may establish and maintain a secure and interactive website where all documents required to be filed with or maintained by the Office of the Secretary of State may be filed, processed, and obtained by interested parties. Any document required to be filed ~~with the Office of the Secretary of State may~~ shall be filed ~~electronically~~ shall be filed in a medium permitted by the secretary of state. The State Board of Elections will promulgate rules for election filings.

#3: 2-1-17. Certification of results of random sampling--Notification of petition sponsors. If the random sample indicates that a sufficient number of qualified electors have signed the petition, the secretary of state shall certify that the petition has been signed by the required number of qualified

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electors and shall place the proposed measure or amendment on the next general election ballot. If the random sample indicates that an insufficient number of qualified electors have signed the petition, the secretary of state shall certify that the petition has not been signed by the required number of qualified electors and may not place the proposed measure or amendment on the next general election ballot. The secretary of state shall, within five days of certifying, notify the petition sponsors by certified mail of the secretary of state's action pursuant to this section.

#3.1: New Section 7-18A-(?). Certification of petition--Notification of petition sponsors. If the validation process of the petitions indicates that a sufficient number of qualified electors have signed the petition, the county auditor shall certify that the petition has been signed by the required number of qualified electors and shall place the proposed measure on the ballot as set out in 7-18A. If the validation process of the petition indicates that an insufficient number of qualified electors have signed the petition, the county auditor shall certify that the petition has not been signed by the required number of qualified electors and may not place the proposed measure or amendment on a ballot as set out in 7-18A. The county auditor shall, within five days of certifying, notify the petition sponsors by certified mail of the county auditor's action pursuant to this section.

#4: New Section 2-1-(21?). Challenge to petition signatures--Time for filing. Within thirty days after a statewide petition for an initiated constitutional amendment, initiated measure, or referendum has been validated and filed, any interested person who has researched the signatures contained on the petition may submit an affidavit to the Office of Secretary of State to challenge the petition. The affidavit shall include an itemized listing of the specific deficiencies in question. Challenges to the following items are not allowed under this challenge process:

- (1) Signer does not live at address listed on the petition;
- (2) Circulator does not live at address listed on the petition;
- (3) Circulator listed a residence address in South Dakota but is not a South Dakota resident;
- (4) Circulator did not witness the signers;
- (5) Signatures not included in the five percent random sample; and
- (6) Petition that was originally rejected.

All challenges by the same person or party in interest must be included in one affidavit.

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The original signed affidavit must be received by the Office of Secretary of State by 5:00 pm Central Time on the deadline date. If the affidavit challenges any item listed above, only that line item(s) challenged will be rejected. A challenge to a line item is not a challenge to the petition as a whole.

The secretary of state's decision regarding a challenge may not be challenged a second time with the secretary of state, but may be appealed to the Hughes County circuit court. If a person fails to challenge a petition pursuant to 2-1-(21?) it does not deny that person any other legal remedy to challenge the filing of an initiative or referendum petition in circuit court. A challenge to a petition in circuit court may include items prohibited in 2-1-(2?).

#4.1: 2-1-18. Court challenge of validity of signatures. Nothing in §§ 2-1-15 to 2-1-18, and 2-1-(21?) inclusive, prohibits any person from challenging in circuit court the validity of signatures or other information required on a petition by statute or administrative rule. A challenge to a petition in circuit court may include items prohibited in 2-1-(21?).

#5: 12-1-13. Challenge to petition signatures--Time for filing. Within five business days after a nominating, initiative, or referendum petition, excluding petitions for statewide initiative, referendum or constitutional initiative petitions is validated and filed with the person in charge of the election, any interested person who has researched the signatures contained on the petition may ~~file~~ submit an affidavit stating that the petition contains deficiencies as to the number of signatures from persons who are eligible to sign the petition. The affidavit shall include an itemized listing of the specific deficiencies in question. Challenges to the following items are not allowed under this challenge process:

- (1) Signer does not live at address listed on the petition;
- (2) Circulator does not live at address listed on the petition;
- (3) Circulator listed a residence address in South Dakota but is not a South Dakota resident;
- (4) Circulator did not witness the signers;
- (5) Signatures or petitions sheets not included in the five percent random sample. This subsection applies only to petitions for statewide candidates, new party formation petitions or to local jurisdictions that conduct random sampling); and
- (6) Petition that was originally rejected.

All challenges by the same person or party in interest must be included in one affidavit.

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The original signed affidavit must be received by the person in charge of that election by 5:00 pm local time on the deadline date. If the affidavit challenges any item listed above, the line item(s) challenged will be rejected.

~~Any challenge to the certification or rejection of a nominating petition for a primary election made in circuit court shall be commenced no later than the third Tuesday in March shall be~~ The secretary of state's or local jurisdiction's decision regarding a challenge may not be challenged a second time with the secretary of state or a local jurisdiction, but may be appealed to the circuit court. Challenges with the secretary of state will be venued in Hughes County. ~~Any challenge to the certification or rejection of a nominating petition for a primary election shall be to the circuit court. If this is a nominating petition for a primary election~~ This action takes precedence over other cases in circuit court. Any party appealing the circuit court order to the Supreme Court shall file a notice of appeal within ten days of the date of the notice of the entry of the circuit court order. ~~Any statewide initiated measure or referendum petition may be challenged by any person pursuant to this section by submitting an affidavit as set forth above within thirty days after the petition is filed with the person in charge of the election.~~

If a person fails to challenge a petition pursuant to § 12-1-13, it does not deny that person any other legal remedy to challenge the filing of a nominating, initiative, or referendum petition in circuit court. A challenge to a petition in circuit court may include items prohibited in 12-1-(13).

#6: New Section 12-1-39 : Timeframe when copies of petitions can be provided. No petition submitted shall be made available to the public until the validation process has been completed and the office where that petition was submitted has filed or rejected the petition.

#7: 12-4-5.3. Review of voter registration application by auditor--Notice. When a voter registration application is received by the county auditor, the application shall be reviewed for eligibility and completeness. If the applicant is not eligible to be registered or sufficient information to complete the card cannot be obtained from the applicant, the applicant shall be sent an acknowledgment notice indicating why the registration was not filed. In addition, the card shall state that the voter needs to submit the corrected information to the county within thirty days or the voter registration form will not be processed. Any applicant whose registration is accepted shall be sent an acknowledgment notice. The acknowledgment notice shall be prescribed by the State Board of Elections and sent by nonforwardable

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mail. The same confirmation mailing required by § 12-4-19 shall be sent immediately to any person whose registration acknowledgment notice is returned undeliverable.

#8: 12-4-41. Use of voter registration information for commercial purposes prohibited. ~~No~~ Information obtained from the statewide voter registration file or any county voter registration file may be used or sold only for election purposes, may not be used for ~~election purposes for any commercial purpose~~ and may not be placed for unrestricted access on the internet. For the purpose of this section, the term, commercial purpose, does not include campaign or political polling activities. Any violation of this section is a Class ~~2~~ 1 misdemeanor- and may incur, in addition to any criminal sanctions, a civil penalty not to exceed two thousand dollars per violation.

#9: 12-4-5. Entry of applicants in registration file--Deadline--Rules--Lists for secondary runoff elections. The county auditor shall enter in the master registration file the names of all eligible persons who have had their completed applications for registration and mail registration cards received by any county auditor or any local, state, or federal agency responsible for conducting voter registration under this chapter not later than 5:00 p.m. local time fifteen days preceding the election. However, any completed mail registration card mailed to the appropriate county auditor and postmarked not less than thirty days preceding an election shall be added to the registration file. Voter registrations completed at any local, state, or federal agency during any given week commencing on Tuesday through the following Monday shall be sent to the appropriate county auditors no later than the following Wednesday. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the alternative transmission of voter registration information by computer from the agency to the secretary of state. The name of any voter who has registered to vote by 5:00 p.m. local time fifteen days preceding the secondary runoff election shall be added to the file used for the secondary runoff election.

**#10: 12-6-8. Time and manner of signing petition--Declaration of candidate--Verification--
Signing for independent or nonpolitical candidate.** No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the ~~circulator~~ candidate prior to the circulation of petitions. The signed declaration of the candidate, shall ~~or a facsimile thereof,~~

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~~may~~ accompany and be a part of the petition. ~~The~~ An original signed declaration shall accompany the group of petitions upon filing. The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.

#11: 12-6-51.1. Percentage of votes required to nominate for Senate, House of Representatives, or Governor--Secondary Runoff election. If no candidate for United States Senate, United States House of Representatives, or Governor in a race involving three or more candidates receives thirty-five percent of the votes of the candidate's party, a secondary runoff election shall be held ten weeks from the date of the first primary election. At the secondary runoff election the only persons voted for shall be the two candidates receiving the highest number of votes at the first election. However, if there is a tie for second place in the first primary election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the secondary runoff election. The secondary runoff election shall be held at the same polling places, be conducted, returned, and canvassed and the results declared in the same manner as the first election. However, if the secondary runoff election does not have a federal race, the electronic ballot marking system is not required and hand-counted ballots may be used. The person receiving the highest number of votes at the secondary runoff election is nominated as the candidate for the party.

**#11.1: 9-13-26.1. Secondary Runoff election when no candidate receives a majority of votes--
Conduct of election.** If a municipality has passed an ordinance requiring a secondary runoff election and no candidate in a race involving three or more candidates receives a majority of the votes cast in the race, a secondary election shall be held three weeks from the date of the first election. At the secondary runoff election, the only persons voted for shall be the two candidates receiving the highest number of votes at the first election. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the secondary election. The secondary runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The result shall be declared and entered in the minutes of the municipality in the same manner as the first election. The person receiving the highest number of votes at the secondary runoff election is elected.

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#12: 12-7-1. Certificate required for nomination--Number of signatures--Certification of candidate for ~~lieutenant governor or vice president.~~

Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at 8:00 a.m. and not later than the last Tuesday of April at 5:00 p.m. local time prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the petition is mailed by registered mail by the last Tuesday of April at five p.m. local time prior to the primary election, the petition shall be considered ~~filed~~ timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. ~~An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed~~ The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination ~~and the certification for lieutenant governor.~~

#12.1: New Section 12-7-1.1 - Certificate required for nomination--Number of signatures-- Certification of candidate for lieutenant governor ~~or vice president.~~ An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state with the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor shall sign the certification before the nominating petitions are circulated. In the event an independent candidate for lieutenant governor withdraws, no independent candidate for governor shall have his name printed upon a ballot unless a replacement selection for lieutenant governor is certified to the Secretary of State by the second Tuesday in August. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certification for lieutenant governor.

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#13: 12-7-7. Certificate of nomination for President or Vice President of the United States--

Filing deadlines--Number of signatures. Any candidate for President or Vice President of the United States who is not nominated by a primary election may be nominated by filing with the secretary of state, not prior to January first ~~at 8:00 a.m.~~ and not later than the first Tuesday in August at 5:00 p.m. Central Time prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the first Tuesday in August at 5:00 p.m. Central Time prior to the election, it is timely submitted. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the state. An independent candidate for President shall file a declaration of candidacy and a certification of the candidate's selection for Vice President with the secretary of state ~~prior to circulation of the~~ with the candidate's nominating petitions. The candidate and the candidate's selection for Vice President shall sign the certification before ~~it is filed~~ the nominating petitions are submitted. In the event an independent candidate for vice president withdraws pursuant to 12-6-55, no independent candidate for vice president shall have his name printed upon a ballot unless a replacement selection for vice president is certified to the Secretary of State by the second Tuesday in August. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for Vice President.

The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for Vice President.

#14: 12-18-27. Marked ballot not to be shown--Folding for deposit in ballot box. No person may show to another or publicize a ballot after it is marked to any person in such a way as to reveal the contents of the ballot, or the name of any candidate for whom the person has marked a vote. Nor may any person solicit the voter to show the voter's ballot. Immediately after marking the ballot the voter shall ~~fold and refold the~~ deposit the ballot in the ballot box, if necessary, leaving the official stamp exposed.

#15: 12-13-23. Distribution of public information--~~Statements of proponents and opponents.~~ The secretary of state shall distribute public information on any constitutional amendment, initiated, or referred measure submitted to the electors for approval. The secretary of state shall compile the public information by ~~printing~~ providing the Attorney General's title, explanation, and a clear and simple recitation of the effect of a "Yes" or "No" vote, and if applicable a prison or jail population estimate. The name, telephone number, mailing address, and email address of each petition sponsor and the same information for opposing party, if available to the secretary of state will also be included. ~~a statement in~~

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~~support of the constitutional amendment, initiated, or referred measure written by its proponents, if any can be identified, and a statement against the constitutional amendment, initiated, or referred measure written by its opponents, if any can be identified. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents.~~

#16: 12-14-1.1. Notice to county auditor of boundary change for local election. The official in charge of a local election shall notify the county auditor at least forty-five days preceding a local election, of the precinct, ward, representation area, or external boundary changes if any have been made. In even numbered years the official in charge of a local election shall notify the county auditor no later than 100 days prior to the primary election and 100 days prior to the general election.

#17: 12-19-9.1. Nursing facility, assisted living center, ~~or~~ hospitals, having multiple absentee ballot requests. If there is any nursing facility, assisted living center, or hospital, as defined in § 34-12-1.1, within any county from which there might reasonably be expected to be five or more absentee applications, the county auditor shall notify the person in charge of that facility and the chair of the county central committee of each party and any other person who has filed a request to be notified of the date and time at which representatives of the auditor's office will be present to assist the residents of that facility to vote, utilizing the absentee procedure. Any political party, independent candidate, and nonpolitical candidate may assign a person to accompany the auditor's representatives. At the date and time announced, the auditor's representative ~~and the representatives of the parties, independent candidates, and nonpolitical candidates~~ shall deliver ballots to and assist all persons at that facility who desire such assistance and who have applied for absentee ballots. This section applies only to a general election.

If a person in charge of an election conducts absentee voting at a nursing facility, assisted living center, or hospital as defined in § 34-12-1.1, the voter shall complete a combined absentee ballot application/return envelope and the identification and affidavit requirements provided in § 12-19-2.1 are waived.

#18: 12-6-4. (Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.) Petition required to place candidate's name on primary ballot--Place of filing. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either or both the primary or general election, other than a presidential election, may have that person's name

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printed upon the official primary election ballot of that person's party, unless a petition has been filed on that person's behalf not prior to January first, and not later than the last Tuesday of March at five p.m. local time prior to the date of the primary election. If the petition is mailed by registered mail by the last Tuesday of March at five p.m. local time prior to the primary election, the petition shall be considered filed. A nominating petition for national convention delegates and alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this section. Nominating petitions for all party and public offices except legislative and judicial offices shall be filed in the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall be filed in the Office of the Secretary of State.

#19: 12-6-7. ~~(Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.)~~ **Petition composed of several sheets-- Number of signers required.** A nominating petition may be composed of several sheets, which shall have identical headings printed at the head thereof. A nominating petition for any election must be a self-contained sheet of paper. The petition for party office or political public office shall be signed by not less than one percent of the voters who cast their vote for that party's gubernatorial candidate at the last gubernatorial election in the county, part of the county, district, or state electing a candidate to fill the office.

#19.1: 12-6-7.1. ~~(Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.)~~ **Petition for candidate for Legislature, county political public office, or county party office.** Notwithstanding the provisions of § 12-6-7 a nominating petition for a candidate for office in the State Legislature, county political public office, and county party office shall be signed by not less than ~~fifty~~ sixty voters or not less than one percent of the registered voters who east their vote for in the candidate's party's in that legislative district, county or county commissioner district gubernatorial candidate at the last general election, whichever is less. The petition shall clearly designate the senatorial or representative district for which said individual is a candidate.

~~—(Text of section effective upon approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.) Notwithstanding the provisions of § 12-6-7 a nominating petition for a candidate for office in the State Legislature, county political public office, and county party office shall be signed by not less than fifty voters or not less than one percent of the voters registered for the candidate's~~

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~~political party at the last general election, whichever is less. The petition shall clearly designate the senatorial or representative district for which the person is a candidate.~~

#19.2: 12-7-1. ~~(Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.)~~ Certificate required for nomination--

Number of signatures--Certification of candidate for lieutenant governor or vice president. Any candidate for nonjudicial public office, except as provided in § 12-7-7 or office in the State Legislature, county political public office, and county party office as provided in § 12-7-7.2, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at 8:00 a.m. and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00 p.m. prior to the election, it is timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

~~—(Text of section effective upon approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.) Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by submitting with the secretary of state or county auditor pursuant to § 12-6-4, not prior to December first of the year preceding the election and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the number of registered voters having no party affiliation or voters registered as other, at the last general election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification prior to it being received by the Office of the Secretary of State. If the independent candidate for~~

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~~lieutenant governor declares that he or she is not running, then the independent candidate for lieutenant governor shall withdraw pursuant to § 12-6-55. If an independent candidate for lieutenant governor withdraws, no independent candidate for governor may have his or her name printed upon a ballot unless a replacement selection for lieutenant governor is certified to the secretary of state by the second Tuesday in August. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination and the certification for lieutenant governor.~~

#19.3: 12-7-7.2 A new section: Certificate required for nomination--Number of signatures— Independent certification of candidate for office in the State Legislature, county political public office, and county party office. Any candidate for office in the State Legislature, county political public office, and county party office, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to January first at 8:00 ~~a.m.~~ and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00 p.m. prior to the election, it is timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required shall be signed by not less than one percent of the total number of registered voters in that legislative district, county or county commissioner district at the last general election. The petition shall clearly designate the senatorial or representative district for which said individual is a candidate.

#20: 12-6-8. (~~Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.~~) Time and manner of signing petition-- Declaration of candidate--Verification--Signing for independent or nonpolitical candidate. No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. ~~The~~ An original signed declaration shall accompany the group of petitions upon filing. The petition shall be verified under

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oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. A nominating petition for any election must be a self-contained sheet of paper in order to have the candidate's name placed on the ballot. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.

~~—(Text of section effective upon approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.) No person may sign the nominating petition of a candidate before December first of the year preceding the election, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. The original signed declaration shall accompany the group of petitions upon being received by the office of the person in charge of that election. The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. The provisions of this section prohibit a person registered with a recognized political party from signing a petition nominating an independent candidate for office. The provisions of this section do not prohibit a person registered with a recognized political party from signing a petition nominating a nonpolitical candidate for office.~~

#21: 12-19-2. Application for absentee ballot--Contents--Address to which ballot sent--Stamping date of receipt--Delivery. An absentee voter desiring to vote by mail may apply to the person in charge of the election for an absentee ballot. The application or request shall be made in writing and be signed by the applicant and shall state the applicant's voter registration address. The application or request shall contain an oath verifying the validity of the information contained in the application or request. The oath shall be administered by a notary public or other officer authorized by statute to administer an oath or administered by an out of state notary public. If the application or request does not contain an oath, the application or request shall be accompanied by a copy of the voter's identification card as required by § 12-18-6.1 pursuant to 12-20-31. The copy of the voter's identification card shall be maintained by the person in charge of the election. However, the voter's identification card is not available for public inspection. The application or request may be used to obtain an absentee ballot for all elections in that

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calendar year conducted by the jurisdiction receiving the application or request if so indicated. The ballot shall be sent to the voter's residence, as shown in the voter registration file or any temporary residence address designated in writing by the voter, at the time of applying for the absentee ballot. If the application or request is from a voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2010, the voter may designate on the application for the ballot to be sent electronically pursuant to this section through the system provided by the Office of the Secretary of State. The person in charge of the election shall stamp the application with the date it was received. The person in charge of the election shall preserve a record of the name, mailing address, and voting precinct of each applicant and, except as provided by § 12-19-45, deliver a copy of the record to the superintendent of the election board of the home precinct of the applicant.

#22: 12-4-9. Master registration file--Contents--Open to public inspection--Access to certain information restricted. The county auditor shall maintain and safeguard a file of voters in computer format that contains each person registered in each voting precinct within the county. This file shall be known as the master registration file and shall be, at all times during office hours, open to public inspection. However, public access to social security numbers and driver license numbers contained in the master registration file shall be prohibited. Public access to each voter's day and month of birth shall be restricted. Public access to the voter's year of birth is not restricted. The master registration file shall contain all information from each voter's registration card. The master registration file shall also include the date of the last election the voter has voted in and when the voter's information was last updated. The master registration file may also contain additional voter history information. Any voter registration form for a purged or unregistered voter must be kept for 22 months. Purged voters and unregistered voters shall not be included in the official master registration file.

#23: New Section in 12-5. Employment and compensation of petition circulators. No person may employ, reward, or compensate any person to circulate a petition for the organization of a political party based on the number of registered voters who signed the petition. Nothing in this section prohibits any person from employing a petition circulator based on one of the following practices:

- (1) Paying an hourly wage or salary;
- (2) Establishing either express or implied minimum signature requirements for the petition circulator;
- (3) Terminating the petition circulator's employment, if the petition circulator fails to meet certain productivity requirements; and

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- (4) Paying discretionary bonuses based on reliability, longevity, and productivity.

Any violation of this section is a Class 2 misdemeanor.

#24: 12-1-3. (~~Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.~~) Definition of terms used in title. 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," a party whose candidate for ~~Governor~~ any statewide office at the last preceding general election ~~at which a Governor was elected~~ received at least two and one-half percent of the total votes cast for ~~Governor~~ that statewide office;

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- (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.

#25: 12-5-3.8. (~~Text of section effective until approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.~~) Certification of slates for primary-- Placement on ballot. If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the last Tuesday in March preceding the primary by five p.m. Central Time. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be filed if mailed by registered mail by five p.m. Central Time on the last Tuesday in March. If a political party does not choose to have a primary selection of its delegates and alternates to the national convention the party shall submit their delegates and alternates to the secretary of state by five p.m. Central Time on the first Tuesday in August.

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~~(Text of section effective upon approval of amendment by SL 2015, ch 77 to be submitted to the voters at the November 8, 2016 election.) If a political party chooses to have a primary for selection of the party's delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the first Tuesday in March preceding the primary by five p.m. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state.~~