

**Board of Elections – 2019 Proposed Statute Changes  
June 18, 2018**

**#1 Amend:** 12-1-3. 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 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;
- (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;

**Board of Elections – 2019 Proposed Statute Changes  
June 18, 2018**

(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 Amend:** 12-4-5. Entry of applicants in registration file--Deadline--List for runoff election.

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 no 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 no less than thirty days preceding an election shall be added to the registration file.

A voter registration 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 auditor by that agency 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 a runoff election shall be added to the file used for the runoff election.

**#3 Amend:** 12-5-14. County central committee--Composition--Organization--Certification of

party officials. The precinct committeemen and the precinct committeewomen of each political party; the state committeemen and committeewomen; the county chairperson, vice-chairperson, and secretary-treasurer or secretary and treasurer; and the elected public officers who reside in the county and other officers as designated by the party's constitution or bylaws, constitute the county central committee of their respective parties. They shall form their party organization by electing a county chairperson and other officers as determined by the party's constitution or bylaws. The name and mailing address of the county chairperson shall be certified to the county auditor and state party chair immediately following the election of the county chairperson or

**Board of Elections – 2019 Proposed Statute Changes  
June 18, 2018**

change of the county chairperson. The name and mailing address of the county officer responsible for the records and reports required pursuant to chapter 12-27 shall be certified to the secretary of state immediately following the election. The name and mailing address of the state party chairperson shall be certified to the secretary of state immediately following the election or appointment of the state party chairperson.

**# 4 Amend:** 12-6-7.1. 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 voters or not less than one percent of the voters who cast their vote for the party's gubernatorial candidate, whichever is less. The petition shall clearly designate the senatorial or representative district number and chamber for which said individual is a candidate.

**#5 Amend:** 12-12-1. Notice of offices to be filled--Publication. The county auditor ~~or other local election official~~ charged with the conduct of the primary election ~~local elections~~ shall give notice of the offices that are to be filled by nomination or by declaration and the deadlines for filing in all official newspapers at least once each week for two consecutive weeks between the fifteen and thirtieth day of January. ~~the last publication to be not less than ten nor more than fifteen days before the deadline for filing.~~ Other local election officials charged with the conduct of local elections shall give notice of the offices that are to be filled by nomination or by declaration and the deadlines for filing in all official newspapers at least once each week for two consecutive weeks the last publication to be not less than ten nor more than fifteen days before the deadline for filing.

That same official shall give a further notice of each election stating the date and time of the election and designating polling places in all official newspapers at least once each week for two consecutive weeks, the last publication to be not less than four nor more than ten days before the election. However, for any secondary election as provided for in § 12-6-51.1, one notice shall be published along with a copy of the ballot in each of the newspapers in the state which publish on Saturday and Sunday. The secretary of state shall direct the newspapers to publish the ballot and

**Board of Elections – 2019 Proposed Statute Changes**  
**June 18, 2018**

notice on the eleventh or twelfth day after the primary election. The secretary of state shall pay all costs of publication.

**#6A Repeal: Version I:** ~~12-14-17. Vote centers. Notwithstanding any other provision of law, any jurisdiction may conduct an election using vote centers pursuant to the provisions of this section. The election shall be conducted in conformance with all applicable election laws and rules with the following exceptions:~~

- ~~———— (1) The jurisdiction may use vote centers that allow the voters in the jurisdiction to vote at any one of the vote centers in lieu of establishing precincts and wards for the election;~~
- ~~———— (2) Any person who is registered to vote and living in the jurisdiction may be appointed as a polling place superintendent or deputy to any of the vote centers;~~
- ~~———— (3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration books; and~~
- ~~———— (4) The entire jurisdiction is designated as one voting precinct for this election.~~

**#6B Amend: Version II:** 12-14-17. Vote centers. Notwithstanding any other provision of law, any jurisdiction may conduct an election using vote centers pursuant to the provisions of this section. The election shall be conducted in conformance with all applicable election laws and rules with the following exceptions:

- (1) The jurisdiction may use vote centers that allow the voters in the jurisdiction to vote at any one of the vote centers in lieu of establishing precincts and wards for the election;
- (2) Any person who is registered to vote and living in the jurisdiction may be appointed as a polling place superintendent or deputy to any of the vote centers;
- (3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration books; ~~and~~
- (4) A county that uses vote centers must provide a printed paper voter registration list and a printed bound paper pollbook to each vote center prior to the polls opening; and
- (5) The entire jurisdiction is designated as one voting precinct for this election.

**#7 Amend:** 12-15-2. Precinct superintendent and precinct deputy to be registered voters and residents of precinct. Any precinct superintendent or precinct deputy appointed under the

**Board of Elections – 2019 Proposed Statute Changes  
June 18, 2018**

provisions of § 12-15-1 shall be a registered voter and a resident of the precinct for which the person is appointed. If, by the time prescribed in § 12-15-1, the auditor exhausted all efforts to meet the party distribution, and a sufficient number of members of the precinct election board are unable to be appointed, a vacancy may be filled by appointing any independent registered voter of the county in which the precinct is located, ~~provided the voter meets the party distribution required by § 12-15-3.~~

**#8 Amend:** 12-16-28. Pollbooks provided--Form. The person in charge of an election shall provide paper ballot precincts with a pollbook in the form prescribed by the State Board of Elections for each election precinct for the purposes of § 12-18-5. If a county uses electronic pollbooks but does not use vote centers the auditor must provide a printed paper voter registration list and a printed bound paper pollbook to each precinct prior to the polls.

**#9 Amend:** 12-18-5. Poll lists maintained by member of precinct election board. A member of the precinct election board belonging to a political party which is not the same as the political party of the member of the precinct election board who has the registration list shall keep a poll list in paper ~~or electronic~~ format which contains in numerical order the names of all persons voting at the election and the type of ballot voted.

**#10 Amend:** 12-25-29. Statements by convention nominees for state office--Violation as petty offense or misdemeanor. Any candidate for United States senate, United States house of representatives, governor, lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public utilities commissioner, or commissioner of school and public lands, or state legislator shall file a statement of financial interest with the secretary of state not more than fifteen days after the candidate's nomination is certified. A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor.