



Secretary of State

Jason M. Gant

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Minutes Board of Elections Meeting July 31, 2013

The Board of Elections convened on July 31, 2013, via conference call with public space available in Pierre in Room 499 of the State Capitol Building at 500 E. Capitol, Pierre, SD 57501.

Secretary of State Gant called the meeting to order at 10:02 a.m.

Board members present: Secretary Jason Gant, Richard Casey, Drew Duncan, Pam Lynde, Christopher Madsen, Patty McGee and Linda Lea Viken.

Others present: Brandon Johnson, Senior Elections Coordinator; Rich Williams, Office of Attorney General; Oliver Semans, Four Directions, Inc.; Bret Healy; Jonathan Ellis, Argus Leader; Kevin Woster, Rapid City Journal; Stephanie Woodard, Indian Country Today; Ashley Livermont, West River Eagle; Elaine Wulff, Buffalo County Auditor.

Secretary Gant declared that a quorum was present.

Motion made by Lynde, seconded by Casey to approve the minutes of November 15th, 2012 board meeting.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

A rules hearing was declared open at 10:05 a.m.

Open discussion on Administrative Rule South Dakota (ARSD) 5:02:03:12 at 10:06 a.m.

Motion made by Casey, seconded by Viken to amend ARSD 5:02:03:12 to move "(unbold)" to after the word "now" in paragraph 2 on page 3. Strike the word ~~application~~ in paragraph 4 on page 3 and replace with voter registration form. Strike the word ~~application~~ in paragraph 6 on page 3 (two instances). Insert the word voter after "entire" on line 1 of paragraph 3 on page 4. Strike the word ~~and~~ and replace with word form. Strike the word ~~and~~ of paragraph 3 on page 4 (two instances). Insert the word voter after the word "the" on line 3 of paragraph 3 on page 4.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Motion by Casey, seconded by Madsen to approve ARSD 5:02:03:12 as amended.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:03:20 at 10:13 a.m.

Motion made by Viken, seconded by McGee to amend ARSD 5:02:03:20 to strike the word and from line 8 of paragraph 1 on page 5 and insert the phrase and visit sdsos.gov to find your voting location after the word “township” in paragraph 1 of page 5.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Motion made by Lynde, seconded by Viken to approve ARSD 5:02:03:20 as amended.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:03:25 at 10:19 a.m.

Motion made by Viken, seconded by Casey to amend ARSD 5:02:03:25 to strike the word a before the word “child” and replace with an adult in the first bullet point on page 9. Insert a new bullet point after the first bullet point that states I have never resided in the State of South Dakota; Insert the word years after the number “22” in the third bullet point on page 9. Strike the words is accompanied with and replace with the word accompanies in the fourth and fifth bullet points on page 9. Insert who is an overseas citizen, after the word “parent” in the last bullet point on page 9. Insert the phrase I declare and affirm under the penalties of perjury that this information has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. before the voter signature on page 9.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Motion made by Casey, seconded by McGee to approve ARSD 5:02:03:25 as amended.

Secretary Gant called for a roll call vote.

Ayes: Casey, Lynde, Madsen, McGee, Viken and Gant

Nays: Duncan

Motion carried.

Madsen and Duncan requested Secretary Gant to ask the Legislature to look into clearing up the differences between South Dakota Codified Laws (SDCL) §§ 12-4-4.4 and 12-4-4.11 because they believe the two statutes cause confusion and do not imply what the original intent of SDCL § 12-4-4.11 is.

Open discussion on ARSD 5:02:04:18 at 10:45 a.m.

Viken asked why the law was changed to move the Secondary Election date from June to August. Secretary Gant answered the question by stating that Secondary Election date was moved to comply with the Military and Overseas Voters Empowerment (MOVE) Act.

Motion made by McGee, seconded by Lynde to approve ARSD 5:02:04:18.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:05:21 at 10:47 a.m.

Motion made by Madsen, seconded by Duncan to amend ARSD 5:02:05:21 by striking the word ~~card~~.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Motion made by Lynde, seconded by Casey to approve ARSD 5:02:05:21 as amended.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:06:17 at 10:50 a.m.

Motion made by Viken, seconded by McGee to approve ARSD 5:02:06:17.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:10:01 at 10:52 a.m.

Motion made by McGee, seconded by Madsen to amend ARSD 5:02:10:01 by striking the word ~~special~~ and inserting the word any before the word “other” in the second box on the Absentee Ballot Application Form. In Section 4, striking the word ~~Special~~ and replacing with Any Other. In Section 5, striking the words ~~special or other~~ and inserting the word or between the words “municipal” and “school” and striking the word ~~A~~ in the sentence that begins with “A full-time student...” and replacing with I am a. Inserting the word this between the words “complete” and “section”, bolding the phrase “If you checked no, proceed to section #7”, and removing the line directly above the sentence that begins with “If you want your ballot sent...” in section #6. Inserting the acceptable forms of photo identification above the sentence “Copy of photo identification is attached **OR**” in section #7. Striking the period in the sentence that begins with “AUTHORIZED MESSENGER REQUEST DUE...” and replacing with a colon.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Motion made by McGee, seconded by Lynde to approve ARSD 5:02:10:01 as amended.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

Open discussion on ARSD 5:02:10:01.04 at 11:34 a.m.

Motion made by McGee, seconded by Madsen to approve ARSD 5:0210:01.04.

Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

The rules hearing concluded at 11:37 a.m.

Public comments from Oliver J. Semans of Four Directions, Inc. and Bret Healy began at 11:38 a.m. regarding the use of Help America Vote Act funds for satellite in-person absentee voting locations in Buffalo, Dewey and Jackson counties.

The meeting recessed at 11:58 a.m. and reconvened at 12:15 p.m. under a new conference call number.

Motion made by Viken, seconded by Casey that the State Board of Elections supports satellite voting offices as requested by Four Directions and requests the Secretary of State to receive an opinion from the U.S. Election Assistance Commission regarding the legality and report back to the State Board of Elections.

Secretary Gant called for a roll call vote.

Ayes: Casey, Madsen, Viken

Nays: Duncan, Lynde, McGee, Gant

Motion failed.

General remarks made by Secretary Gant at 1:05 p.m. regarding the Emergency Election Procedures Taskforce that was created.

Motion made by Viken, seconded by Madsen to adjourn.

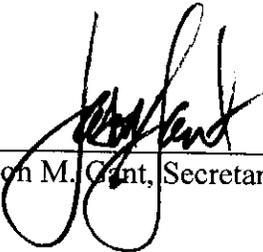
Secretary Gant called for a roll call vote.

Ayes: Casey, Duncan, Lynde, Madsen, McGee, Viken and Gant

Nays: None

Motion carried.

The Board adjourned at 1:07 p.m.



Jason M. Gant, Secretary of State



Brandon Johnson, Recorder