



Secretary of State

Jason M. Gant

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Board of Elections Minutes

The Board of Elections convened on September 19th, 2012 for a conference call with public space located at Room 499 of the State Capitol.

Secretary of State Gant called the meeting to order at 2:02 p.m.

Board members present via conference call: Secretary Jason Gant, Pam Lynde, Linda Lea Viken, Dick Casey, Chris Madsen, and Matt McCaulley.

Others present via conference call: Pat Miller, Deputy Secretary of State, Sue Roust, Interim Director of Elections, Brandon Johnson, Secretary of State's Office.

Others present at Room 499 of the State Capitol: Andrew Pietrus, Secretary of State's Office.

Board members absent: None.

Secretary Gant declared that a quorum was present, and noted that there is currently a vacancy on the Board of Elections due to the recent resignation of Cindy Schultz.

Motion made by Viken, seconded by Casey to amend the minutes of the May 11th, 2012 board meeting, by changing the paragraph on resolution of the Thomas Scheveck complaint to read as follows: *"Motion by Madsen, seconded by Viken to dismiss the complaint on the grounds of: SDCL § 12-1-2 which incorporates Section 402 and Title III of the Help America Vote act of 2002 ("HAVA") does not confer jurisdiction on the Board of Elections to hear the allegations presented by Mr. Scheveck. Furthermore, no other State statute or rule grants the State Board of Elections authority to consider whether a particular candidate may be placed on the State ballot. Without jurisdiction, the Board of Elections may not consider the matter further."*

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McCaulley, Gant

Nays: None

Excused: None

Motion Carried.

Motion made by Viken, seconded by Casey to approve the minutes of May 11th, 2012 board meeting as amended.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McCaulley, Gant

Nays: None

Excused: None

Motion Carried.

A rules hearing was declared open at 2:12 p.m.

Secretary Gant explained that a recent amendment to SDCL 12-4-18 now provides that any voter serving a sentence for a felony conviction shall be removed from the voter registration records. Approval of an emergency rule is being requested so that the Instructions to the Voters published with the facsimile ballot prior to the November 6th General Election will have correct information. He stated that notice of the proposed rule change was sent to Ben Nesselhuf, Chair of the SD Democratic Party; Tim Rave, Chair of the SD Republican Party; Joy Howe, Chair of the SD Constitution Party; Samuel Spence Saunders, Chair of the SD Libertarian Party; and Robert Doody, Executive Director ACLU of South Dakota. No comments were received from them or any other member of the public.

Motion made by Viken, seconded by McCaulley to approve emergency rule 105:02:05:02.01.

Secretary Gant called for a roll call vote.

Ayes: Lynde, Viken, Casey, Madsen, McCaulley, Gant

Nays: None

Excused: None

Motion Carried.

Secretary Gant announced that the rule would take effect as soon as all Board members sign and return the Approval of Rules form, and asked them to do so promptly.

The rules hearing concluded at 2:22 p.m.

The Board set a tentative date of Thursday, November 15, 2012 for their next meeting.

Motion by Casey, seconded by Lynde, to adjourn.

Secretary Gant called for a roll call vote.

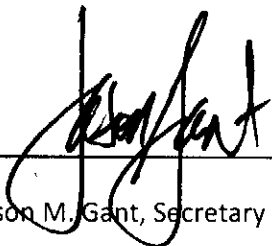
Ayes: Lynde, Viken, Casey, Madsen, McCaulley, Gant

Nays: None

Excused: None

Motion Carried.

The Board adjourned at 2:26 p.m.



Jason M. Gant, Secretary of State



Sue Roust, Recorder