



South Dakota Secretary of State
SHANTEL KREBS

State Board of Elections
Regular Meeting Agenda
Wednesday, October 28, 2015

Conference Call Dial-in Information:
Dial-in Number is 866.410.8397
Conference Code is 2178377981
Capitol Building, Secretary of State's office

Secretary Krebs called the meeting to order at 11:05 am (Central Time).

Present via conference call: Cindy Brugman (Board of Elections member), Mitch LaFleur (Board of Elections member), and Linda Lea Viken (Board of Elections member).

Present in person: Secretary Shantel Krebs (Chair, Board of Elections), Kea Warne (Deputy Secretary of State, Election Services), Kristin Kellar (HAVA Coordinator), Rachel Schmidt (Election Coordinator), Christine Lehrkamp (State Election Coordinator) and Tom Deadrick (Deputy Secretary of State, Business Services).

Board of Elections Members not able to attend: Drew Duncan, Dick Casey and Pam Lynde.

Quorum present.

Motion to approve the minutes of the October 19, 2015 meeting by Cindy Brugman.

Substitute motion moved by Linda Lea Viken to change how the sentence on the bottom of page two "Linda Lea Viken asked what the process." To "Linda Lea Viken asked about the process" and to change Matt on the first page to Mitch. Substitute motion seconded by Cindy Brugman. Roll call vote: Cindy Brugman- aye; Mitch LaFleur – Aye, Linda Lea Viken – aye, Secretary Krebs- aye. Approved.

Secretary Krebs reviewed the proposed changes to SDCL 12-1-3(17) and gave an overview to the board on why the change was needed.

Mitch LaFleur asked if prior practice was intended, regardless of party affiliation, that a candidate could run as an independent.

Secretary Krebs said that it is important to define independent so that it would be clear who could run for what office under each affiliation.

Kea Warne stated that this definition came from SB 69, which stated that a candidate had to be registered as an independent to run as an independent.

Secretary Krebs stated that the legislature had amended SB 69 so many times but the original intent was to change the nominating petition circulation dates. This definition had been agreed upon internally with the Secretary of State's office and put into the bill. There had been no way to pull the numbers to define how many independents there were. Felt it was right to be able to define and search these numbers.

Linda Lea Viken stated that Independent voter had been referred to before in statute and asked where it could be found.

Secretary Krebs stated that Independent voter had been defined at the last meeting and now the Secretary of State's office is asking for a small change in subsection 17.

Mitch LaFleur asked if the reference in SB 69 was a part of this chapter.

Kea Warned stated that we don't know where the Legislative Research Council (LRC) would have put the new language but assumed it would be here.

Secretary Krebs stated that hopefully subsection 16 would be approved by the 2016 Legislature since it is currently not in there and it needs to be defined.

Mitch LaFleur stated his concern with this language conflicting with SB 69.

Secretary Krebs stated that if the referral of SB 69 fails, we would have to make changes in the 2017 Legislative Session and that it could easily be fixed.

Mitch LaFleur asked if there was anywhere else Independent voter is defined.

Linda Lea Viken stated no but it is referenced in other places.

Mitch LaFleur asked if there are conflicts with independent candidates elsewhere in the statutes.

Kea Warne stated that it would just be in this chapter and it would not conflict.

Linda Lea Viken stated that subsection 16 says who an independent is and subsection 17 says who can register to be a candidate.

Tom Deadrick further clarified the need for separate definitions for independent voter and the independent candidate.