



# *South Dakota Secretary of State*

## SHANTEL KREBS

### State Board of Elections

Wednesday, November 16, 2016

Draft Minutes

SD Association of County Officials Office Building  
215 East Prospect  
Pierre, South Dakota

Conference Call Dial-in Information:

Dial-in Number is 866.410.8397

Conference Code is 2178377981

Secretary Krebs called the meeting to order at 10:05 am (Central Time).

Present via conference call: Cindy Brugman (Board of Elections member), Linda Lea Viken (Board of Elections member), Margaret Gillespie (Board of Elections member), and Mitch LaFleur (Board of Elections member), Cory Heidelberger (press) and C.J. Moit (South Dakota Advocacy Services).

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

Quorum present

A *motion* was made to approve the minutes of the October 13, 2016 Board of Elections meeting by Linda Lea Viken, second by Margaret Gillespie. Roll call vote: Cindy Brugman– Aye; Margaret Gillespie– Aye; Drew Duncan– Excused; Pam Lynde– Excused; Mitch LaFleur– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained that the board had reconvened to go over three items from the previous meeting that needed more interpretation. Secretary Krebs explained item #4. Rewrote subsection 3 to say “Circulator listed a residence address in South Dakota but is not a South Dakota resident.”, and added the new language, “Multiple challenges by the same person or party in interest are not allowed.” We kept in that these may be appealed to the Hughes County circuit court. Judge Barnett suggested adding this language.

Linda Lea Viken asked if this need more clarification. She asked if they can have multiple challenges.

Deputy Kea Warne gave the example of the medical marijuana. The sponsor challenged the rejection and then sponsor challenged the rejection of the petitions.

Linda Lea Viken explained that she was reading as though they could only challenge one thing and not multiple challenge items to it. She stated she knew what the intent was but thought it could be read more restrictively.

Margaret Gillespie stated that the section needs clean up and that it could be read differently.

Deputy Tom Deadrick stated adding the language, "All challenges by the same person or party in interest must be included in the one affidavit."

Linda Lea Viken asked if the Secretary of State's office waits to validate until all of the petitions are turned in.

Secretary Krebs stated that the petitions must come in all at the same time.

Linda Lea Viken stated that she had another issue and was wondering if we need to clarify in the second sentence that only the "line challenged" will be rejected.

Secretary Krebs clarified items that are not allowed to be challenged that are being proposed.

Mitch LaFleur stated that he is fundamentally confused by the purpose of this section. He stated that with this language, there is no way to challenge petitions.

Deputy Kea Warne explained there is a challenge process within 5 days for a candidate, 30 days if a statewide ballot measure. After the lawsuits from this past year, Judge Barnett advised the Secretary of State's office to add this language and the Attorney General suggested putting the language in this section.

Mitch LaFleur asked why this language was needed under Title 2.

Deputy Kea Warne stated that Title 2 covers the statewide ballot measures.