

Minutes

State Board of Elections Meeting

State Capitol, Pierre

November 28, 2001

The meeting was called to order by chair Joyce Hazeltine at 12:32p.m. on November 28, 2001 with the following members responding:

Present

Joyce Hazeltine

Carol Klumper

Karen Layher

Lee Hood

Gail Brock

Linda Lea Viken

Absent

Nelva Kristofferson

Chris Nelson, Lee Hood and Kea Warne, Secretary of State's staff; Sherri Sundem Wald, Attorney General's Office; Julie Pearson and Jamie Sauvage, Pennington County; Sue Roust and Judy Sperling, Minnehaha County; Rich Petersen, Brown and Saenger; Sheila Hagemann, Turner County; Kay Schmidt, Lake County; Maxine Taylor, Brown County; Raynelle Mueller, Grant County; Pam Lynde, Deuel County; Shellie Baker, Hughes County; Jerome Hoff, Hutchinson County; Patty McGee, Sully County; Patty Pearson, Kids Voting; Rich Sattgast, SDACO; Hugh Weber, SD Republican Party; Nancy Hansen and Miriama Wylie, Sioux Falls Area Literacy Council; and Connie Atkinson, Brenda McGruder and Debbie Sargent, Lawrence County.

The minutes of the June 1, 2001 meeting were approved.

Moved by Hood, seconded by Klumper to have Chris Nelson conduct the certification review of the updates to the ES&S Model 100 voting system, provide a report via conference call to the board for action on certification and require ES&S to demonstrate this unit at the next board meeting. Passed.

Sherri Sundem Wald provided an explanation of research she completed on the issue of residency requirements for local elections. Her findings were also included in a letter provided to the board.

Discussion and action was taken on several legislative proposals as follows:

Moved by Viken to amend the proposed change to SDCL 9-13-4.1 and 13-7-4.2 by adding a 30 day requirement. Failed for lack of a second. Moved by Layher, seconded by Hood to recommend introduction of legislation amending these statutes to allow full-time post-secondary students to vote in municipal and school elections without meeting the 30 day requirement. Passed.

Moved by Brock, seconded by Viken to recommend introduction of legislation amending SDCL 8-1-23 and 8-3-17.1 and adding a new section regarding township abolition petitions. Passed.

Moved by Klumper, seconded by Layher to recommend introduction of legislation defining township residency for voting. Passed 3-2.

Moved by Viken, seconded by Klumper to recommend introduction of legislation prohibiting commercial use of county voter registration information. Passed 4-1.

Moved by Hood, seconded by Brock to recommend introduction of legislation providing procedures for school ballot question recounts. Passed.

Moved by Viken, seconded by Hood to recommend introduction of legislation defining the counting of time for election purposes. Passed.

Moved by Layher, seconded by Klumper to recommend introduction of legislation clarifying who recaps the ballot count when a counting board is appointed. Passed.

Moved by Viken, seconded by Hood to recommend introduction of legislation clarifying an absentee ballot application requirement. Passed.

Moved by Layher, seconded by Viken to recommend introduction of legislation requiring the register of deeds to notify the auditor when burial permits are filed. Passed.

Moved by Viken, seconded by Layer to amend the proposed change to SDCL 12-4-19 to clarify when the address verification and confirmation mailing process is to be performed. Passed. Moved by Viken, seconded by Layher to recommend introduction of legislation changing the NCOA provision. Passed.

Moved by Hood, seconded by Brock to amend the proposed change to SDCL 12-17B-1 to include the word "strictly" before "nonpartisan". Passed. Moved by Klumper, seconded by Layher to amend the proposed change to SDCL 12-17B-1 to allow the person in charge of the election to make the appointment. Passed. Moved by Hood, seconded by Layher to recommend introduction of legislation providing for a resolution board in nonpartisan elections. Passed.

Moved by Viken, seconded by Klumper to amend the proposed addition to SDCL 12-17B to add the word "only" prior to "out-stack". Passed 5-0. Moved by Viken, seconded by Layher to recommend introduction of legislation providing a standard procedure for out-stacks when using automated tabulating systems. Passed 5-0.

Moved by Viken, seconded by Brock to amend the proposed change to SDCL 12-18-21.1 to clarify what votes are counted when a write-in is present. Passed. Moved by Hood, seconded by Viken to amend the proposed change to SDCL 12-20-7 to add "defining standards for determining voter intent." Passed. Moved by Brock, seconded by Hood to recommend introduction of legislation clarifying vote marking and counting. Passed.

An administrative rules hearing was commenced.

Moved by Hood, seconded by Viken to amend the proposed 5:02:09:21 by deleting "guidelines" and inserting "rules". Passed. Moved by Viken, seconded by Hood to promulgate 5:02:09:19 through 5:02:09:22 and 5:02:16:17.02. Passed.

Moved by Layher, seconded by Brock to add additional procedures to 5:02:09:05. Passed.

Moved by Brock, seconded by Hood to change the card prescribed in 5:02:03:14 to a forwardable card. Passed.

Moved by Viken, seconded by Layher to provide a postal endorsement for the card prescribed in 5:02:03:15. Passed.

Moved by Viken, seconded by Klumper to prescribe a potential duplicate notice in 5:02:03:20. Passed.

Moved by Viken, seconded by Hood to amend the proposed change in 5:02:08:00 by clarifying that these are "requirements". Passed. Moved by Viken, seconded by Klumper to change this rule by allowing circulators to add certain information after the petition is received and to specify that signers may not remove their names. Passed.

Moved by Viken, seconded by Layher to amend the proposed change in 5:02:10:03 by removing the horizontal bars. Passed. Moved by Klumper, seconded by Viken to change the envelopes prescribed in 5:02:10:03 and 5:02:10:05 by adding the election mail logo. The change is optional through December 31, 2003. Passed.

Moved by Brock, seconded by Hood to change 5:02:10:08 to contain the election mail logo. Passed.

Moved by Viken, seconded by Klumper to change 5:02:19:08 and 09 to allow these certificates to be used by all recount boards. Passed.

Moved by Brock, seconded by Hood to promulgate 5:02:19:10 which is a voter's petition for recount of a municipal or school ballot question election. Passed.

Moved by Viken, seconded by Klumper to simplify the wording in 5:02:05:02. Passed.

Moved by Brock, seconded by Klumper to amend the proposed changes in 5:02:05:02.1 by leaving in the word "substantially". Substitute motion by Viken, seconded by Hood to make the changes optional until December 31, 2003. Passed. Moved by Viken, seconded by Hood to approve the simplified wording in 5:02:05:02.1. Passed.

Moved by Brock, seconded by Hood to simplify the wording in 5:02:05:02.2. Passed.

Moved by Viken, seconded by Klumper to simplify the wording in 5:02:06:01.02. Passed.

Moved by Viken, seconded by Hood to simplify the wording in 5:02:06:01. Passed.

Moved by Viken, seconded by Layher to simplify the wording in 5:02:06:01.01, 5:02:06:03, 5:02:06:04.01, 5:02:06:09, 5:02:06:10, 5:02:06:10.02, 5:02:06:12, 5:02:06:13, 5:02:06:15, 5:02:06:17 and 5:02:06:19. Passed.

The rules hearing was concluded.

Adjourned.

Joyce Hazeltine, Secretary of State

Chris Nelson, Recorder