

## Minutes

### State Board of Elections Meeting

State Capitol, Pierre

December 19, 2002

The meeting was called to order by chair Joyce Hazeltine at 8:20a.m. on December 19, 2002 with the following members responding:

Present: Joyce Hazeltine, Gail Brock, Carol Klumper, Linda Lea Viken, Karen Layher, Beth Benning

Absent: Nelva Kristofferson

Chris Nelson and Kea Warne, Secretary of State's staff; Sherri Sundem Wald, Attorney General's Office; Julie Pearson, Pennington County; Sue Roust, Minnehaha County; Rich Petersen, Brown and Saenger; Shellie Baker, Hughes County; Jerome Hoff, Hutchinson County; Patty McGee, Sully County; Amanda Patton, SD Republican Party; Adele Enright and Shirley Finkbeiner, Dewey County; Scott McGregor; Larry Becker, LarJo's; Chet Brokaw, Associated Press; Jim Leach and Bret Healy, SD Democratic Party; Darleen Gage; Norm Cihak, Charles Mix County; Michael Hoversten, ES&S; Connie Konrad, Hyde County; Diane Larson, Sanborn County; Cindy Callies, Miner County; Terry Woster, Argus Leader and Joan Brinkmeyer, Lyman County.

Moved by Viken and seconded to approve the minutes of the November 28, 2001 meeting. Passed.

A rules hearing was declared open.

Moved by Klumper and seconded to approve changes to ARSD 5:02:04:05, 5:02:04:08, 5:02:04:09, 5:02:04:11, 5:02:04:15, 5:02:04:16, 5:02:04:18 and 5:02:04:22 to change the poll opening time to 7:00am and make the time references uniform. Passed.

Moved by Layher and seconded to approve changes to ARSD 5:02:06:01.02 including adding "next to the name" and referring to "a" pencil. Passed.

Moved by Viken to recommend that the next rules hearing examine ARSD 5:02:06:01 and 01.03 regarding placement of a candidate's city and party affiliation on the ballot. Passed.

Moved by Brock and seconded to approve changes to ARSD 5:02:07:06 adding a candidate's oath. Passed.

Moved by Viken and seconded to approve changes to ARSD 5:02:08:05.01 to require the running mate's party to be provided. Passed.

Moved by Viken and seconded to approve changes to ARSD 5:02:09:01.02 to itemize what needs to be included in the test deck and require 25 ballots to be counted during the test along with ten percent folded. Passed.

Moved by Viken and seconded to approve adopting ARSD 5:02:09:01.03 to provide a procedure for testing DRE equipment including a "five" ballot minimum. Passed.

Moved by Brock and seconded to approve changes to ARSD 5:02:09:02 to allow some exceptions to full demonstrations of modified voting equipment. Passed.

Moved to amend by Viken proposed ARSD 5:02:09:02.02 and seconded by removing a reference to "poll worker" in sub (15). Amended. Moved by Benning and seconded to approve adopting 5:02:09:02.02 to provide criteria for approving DRE equipment. Passed.

Moved to amend by Brock proposed ARSD 5:02:09:04.04 and seconded to remove references to "two" and require notice to the resolution board in sub (1). Amended. Moved to amend by Viken and seconded to leave a reference to "voter's intent" in (3)(b). Amended. Moved to amend by Viken and seconded to change reference to "voter's intent" to a reference regarding definition of a vote. Amended. Moved by Benning and seconded to approve changes to ARSD 5:02:09:04.04 to change the tabulation procedures for automatic tabulating equipment. Passed.

Moved to amend by Viken proposed ARSD 5:02:10:05 and seconded to strengthen language on when absentee ballots must be returned. Amended. Moved by Benning and seconded to approve changes to ARSD 5:02:10:05. Passed.

Moved to defer action on ARSD 5:02:10:08 by Layer and seconded. Deferred.

Moved by Viken and seconded to remove itemized rule numbers from ARSD 5:02:19:04. Passed.

The rules hearing was concluded.

Discussion was held regarding whether the acknowledgment notice for voter registrations should be sent to the mailing address or residence address. No action taken.

Discussion was held regarding absentee voting at nursing homes. No action was taken but the Secretary of State was requested to issue written parameters on the role of the political party.

Moved by Viken and seconded to recommend that the Secretary of State introduce legislation redefining when facsimile ballots are published. Passed.

Moved by Brock and seconded to recommend that the Secretary of State introduce legislation amending SDCL 12-20-13 regarding what computer is used for CERS. Passed.

Discussion was held regarding when the calculation should be made for the number of registered voters on various petition efforts. Consensus to discuss again at the next meeting.

Moved by Viken and seconded to recommend that the Secretary of State introduce legislation amending the municipal initiative and referendum statutes. Passed.

Moved by Viken and seconded to recommend that the Secretary of State introduce legislation amending SDCL 12-25-1.1 to require candidate compliance and increasing the penalty for certain violations. Passed.

Moved by Brock and seconded to recommend that the Secretary of State introduce legislation requiring the pollbooks to be opened at a school canvass. Passed.

Moved by Benning and seconded to recommend that the Secretary of State introduce legislation allowing an election official to only publish that portion of a sample ballot with writing on it. Passed.

Moved by Benning and seconded to recommend that the Secretary of State introduce legislation altering the process for filing supplemental campaign finance reports. Passed.

Discussion was held regarding having multiple recount boards in larger counties. Board wanted to see proposed language to accomplish this.

Moved by Viken and seconded to recommend that the Secretary of State introduce legislation removing the "reasons" to vote absentee. Passed.

Discussion was held regarding public access to the list of absentee voters. No action taken.

Moved by Viken and seconded to recommend that the Secretary of State introduce legislation allowing the faxing or electronic submission of county canvass results in certain circumstances. Passed.

Secretary of State Hazeltine made a presentation recognizing all the individuals and associated staff who have served on the State Board of Elections since its inception. Viken asked that the record reflect an acknowledgment of Secretary Hazeltine's even-handed and fair method of handling Board of Election issues.

Chris Nelson explained those provisions of the Help America Vote Act which will affect South Dakota.

Adjourned.

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Joyce Hazeltine, Secretary of State Chris Nelson, Recorder