

Minutes

State Board of Elections Meeting

Minnehaha County Administration Building, Sioux Falls

November 16, 2005

The meeting was called to order by chair Chris Nelson at 1:00 p.m. on November 16, 2005 with the following members responding:

Present: Chris Nelson, Gail Brock, Paula Jones, Christopher Madsen, Karen Layher, Linda Lea Viken

Absent: Dick Casey

Kea Warne, Secretary of State's staff; Dan Burke, HAVA Coordinator; Sue Roust, Minnehaha County Auditor; Rich Lietz and Judy Sperling, Minnehaha County Auditor's Office; Lori Severson, Pennington County Auditor's Office; Sheila Hageman, Turner County Auditor; Carol Klumper, Union County Auditor; Rich Petersen, Brown and Saenger; Carrie Crum and Kathy Heles, Clay County Auditor's Office and Debra Elofson, DNC

Moved by Madsen and seconded to approve the minutes of the September 7, 2005 meeting. Passed.

A rules hearing was declared open.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:05:02.01 to remove instructions for fill in the arrow ballots as these ballots will no longer be used in South Dakota. Passed.

Moved by Viken and seconded to add ARSD 5:02:05:02.03 as amended which will provide instructions to voters in each electronic ballot marking system booth. Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:06:01.02 to remove instructions for fill in the arrow ballots as these will no longer be used in South Dakota. Passed.

Moved by Brock and seconded to approve the changes to ARSD 5:02:09:02 to add the requirement for a direct recording electronic or electronic ballot marking system to be approved prior to distribution, change the name of the federal agency overseeing elections to the Federal Election Assistance Commission and add in the year 2002 for the voting systems standards. Passed.

Moved by Layher and seconded to approve the changes to ARSD 5:02:09:22 to remove the reference to arrow ballots in defining what constitutes a mark since these ballots will no longer be used in South Dakota. Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:10:01 as amended to remove the first sentence at the top of the absentee ballot application, remove the sentence regarding delivery of absentee ballot and the reference to party ballot next to the Primary election box, add high school as an acceptable id as listed in statute and add a ballot return date field and change the definition of confinement for use of an authorized messenger. Passed.

Moved by Viken and seconded to approve changes to ARSD 5:02:10:06 as amended by adding a computer file as a type of absentee ballot record, date given to authorized messenger field and name of authorized messenger field, remove name of person returning ballot and signature of election official acknowledging return of ballot fields and remove example of absentee ballot record. Passed.

Rules hearing concluded 2:25 p.m.

Discussion and action was taken on recommendations to the Secretary of State on several legislative proposals as follows:

Moved by Viken and seconded to adopt the proposed new section of SDCL 12-15 as amended to allow the person in charge of the election to appoint a person to be designated as a precinct assistant. Add another new section in 12-17B to require an electronic ballot marking system to be present at each polling place whenever a candidate for federal office appears on the ballot. Amend 12-17B-7 to allow a voter to request instruction on the proper operation of an electronic ballot marking system at any time. Amend 12-18-1 to require an electronic ballot marking system to be included in the supplies provided by the person in charge of the election and clarify two devices a person with disabilities may provide for these machines. Add a new section to 12-18 requiring the precinct superintendent to test at least two ballots on the electronic ballot marking machine before opening the polls. Passed.

Moved by Madsen and seconded to make changes to the in-office absentee ballot process. Passed.

Moved by Viken and seconded to add a new section in 12-16 regarding the publication of facsimile of the official ballot and to remove that information from 12-16-16. Passed.

Moved by Madsen and seconded to amend the signature requirements for primary election candidates in 12-5-1.4. Passed.

Moved by Viken and seconded to amend the timeframe for the county official canvass in 12-20-35 to be six calendar days. Passed.

Moved by Layher to amend SDCL 12-16-5 to remove the names of presidential electors. Died for lack of a second.

Moved by Viken and seconded to amend the number of required instruction at each polling place to be two posters instead of three cards. Passed.

Moved by Madsen and seconded to repeal 9-13-22 and amend 11-2-46, 6-16-5, 9-3-10 and 9-10-1 for ballot layout requirements. Passed.

Moved by Viken and seconded to amend polling place hours for special district elections in 11-2-44 and 46A-10A-52 to be the same as all other elections in the state. Passed.

Moved by Brock and seconded to amend 12-4-5.4 for the information required on voter registration form to allow for the requirement of a South Dakota driver license number or last four digits of social security number if a person does not have a SD driver license number. Passed.

Moved by Madsen and seconded to clarify 9-13-14.1 as it pertains to the term length for a municipal vacancy when filled by special election. Passed.

Discussion on ARSD 5:02:16:16 as relating to voter intent. The board requested repealing this at the next rules hearing.

Moved by Brock and seconded to approve for certification the minor change in Election Systems and Software optical scan models of the M100 version 5.2.0.0 and M650 version 2.1.0.0 under the 2002 Federal Voting System Standards. Passed

Moved by Madsen and seconded to adjourn at 4:35.

/sig/ Chris Nelson, Secretary of State

Kea Warne, Recorder