

**Minutes
State Board of Elections Meeting**

**Central Time at the following DDN locations: State Capitol, 500 East Capitol, Room B12, Pierre, SD 57501; South Dakota School of Mines & Technology, 501 E Saint Joseph Street, Rapid City, SD 57701; University of South Dakota State University, 2204 Career Place, Sioux Falls, SD 57107; Huron Middle School, 1045 18th St SW, Huron, SD 57350; Milbank County Courthouse, 210 East 5th Ave, Milbank, SD 57252
April 28, 2006**

The meeting was called to order by chair Chris Nelson at 8:15 a.m. on April 28, 2006 with the following members responding:

Present

Chris Nelson
Paula Jones
Karen Layher

Gail Brock
Christopher Madsen
Dick Casey

Absent

Linda Lea Viken

Kea Warne, Election Supervisor; Chad Heinrich, Deputy Secretary of State, Dan Burke, HAVA Coordinator; Sue Roust, Minnehaha County Auditor; Rich Petersen, Brown and Saenger; Jill Peskey, Beadle County Deputy Auditor

Moved by Brock and seconded to approve the minutes of the November 16, 2005 meeting. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

A rules hearing was declared open.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:03:01 to change the driver license number field to state a South Dakota driver license number. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Casey and seconded to approve the changes to ARSD 5:02:05:02 to reduce the number of voter instruction posters to be posted in the polling place for hand counted paper ballots. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Casey and seconded to approve the changes to ARSD 5:02:05:02.01 to reduce the number of voter instruction posters to be posted in the polling place for optical scan ballots. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:05:26 to add the words “current student” to the acceptable form of a high school and accredited institution of higher education photo identification as listed on the polling place voter identification sign. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Brock and seconded to approve the changes to ARSD 5:02:06:01.01 to require Constitutional amendment ballots to conform to an optical scan ballot that all counties are now using. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:06:01.02 to add the additional marking device of a pen to the optical scan ballot instructions. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Casey and seconded to approve changes to ARSD 5:02:06:03.01 to require the Supreme Court justice retention ballot to conform to an optical scan ballot that all counties are now using. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Jones and seconded to approve changes to ARSD 5:02:06:04.01 to require ballots for statewide initiated measures and referred laws to conform to an optical scan ballot that all counties are now using and to retain requirements for a county initiative or referred law. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:06:10 to require the Primary Election ballot to conform to an optical scan ballot that all counties are now using. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Brock and seconded to approve the changes to ARSD 5:02:06:13 to amend the municipal questions election ballot to use the same language as a statewide or county ballot question. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:06:17 to require the statewide secondary election ballot to conform to an optical scan ballot that all counties are now using. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Brock and seconded to add ARSD 5:02:06:20 to provide for the format for a tax levy opt-out ballot. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to add ARSD 5:02:08:41 to provide for the format for a tax levy opt-out petition. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Brock and seconded to approve the changes to ARSD 5:02:09:04.03 to add the requirement of the system test for an electronic ballot marking system and allow a voter to receive instructions on this type of system while in the voting booth. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Layher and seconded to add ARSD 5:02:09:04.05 to provide for the procedures for testing the electronic ballot marking system on Election Day. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:10:01 to add the words “current student” to the acceptable form of a high school and accredited institution of higher education photo identification as listed on the absentee ballot application. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Layher and seconded to add ARSD 5:02:10:01.03 to provide a combined absentee ballot application/return envelope that will be used for an in-office absentee voter. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:10:04 to remove language regarding previous effective dates that is no longer needed in rule and also add the option for a jurisdiction that uses an absentee ballot precinct to list the 7:00 p.m. deadline to the instructions to absentee voters. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Moved by Brock and seconded to repeal 5:02:16:16 because the process to determine voter's intent is provided in ARSD 5:02:16:21. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Rules hearing concluded 9:20 a.m.

Moved by Madsen and seconded to adjourn at 9:25 a.m. The roll being called:

Yeas 6, Nays 0, Absent 1
Yeas: Nelson; Jones; Layher; Brock; Madsen; Casey
Absent: Viken
Motion Passed.

Chris Nelson, Secretary of State

Kea Warne, Recorder