

Minutes
State Board of Elections Meeting
Minnehaha County Administration Building, Sioux Falls
November 28, 2007

The meeting was called to order by chair Chris Nelson at 1:00 p.m. on November 28, 2007 with the following members responding:

Present

Chris Nelson
Dick Casey
Karen Layher

Gail Brock
Christopher Madsen
Linda Lea Viken

Absent

Paula Jones

Chad Heinrich, Deputy Secretary of State; 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; Julie Pearson, Pennington County Auditor; Carol Klumper, Union County Auditor; Rich Petersen, Brown and Saenger; Tony Pierce, Brown and Saenger; Patty McGee, Sully County Auditor; D. Scott Bartlett, Constitution Party; Kay Schmidt, Lake County Auditor; Bob Mercer, Newspaper and Eric Erickson, SD Association of County Officials.

Moved by Madsen and seconded to approve the minutes of the May 8, 2007 meeting. Passed.

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

Moved by Madsen and seconded to amend the timeframe for the last publication of voter registration deadline in SDCL 6-16-4 to be not less than twenty-four days prior to the election. Passed.

Moved by Casey and seconded to amend the timeframe for a special election for commissioners to be held within sixty days after an election for employing a city manager (SDCL 9-10-6). Passed.

Moved by Brock and seconded to reduce the waiting period to vote again on the change of form of government to one year (SDCL 9-11-8). Passed.

Moved by Casey and seconded to require absentee ballots to be available for municipal and school elections no later than 15 days prior to the election (SDCL 9-13-21 & 13-7-13). Passed.

Moved by Viken and seconded to clarify the timeframe for when a municipal official must qualify for office to be within ten days after the first meeting of the month next succeeding the election (SDCL 9-13-28). Passed.

No action taken on legislative proposal #6 to add a requirement for attorney general or state's attorney to investigate violation of candidate's declaration of candidacy.

Moved by Casey and seconded to add a new statute regarding the violation of the declaration of candidacy. If any court finds a declaration of candidacy on a nominating petition is not valid, the candidacy shall be invalidated and a vacancy declared from the beginning. Passed.

Moved by Viken and seconded to add a new statute requiring certification of the effective voter registration as of the first date of declaration of candidacy to be submitted to the filing office by the filing deadline. Passed.

No action taken on legislative proposal #7 to amend the criteria for determining voting residence.

Moved by Layher and seconded to repeal SDCL 12-1-7.1. Passed.

Moved by Casey and seconded to amend SDCL 12-4-9 to include the prohibition of including date of birth in any public dissemination of voter registration information from a county or state voter registration file. Passed.

Moved by Madsen and seconded to amend the date for a statewide secondary election to be held three weeks from the primary election date in SDCL 12-6-51.1; amend ballot certification requirements to not include to the county auditors a ballot which can be duplicated in SDCL 12-6-51 and repeal SDCL 12-6-51.4. Passed.

Moved by Brock and seconded to add a new section to be added to SDCL 12-11 to require the Governor to issue a proclamation calling and setting the date for a special election to fill the vacancy in United States Congress which occurred due to “extraordinary circumstances”; amend SDCL 12-11-2 to include instances where a proclamation for special election would be issued; and add a new section in SDCL 12-11 requiring absentee ballots to be counted if received after election day from a UOCAVA voter for a special election for United States Congress. Passed.

Moved by Madsen and seconded to repeal SDCL 12-14-12. Passed.

No action taken on legislative proposal # 17 to add a new section requiring the county auditor to enter complete precinct information prior to the primary and general elections.

Moved by Viken and seconded to clarify the operations of the automatic tabulating machines in SDCL 12-17B-13.1. Passed.

Moved by Brock and seconded to amend the list of activities that are prohibited at a polling place in SDCL 12-1-3 to include use of any communication or photographic device in a manner which distracts, interrupts or intimidates any voter or election worker. Passed.

Moved by Layher and seconded to clarify that poll watchers and voters waiting in line should be positioned where they cannot read identifying numbers on photo identification cards. Passed.

Moved by Brock and seconded to clarify the ballot stamp is to be placed on the back near the top for hand-counted ballots and in the location indicated by the person in charge of the election for optical scan ballots. Passed.

Moved by Viken and seconded to amend the absentee voting process in SDCL 12-19-2 to allow permanent absentee voters. A person will receive all ballots for elections held by the jurisdiction until an absentee ballot is returned undeliverable by the postal service or the voted absentee ballot is not returned by the voter. Passed.

No action taken on legislative proposal #23 to amend the absentee voting timeframe.

No action taken on legislative proposal #24 to add a new section for the authorized messenger process.

No action taken on legislative proposal #25 to repeal SDCL 12-20-8.

Moved by Viken and seconded to add the requirement to SDCL 12-21-2 for the recount board to take an oath prior to serving. Passed.

Moved by Brock and seconded to amend the filing deadlines in SDCL 46A-3B-4 for Water Development District candidates to the last Tuesday in March prior to the primary election and to the last Tuesday in August before the general election. Passed.

Moved by Brock and seconded to approve the updated South Dakota Help America Vote Act State Plan. Passed.

Report on changing the term “absentee voting” to “early voting” was presented by Secretary Nelson. The board requested to look at this at the Fall 2008 board of elections meeting.

Report on requirement of printing constitutional officers on the ballot if there is no opposition was presented by Secretary Nelson.

Moved by Madsen and seconded to recommend that the Secretary of State work with the Minnehaha County Auditor to draft changes in the SDCL 6-16 process for special district elections in larger districts. Passed.

Moved by Madsen and seconded to adjourn at 5:05.

Chris Nelson, Secretary of State

Kea Warne, Recorder