

SECRETARY OF STATE

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Chris Nelson
Secretary of State

Teresa J. Bray
Deputy

Minutes State Board of Elections Meeting December 11, 2008

10:00 a.m. 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, Room 108, Rapid City, SD 57701; University of South Dakota State University, 2205 Career Place, University Center Building Room 189, Sioux Falls, SD 57107; Huron Middle School, 1045 18th St SW, Huron, SD 57350; Yankton High School, 1801 Summit Street, Yankton, SD 57078

The meeting was called to order by chair Chris Nelson at 9:34 a.m. Central Time on December 11, 2008 with the following members responding:

Present

Chris Nelson
Christopher Madsen
Karen Layher

Gail Brock
Linda Lea Viken
Dick Casey

Absent

Paula Jones

Kea Warne, Election Supervisor; Teresa Bray, Deputy Secretary of State, Jennifer Headlee, HAVA Coordinator; Sue Roust, Minnehaha County Auditor; Heather Irwin, Minnehaha County Auditor staff; Robert Kean, South Dakota Advocacy Services; Shellie Baumgart, Hughes County Auditor; and Julie Pearson, Pennington County Auditor.

Moved by Brock and seconded to approve the minutes of the July 17, 2008 meeting. The roll being called:

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

Nelson gave an overview on the general election. He was very pleased with how the general election went in South Dakota. There were a few minor issues that involved Driver License Voter Registration Cards, M650 Tabulator machine in one county and ballot question language in a couple of counties. The Secretary of State's Office received all 66 county results and were finished with the final steps by 2:00 am, which is the earliest election night results completion time for a general election.

Nelson informed the board members about a new project the Secretary of State's office is working on. The project is an electronic voter registration cancellation system which will allow the Secretary of State's office to send voter cancellations electronically to other counties and states. This system is six to twelve months away from being completed.

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

Moved by Layher and seconded to repeal the oath timeframe requirement for a trustee as set out in SDCL 9-7-2 and make the qualification timeframe uniform for all forms of municipal government by adding the oath language in SDCL 9-13-28. The roll being called:

Administration
(605) 773-3537
Fax (605) 773-6580

Corporations
(605) 773-4845
Fax (605) 773-4550

Uniform Commercial Code
(605) 773-4422
Fax (605) 773-4550

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

Moved by Brock and seconded to remove the cross or check mark instructions to the voter. Ballots containing slates of delegates and alternates to the national convention will always be on optical scan ballots which provide fill in the oval instructions to a voter. (SDCL 12-5-3.11). The roll being called:

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

Moved by Viken and seconded to amend the deadline date for a municipality to certify ballot language to the second Tuesday in August and allow the county auditor to determine if the deadline can be extended. (SDCL 9-20-11.2). The roll being called:

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

Moved by Viken to add a requirement for disclosure of expenditures recipients which exceed \$1,000 on the campaign finance disclosure statement (SDCL 12-27-24). The motion failed due to lack of a second.

Moved by Viken to prohibit a candidate from switching political parties after losing the primary election and being appointed to fill a vacancy for the general election (SDCL 12-6-56). The motion failed due to lack of a second.

Moved by Casey to repeal allowance for petitions to be considered filed if mailed by registered or certified mail by the filing deadline for municipal and school elections. The roll being called:

Yeas 3, Nays 3, Absent 1
Yeas: Layher; Brock; Casey
Nays: Viken; Madsen; Nelson
Absent: Jones
Motion Fails Due to Lack of Majority.

Moved by Viken and seconded to remove the option for school board petitions being mailed by certified mail to be considered timely filed (SDCL 13-7-6). The roll being called:

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

Layher gave a demonstration on metal, plastic and paper ballot box seals.

Other Business:

Jennifer Headlee, HAVA Coordinator, provided an update on HAVA funds and reviewed the random line audits for Title II reimbursements.

Nelson gave an overview on other Secretary of State legislative proposals which included corporation and campaign finance legislation.

Nelson discussed the SD Supreme Court residency decision.

Nelson discussed possible legislation which may be submitted by others on the absentee voting statute which prohibits an absentee ballot to be counted if the voter passes away prior to Election Day.

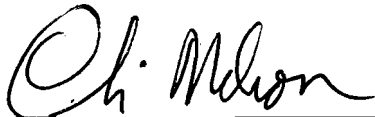
Moved by Madsen and seconded to adjourn at 11:00 a.m. The roll being called:

Yeas 6, Nays 0, Absent 1

Yeas: Nelson; Layher; Viken; Brock; Madsen; Casey

Absent: Jones

Motion Passed.



Chris Nelson, Secretary of State



Kea Warne, Recorder