



South Dakota Secretary of State
SHANTEL KREBS

DRAFT Minutes
Board of Elections Meeting
January 5, 2015

The Board of Elections convened on January 5, 2015, via conference call with public space available in Pierre in Suite 204 of the State Capitol Building at 500 E. Capitol, Pierre, SD 57501.

Secretary of State Krebs called the meeting to order at 11:00 a.m. (Central time).

Board members present: Secretary Shantel Krebs (in person at Suite 204); All others present via conference call: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman and Drew Duncan.

Board members absent: none

Others present (in person at Suite 204): Kea Warne, Deputy Secretary of State of Election Services, Tom Deadrick, Deputy Secretary of State of Business Services, Jason Williams, Public Information Officer, Christine Lehrkamp, State Election Coordinator and Brandon Johnson, HAVA Coordinator.

Others present (via conference call): Sandy Hook, SD Advocacy Services and Shelly Pfaff, SD Coalition of Citizens with Disabilities.

Secretary Krebs declared that a quorum was present.

Secretary Krebs asked for a motion to approve the December 17, 2014 minutes. Board members asked to defer this item to the end of the meeting so they would have time to review them.

Review of proposed legislation at 11:05 a.m.

The first item discussed was proposed language changes to SDCL 12-6-4. Secretary Krebs began to review changes that had been approved at the December 17 meeting. Duncan requested to remove language pertaining to a candidate mailing their petition in by registered mail. Secretary Krebs reminded the Board that they tabled the discussion to remove the registered mail option at the previous meeting.

Motion by Duncan, second by Viken to remove from the table the discussion regarding removing "registered mail" language.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman and Drew Duncan.

Nays: Secretary Krebs.

Motion carried.

Discussion: Secretary Krebs reviewed the proposal from the December 17 meeting that outlined a date certain for submitting a petition. The words "filed" vs. "received" were also discussed. Duncan would like to see the option for candidates to file petitions electronically. LaFleur suggested that the Secretary of State's Office ask South Dakota Legislative Research Council (SD LRC) to update language and work to make other codes consistent with those changes. Lynde also discussed taking out the registered mail language. Secretary Krebs clarified that if a petition were to be mailed first class and it's not received until after the deadline then it's considered not received. The boards answer was yes.

Motion by Duncan, second by Lynde to remove language of "by registered mail" from all statutes that apply as long as there is a date certain listed in the statute.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

There was some discussion about adding language to ARSD 05:02:08:00.01 (2a) detailing that the signers signature must be original which would coincide with language in 05:02:08:00 (4). No motion. Secretary of State staff will review and report back to the Board.

Motion by Viken , second by Casey to strike "a" and insert "the original" in 12-6-4 sentence "...,unless, a the original petition has been filed on that person's behalf not prior to..." and to strike "filed or file" and insert "received in Office of Secretary of State" in 12-6-4 and throughout all other statutes that would apply to remain consistent.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Secretary of State staff will work with LRC to make appropriate language changes throughout.

Motion by Viken, second by Drew to strike "filed" and insert "received" and striking "registered mail."

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

SDCL 2-11-3 was discussed. The Federal Move Act states that absentee voting needs to begin no later than 45 days prior to the election. In order to comply, auditors need to have adequate time to prepare ballots and the current statute doesn't allow for that.

Discussion.

Motion by Viken, second by LaFleur to change received date of petitions from 45 days to 65 days.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Neither the Secretary of State staff nor the Board had any additional changes to the proposed changes to SDCL 12-6-4.1 and 12-6-8 as approved at the December 17, 2014 meeting.

Motion by Viken, second by Casey to remove "at 8:00 a.m." from SDCL 12-7-1 to remain consistent with other statutes.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Since the December 17 meeting, Secretary of State staff consulted with the SD Attorney General's office and have proposed language for SDCL 12-7-1 detailing the withdrawal process. Discussion.

Motion by Casey, second by Lynde to approve additional language and removal of the phrase "before it is" and replacing it with the phrase "prior to being." (The sentence would read: The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is prior to being filed.)

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Neither the Secretary of State staff nor the Board had any additional changes to the proposed changes to SDCL 12-5-3.8 as approved at the December 17, 2014 meeting.

Motion by Casey, second by Brugman to add "5:00 p.m." after the word "by" in SDCL 12-5-3.14. (The sentence would read: Any candidate, committee, or group supporting a candidate in any presidential primary, shall, by 5:00 p.m., the last...). Discussion.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Motion by Brugman, second by Lynde to strike "file" and insert "submit to" throughout SDCL 23-3-43.1 and also insert "5:00 p.m." after "by" in the first sentence. Discussion.
Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Motion by Viken, second by Casey to strike "filing with" and insert "submitting to" in SDCL 12-5-1. Discussion.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

Neither the Secretary of State staff nor the Board had any additional changes to the proposed changes to SDCL 12-6-8.1 and 12-5-4 as approved at the December 17, 2014 meeting.

There was discussion of the addition of language to SDCL 12-1-13. The SD AG's office approved the language but UJS has not been consulted.

Motion by LaFleur, second by Casey to remove the following sentence from the new language: This action takes precedence over other cases in circuit court.

Ayes: Dick Casey, Mitch LaFleur and Drew Duncan.

Nays: Pam Lynde, Linda Lea Viken, Cindy Brugman and Secretary Krebs.

Motion failed.

Casey asked that the Secretary of State staff consult the Chief Justice on that sentence and Secretary Krebs stated that SD LRC will review it also. They will also ask SD LRC to review wording of "as set forth above within thirty days..." to make sure it parallels new language.

Discussion and review of draft legislation that SD LRC prepared for the SOS (400W0317) which adds four new sections to SDCL 12-1. Duncan asked if the last sentence contained in lines 9 and 10 should be removed? Consensus was yes and Casey remarked that the Secretary of State needs clear direction and it's up to the Courts to exercise discretion if this were challenged. LaFleur asked if registered voters have to be of a particular party as this statute doesn't state that. Secretary of State staff stated yes and this is covered in other statutes and in South Dakota Administrative Rules.

Motion by Viken, second by Casey to approve the entire draft legislation (400W0317) with a change to page 2, line 11 and 15, deleting "as the case may be" and inserting "as applicable."

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman and Secretary Krebs.

Nays: Drew Duncan

Motion carried.

Neither the Secretary of State staff nor the Board had any additional changes to the proposed changes to SDCL 12-1-14 as approved at the December 17, 2014 meeting.

Discussion of SDCL 12-27-22 took place.

Motion by Casey, second by LeFleur to change the word "filed" in all places and insert "submitted to" (or appropriate grammar).

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Drew Duncan, Cindy Brugman and Secretary Krebs.

Nays: Linda Lea Viken

Motion carried.

Secretary Krebs entertained any public comments. There were none.

Motion by Lynde, second by LeFleur to approve the minutes from the December 17, 2014 meeting.

Ayes: Pam Lynde, Mitch LeFleur, Cindy Brugman and Secretary Krebs.

Nays: Linda Lea Viken.

Abstain: Dick Casey and Drew Duncan.

Secretary Krebs thanked the Board for their work. She assured the Board that Secretary of State staff will work with SD LRC to make language changes to all statutes, including city, county and school election and petition challenge statutes. She also noted that the Governor's office asked the Secretary of State to review statutes regarding the process to change the name of a County. The proposal would be that the name change takes effect the July following the election and that the Legislature be removed completely from the process.

Seeing no further items to discuss, motion made by Viken, second by Duncan to adjourn.

Ayes: Dick Casey, Pam Lynde, Mitch LaFleur, Linda Lea Viken, Cindy Brugman, Drew Duncan and Secretary Krebs.

Nays: None

Motion carried.

The Board adjourned at 1:04 p.m.

Shantel Krebs, Secretary of State

Christine Lehrkamp, Recorder

PETITION CIRCULATION TIMEFRAME AMENDED

#1 SDCL 12-6-4. Petition required to place candidate's name on primary ballot--Place of filing.

Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at the primary election, other than a presidential election, may have that person's name printed upon the official primary election ballot of that person's party, unless a petition has been filed on that person's behalf not prior to ~~January~~ December first of the year preceding the election, and not later than the last Tuesday of ~~March~~ February at five p.m. prior to the date of the primary election. If the petition is mailed by registered mail by the last Tuesday of ~~March~~ February at five p.m. prior to the primary election, the petition shall be considered ~~filed~~ received by the deadline. A nominating petition for national convention delegates and alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this section. Nominating petitions for all party and public offices except legislative and judicial offices shall be filed in the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall be filed in the Office of the Secretary of State.

#2 SDCL 46A-3B-4 Water Development District

Nomination of director candidates. A director candidate may be nominated by a petition signed by at least twenty-five registered voters in the director area to be represented by the candidate. Nominating petitions shall be made available at the water development district office, the secretary of state's office, and the respective county auditors' offices on forms prescribed by the state election board and filed with the secretary of state not prior to eight a.m., ~~January~~ December first of the year preceding the election, and not later than five p.m., the last Tuesday of ~~March~~ February prior to the date of the primary election. If a petition is mailed to the secretary of state's office by registered mail by five p.m.,

the last Tuesday of ~~March~~ February prior to the primary election, it is considered ~~filed~~ received by the deadline. For the initial election, director nominating petitions shall be made available by the Department of Environment and Natural Resources and shall be filed with the department not later than five p.m., the first Tuesday of August before the general election or in the case of a special election under § 46A-3B-1, not later than thirty days before the date set for the special election.

#3 SDCL 2-11-3 Special Congressional Election

Filing of nominations--Certification--Conduct of elections. Each party nomination and independent petition shall be filed with the secretary of state not less than forty-five days preceding any election which is not combined with a primary or general election. If the election is conducted with a primary election, each party nomination and independent petition shall be ~~filed~~ received by the last Tuesday in ~~March~~ February. Each nomination shall be certified in a like manner as any other nomination for the purpose of a general election. The election shall be conducted, canvassed, and the results certified as in a general election. If the election is conducted with a general election, each party nomination and independent petition shall be ~~filed~~ received by the second Tuesday in August.

#4 SDCL 12-6-4.1. Earliest time for circulating petitions or certificates.

No petition or certificate of nomination covered by this chapter may be circulated prior to the first day of ~~January~~ December of the year preceding the election ~~in which the election will be held~~.

#5 SDCL 12-6-8. Time and manner of signing petition--Declaration of candidate--Verification-- Signing for independent or nonpolitical candidate.

No person may sign the nominating petition of a candidate before ~~January~~ December first of the year preceding the election ~~in the year in which the election is to be held~~, nor for whom the person is not

entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. The original signed declaration shall accompany the group of petitions upon ~~filing~~ being received by the Office of Secretary of State. The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.

#6 SDCL 12-7-1. Certificate required for nomination--Number of signatures--Certification of candidate for lieutenant governor or vice president.

Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing with the secretary of state or county auditor as prescribed by § 12-6-4, not prior to ~~January~~ December first at 8:00 a.m. of the year preceding the election and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00 p.m. prior to the election, it is ~~timely submitted~~ considered received by the deadline. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be

elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. An independent candidate for Governor shall certify the candidate's selection for lieutenant governor to the secretary of state prior to circulation of the candidate's nominating petition. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is ~~filed~~ received by the Office of the Secretary of State. If the independent candidate for lieutenant governor declares that he is not running, then the independent candidate for lieutenant governor shall withdraw pursuant to 12-6-55. In the event an independent candidate for lieutenant governor withdraws, no independent candidate for governor shall have his name printed upon a ballot unless a replacement selection for lieutenant governor is certified to the Secretary of State by the second Tuesday in August. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

#7 SDCL 12-5-3.8. Certification of slates for primary--Placement on ballot.

If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the last Tuesday in ~~March~~ February preceding the primary by five p.m. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be considered received by the deadline ~~deemed to be filed~~ if mailed by registered mail by five p.m. on the last Tuesday in ~~March~~ February.

#8 SDCL 12-5-3.14. Notice by candidates or supporters of intention to enter presidential primary.

Any candidate, committee, or group supporting a candidate in any presidential primary, shall, by the last Tuesday in ~~March~~ February prior to the presidential primary election, notify the secretary of state of an intention to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both.

#9 SDCL 23-3-43.1. Certification of qualification of candidate for county sheriff.

Any candidate for election to the office of county sheriff shall file with the county auditor by the last Tuesday of ~~March~~ February of the election year a certification of qualification issued by the law enforcement officers standards commission that the candidate meets the qualifications provided in § 23-3-43. However, any candidate appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 shall file with the county auditor a certification of qualification by the second Tuesday in August. Any candidate who files an independent nominating petition shall file with the county auditor a certification of qualification by the first Tuesday after the first Monday of June. A sheriff appointed to fill a vacancy by the county commission shall file with the county auditor a certification of qualification within thirty days of the appointment. Failure to file a certification shall prevent the candidate's name from being placed on the ballot.

#10 SDCL 12-5-1. Organization and dissolution of political party.

A new political party may be organized and participate in the primary election by filing with the secretary of state not later than the last Tuesday of ~~March~~ February at five p.m. prior to the date of the primary election, a written declaration signed by at least two and one-half percent of the voters of the

state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

- (1) The name of the proposed party; and
- (2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election. No signature on a declaration is valid if the declaration was signed more than one year prior to filing of the declaration.

A political party loses the right to participate in the primary election for failure to meet the definition of political party as defined in § 12-1-3.

The national and state chairperson of a recognized political party may request in writing, subscribed and sworn to by each chairperson before any officer qualified to administer oaths and take acknowledgments, to no longer be recognized as a political party. The political party shall also comply with the requirements for dissolution pursuant to chapter 12-27.

#11 SDCL 12-6-8.1. Withdrawal from primary election--Time and place of filing.

Any person may have his or her name withdrawn from the primary election by making a written request under oath. The request shall be filed with the officer with whom the nominating petition was filed pursuant to § 12-6-4, not later than two days after the last Tuesday in ~~March~~ February at five p.m. If the request is mailed by registered mail not later than two days after the last Tuesday in ~~March~~ February at five p.m., the request is properly filed. No name that is withdrawn pursuant to this section may be printed on the ballots to be used at the election.

#12 SDCL 12-5-4. Statement filed by candidates for precinct committee--Time of filing--

Contents.

A candidate for party precinct committeeman or committeewoman shall file a statement in writing, with the county auditor of the county in which he or she is a candidate, not later than the last Tuesday in ~~March~~ February before the primary election. The statement shall state that the candidate:

- (1) Is a resident of the precinct;
- (2) Is registered as a member of the political party named in the statement;
- (3) Is a candidate for precinct committeeman or committeewoman, as the case may be;
- (4) Is desirous of serving in that position; and
- (5) If elected, will qualify and serve in the office.

The statement, when properly filed, shall operate as a nominating petition for that office.

CHALLENGE TIMEFRAME AMENDED

#13 SDCL 12-1-13. Challenge to petition signatures--Time for filing.

Within five business days after a nominating, initiative, or referendum petition is filed with the person in charge of the election, any interested person who has researched the signatures contained on the petition may file an affidavit stating that the petition contains deficiencies as to the number of signatures from persons who are eligible to sign the petition. The affidavit shall include an itemized listing of the specific deficiencies in question. Any challenge to the certification or rejection of a nominating petition for a primary election made in circuit court shall be commenced and served no later than the second Tuesday in March. This action takes precedence over other cases in circuit court. Any party appealing the circuit court order to the Supreme Court shall file a notice of appeal within ten days of the date of the notice of the entry of the circuit court order. Any statewide initiated measure or

referendum petition may be challenged by any person pursuant to this section by filing an affidavit as set forth above within thirty days after the petition is filed with the person in charge of the election.

RANDOM SAMPLING OF CANDIDATE PETITION SIGNATURES

The following four proposed statutes mirror 2-1-15, 16, 17, & 18 as much as possible.

#14 A new provision in 12-1. Examination of a statewide nominating petition by secretary of state-- Signatures not to be counted unless persons are registered voters and information is complete.

Upon the receiving of any statewide nominating petition, the secretary of state shall examine the petition. No signature of a person may be counted by the secretary of state unless the person is a registered voter in the county indicated on the signature line and has complied with the administrative rules promulgated pursuant to chapter 1-26 concerning petitions. No signature of a person may be counted if the information required on the petition form is not complete.

#15 A new provision in 12-1. Signatures to be verified by random sampling on statewide nominating petition--Rules.

The secretary of state shall verify the signatures pursuant to § 12-1-_____ by random sampling. The random sample of signatures to be verified shall be drawn so that every signature received by the secretary of state shall be given an equal opportunity to be included in the sample. The secretary of state shall calculate the number of valid signatures by multiplying the total number of signatures received by the percentage of successfully verified signatures from the random sample. The secretary of state shall, by rules promulgated pursuant to chapter 1-26, establish the methodology for conducting the random sample. The random sampling shall be an examination of five percent of the signatures received.

#16 A new provision in 12-1. Certification of results of random sampling on statewide nominating petition—Notification of petition sponsors.

If the random sample indicates that a sufficient number of qualified electors have signed the statewide nominating petition, the secretary of state shall certify that the statewide nominating petition has been signed by the required number of qualified electors and shall place the candidate's name on the next primary or general election ballot, as the case may be. If the random sample indicates that an insufficient number of qualified electors have signed the statewide nominating petition, the secretary of state shall certify that the statewide nominating petition has not been signed by the required number of qualified electors and may not place the candidate's name on the next primary or general election ballot, as the case may be. The secretary of state shall, within five days of certifying, notify the candidate of the secretary of state's action pursuant to this section.

#17 A new provision in 12-1. Court challenge of validity of signatures.

Nothing in §§ 12-1- to 12-1- , inclusive, prohibits any person from challenging in circuit court the validity of signatures or other information required on a statewide nominating petition by statute or administrative rule.

PETITION CHALLENGE AMENDMENT

#18 SDCL 12-1-14. Verification of petition signatures challenged--Written declaration of validity.

The person in charge of the election shall verify the information contained in the affidavit filed pursuant to § 12-1-13 and make a written declaration regarding the validity of the signatures in question. The person in charge of the election shall verify that each person, challenged pursuant to § 12-1-13, was a registered voter at the time the person signed the petition by using the registration documents on file ~~in~~ the office of the county auditor.

CONVENTION FILING REPEALED

#19 SDCL 12-27-22. Persons and entities required to file campaign finance disclosure statements—Time for filing--Violation as misdemeanor.

A campaign finance disclosure statement shall be filed with the secretary of state by the treasurer of every:

- (1) Candidate or candidate campaign committee for any statewide or legislative office;
- (2) Political action committee;
- (3) Political party; and
- (4) Ballot question committee.

The statement shall be signed and filed by the treasurer of the political committee or political party. The statement shall be received by the secretary of state and filed by 5:00 p.m. each February first and shall cover the contributions and expenditures for the preceding calendar year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the second Friday prior to each primary and general election complete through the fifteenth day prior to that election. ~~If a candidate is seeking nomination at the biennial state convention, the candidate or the candidate campaign committee shall file a campaign finance disclosure statement with the secretary of state by 5:00 p.m. on the second Friday prior to any biennial state convention.~~ Any statement filed pursuant to this section shall be consecutive and shall cover contributions and expenditures since the last statement filed.

The following are not required to file a campaign finance disclosure statement:

- (1) A candidate campaign committee for legislative or county office on February first following a year in which there is not an election for the office;
- (2) A county, local, or auxiliary committee of any political party, qualified to participate in a primary or general election, prior to a statewide primary election;
- (3) A legislative or county candidate campaign committee without opposition in a

primary election, prior to a primary election;

(4) A candidate campaign committee whose name is not on the general election ballot, prior to the general election; and

(5) A political committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service; and

(6) A statewide candidate campaign committee without opposition in a primary election, prior to a primary election;

A violation of this section is a Class 1 misdemeanor.

14-17

State of South Dakota

2015-2016 LEGISLATIVE YEAR

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0317

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to provide for a random sampling of statewide nominating
2 petition signatures.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The secretary of state shall examine the statewide nominating petition upon being received
7 by the Office of Secretary of State. No signature of a person may be counted by the secretary
8 of state unless the person is a registered voter in the county indicated on the signature line and
9 has complied with the laws and rules concerning petitions. No signature of a person may be
10 counted if the information required on the petition form is not complete.

11 Section 2. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The secretary of state shall verify the signatures received pursuant to section 1 of this Act
14 by random sampling. The random sample of signatures to be verified shall be drawn so that each
15 signature received by the secretary of state is given an equal opportunity to be included in the
16 sample. The secretary of state shall calculate the number of valid signatures by multiplying the



1 total number of signatures received by the percentage of successfully verified signatures from
2 the random sample. The secretary of state shall, by rules promulgated pursuant to chapter 1-26,
3 establish the methodology for conducting the random sample. The random sampling shall be
4 an examination of five percent of the signatures received.

5 Section 3. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If the random sample required by section 2 of this Act indicates that a sufficient number of
8 qualified electors have signed the statewide nominating petition, the secretary of state shall
9 certify that the statewide nominating petition has been signed by the required number of
10 qualified electors and shall place the candidate's name on the next primary or general election
11 ballot, as the case may be.

12 If the random sample indicates that an insufficient number of qualified electors have signed
13 the statewide nominating petition, the secretary of state shall certify that the statewide
14 nominating petition has not been signed by the required number of qualified electors and may
15 not place the candidate's name on the next primary or general election ballot, as the case may
16 be. The secretary of state shall, within five days of certifying, notify the candidate of the
17 secretary of state's action pursuant to this section.

18 Section 4. That chapter 12-1 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Nothing in this Act prohibits any person from challenging in circuit court the validity of
21 signatures or other information required on a statewide nominating petition by law or rule.