



U.S. Department of Justice  
Civil Rights Division

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DJ 166-012-3  
2011-2788  
2011-2824

*Voting Section - NWB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530*

September 15, 2011

The Honorable Jason M. Gant  
Secretary of State  
500 East Capitol Avenue  
Pierre, South Dakota 57501

**RECEIVED**

**SEP 22 2011**

**S.D. SEC. OF STATE**

Dear Mr. Gant:

This refers to certain acts of the South Dakota Legislature submitted on behalf of Shannon and Todd Counties, your submission includes the following:

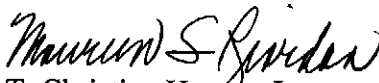
1. House Bill 1051 (2011), which amends SDCL §12-4-37, insofar as it relates to deadlines for the transmission of voter registration files;
2. House Bill 1104 (2011), which amends SDCL §12-6-8.1, insofar as it relates to the withdrawal deadline from a primary election;
3. House Bill 1130 (2011), which amends SDCL §§12-4-4.4, 12-4-4.5 and 12-4-4.11, insofar as it relates to the registration requirements for overseas citizens' parents and adult children;
4. House Bill 1141 (2011), which amends SDCL §12-6-1, insofar as it relates to the deadline for the printing of ballots and the start date of absentee voting;
5. House Bill 1162 (2011), which amends SDCL §12-19-2.3 pertaining to access to Secretary of State's system to process requests for absentee ballots;
6. House Bill 1173 (2011), which adds a new section to the State Constitution requiring election officers to notify the Secretary of State when local election dates have been set within 15 days, including notification procedures; and
7. Senate Bill 130 (2011), which amends SDCL §12-18 pertaining to requests from local jurisdictions for the State to conduct local elections in the event of an emergency, including notification procedures,

for the State of South Dakota, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submissions on July 25, 2011.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Senate Bill 130 includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review. 28 C.F.R. 51.15.

Sincerely,

  
T. Christian Herren, Jr.  
Chief, Voting Section