July 20, 2011

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

RE: Submission under Section 5, Voting Rights Act, State of South Dakota

Dear Voting Section Chief:

1. **SDCL 12-4-37**

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seq., the South Dakota Secretary of State’s Office hereby submits for preclearance the act to provide deadlines for the transmission of voter registration files, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 8, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. **28 C.F.R. § 51.27 (a) – (b): Approval of Changes**

A copy of House Bill 1051 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. **28 C.F.R. § 51.27 (c): Changes Affecting Voting**

House Bill 1051 amends the current statute, South Dakota Codified Law (SDCL) 12-4-37, to provide deadlines for the transmission of voter registration files.

c. **28 C.F.R. § 51.27 (d) – (e): Submitting Authority**

The submitting authority is the South Dakota Secretary of State’s Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500
d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1051 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 13th Legislative Day and voted in favor of the measure on January 31, 2011 and the 86th South Dakota Senate was lawfully called into order on the 29th Legislative Day and voted in favor of the measure on February 28, 2011. House Bill 1051 was signed by the Speaker of the House on March 1, 2011 and by the Senate President on March 2, 2011. Governor Daugaard signed House Bill 1051 on March 8, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1051 was signed by Governor Daugaard on March 8, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

Establish a timeline for county election officials to enter and transport election history data to the Secretary of State’s Office. The timeline needs to be established to provide adequate documentation of election history.
i. **28 C.F.R. § 51.27 (n): Affect on Racial or Language Minority Groups**

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. **28 C.F.R. § 51.27 (o): Pending Litigation**

The State of South Dakota is not aware of any pending or future litigation concerning the Changes or related voting practices.

k. **28 C.F.R. § 51.27 (p): Prior Practice Preclearance**

The Secretary of State’s Office is unaware of any prior preclearance of these changes.

2. **SDCL 12-6-8.1**

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seq., the South Dakota Secretary of State’s Office hereby submits for preclearance the act to revise the deadline for withdrawing from a primary election, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 28, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. **28 C.F.R. § 51.27 (a) – (b): Approval of Changes**

A copy of House Bill 1104 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. **28 C.F.R. § 51.27 (c): Changes Affecting Voting**

House Bill 1104 amends the current statute, South Dakota Codified Law (SDCL) 12-6-8.1, to revise the deadline for withdrawing from a primary election.

c. **28 C.F.R. § 51.27 (d) – (e): Submitting Authority**

The submitting authority is the South Dakota Secretary of State’s Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant’s telephone number is (605)773-3537.
d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1104 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 25th Legislative Day and voted in favor of the measure on February 22, 2011 and the 86th South Dakota Senate was lawfully called into order on the 30th Legislative Day and voted in favor of the measure on March 1, 2011. House Bill 1104 was signed by the Speaker of the House on March 2, 2011 and by the Senate President on March 3, 2011. Governor Daugaard signed House Bill 1104 on March 28, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1104 was signed by Governor Daugaard on March 28, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

Previously in state law, the deadline for withdrawal from a Primary Election was before the deadline to file nominating petitions for a Primary Election. The Secretary of State’s Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to establish a deadline after the deadline to file, not before.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.
j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is unaware of any prior preclearance of these changes.

3. SDCL 12-4-4.4

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seg., the South Dakota Secretary of State's Office hereby submits for preclearance the act to allow certain adult children of overseas citizens to vote in the state, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 28, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1130 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1130 amends the current statute, South Dakota Codified Law (SDCL) 12-4-4.4, to allow certain adult children of overseas citizens to vote in the state.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1130 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 22nd Legislative Day and voted in favor of the measure on February 15, 2011 and the 86th South Dakota Senate was
lawfully called into order on the 33rd Legislative Day and voted in favor of the measure on March 7, 2011. House Bill 1130 was signed by the Speaker of the House on March 9, 2011 and by the Senate President on March 10, 2011. Governor Daugaard signed House Bill 1130 on March 28, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1130 was signed by Governor Daugaard on March 28, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This law allows children of overseas citizens the ability to vote. Even if these children have never resided within the United States of America.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the Changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State’s Office is unaware of any prior preclearance of these changes.
4. SDCL 12-16-1

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seq., the South Dakota Secretary of State’s Office hereby submits for preclearance the act to establish a date to begin absentee voting and to revise the deadline for the printing of ballots, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 28, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1141 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1141 amends the current statute, South Dakota Codified Law (SDCL) 12-16-1, to establish a date to begin absentee voting and to revise the deadline for the printing of ballots.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State’s Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant’s telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1141 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 15th Legislative Day and voted in favor of the measure on February 2, 2011 and the 86th South Dakota Senate was lawfully called into order on the 34th Legislative Day and voted in favor of the measure on March 8, 2011. House Bill 1141 was signed by the Speaker of the House on March 9, 2011 and by the Senate President on March 10, 2011. Governor Daugaard signed House Bill 1141 on March 28, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the
members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1141 was signed by Governor Daugaard on March 28, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

Previously in state law, the date to start absentee voting was not established, but mandated at 45 days prior to the election because of the Military and Overseas Voting Empowerment (MOVE) Act. Therefore, the Secretary of State’s Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to establish a deadline for the printing of ballots and to be in the possession of the local election official no later than 48 days prior to the election. Also, since 45 days prior to the election always landed on a Saturday, 46 days prior moves the start date to a Friday and gives the local election official the necessary time to send the ballots out.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the Changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Pre clearance

The Secretary of State’s Office is unaware of any prior preclearance of these changes.
5. **SDCL 12-19-2.3**

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seg., the South Dakota Secretary of State's Office hereby submits for preclearance the act to authorize the secretary of state to allow a person in charge of elections to use the state system, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 7, 2011. This submission contains the information required by 28 C.F.R. § 51.27.

a. **28 C.F.R. § 51.27 (a) – (b): Approval of Changes**

A copy of House Bill 1162 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. **28 C.F.R. § 51.27 (c): Changes Affecting Voting**

House Bill 1162 amends the current statute, South Dakota Codified Law (SDCL) 12-19-2.3, to authorize the secretary of state to allow a person in charge of election to use the state system.

c. **28 C.F.R. § 51.27 (d) – (e): Submitting Authority**

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant's telephone number is (605)773-3537.

d. **28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes**

The authority responsible for the passage of House Bill 1162 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 18th Legislative Day and voted in favor of the measure on February 8, 2011 and the 86th South Dakota Senate was lawfully called into order on the 27th Legislative Day and voted in favor of the measure on February 24, 2011. House Bill 1162 was signed by the Speaker of the House on February 25, 2011 and by the Senate President on February 28, 2011. Governor Daugaard signed House Bill 1162 on March 7, 2011.

e. **28 C.F.R. § 51.27 (h): Statutory Authority for the Changes**

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the
members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1162 was signed by Governor Daugaard on March 7, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This law allows local election officials to use the state software to provide sample ballot access, Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) – covered absentee ballot access, and election results.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the Changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Pre clearance

The Secretary of State’s Office is unaware of any prior preclearance of these changes.

6. SDCL House Bill 1173

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seq., the South Dakota Secretary of State’s Office hereby submits for preclearance the act to require the person in charge of local elections to notify the secretary of state when the dates of elections have been set, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 28, 2011. This submission contains the information required by 28 C.F.R. § 51.27.
a. **28 C.F.R. § 51.27 (a) – (b): Approval of Changes**

A copy of House Bill 1173 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. **28 C.F.R. § 51.27 (c): Changes Affecting Voting**

House Bill 1173 amends South Dakota Codified Law by adding a new section, to require the person in charge of local elections to notify the secretary of state when the dates of elections have been set.

c. **28 C.F.R. § 51.27 (d) – (e): Submitting Authority**

The submitting authority is the South Dakota Secretary of State’s Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant’s telephone number is (605)773-3537.

d. **28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes**

The authority responsible for the passage of House Bill 1173 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota House of Representatives was lawfully called into order on the 19th Legislative Day and voted in favor of the measure on February 9, 2011 and the 86th South Dakota Senate was lawfully called into order on the 29th Legislative Day and voted in favor of the measure on February 28, 2011. House Bill 1173 was signed by the Speaker of the House on March 3, 2011 and by the Senate President on March 7, 2011. Governor Daugaard signed House Bill 1173 on March 28, 2011.

e. **28 C.F.R. § 51.27 (h): Statutory Authority for the Changes**

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.
f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1173 was signed by Governor Daugaard on March 28, 2011. The changes took effect on July 1, 2011.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State’s Office, South Dakota Legislature, and Governor Daugaard determined it was necessary to require local election officials to contact the Secretary of State’s Office. This requirement enables the Secretary of State’s Office to be better prepared on Election Day if questions arise.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the Changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State’s Office is unaware of any prior preclearance of these changes, because a portion of the current statute reads “and such other languages as may be deemed necessary.” This is the portion that is being removed because of reasons already discussed prior in this submission.

7. SDCL 12-18

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 et seq., the South Dakota Secretary of State’s Office hereby submits for preclearance the act to provide a procedure for the Secretary of State to conduct certain local elections when an emergency exists, which was approved by the 86th South Dakota Legislature and signed by Governor Daugaard on March 28, 2011. This submission contains the information required by 28 C.F.R. § 51.27.
a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 130 passed by the 86th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 130 amends the current statute chapter by adding thereto a new section, South Dakota Codified Law (SDCL) 12-18, to provide a procedure for the Secretary of State to conduct certain local elections when an emergency exists.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Jason Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 130 was the 86th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 86th South Dakota Legislature. The 86th South Dakota Senate was lawfully called into order on the 19th Legislative Day and voted in favor of the measure on February 9, 2011 and the 86th South Dakota House of Representatives was lawfully called into order on the 30th Legislative Day and voted in favor of the measure on March 1, 2011. Senate Bill 130 was signed by the Senate President on March 7, 2011 and by the Speaker of the House on March 8, 2011. Governor Daugaard signed Senate Bill 130 on March 28, 2011.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 86th South Dakota Legislature and House Bill 1173 was signed by Governor Daugaard on March 28, 2011. The changes took effect on July 1, 2011.
g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

The Secretary of State’s Office felt it was necessary to establish an emergency plan, so if an emergency would arise on Election Day, a plan was in place to control the situation. The Secretary of State may conduct an election if an emergency does exist with the approval from the affected officers and governing board.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State’s Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Pre clearance

The Secretary of State’s Office is unaware of any prior preclearance of these changes.

Thank you for your consideration of this preclearance submission. If you have any questions or need any additional information, please contact Brandon Johnson, Help America Vote Act Coordinator at (605)773-5003.

Sincerely,

Jason M. Gant
Secretary of State

Enclosures: House Bill 1051 of the 86th South Dakota Legislature
Approved change in statute to SDCL 12-4-37
Signature page approving changes to SDCL 12-4-37
House Bill 1104 of the 86th South Dakota Legislature
Approved change in statute to SDCL 12-6-8.1
Signature page approving changes to SDCL 12-6-8.1
House Bill 1130 of the 86th South Dakota Legislature
Approved change in statute to SDCL 12-4-4.4
Signature page approving changes to SDCL 12-4-4.4
House Bill 1141 of the 86th South Dakota Legislature
Approved change in statute to SDCL 12-16-1
Signature page approving changes to SDCL 12-16-1
House Bill 1162 of the 86th South Dakota Legislature
Approved change in statute to SDCL 12-19-2.3
Signature page approving changes to SDCL 12-19-2.3
House Bill 1173 of the 86th South Dakota Legislature
Approved change in statute to SDCL
Signature page approving changes to SDCL
Senate Bill 130 of the 86th South Dakota Legislature
Approved change in the statute chapter to SDCL 12-18
Signature page approving changes to SDCL 12-18
State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

912S0112

HOUSE BILL NO. 1051

Introduced by: Representatives Elliott, Blake, Bolin, Dennert, Feickert, Jones, Kirschman, Schaefer, Sigdestad, and Street and Senators Krebs, Hundstad, and Maher

FOR AN ACT ENTITLED, An Act to provide deadlines for the transmission of voter registration files.

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

Section 1. That § 12-4-37 be amended to read as follows:

12-4-37. The secretary of state shall establish a computerized system for maintaining and utilizing the voter registration file and transmitting voter registration information from each county auditor to the Office of the Secretary of State. Each county auditor shall transmit any changes to the master registration file or the absentee voter log to the secretary of state on a daily basis. The county auditor shall transmit updated information contained in the county voter registration system, including voter registration information and voter election history information, to the Office of the Secretary of State not later than July fifteenth after each primary election and December tenth after each general election.
AN ACT

ENTITLED, An Act to provide deadlines for the transmission of voter registration files.

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

Section 1. That § 12-4-37 be amended to read as follows:

12-4-37. The secretary of state shall establish a computerized system for maintaining and utilizing the voter registration file and transmitting voter registration information from each county auditor to the Office of the Secretary of State. Each county auditor shall transmit any changes to the master registration file or the absentee voter log to the secretary of state on a daily basis. The county auditor shall transmit updated information contained in the county voter registration system, including voter registration information and voter election history information, to the Office of the Secretary of State not later than July fifteenth after each primary election and December fifteenth after each general election.
An Act to provide deadlines for the transmission of voter registration files.

I certify that the attached Act originated in the HOUSE as Bill No. 1051

Karen S. Gerdes
Chief Clerk

Received at this Executive Office this 3rd day of March, 2011 at 11:29 A.M.

By
for the Governor

The attached Act is hereby approved this 7th day of March, A.D., 2011

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA, ss.
Office of the Secretary of State

Filed 3-7-2011 at 5:02 o'clock P.M.

Trudy Evenson
Secretary of the Senate

House Bill No. 1051
File No. _____
Chapter No. _____

J.[signature]
Secretary of State

By Asst. Secretary of State
FOR AN ACT ENTITLED, An Act to revise the deadline for withdrawing from a primary

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

Section 1. That § 12-6-8.1 be amended to read as follows:

12-6-8.1. 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 the second to the last Tuesday
in March April fourth at five p.m. If the request is mailed by registered mail by the second to
the last Tuesday in March April fourth 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.
AN ACT

ENTITLED, An Act to revise the deadline for withdrawing from a primary election.

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

Section 1. That § 12-6-8.1 be amended to read as follows:

12-6-8.1. 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 at five p.m. If the request is mailed by registered mail not later than two days after the last Tuesday in March 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.
An Act to revise the deadline for withdrawing from a primary election.

I certify that the attached Act originated in the
HOUSE as Bill No. 1104

Karen Studebaker
Chief Clerk

Received at this Executive Office this 14th day of March, 2011 at 10:40 A.M.

By Valerie Warner
for the Governor

The attached Act is hereby approved this 17th day of March, A.D. 2011

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-17, 2011 at 4:40 o'clock P.M.

Trudy Evertstad
Secretary of the Senate

House Bill No. 1104
File No. ______
Chapter No. ______

Secretary of State

By Asst. Secretary of State
FOR AN ACT ENTITLED, An Act to allow certain adult children of overseas citizens to vote in the state.

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

Section 1. That § 12-4-4.4 be amended to read as follows:

12-4-4.4. Any overseas citizen shall have the right to may register and vote in any federal, state, county, or local election held within South Dakota under the following conditions:

1. The overseas citizen, or the spouse or parent of the overseas citizen, was last domiciled in South Dakota immediately prior to departure from the United States;

2. The overseas citizen does not maintain a domicile, is not registered to vote, and is not voting in any other state;

3. The overseas citizen is otherwise qualified to vote according to law.

Section 2. That § 12-4-4.5 be amended to read as follows:

12-4-4.5. The overseas citizen shall be allowed to may register and vote absentee in the same county and election precinct in which the overseas citizen, or spouse or parent of the overseas citizen, resided immediately prior to leaving the United States.
Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as follows:

If an overseas citizen who has never resided in South Dakota is eligible to register to vote pursuant to § 12-4-4.4 as the adult child of an overseas citizen, the voter registration of the adult child shall be accompanied by a photocopy of the adult child's United States passport identification page and an overseas registrant form indicating where the adult child's parent is registered to vote in South Dakota. The State Board of Elections shall prescribe the overseas registrant form.
AN ACT

ENTITLED, An Act to allow certain adult children of overseas citizens to vote in the state.

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

Section 1. That § 12-4-4.4 be amended to read as follows:

12-4-4.4. Any overseas citizen may register and vote in any federal, state, county, or local election held within South Dakota under the following conditions:

1. The overseas citizen, or the spouse or parent of the overseas citizen, was last domiciled in South Dakota immediately prior to departure from the United States;

2. The overseas citizen does not maintain a domicile, is not registered to vote, and is not voting in any other state;

3. The overseas citizen is otherwise qualified to vote according to law.

Section 2. That § 12-4-4.5 be amended to read as follows:

12-4-4.5. The overseas citizen may register and vote absentee in the same county and election precinct in which the overseas citizen, or spouse or parent of the overseas citizen, resided immediately prior to leaving the United States.

Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as follows:

If an overseas citizen who has never resided in South Dakota is eligible to register to vote pursuant to § 12-4-4.4 as the adult child of an overseas citizen and has not reached the age of twenty-two, the voter registration of the adult child shall be accompanied by a photocopy of the adult child's United States passport identification page and an overseas registrant form indicating where the adult child's parent is registered to vote in South Dakota. The State Board of Elections shall prescribe the overseas registrant form.
An Act to allow certain adult children of overseas citizens to vote in the state.

I certify that the attached Act originated in the HOUSE as Bill No. 1130

[Signature]
Chief Clerk

Speaker of the House

Attest:

[Signature]
Chief Clerk

President of the Senate

Attest:

[Signature]
Secretary of the Senate

Received at this Executive Office this 10th day of March, 2011 at 3:45 P.M.

By [Signature] for the Governor

The attached Act is hereby approved this 22nd day of March, A.D., 2011

[Signature]
Governor

STATE OF SOUTH DAKOTA, ss.
Office of the Secretary of State

Filed 3:12, 2011, at 2:13 o'clock P.M.

[Signature]
Secretary of State

By [Signature] Asst. Secretary of State
State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

195S0471

HOUSE BILL NO. 1141

Introduced by: Representatives Magstadt, Haggar, Hansen (Jon), and Kirkeby and Senators Nelson (Tom), Maher, and Tieszen

FOR AN ACT ENTITLED, An Act to establish a date to begin absentee voting and to revise the deadline for the printing of ballots.

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

Section 1. That § 12-16-1 be amended to read as follows:

12-16-1. The county auditor shall provide printed ballots for each election in which the voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a primary election shall contain the name of each candidate who has filed for nomination and is approved. The printed ballots for the election of officers shall contain the name of each candidate whose nomination has been certified or filed with the county auditor in the manner provided by law unless the candidate is deemed elected by having no opposition. The names of the candidates shall appear on the ballot exactly as listed in the declaration of candidacy of the candidates' nominating petitions. Sample ballots shall be printed on paper of a different color from the official ballot but in the same form. The sample ballots and official ballots shall be printed and in the possession of the county auditor not later than forty-eight days prior to a primary or general election. Absentee voting shall begin no earlier and no later than forty-eight days prior to the election.
six days prior to the election. The county auditor shall also prepare the necessary ballots if any question is required to be submitted to the voters of the county. Ballots for general elections shall be of the style and form prescribed in §§ 12-16-2 to 12-16-11, inclusive.
ENTITLED, An Act to establish a date to begin absentee voting and to revise the deadline for the printing of ballots.

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

Section 1. That § 12-16-1 be amended to read as follows:

12-16-1. The county auditor shall provide printed ballots for each election in which the voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a primary election shall contain the name of each candidate who has filed for nomination and is approved. The printed ballots for the election of officers shall contain the name of each candidate whose nomination has been certified or filed with the county auditor in the manner provided by law unless the candidate is deemed elected by having no opposition. The names of the candidates shall appear on the ballot exactly as listed in the declaration of candidacy of the candidates’ nominating petitions. Sample ballots shall be printed on paper of a different color from the official ballot but in the same form. The sample ballots and official ballots shall be printed and in the possession of the county auditor not later than forty-eight days prior to a primary or general election. Absentee voting shall begin no earlier and no later than forty-six days prior to the election. The county auditor shall also prepare the necessary ballots if any question is required to be submitted to the voters of the county. Ballots for general elections shall be of the style and form prescribed in §§ 12-16-2 to 12-16-11, inclusive.
An Act to establish a date to begin absentee voting and to revise the deadline for the printing of ballots.

I certify that the attached Act originated in the HOUSE as Bill No. 1141

Karen Badgley
Chief Clerk

Valerie Bunn
Speaker of the House

Attest:

Karen Badgley
Chief Clerk

Received at this Executive Office this 10th day of March, 2011 at 3:01 P.M.

By Kellie Van der Waal
for the Governor

The attached Act is hereby approved this 17th day of March, A.D., 2011

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,

Office of the Secretary of State

Filed 3-17, 2011 at 4:10 o'clock P.M.

Trudy Evenstad
Secretary of the Senate

Filed 3-17, 2011

By

Secretary of State

Asst. Secretary of State
State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

906S0473

HOUSE BILL NO. 1162

Introduced by: Representatives Nelson (Stace), Greenfield, Hansen (Jon), and Munsterman and Senators Johnston, Kraus, Maher, Rhoden, and Tieszen

1 FOR AN ACT ENTITLED, An Act to authorize the secretary of state to allow a person in
2 charge of election to use the state system.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 12-19-2.3 be amended to read as follows:
5 12-19-2.3. Any voter identified as being covered by the Uniformed and Overseas Citizens
6 Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2005 2011, may submit an
7 application or request for an absentee ballot by facsimile or emailed image to the person in
8 charge of the election. The secretary of state may authorize a person in charge of an election to
9 accept an application or request for absentee ballot pursuant to this section through the system
10 provided by the Office of the Secretary of State.
ENTITLED, An Act to authorize the secretary of state to allow a person in charge of election to use the state system.

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

Section 1. That § 12-19-2.3 be amended to read as follows:

12-19-2.3. Any voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2011, may submit an application or request for an absentee ballot by facsimile or emailed image to the person in charge of the election. The secretary of state may authorize a person in charge of an election to accept an application or request for absentee ballot pursuant to this section through the system provided by the Office of the Secretary of State.
An Act to authorize the secretary of state to allow a person in charge of election to use the state system.

I certify that the attached Act originated in the

HOUSE as Bill No. 1162

Karen Berdel
Chief Clerk

Speaker of the House

Attest:

Karen Berdel
Chief Clerk

President of the Senate

Attest:

Trudy Everstad
Secretary of the Senate

Received at this Executive Office this 1st day of March, 2011 at 10:04 A.M.

By Karen Berdel for the Governor

The attached Act is hereby approved this 3rd day of March, A.D., 2011

Deane Duva
Governor

STATE OF SOUTH DAKOTA, ss.

Office of the Secretary of State

Filed 3-3-2011 at 4:10 o'clock P.M.

By

Secretary of State

Asst. Secretary of State
State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

456S0648

HOUSE BILL NO. 1173

Introduced by: Representative Tulson and Senator Holien

1 FOR AN ACT ENTITLED, An Act to administer, conduct, and provide for fair elections.

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

3 Section 1. The administration, conduct, and provision of fair elections are hereby affected.
AN ACT

ENTITLED, An Act to require the person in charge of local elections to notify the secretary of state when the dates of elections have been set.

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

Section 1. If any political subdivision of the state sets a date and time for conducting a public election, within fifteen days the person in charge of an election shall notify the secretary of state in writing or by telephone or electronic mail.
An Act to require the person in charge of local elections to notify the secretary of state when the dates of elections have been set.

I certify that the attached Act originated in the HOUSE as Bill No. 1173

Karen Sizer
Chief Clerk

Val Brase
Speaker of the House

Attest:

Karen Sizer
Chief Clerk

President of the Senate

Attest:

Trudy Everstad
Secretary of the Senate

Received at this Executive Office this 8th day of March, 2011 at 10:28 A.M.

By Karl Warne
for the Governor

The attached Act is hereby approved this 17th day of March, A.D., 2011

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA, ss.
Office of the Secretary of State

Filed 3-17, 2011 at 4:40 o'clock P.M.

By

Secretary of State

Asst. Secretary of State
State of South Dakota
EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

951 S0467

SENATE BILL NO. 130

Introduced by: Senators Schlekeway and Lederman and Representatives Kirkeby, Gosch, and Hansen (Jon)

FOR AN ACT ENTITLED, An Act to provide a procedure for the Secretary of State to conduct
certain local elections when an emergency exists.

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

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

If the person charged with the conduct of an election determines an election cannot be
conducted, that person shall sign a declaration of emergency and deliver it to the secretary of
state prior to the election. The secretary of state may conduct the election for that county or
political subdivision. Any expenses incurred by the secretary of state to conduct the election
shall be reimbursed by the county or political subdivision within ninety days after the election
has been certified.
AN ACT

ENTITLED, An Act to provide a procedure for the Secretary of State to conduct certain local elections when an emergency exists.

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

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

If the person charged with the conduct of an election and the governing board determine that an election cannot be conducted, the person charged with the conduct of an election shall sign a declaration of emergency and deliver it to the secretary of state prior to the election. The secretary of state may conduct the election for that county or political subdivision until the election has been certified. Any reasonable and necessary expenses incurred by the secretary of state to conduct the election shall be reimbursed by the county or political subdivision within ninety days after the election has been certified.
An Act to provide a procedure for the Secretary of State to conduct certain local elections when an emergency exists.

I certify that the attached Act originated in the

SENATE as Bill No. 130

Trudy Everstad
Secretary of the Senate

Received at this Executive Office this 4th day of March, 2011 at 10:00 A.M.

By Kea G. Wayne
for the Governor

The attached Act is hereby approved this 15th day of March, A.D., 2011

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA, ss.
Office of the Secretary of State

Filed 3-15, 2011
at 3:18 o'clock p.m.

By Jeff Secret
Secretary of State

Asst. Secretary of State