



U.S. Department of Justice
Civil Rights Division

TCH:RSB:JBG:KG:par
DJ 166-012-3
2013-1989

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

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S.D. SEC. OF STATE

July 16, 2013

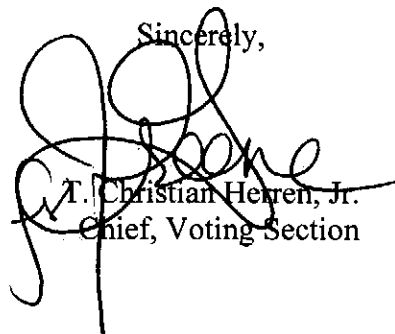
The Honorable Jason M. Gant
Secretary of State
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Mr. Gant:

This refers to Chapter 63 (H.B. 1018) (2013), which amends petition requirements and the procedures for the establishment and dissolution of political parties; Chapter 68 (H.B. 1170) (2013), which changes the date that secondary elections must be held for candidates for the United States Senate, United States House of Representatives, or Governor; Chapter 68 (H.B. 1209) (2013), which prohibits the certification of candidates whose political committee or party has outstanding monetary penalties; Chapter 66 (S.B. 130) (2013), which changes the number of days and deadline to register for absentee voting; and Chapter 67 (S.B. 200) (2013), which makes changes regarding campaign finance 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 submission on June 28, 2013.

On June 25, 2013, the United States Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. 1973b(b), as reauthorized by the Voting Rights Act Reauthorization and Amendments Act of 2006, is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. *Shelby County v. Holder*, 570 U.S. ___, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). Accordingly, no determination will be made under Section 5 by the Attorney General on the specified changes. *Procedures for the Administration of Section 5 of the Voting Rights Act*, 28 C.F.R. 51.35. We further note that this is not a determination on the merits and, therefore, should not be construed as a finding regarding whether the specified changes comply with any federal voting rights law.

Sincerely,



T. Christian Hewen, Jr.
Chief, Voting Section