



South Dakota Secretary of State
SHANTEL KREBS

July 17, 2018

Dear Officers and Members of the Constitution Party,

On Friday, July 13, 2018, the Office of the South Dakota Secretary of State received an emailed notice, signed by Lora Hubbel, of a second Constitution Party convention to be held on August 14, 2018, at 9 a.m. at 920 West Sioux Avenue, Pierre, SD. On Sunday, July 15, 2018, our office received an emailed notice, signed by Lori Stacey, of a second Constitution Party convention to be held on August 14, 2018, at 11 a.m. at 700 West Sioux Avenue, Pierre, SD. Both Ms. Hubbel and Ms. Stacey assert they are the chairperson of the Constitution Party of South Dakota. South Dakota Codified Law, section 12-5-17 requires that the chairman provide notice of the time and place of the party's convention as determined by the State Central Committee. Our office, however, is uncertain as to who holds the position of chairman of the Constitution Party.

Under South Dakota law, a party's chairman is to be certified to the Secretary of State immediately following election or appointment. See SDCL § 12-5-14. South Dakota law further requires certification to the Secretary of State's Office should that position become vacant as well as when the vacancy is filled. See SDCL § 12-5-24.

In this case, the Secretary of State's Office received notice dated July 11, 2016, that Lora Hubbel was elected the state party chairperson with Joel Bergan as state vice chairman, and Lori Stacey as state party treasurer and secretary. However, on July 14, 2018, our office received an email from Ms. Stacey informing our office of the resignation of Ms. Hubbel as chairperson of the Constitution Party of South Dakota and attaching an email dated February 2, 2017, purporting to be Ms. Hubbel's resignation from that position. While this email may constitute certification of the vacancy of the office of state chairperson, our office, however, has not received notice of the election or appointment of a chairperson other than Ms. Hubbel in 2016 per SDCL 12-5-24.

Ms. Stacey has asserted in communications to our office that she is the current chairperson of the Constitution Party of South Dakota and that her position was certified in filings with our office, the filings upon which she relies were campaign finance filings pursuant to SDCL § 12-27-2 and not a filing pursuant to SDCL § 12-5-24 which requires certification to the Secretary of State's Office.

The Secretary of State's review of filings are "purely ministerial". See *Larson v. Hazeltine*, 1996 S.D. 100, ¶ 17, 522 N.W.2d 830, 835 (citing *State ex rel. Coon v. Morrison*, 61 S.D. 339, 342, 249 N.W. 318, 319 (1933)). It is not within our office's discretion or authority to determine who holds the position of chairperson of the Constitution Party of South Dakota.

Accordingly, our office will be posting both notices of convention. Furthermore, it is imperative that the Constitution Party of South Dakota, in accordance with South Dakota law and the Constitution Party of South Dakota by-laws, certify to the Secretary of State's Office who holds the office of state chairperson prior to, or simultaneous with, the Party's presentation of the certification of nominations. Certification of nominations at convention must be certified to the Secretary of State's Office by the officers of the convention within three days of the close of the convention and must be received no later than 5:00 p.m. CT on August 14, 2018. See SDCL § 12-5-22.

Sincerely,



Shantel Krebs
SD Secretary of State

cc: Lora Hubbel
Lori Stacey
Joel Bergan
Frank Fluckiger