



U.S. Department of Justice
Civil Rights Division

TCH:RSB:LB:RAK:maf
DJ 166-012-3
2012-1747

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

May 25, 2012

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S.D. SEC. OF STATE

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

Dear Secretary Grant:

This refers to certain acts of the South Dakota Legislature and the revisions to the Administrative Rules of South Dakota (ARSD), promulgated by the South Dakota Board of Elections, submitted on behalf of Shannon and Todd Counties, South Dakota, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. Your submission includes the following:

1. Section 1 of Chapter 76 (S.B. 81) (2007), which pertains to candidate qualification procedures and deadlines;
2. Sections 39, 41, and 42 of Chapter 80 (H.B. 1048) (2007), which pertain to campaign finance filing requirements and applicability;
3. Sections 5 and 8 of Chapter 64 (H.B. 1164) (2009), which pertain to petition filing requirements and deadlines;
4. S.B. 58 (2012), which pertains to voting centers;
5. S.B. 70 (2012), which pertains to initiative measure petitions and campaign finance disclosure statements;
6. S.B. 93 (2012), which pertains to the withdrawal of petitions;
7. S.B. 128 (2012), which pertains to voter registration records;
8. S.B. 137 (2012), which pertains to uniformity in absentee voting procedures;

9. H.B. 1076 (2012), which pertains to the terms and qualifications of officials following redistricting;
10. H.B. 1179 (2012), which pertains to the applicability and enforcement of campaign finance requirements;
11. H.B. 1182 (2012), which pertains to deadlines for certain nomination petitions;
12. H.B. 1186 (2012), which prohibits registered sex offenders from circulating petitions under specified circumstances;
13. H.B. 1247 (2012), which requires the removal of convicted felons from voter registration records; and
14. The 2011 amendment to ARSD 5:02:17:14, which pertains to electronic pollbook security,

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 March 26, 2012; additional information was received through May 16, 2012.

The initiative measure petition filing deadline of SB 70 (2012), which amends SDCL 2-1-2, supersedes the amendment to SDCL 2-1-2 enacted in Chapter 64 (2009); and the independent candidate filing deadline in HB 1182 (2012) supersedes that in Section 1 of Chapter 76 (2007). Accordingly, no determination by the Attorney General is required or appropriate concerning these matters. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.35.

The Attorney General does not interpose any objection to the remaining 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. 28 C.F.R. 51.41.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section