

2024 South Dakota Legislature

Senate Bill 48**AMENDMENT 48A
FOR THE INTRODUCED BILL**

1 **An Act to provide for the disclosure of a cast vote record and ballot images as a**
2 **public record and declare an emergency.**

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

4 **Section 1. That § 12-17B-13 be AMENDED:**

5 **12-17B-13.** The procedure for tabulating the votes by the automatic tabulating
6 equipment ~~shall~~ must be under the direction of the person in charge of the election, and
7 ~~shall~~ must conform to the specifications and requirements of the automatic tabulating
8 equipment. The results printed by the automatic tabulating equipment ~~shall constitute~~ are
9 the immediate unofficial returns. These returns ~~shall be open to the public and the cast~~
10 vote record and the ballot images collected from the automatic tabulating equipment, if
11 any, are public records. The final returns printed by the automatic tabulating equipment
12 ~~shall~~ must be presented to the canvassing board for review and certification as the official
13 returns.

14 The following data collected from the automatic tabulating equipment are not
15 public records:

16 (1) Data that indicates the date, time, or order in which the voter cast a ballot;

17 (2) Data that indicates the method with which a voter cast a ballot;

18 (3) Data files that do not include all ballots cast in a precinct;

19 (4) Data files that provide data in the order it was generated; and

20 (5) Any data from precincts in which fewer than ten votes were cast.

21 For the purposes of this section, the term "cast vote record" means an electronic
22 record of how the marks on a ballot are tabulated as a vote for a candidate or other ballot
23 question. For the purposes of this section, the term "ballot image" means a digital
24 rendering or facsimile of a paper ballot tabulated in the election. Nothing in this section
25 may be construed to require the person in charge of the election to capture the cast vote
26 record or ballot images.

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2 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,
3 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
4 and effect from and after its passage and approval.

AMENDED