

2025 South Dakota Legislature

Senate Bill 104**AMENDMENT 104B
FOR THE INTRODUCED BILL**

1 **An Act to provide for the publication of the cast vote record of automatic tabulating**
2 **equipment and to make an appropriation therefor.**

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.

9 The results printed by the automatic tabulating equipment ~~shall constitute~~ are the
10 immediate unofficial returns. These returns ~~shall be open to the public, the cast vote~~
11 record, and the ballot images collected by the automatic tabulating equipment, if any, are
12 public records. The cast vote record and any ballot images collected by the automatic
13 tabulating equipment must be published ~~on each county's website~~ for each primary and
14 general election, ~~no later than five p.m. local time, on the day following the election.~~

15 The final returns printed by the automatic tabulating equipment ~~shall~~ must be
16 presented to the canvassing board for review and certification as the official returns.

17 For the purposes of this section, "ballot image" means a digital rendering or
18 facsimile of a paper ballot tabulated in the election.

19 For the purposes of this section, "cast vote record" means an electronic record of
20 how the marks on a ballot are tabulated as a vote for a candidate or other ballot question.

21 **Section 2.** There is appropriated \$516,000 from the general fund, to the secretary of state,
22 for the purpose of providing grants to county auditors to assist with the costs of implementing
23 this Act.

24 **Section 3.** The secretary of state shall approve vouchers and the state auditor shall draw
25 warrants to pay expenditures authorized in this Act.

- 1 **Section 4.** Any amounts appropriated in this Act not lawfully expended or obligated by June
- 2 30, 2028, shall revert in accordance with the procedures prescribed in chapter 4-8.
- 3 **Section 5.** This Act is effective beginning June 30, 2025.

AMENDED