

## 2026 South Dakota Legislature

**Senate Bill 114****AMENDMENT 114C  
FOR THE INTRODUCED BILL**

1 **An Act to provide for the publication of ballot images and the cast vote record of**  
2 **automatic tabulating equipment.**

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~~ process of tabulating the votes ~~by using~~ the  
6 automatic tabulating equipment ~~shall~~ must be under the direction of the person in charge  
7 of the election, and ~~shall~~ must conform to the specifications and requirements of the  
8 automatic tabulating 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 and any cast vote~~  
11 record or ballot images collected by the automatic tabulating equipment are public records  
12 under chapter 1-27. The county auditor is not required to produce a cast vote record or  
13 collection of ballot images, if the operating software of the automatic tabulating equipment  
14 used in a ~~precinct~~ county does not produce a cast vote record or ballot images.

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

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

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

21 **Section 2. That a NEW SECTION be added to chapter 12-17B:**

22 Notwithstanding the provisions of § 12-17B-13, the governing body of the  
23 jurisdiction conducting the election may not release any cast vote record or collection of  
24 ballot images if the cast vote record or any ballot image:

25 (1) Indicates the date, time, or order in which a ballot was cast;

- 1     (2) Contains any unredacted personal information that may be used to identify the  
2     voter who cast the ballot;
- 3     (3) Provides the tabulating equipment's data in the order in which the data was  
4     generated;
- 5     (4) Does not include all the ballots that were cast at the precinct polling place or vote  
6     center;
- 7     (5) Is from a precinct polling place or vote center in which fewer than one hundred  
8     ballots were cast, and the cast vote record or ballot images have not been:
- 9         (a) Redacted to exclude the ballot style name, ballot style number, and any  
10        contest that is unique to the precinct; and
- 11        (b) Combined with the cast vote record or ballot images from at least one other  
12        precinct or vote center to be released as a collection that contains more  
13        than one hundred ballots; or
- 14     (6) Is related to a ballot style of which fewer than one hundred ballots were cast, and  
15     the cast vote record or ballot images have not been:
- 16         (a) Redacted to exclude the ballot style name, ballot style number, and any  
17        contest that is unique to the ballot style; and
- 18        (b) Combined with the cast vote record or ballot images related to another  
19        ballot style to be released as a collection that contains more than one  
20        hundred ballots.
- 21     The jurisdiction conducting the election is responsible for all expenses associated  
22     with producing, storing, archiving, and releasing a cast vote record or a collection of ballot  
23     images.