



2026 South Dakota Legislature

Senate Bill 114

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Pischke**

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 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.