



2026 South Dakota Legislature

Senate Bill 176

Introduced by: **Senator Hulse**

1 **An Act to amend the period of time before which ballots and other election materials**
2 **may be destroyed following an election.**

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

4 **Section 1. That a NEW SECTION be added to chapter 9-13:**

5 The returns from a municipal election must be certified by the precinct election
6 board in each polling place, and the ballots, properly sealed in ballot boxes, together with
7 the pollbooks, must be placed in the custody of the municipal finance officer.

8 The finance officer may destroy voted ballots, pollbooks, and all other election
9 material relating to a municipal election twenty-two months after the election at which the
10 ballots were voted.

11 **Section 2. That § 12-20-31 be AMENDED:**

12 **12-20-31.** ~~The officer in charge of an election may destroy voted ballots and~~
13 ~~pollbooks from a nonfederal election sixty days following the election at which such ballots~~
14 ~~were voted. However, they may not be destroyed if any recount or contest of such election~~
15 ~~is pending. The officer~~The person in charge of an election may destroy voted ballots,
16 pollbooks, and all other election material relating to a nonfederal election twenty-two
17 months after the election at which the ballots were voted.

18 The person in charge of an election may destroy voted ballots, pollbooks and all
19 other election material relating to a federal election twenty-two months after the election
20 at which the ballots were voted.

21 ~~For the purpose~~ purposes of this section, a federal election is any election to
22 nominate or elect persons to the United States Congress or other national elected position,
23 including national issues or questions. If a ballot is used for a federal election and a state
24 or local election, the ballots and all other election material ~~shall~~ must be maintained for

1 twenty-two months. All federal election material may be removed from the ballot box if it
2 is maintained in such a manner as to guarantee the safety and integrity of such material.

3 **Section 3. That § 13-7-17 be AMENDED:**

4 **13-7-17.** The returns from a school district election ~~shall~~ must be certified by the
5 precinct election board in each polling place, and the ballots, properly sealed in ballot
6 boxes, together with the pollbooks, ~~shall~~ must be placed in the custody of the school
7 district's business manager, ~~who shall keep such boxes inviolate for at least sixty days~~
8 ~~after the canvass of the returns.~~

9 The business manager may destroy voted ballots, pollbooks, and all other election
10 material relating to a school district election twenty-two months after the election at which
11 the ballots were voted.