



2026 South Dakota Legislature

House Bill 1324

Introduced by: **Representative Aylward**

1 **An Act to abolish the State Board of Elections.**

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

3 **Section 1. That § 2-1-1.1 be AMENDED:**

4 **2-1-1.1.** A petition sponsor shall file, in a physical and electronic copy format, a
 5 petition for an initiated amendment to the South Dakota Constitution, as it is to be
 6 circulated, with the secretary of state before the petition may be circulated and at least
 7 one year before the next general election at which the initiated amendment to the
 8 constitution is proposed to be submitted to the voters. The petition must:

- 9 (1) Be accompanied by the full text of the initiated amendment in fourteen-point font;
 10 (2) Designate, in fourteen-point font, the date of the general election at which the
 11 initiated amendment is to be submitted;
 12 (3) Contain, in fourteen-point font, the title and explanation of the initiated
 13 amendment as prepared by the attorney general, pursuant to § 12-13-25.1;
 14 (4) Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point
 15 font;
 16 (5) Be accompanied by a notarized affidavit form, signed by each person who is a
 17 petition sponsor, which includes the name and address of each petition sponsor;
 18 and
 19 (6) Be accompanied by a statement of organization as provided in § 12-27-6.

20 The title to be contained on a petition for an initiated amendment, pursuant to
 21 subdivision (3), must be included on both sides of the sheet of paper on which the petition
 22 is printed. The title printed on the back side of the petition must be printed in at least
 23 sixteen-point font.

24 Only an individual who is registered as a voter of this state, pursuant to chapter
 25 12-4, may be a petition sponsor for an initiated amendment to the constitution.

1 Each petition circulator shall provide to each individual who signs the petition a
2 circulator handout containing the title of the initiated amendment to the Constitution, as
3 prepared by the attorney general; the full text of the initiated amendment to the
4 Constitution; the name, phone number, and email address of each petition sponsor; and
5 a statement indicating whether the petition circulator is a volunteer or a paid circulator
6 and, if a paid circulator, the amount the circulator is being paid. The secretary of state
7 must approve the circulator handout for each initiated amendment to the Constitution
8 before the petition is circulated.

9 A petition for an initiated amendment to the constitution may not be circulated
10 more than twenty-four months before the general election that was designated pursuant
11 to subdivision (2). ~~A sworn affidavit, signed by at least two thirds of the petition sponsors,~~
12 ~~stating that the documents filed constitute the entire petition and to the best of the~~
13 ~~knowledge of the sponsors contains a sufficient number of signatures, must also be filed~~
14 ~~with the secretary of state. The initiated amendment petition signatures must be filed with~~
15 ~~the secretary of state by the first Tuesday in February of a general election year for the~~
16 ~~initiated amendment to qualify for submission to the voters at the next general election.~~

17 ~~The State Board of Elections~~ secretary of state shall prescribe the form of the
18 petition, including petition size and petition font size for ballot measure language not
19 prescribed in this section.

20 **Section 2. That § 2-1-1.2 be AMENDED:**

21 **2-1-1.2.** A petition sponsor shall file, in physical and electronic copy format, a
22 petition for an initiated measure, as it is to be circulated, with the secretary of state,
23 before the petition may be circulated and at least one year before the next general election
24 at which the initiated measure is proposed to be submitted to the voters. The petition
25 must:

- 26 (1) Be accompanied by the full text of the initiated measure in fourteen-point font;
27 (2) Designate, in fourteen-point font, the date of the general election at which the
28 initiated measure is to be submitted;
29 (3) Contain, in fourteen-point font, the title and explanation of the initiated measure
30 as prepared by the attorney general, pursuant to § 12-13-25.1;
31 (4) Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point
32 font;

1 (5) Be accompanied by a notarized affidavit form signed by each person who is a
 2 petition sponsor, which includes the name and address of each petition sponsor;
 3 and

4 (6) Be accompanied by a statement of organization as provided in § 12-27-6.

5 The title to be contained on a petition for an initiated amendment, pursuant to
 6 subdivision (3), must be included on both sides of the sheet of paper on which the petition
 7 is printed. The title printed on the back side of the petition must be printed in at least
 8 sixteen-point font.

9 Only an individual who is registered as a voter of this state, pursuant to chapter
 10 12-4, may be a petition sponsor for an initiated measure.

11 Each petition circulator shall provide to each individual who signs the petition a
 12 circulator handout containing the title of the initiated measure as prepared by the attorney
 13 general; the full text of the initiated measure; the name, phone number, and email
 14 address of each petition sponsor; and a statement indicating whether the petition
 15 circulator is a volunteer or a paid circulator and, if a paid circulator, the amount the
 16 circulator is being paid. The secretary of state must approve the circulator handout for
 17 each initiated measure before the petition is circulated.

18 A petition for an initiated measure may not be circulated more than twenty-four
 19 months before the general election that was designated pursuant to subdivision (2). ~~A
 20 sworn affidavit, signed by at least two thirds of the petition sponsors, stating that the
 21 documents filed constitute the entire petition and to the best of the knowledge of the
 22 sponsors contains a sufficient number of signatures, must also be filed with the secretary
 23 of state. The initiated measure petition signatures must be filed with the secretary of state
 24 by the first Tuesday in February of a general election year for the initiated measure to
 25 qualify for submission to the voters at the next general election.~~

26 ~~The State Board of Elections~~ secretary of state shall prescribe the form of the
 27 petition, including petition size and petition font size for ballot measure language not
 28 prescribed in this section.

29 **Section 3. That a NEW SECTION be added to chapter 2-1:**

30 For an initiated amendment to the South Dakota Constitution or an initiated
 31 measure to qualify for submission to the voters at the general election designated on the
 32 petition, pursuant to § 2-1-1.1 or 2-1-1.2, the petition sponsors must file the petition
 33 signatures with the secretary of state before five p.m. central time on the first Tuesday in

1 May of the general election year designated on the petition. The petition signatures must
 2 be filed along with the verifications completed pursuant to § 2-1-10.

3 A sworn affidavit, signed by at least two-thirds of the petition sponsors, must be
 4 filed with the secretary of state along with the signatures on the petition, stating:

5 (1) The documents filed constitute the entire petition; and

6 (2) The petition contains, to the best knowledge of the petition sponsors, at least the
 7 number of valid signatures required by S.D. Const., Art. III, § 1, or S.D. Const.,
 8 Art. XXIII, § 1.

9 The secretary of state shall prescribe the form of the affidavit.

10 **Section 4. That § 2-1-3 be AMENDED:**

11 **2-1-3.** Any law which the Legislature may have enacted, except one that may be
 12 necessary for the immediate preservation of the public peace, health, or safety, or support
 13 of the state government and its existing public institutions, ~~shall~~ must, upon the filing of
 14 a petition as provided in this chapter, be submitted to a vote of the electors of the state
 15 at the next general election. ~~The~~ A petition shall to submit a law enacted by the Legislature
 16 to a vote of the electors of the state must be signed by ~~not less than~~ at least five percent
 17 of the qualified electors of the state. The secretary of state shall prescribe the form of the
 18 petition, including petition size and petition font size, ~~shall be prescribed by the State~~
 19 ~~Board of Elections.~~

20 **Section 5. That § 2-1-3.1 be AMENDED:**

21 **2-1-3.1.** A petition sponsor shall file, in physical and electronic format, a petition
 22 to refer a law, as it is to be circulated, with the secretary of state before the petition may
 23 be circulated. The petition must:

24 (1) Contain, in fourteen-point font, the title of the referred law;

25 (2) Contain the effective date of the referred law in fourteen-point font;

26 (3) Contain the date of the general election at which the referred law is to be submitted
 27 in fourteen-point font;

28 (4) Be accompanied by a notarized form signed by each person who is a petition
 29 sponsor, which includes the names and addresses of each petition sponsor; and

30 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

31 The title required to be contained on a petition to refer a law, pursuant to
 32 subdivision (1), must be included on both sides of the sheet of paper on which the petition

1 is printed. The title printed on the back side of the petition must be printed in at least
2 sixteen-point font.

3 Only an individual who is registered as a voter of this state, pursuant to chapter
4 12-4, may be a petition sponsor for a petition to refer a law.

5 The petition circulator shall provide to each ~~person~~ individual who signs the petition
6 a circulator handout containing the title of the referred law; the name, phone number,
7 and email address of each petition sponsor; a statement whether the petition circulator is
8 a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being
9 paid. The secretary of state must approve the circulator handout for each referred law
10 before the petition is circulated.

11 The signatures on a petition to refer a law must be filed with the secretary of state
12 within ninety days after the Legislature that passed the referred law adjourned sine die.
13 A sworn affidavit, stating that the documents filed constitute the entire petition and, to
14 the best knowledge of the sponsors, contain at least the number of valid signatures
15 required by S.D. Const., Art. III § 1, must be signed by at least two-thirds of the petition
16 sponsors and filed with the secretary of state, along with the petition signatures.

17 The ~~State Board of Elections~~ secretary of state shall prescribe the form of the
18 petition and affidavit.

19 **Section 6. That § 12-1-3 be AMENDED:**

20 **12-1-3.** Terms used in this title mean:

21 (1) "Ballot question committee," ~~as defined by § 12-27-1~~ a person that raises, collects,
22 or disburses contributions for the purpose of:

23 (a) Proposing a ballot question;

24 (b) Opposing the placement of a ballot question on the ballot; or

25 (c) Advocating for the adoption or defeat of one or more ballot questions;

26 (2) "Candidate," ~~a person whose name is on the ballot or who is entitled to be on the~~
27 ~~ballot to be voted upon for nomination or election at any election~~ an individual who
28 seeks nomination for or election to a public office and:

29 (a) Raises, collects, or disburses contributions in excess of five hundred dollars;

30 (b) Has authorized the solicitation of contributions or the making of
31 expenditures;

32 (c) Has been certified as a candidate by a political party;

33 (d) Has created a candidate campaign committee for the purpose of obtaining
34 public office; or

- 1 (e) Has taken all actions required by state law to qualify for nomination or
 2 election to a public office;
- 3 ~~(3) "Election," any election held under the laws of this state;~~
- 4 ~~(4) "Election officials," state and local officials charged with the duty of conducting~~
 5 ~~elections and the canvass of returns;~~
- 6 ~~(5) "Elector," a person qualified to register as a voter, whether or not the person is~~
 7 ~~registered;~~
- 8 ~~(6) "Electronic pollbook," an electronic system containing both the digital information~~
 9 ~~system that contains a jurisdiction's registration list and pollbook;~~
- 10 ~~(7) "General election," the vote required to be taken in each voting precinct of the~~
 11 ~~state on the first Tuesday after the first Monday in November of each even-~~
 12 ~~numbered year;~~
- 13 (4) "Independent candidate," any registered voter who, regardless of party affiliation,
 14 seeks election to public office without party affiliation;
- 15 (5) "Independent" or "no party affiliation," any individual who, when registering as a
 16 voter, does not provide a party affiliation when completing the voter registration
 17 application, draws a line through the space provided to provide a party affiliation
 18 when completing the application, or who writes on the application:
- 19 (a) Independent;
- 20 (b) I;
- 21 (c) Ind.;
- 22 (d) No party affiliation;
- 23 (e) No party;
- 24 (f) No choice; or
- 25 (g) Nonpartisan;
- 26 ~~(8) "Paid circulator," any person who receives money or anything of value for collecting~~
 27 ~~signatures for a petition;~~
- 28 ~~(9) "Party office," an office of a political party organization as distinct from a public~~
 29 ~~office;~~
- 30 ~~(10)~~(6) "Person in charge of an election," or "person charged with the conduct of an
 31 election," the county auditor in all cases except local elections for a municipality,
 32 school district, township, or other political subdivision, in which case it is the officer
 33 or, in a political subdivision election, the individual having the position comparable
 34 to the auditor in that unit of government subdivision, if not specifically designated
 35 by law;

1 ~~(11)~~(7) "Petition," a form prescribed by the ~~State Board of Elections,~~ which contains
 2 the question or candidacy being petitioned, the declaration of candidacy if required
 3 and the verification of the circulator. If multiple sheets of paper are necessary to
 4 obtain the required number of signatures, each sheet shall be self-contained and
 5 separately verified by the circulator secretary of state, on which signatures may be
 6 collected and by which a ballot question is proposed, a political party is organized,
 7 or a candidate qualifies to be included on a ballot for nomination or election to a
 8 public office;

9 ~~(12)~~(8) "Petition circulator," ~~a resident of the State of South Dakota as defined under~~
 10 ~~§ 12-1-4, who is at least eighteen years of age who circulates nominating petitions~~
 11 ~~or other petitions for the purpose of placing candidates or issues on any election~~
 12 ~~ballot~~ an individual who:

13 (a) Is a resident of this state, as defined in § 12-1-4;

14 (b) Is at least eighteen years old; and

15 (c) In the presence of another individual, solicits from the other individual a
 16 signature on a petition by presenting or otherwise making the petition
 17 available to the other individual or acting in concert with another petition
 18 circulator who presents or otherwise makes the petition available to the
 19 other individual;

20 ~~(13)~~(9) "Political party," ~~beginning with the 2014 general election and each general~~
 21 ~~election thereafter,~~ a party whose candidate for any statewide office received at
 22 least ~~two and one-half~~ two-and-one-half percent of the ~~total~~ votes cast for that
 23 statewide office in either of the two previous general election cycles;

24 ~~(14)~~(10) "Pollbook" or "poll list," a list containing, ~~in numerical order the names of all~~
 25 ~~persons voting,~~ the name of each individual registered and eligible to vote at the
 26 an election and type of ballot voted that the individual is eligible to receive;

27 ~~(15)~~(11) "Polling place," a designated place ~~voters may go to vote~~ where voting occurs;

28 ~~(16)~~(12) "Poll watcher," ~~a person chosen to observe the conduct of an election~~ an
 29 individual designated by a candidate, political party, or ballot question committee
 30 to observe the conduct of an election;

31 ~~(17)~~(13) "Primary" or "primary election," an election ~~held~~ at which candidates are
 32 nominated for public office;

33 ~~(18)~~(14) "Public office," an elected position in government;

34 ~~(19)~~(15) "Qualified elector," an individual who is eligible to register, and has registered,
 35 as a voter of this state;

- 1 (16) "Registration list," a list of eligible voters; and
 2 ~~(20) "Registered mail," does not include certified mail;~~
 3 ~~(21) "Registration officials," the county auditor and deputies and other persons~~
 4 ~~authorized to assist in registration pursuant to chapter 12-4;~~
 5 ~~(22) "Vote center," a polling place when the precinct has been defined as the entire~~
 6 ~~jurisdiction and an electronic pollbook is utilized;~~
 7 ~~(23) "Voter," a person duly registered to vote or one who is performing the act of voting;~~
 8 ~~(24) "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter~~
 9 ~~who writes independent, I, Ind, no party affiliation, no party, no choice,~~
 10 ~~nonpartisan, or line crossed off in the choice of party field on the voter registration~~
 11 ~~form and any individual who is not currently registered to vote who leaves the~~
 12 ~~choice of party field blank on the voter registration form;~~
 13 ~~(25) "Independent candidate," notwithstanding the definition of independent as stated~~
 14 ~~in this chapter, any registered voter regardless of party affiliation who declares to~~
 15 ~~be an independent candidate for public office pursuant to this chapter;~~
 16 ~~(26) "Other," any voter who writes a political party not recognized in South Dakota in~~
 17 ~~the choice of party field on the voter registration form~~
 18 (17) "Voter," a qualified elector, regardless of whether the elector is performing the act
 19 of voting.

20 **Section 7. That § 12-1-9 be AMENDED:**

- 21 **12-1-9.** ~~The State Board of Elections~~ secretary of state shall promulgate rules,
 22 pursuant to chapter 1-26, ~~concerning~~ prescribing:
 23 ~~(1) Forms~~ The forms for voter registration and voter file maintenance;
 24 ~~(2) Forms~~ The form and color of ballots;
 25 ~~(3) Forms~~ The forms for notices;
 26 ~~(4) The uniformity of election procedures~~ The procedures for conducting an election;
 27 ~~(5) The operation of the State Board of Elections;~~ The implementation of the Uniformed
 28 and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., (January
 29 1, 2023);
 30 ~~(6) The procedure to accept~~ for accepting a petition and ~~verify~~ verifying petition
 31 signatures;
 32 ~~(7) Petition forms~~ The form of petitions, including petition size and petition font size;
 33 ~~(8) Envelopes~~ The envelopes used for absentee voting;
 34 ~~(9) Instructions~~ The instructions to voters and absentee voters;

- 1 (10)—~~Recounts; and~~
 2 ~~(11)—Post election audits~~ The process by which a recount is conducted;
 3 (11) The process by which ballots are counted and canvassed after each election;
 4 (12) The process by which a post-election audit is conducted; and
 5 (13) The number of poll watchers that may be permitted in a polling place.

6 **Section 8. That § 12-1-9.1 be AMENDED:**

7 **12-1-9.1.** ~~The State Board of Elections~~ secretary of state may not authorize and
 8 a political subdivision may not adopt or enforce in any manner a rule, resolution, charter
 9 provision, or ordinance establishing a system of voting for any office where:

- 10 (1) Voters rank candidates in order of preference;
 11 (2) Tabulation proceeds in rounds where in each round either a candidate is elected or
 12 the last-place candidate is eliminated;
 13 (3) Votes are transferred from elected or eliminated candidates to the voter's next-
 14 ranked candidate in order of preference; and
 15 (4) Tabulation ends when a candidate receives the majority of votes cast or the
 16 number of candidates elected equals the number of offices to be filled.

17 **Section 9. That § 12-1-10 be AMENDED:**

18 **12-1-10.** ~~The Board of Elections shall report to and~~ secretary of state shall make
 19 recommendations to the ~~secretary of state~~ Legislature concerning desirable or necessary
 20 changes in the election laws of this state.

21 **Section 10. That § 12-1-11 be AMENDED:**

22 **12-1-11.** Except as otherwise provided by law, ~~in any election in which all voters~~
 23 ~~of a county participate,~~ the costs relating to the election shall an election in which all the
 24 registered voters of a county are eligible to participate must be paid by the county, ~~from~~
 25 funds appropriated therefor. ~~In all other elections, costs shall~~ The cost of any other election
 26 must be paid from funds appropriated by the governing body of ~~municipalities, school~~
 27 ~~districts, and other political subdivisions~~ the political subdivision requiring ~~an~~ the election
 28 for their own purposes. ~~Costs relating to a combined municipal and school board election,~~
 29 or in the case of a combined election, may be shared under the provisions of §§ 9-13-1.1
 30 and 13-7-10.1. ~~Neither the state nor any political subdivision may accept any funds,~~
 31 ~~grants, or gifts for election costs from any source other than the governing body of a~~

1 ~~political subdivision, the state, or the federal government, except for gifts of a nominal~~
 2 ~~and intrinsic value as defined by the State Board of Elections and given in compliance with~~
 3 ~~the provisions of § 12-18-3. The State Board of Elections shall promulgate rules pursuant~~
 4 ~~to chapter 1-26 to prescribe the definition of nominal and intrinsic value.~~

5 The state or any political subdivision may not accept any funds, grants, or gifts for
 6 election costs from any source other than the governing body of a political subdivision,
 7 the state, or the federal government.

8 **Section 11. That § 12-1-21 be AMENDED:**

9 **12-1-21.** ~~The State Board of Elections~~ secretary of state shall resolve any
 10 complaint filed under ~~Section 402 of the Help America Vote Act of 2002, as of January 1,~~
 11 ~~2003~~ 52 U.S.C. § 21112 (January 1, 2003), in accordance with the contested case
 12 provisions of chapter 1-26. The complaint ~~shall~~ must be signed, notarized, and filed with
 13 the ~~secretary of state. The board shall.~~ The secretary must resolve the complaint within
 14 ~~ninety~~ fourteen days of its filing. ~~The State Board of Elections may~~ secretary shall
 15 promulgate rules, pursuant to chapter 1-26, governing the procedure for the complaint
 16 process.

17 **Section 12. That § 12-1-22 be AMENDED:**

18 **12-1-22.** ~~If the State Board of Elections~~ secretary of state does not resolve the
 19 complaint within ~~ninety~~ fourteen days of filing, the complainant may ask the circuit court
 20 for alternative dispute resolution by appointing an impartial third party to serve as an
 21 arbitrator to resolve the dispute. The arbitrator shall resolve the dispute within ~~sixty~~
 22 fourteen days.

23 **Section 13. That a NEW SECTION be added to chapter 12-1:**

24 The auditor of a county must provide an interpreter, proficient in both the local
 25 Sioux dialect and the English language, in each precinct of the county for the purposes of
 26 translating and communicating all voter instructions, if notified by the secretary of state,
 27 in accordance with section 9 of this Act, that:

28 (1) The county contains:

29 (a) Any part of an Indian reservation and more than five percent of the citizens
 30 of American Indian descent living within the reservation are members of a

1 single language minority and have limited proficiency in the English
2 language; or

3 (b) More than ten thousand voting age citizens or five percent of voting age
4 citizens, whichever is less, who are members of a single language minority
5 and have limited proficiency in the English language; and

6 (2) The illiteracy rate of the citizens in the single language minority is higher than the
7 national illiteracy rate.

8 An interpreter must be paid the same amount as a precinct deputy. All expenses
9 associated with the employment of an interpreter must be paid out of the county general
10 fund or the appropriate fund of the political subdivision conducting the election.

11 If the person in charge of the election determines that a precinct does not need
12 the assistance of an interpreter, the auditor and the state's attorney of the county must
13 certify to the secretary of state that the precinct does not need the assistance of an
14 interpreter. The auditor and the state's attorney must provide documentation that
15 supports the determination as part of the certification.

16 The state's attorney of a county required to provide an interpreter, pursuant to this
17 section, may file an action against the United States in the federal court, pursuant to 52
18 U.S.C. § 10503 (January 1, 2026), to exempt the entire county from the requirement to
19 provide an interpreter.

20 For the purposes of 52 U.S.C. § 10503 (January 1, 2026), the Lakota, Nakota, and
21 Dakota dialects of the Sioux language are historically unwritten languages.

22 **Section 14. That a NEW SECTION be added to chapter 12-1:**

23 The secretary of state shall promulgate rules, pursuant to chapter 1-26, to
24 establish:

25 (1) The process by which the secretary notifies a county that the county meets the
26 requirements of section 8 of this Act and must provide interpreters;

27 (2) The criteria for an individual to be employed as an interpreter;

28 (3) The process for certifying that a precinct does not need the assistance of an
29 interpreter; and

30 (4) The documentation required to demonstrate that a precinct does not need the
31 assistance of an interpreter.

32 **Section 15. That § 12-4-1.2 be AMENDED:**

1 **12-4-1.2.** An individual applying to register as a voter shall answer the questions
 2 and sign the oath as required on the voter registration form prescribed by the secretary
 3 of state.

4 The voter registration form must include a certification of voter eligibility by which
 5 the applicant attests, under the penalty of perjury, that the applicant:

- 6 (1) Is a citizen of the United States;
 7 (2) Will be eighteen years or older on or before the next election;
 8 (3) Is a resident of the state of South Dakota;
 9 (4) Has not been judged mentally incompetent;
 10 (5) Is not currently serving a sentence for a felony conviction; and
 11 (6) Authorizes the cancellation of a previous registration, if applicable.

12 **Section 16. That § 12-4-5 be AMENDED:**

13 **12-4-5.** ~~The county auditor shall enter in the master registration file the name of~~
 14 ~~each eligible person whose completed application for registration and mail registration~~
 15 ~~card is received no later than 5:00~~ individual in the master registration file, if the
 16 individual's voter registration form is received by the county auditor or the local, state, or
 17 federal agency responsible for conducting voter registration, pursuant to § 12-4-2, before
 18 five p.m. local time at least ~~at least~~ fifteen days preceding the election by the county auditor or
 19 ~~the local, state, or federal agency responsible for conducting voter registration under this~~
 20 ~~chapter. A voter registration completed.~~

21 If an individual completes a voter registration form at any local, state, or federal
 22 agency during any week commencing on Tuesday through the following Monday ~~shall, the~~
 23 application must be sent by the agency receiving the application to the appropriate county
 24 auditor ~~by the agency receiving the registration or mail registration card~~ no later than the
 25 following Wednesday.

26 ~~The State Board of Elections may~~ secretary of state shall promulgate rules,
 27 pursuant to chapter 1-26, to provide for the ~~alternative~~ transmission of voter registration
 28 information by computer from the agency to the secretary ~~of state.~~

29 The name of any voter who has registered to vote by ~~5:00~~ five p.m. local time,
 30 fifteen days preceding a runoff election ~~shall~~ must be added to the file used for the runoff
 31 election.

32 **Section 17. That § 12-4-5.3 be AMENDED:**

1 ~~**12-4-5.3.** When a voter registration application is received by the county auditor,~~
 2 ~~the county auditor or an individual designated by the county auditor shall review the~~
 3 ~~application for eligibility and completeness. If the applicant is not eligible to be registered~~
 4 ~~or sufficient information to complete the registration card cannot be obtained from the~~
 5 ~~applicant, the county auditor must send an acknowledgment notice by nonforwardable~~
 6 ~~mail to the applicant indicating the reason the registration was not filed. The~~
 7 ~~acknowledgment notice must state that the applicant needs to submit the corrected~~
 8 ~~information to the county auditor within thirty days or the voter registration form may not~~
 9 ~~be processed. The county auditor shall send an acknowledgment notice by nonforwardable~~
 10 ~~mail to the applicant whose registration is accepted. The State Board of Elections shall~~
 11 ~~promulgate rules, pursuant to chapter 1-26, prescribing the form of the acknowledgement~~
 12 ~~notice. The same confirmation mailing required by § 12-4-19 must be sent immediately~~
 13 ~~to any person whose registration acknowledgment notice is returned undeliverable.~~

14 Upon receipt of a voter registration application, the county auditor or an individual
 15 designated by the auditor must review the application to determine whether the applicant
 16 is eligible to register as a voter and whether the application is complete. The county
 17 auditor shall send a notice of acknowledgement by nonforwardable mail to an applicant
 18 whose application was filed.

19 If the applicant is not eligible to be registered as a voter or if the application lacks
 20 sufficient information to complete the voter's registration, the auditor must send a notice
 21 of acknowledgment to the applicant by nonforwardable mail stating that the application
 22 was not filed and the reason the application was not filed. If the registration was not filed
 23 because the application lacked sufficient information to complete the voter registration
 24 card, the notice must state that the applicant must submit the corrected information to
 25 the county auditor, within thirty days of the date on the notice, or the application will not
 26 be processed.

27 If a notice of acknowledgement sent pursuant to this section is returned as
 28 undeliverable, the county auditor must send the confirmation mailing required in § 12-4-
 29 19.1.

30 The secretary of state shall promulgate rules, pursuant to chapter 1-26, to
 31 prescribe the form of the notice of acknowledgement.

32 **Section 18. That § 12-4-5.4 be AMENDED:**

33 ~~**12-4-5.4.** Any person registering to vote~~ When registering as a voter, an individual
 34 shall provide the person's individual's valid South Dakota driver license number or a South

1 Dakota nondriver identification number on the voter registration form. ~~If a person~~ the
 2 individual does not have a valid South Dakota driver license or ~~a South Dakota nondriver~~
 3 identification number, ~~the person shall~~ individual must provide the last four digits of the
 4 ~~person's~~ individual's social security number on the voter registration form. ~~If a person~~

5 If the individual does not have a valid South Dakota driver license, a South Dakota
 6 nondriver identification number, or a social security number, ~~the person~~ individual may
 7 ~~only register~~ only at the county auditor's office and ~~shall~~ must sign ~~a~~ the statement
 8 ~~verifying the fact~~ prescribed by the secretary of state, attesting that ~~the person~~ individual
 9 does not have a valid South Dakota driver license, a South Dakota nondriver identification
 10 number, or a social security number. ~~The statement shall be prescribed by the State Board~~
 11 ~~of Elections.~~

12 **Section 19. That § 12-4-5.5 be AMENDED:**

13 **12-4-5.5.** At the time voter registration information is transmitted from a county
 14 to the statewide voter registration file, the secretary of state shall verify the ~~authenticity~~
 15 validity of the South Dakota driver license number or ~~the~~ South Dakota nondriver
 16 identification number with the driver license database. If the applicant has provided the
 17 last four digits of the ~~person's~~ applicant's social security number ~~have been provided~~, the
 18 secretary of state ~~shall~~ must review the social security database to determine that the
 19 number, name, and date of birth are accurate and that this information belongs to the
 20 person. ~~If any of this information is reported as not being accurate, the applicant.~~

21 If, after reviewing the driver license or social security number database, the
 22 secretary determines that the driver license number, nondriver identification number, or
 23 social security number is not authentic, the secretary must notify the auditor of the county
 24 in which the applicant is a resident. Upon receiving the notification from the secretary, the
 25 county auditor must withdraw the voter registration and attempt to ~~get the correct~~ the
 26 information ~~with~~ using the process provided in § 12-4-5.3.

27 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~
 28 ~~determining technical parameters for the driver license and social security database~~
 29 ~~verification.~~

30 **Section 20. That § 12-4-6 be AMENDED:**

31 **12-4-6.** An applicant for registration ~~shall answer questions and sign the oath as~~
 32 ~~required on the form prescribed by the State Board of Elections. An applicant for~~
 33 registration at a driver's license station ~~shall also sign a signature card prescribed by the~~

1 ~~Department of Public Safety. This signature shall be digitized and used to prepare the~~
 2 ~~registration card as provided in § 12-4-5. If an applicant is unable to write his or her~~
 3 ~~name, the applicant shall make a mark, the applicant's name being written near such~~
 4 ~~mark, and written by a person who writes his or her own name as a witness.~~

5 If the applicant is unable to write the applicant's name, the applicant may make a
 6 mark. The individual who witnesses the applicant making the applicant's mark shall:

7 (1) Write the applicant's name near the applicant's mark; and

8 (2) Indicate that the individual has acted as witness to the applicant's mark by writing
 9 the individual's own name under the applicant's name.

10 An individual applying to register as a voter at a driver license station shall also
 11 sign the signature card prescribed by the Department of Public Safety. The signature must
 12 be digitized and included on the voter's registration prepared by the county auditor,
 13 pursuant to § 12-4-5.

14 **Section 21. That § 12-4-9.2 be AMENDED:**

15 **12-4-9.2.** ~~A person eligible to vote under § 12-4-1~~ qualified voter may apply to
 16 the secretary of state to be listed in the master registration file with a secured active
 17 designation:

18 ~~The secretary of state shall certify a secured active designation if an applicant~~
 19 ~~provides a sworn application that affirms one of the following, if the applicant provides:~~

20 (1) ~~The applicant~~ A sworn statement affirming that the applicant has obtained an active
 21 protection order under chapter 22-19A or 25-10 ~~or chapter 22-19A~~, which the
 22 secretary of state shall verify with the Unified Judicial System; or

23 (2) ~~The applicant resides in~~ A statement from an official of a shelter established
 24 pursuant to chapter 25-10. ~~The applicant shall obtain authorization signed by an~~
 25 ~~official of the shelter.~~

26 ~~Upon receipt of the application, indicating that the applicant resides in the shelter.~~
 27 If the individual applies for a secured active designation affirming that the applicant has
 28 obtained an active protection order under chapter 22-19A or 25-1, the secretary of state
 29 ~~shall~~ must verify with the Unified Judicial System that the applicant petitioned for the
 30 protection order and the order is active.

31 A voter record with a secured active designation ~~shall~~ must be excluded from public
 32 inspection or copying, ~~except if requested by.~~ The secretary may provide information from
 33 the record of a voter with a secured active designation only upon the request of a law

1 enforcement agency, ~~if directed by upon~~ a court order, ~~or if a secured active designation~~
 2 ~~has been cancelled at the request of the secured active designee.~~

3 A secured active designation ~~remains in effect~~ is effective for five years unless
 4 cancelled earlier by the voter with the secured active designation.

5 ~~The State Board of Elections~~ secretary shall promulgate rules, pursuant to chapter
 6 1-26, to prescribe the notices and forms, as well as any criteria and procedures for
 7 approving applications pursuant to this section.

8 **Section 22. That § 12-4-18 be AMENDED:**

9 **12-4-18.** The clerk of courts shall, within fifteen days after the close of each
 10 month, prepare an abstract from the records of the names of persons declared mentally
 11 incompetent in the preceding month. The clerk of courts shall send the name of a person
 12 declared mentally incompetent to the county auditor of the county in which the person
 13 declared incompetent resides.

14 The county auditor shall remove from the master registration list:

- 15 (1) The names of persons identified as mentally incompetent in accordance with the
 16 information provided pursuant to this section;
 17 (2) The names of those convicted of a felony and sentenced to imprisonment in the
 18 federal penitentiary system; and
 19 (3) The names published in ~~an obituary~~ obituaries.

20 The county auditor shall match voter registration records maintained in or
 21 transmitted to the statewide voter registration file with the death records maintained as
 22 vital statistics records by the Department of Health, the social security death index, the
 23 Social Security Administration master death file, and the records of felony convictions
 24 maintained by the Unified Judicial System each month. Any voter identified as deceased,
 25 as mentally incompetent, or ~~who is~~ as serving a sentence for a felony conviction must be
 26 removed from the voter registration records.

27 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~
 28 ~~determining how voter registration records are matched.~~

29 Prior to providing a registration list to precincts, as prescribed in § 12-4-10, the
 30 county auditor must certify with the secretary of state that all individuals required to be
 31 removed from the master registration list have been removed based on the information
 32 available to the county auditor at the time the certification is submitted.

33 ~~The State Board of Elections~~ secretary of state shall promulgate rules, pursuant
 34 to chapter 1-26, ~~prescribing~~ to establish the process by which voter registration records

1 are matched and to prescribe the form to certify for certifying the accuracy of the master
2 registration list file.

3 **Section 23. That § 12-4-19 be AMENDED:**

4 ~~12-4-19. Any voter in the active registration file who has failed to vote, has not~~
5 ~~updated the voter's registration information, and has not replied to a confirmation mailing~~
6 ~~at least once during the last preceding four consecutive years shall be sent a~~
7 ~~nonforwardable return if undeliverable address verification request. If the request is~~
8 ~~undeliverable then a confirmation mailing prescribed by the State Board of Elections shall~~
9 ~~be sent. If a county auditor has determined through a national change of address licensee~~
10 ~~of the United States Postal Service that the address of a voter who is to be sent an address~~
11 ~~verification request has changed, the confirmation mailing may be omitted. This process~~
12 ~~shall be performed by each county auditor from January first to November fifteenth,~~
13 ~~inclusive, of each odd numbered year.~~

14 The county auditor must send a nonforwardable return-if-undeliverable address
15 verification request to any voter in the active voter registration file if the voter has not, at
16 least once during the previous four years:

- 17 (1) Voted;
18 (2) Updated the voter's registration information; or
19 (3) Replied to a confirmation mailing sent by the auditor's office.

20 The auditor shall send any verification request required by this section during the
21 period beginning January first and ending November fifteenth, of each odd-numbered
22 year.

23 **Section 24. That § 12-4-19.1 be AMENDED:**

24 ~~12-4-19.1. The confirmation mailing notice shall be a double postcard stating that~~
25 ~~the voter's registration may be canceled if the card is not returned. In addition, the card~~
26 ~~shall state that if~~

27 If the address verification request sent pursuant to § 12-4-19 is returned to the
28 auditor as undeliverable, the auditor must send a confirmation mailing on a double
29 postcard that lists the voter's information as it appears in the master registration file and
30 provides the following instructions:

- 31 (1) If the information on the return card is correct, the voter must sign and return the
32 card within thirty days of the date of the postmark on the card or the voter's
33 registration will become inactive. The card shall also state that if;

1 (2) ~~_____~~ If the information on the return card is not correct, the voter ~~shall~~ must send the
 2 correct information to update the voter's registration within thirty days of the date
 3 of the postmark on the card or the voter's registration will become inactive; and

4 (3) ~~_____~~ If the card is returned indicating a new address in another county in South Dakota
 5 or another state, the card ~~shall serve~~ serves as a cancellation authorization.

6 The card ~~shall~~ must also give information on reregistering if the voter has moved
 7 to another county or state. ~~The card shall give the information about the voter as it~~
 8 appears in the registration records.

9 The confirmation mailing may be omitted if the county auditor, after reviewing
 10 information provided by a national change of address licensee of the United States Postal
 11 Service, has determined that a voter who is to be sent an address confirmation mailing
 12 has changed the address where the voter is a resident.

13 **Section 25. That § 12-4-54 be AMENDED:**

14 **12-4-54.** ~~By March~~ July first of each year, the secretary of state shall submit a
 15 report to the ~~State Board of Elections~~ Government Oversight and Accountability
 16 Committee, providing the number of voters removed from ~~a~~ each county's ~~voter~~
 17 ~~registration list~~ master registration file during the previous year due to ~~inactivity, death,~~
 18 ~~felony conviction, mental incompetence, relocation to another jurisdiction, or as the result~~
 19 ~~of an application for correction;~~

20 (1) Death;

21 (2) Felony conviction;

22 (3) Inactivity;

23 (4) Mental incompetence;

24 (5) Relocation to another jurisdiction; or

25 (6) A voter registration challenge filed pursuant to § 12-4-60.

26 The content of the report must be published on the official website of the secretary
 27 of state.

28 **Section 26. That § 12-4-56 be AMENDED:**

29 **12-4-56.** ~~A person registered to vote, pursuant to this chapter, may~~ A qualified
 30 elector may, using the form prescribed by the secretary of state, request that the auditor
 31 of the county in which the ~~voter resides~~ elector is registered as a voter remove the ~~person's~~
 32 elector's name from the master registration list. ~~If a person file.~~ If a qualified elector
 33 makes a request pursuant to this section less than fourteen days ~~prior to~~ before an

1 election, the removal of the ~~individual's~~ elector's name is effective on the day after the
2 election. ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~
3 ~~prescribing the form to be used by a person requesting the removal of the person's name~~
4 ~~from the master registration list.~~

5 **Section 27. That § 12-4-60 be AMENDED:**

6 **12-4-60.** To file an application for correction, the individual must sign and file an
7 affidavit attesting that, to the best of the individual's personal knowledge and belief,
8 having exercised due diligence to personally verify the evidence presented, the challenged
9 voter is not qualified to vote based on one of the reasons set forth in § 12-4-58 or 12-4-
10 59.

11 The individual must provide the factual basis for filing the application, including the
12 information required by this section, in the signed affidavit. The application may not be
13 based on an unsupported allegation or the allegation of an anonymous third party. The
14 application must be in a form prescribed by the ~~State Board of Elections~~ secretary of state,
15 and must contain the:

- 16 (1) Name of the challenged individual;
- 17 (2) Address of the challenged individual;
- 18 (3) Name of the individual filing the application;
- 19 (4) Address, phone number, and email address of the individual filing the application;
- 20 (5) Date of the affidavit; and
- 21 (6) Reason for the challenge, pursuant to § 12-4-58 or 12-4-59.

22 The individual who files the application shall include documented evidence related
23 to the challenge as an attachment to the affidavit. ~~The State Board of Elections~~ secretary
24 shall promulgate rules, pursuant to chapter 1-26, establishing the form of the affidavit
25 and the documentation that must be included with the affidavit as evidence of the voter's
26 qualifications.

27 An individual's social security number, driver license number, South Dakota
28 nondriver identification card number, passport number, or contact information, may not
29 be made public as part of a challenge. An individual who intentionally makes public any
30 information that is confidential, pursuant to this section, is guilty of a Class 2
31 misdemeanor.

32 **Section 28. That § 12-4-61 be AMENDED:**

1 precinct committeewoman. The auditor shall provide the same number of ballots for the
 2 election of precinct committeeman or precinct committeewoman as the auditor provides
 3 for the primary election pursuant to § 12-16-17.

4 The secretary of state shall prescribe the form of the ballot for precinct
 5 committeeman or precinct committeewoman.

6 **Section 30. That § 12-5-21.1 be AMENDED:**

7 **12-5-21.1.** A candidate for Governor shall nominate a candidate for lieutenant
 8 governor by certifying the nomination to the secretary of state no later than five p.m.
 9 central time on the second Tuesday in August in the year of the election. The candidate
 10 for Governor and the candidate's nominee for lieutenant governor shall sign the
 11 certification.

12 A candidate for lieutenant governor may withdraw from the nomination by filing a
 13 request under oath with the secretary ~~of state~~. If a candidate for lieutenant governor
 14 withdraws, the candidate for Governor must nominate a replacement by certifying the
 15 nomination to the secretary ~~of state~~ no later than five p.m. central time on the second
 16 Tuesday in August in the year of the election. The candidate for Governor and the
 17 candidate's replacement nominee for lieutenant governor shall sign the certification.

18 The secretary ~~of state~~ may not place the name of the candidate for Governor on
 19 the general election ballot until a candidate for lieutenant governor has been certified.

20 ~~The State Board of Elections shall promulgate rules, pursuant to chapter 1-26,~~
 21 prescribing secretary shall prescribe the forms of the certification and withdrawal of a
 22 candidate for lieutenant governor.

23 **Section 31. That § 12-7-1 be AMENDED:**

24 **12-7-1.** ~~Any~~ Except as provided in § 12-7-1.2 or 12-7-7, an independent candidate
 25 for nonjudicial public office, ~~except as provided in § 12-7-7, who is not nominated by a~~
 26 ~~primary election~~ may be nominated by filing a certificate of nomination nominating petition
 27 with the secretary of state or county auditor ~~as prescribed by § 12-6-4,~~ after December
 28 thirty-first and by before five p.m. local time, on the last Tuesday of April ~~at 5:00 p.m.~~
 29 ~~local time before the election. A certificate of nomination shall be executed before the~~
 30 election. The nominating petition must be as provided in chapter 12-6. ~~If the certificate of~~
 31 ~~nomination is mailed by registered mail by the last Tuesday of April at 5:00 p.m. local~~
 32 ~~time before the election, it is timely submitted~~ A nominating petition is considered to be

1 timely submitted if mailed by registered mail before five p.m. local time on the last
 2 Tuesday of April before the election.

3 ~~The certificate of nomination shall~~ petition must be signed by ~~registered voters a~~
 4 number of qualified electors within the district or political subdivision in and for which the
 5 officers are to be elected. ~~The number of signatures required may not be less than equal~~
 6 to at least one percent of the total combined vote number of votes cast for Governor at
 7 the last certified gubernatorial election within the district or political subdivision. ~~The State~~
 8 ~~Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms~~
 9 ~~for the certificate of nomination.~~

10 **Section 32. That § 12-7-7 be AMENDED:**

11 **12-7-7.** Any candidate for President or Vice President of the United States who is
 12 not nominated by a primary election may be nominated by filing ~~with the secretary of~~
 13 ~~state, after December thirty first and by the first Tuesday in August at 5:00 p.m. central~~
 14 ~~time before the election, a certificate of nomination which shall~~ a nominating petition with
 15 the secretary of state after December thirty-first and before five p.m. central time on the
 16 first Tuesday in August before the election. The petition must be executed as provided in
 17 chapter 12-6. ~~If the certificate of nomination is~~ The petition is considered to be timely
 18 submitted if mailed by registered mail by before five p.m. central time on the first Tuesday
 19 in August at 5:00 p.m. central time before the election, it is timely submitted. The number
 20 ~~of signatures required may not be less than~~ in the year of the election. The nominating
 21 petition must be signed by a number of qualified voters of this state equal to at least one
 22 percent of the total combined vote number of votes cast for Governor at the last certified
 23 gubernatorial election ~~within the state.~~

24 An independent candidate for President shall file a declaration of candidacy and a
 25 certification of the candidate's selection for Vice President with the ~~secretary of state~~ with
 26 the candidate's nominating ~~petitions~~ petition. The candidate and the candidate's ~~selection~~
 27 nominee for Vice President shall sign the certification before the nominating ~~petitions~~
 28 petition are submitted.

29 An independent candidate for Vice President may withdraw from the nomination
 30 by filing a request under oath with the secretary, pursuant to § 12-6-55. If an independent
 31 candidate for Vice President withdraws ~~pursuant to § 12-6-55, no, the~~ independent
 32 candidate for President ~~shall have the candidate's name printed upon a ballot unless a~~
 33 ~~replacement selection for Vice President is certified to the secretary of state by the second~~
 34 ~~Tuesday in August. The State Board of Elections shall promulgate rules, pursuant to~~

1 ~~chapter 1-26, prescribing the forms for the certificate of nomination and the certification~~
 2 ~~for Vice President must nominate a replacement candidate for Vice President by certifying~~
 3 ~~the nomination to the secretary no later than five p.m. central time on the second Tuesday~~
 4 ~~in August in the year of the election. The independent candidate for President and the~~
 5 ~~candidate's replacement nominee for Vice President shall sign the certification. The~~
 6 ~~secretary may not place the name of an independent candidate for President on the~~
 7 ~~general election ballot until a candidate for Vice President has been certified. The secretary~~
 8 ~~shall prescribe the forms for the certification and withdrawal of a candidate for Vice~~
 9 ~~President.~~

10 **Section 33. That § 12-16-1 be AMENDED:**

11 **12-16-1.** The county auditor shall provide printed ballots for each election in which
 12 the voters of the entire county participate. ~~Except as provided in § 12-6-9, printed~~ Printed
 13 ballots for a primary election must contain the name of each candidate who has filed for
 14 nomination and is approved. The printed ballots for the election of officers must contain
 15 the name of each candidate whose nomination has been certified or filed with the county
 16 auditor in the manner provided by law, unless the candidate is deemed elected by having
 17 no opposition. The names of the candidates must appear on the ballot exactly as listed in
 18 the declaration of candidacy of the candidates' nominating petitions.

19 Sample ballots must be printed on paper of a different color from the official ballot
 20 but in the same form. The sample ballots and official ballots must be printed and in the
 21 possession of the county auditor not later than forty-eight days prior to a primary or
 22 general election. If there is a challenge pursuant to § 12-1-13 or 12-1-16, official ballots
 23 may not be printed until the challenge has been resolved or until sixty days prior to the
 24 primary or general election, whichever occurs first.

25 The county auditor shall prepare the necessary ballots, if any question is required
 26 to be submitted to the voters of the county. Ballots for general elections must be of the
 27 style and form prescribed in §§ 12-16-2 to 12-16-10.1, inclusive.

28 **Section 34. That § 12-16-23 be AMENDED:**

29 **12-16-23.** The county auditor shall ~~cause to be printed, in large type on cards in~~
 30 ~~the English language, print~~ voting rights notices and instructions in the English language
 31 in large type on cards, for the guidance of voters in preparing their ballots ~~in the form as~~
 32 ~~prescribed by the State Board of Elections and deliver the cards with the ballots in.~~ The
 33 auditor shall deliver to each precinct a number of cards sufficient numbers to meet the

1 requirements of § 12-16-25 at the same time the auditor delivers the ballots to the
 2 precinct. The secretary of state shall prescribe the form of the notice and instructions.

3 **Section 35. That § 12-16-28 be AMENDED:**

4 **12-16-28.** The person in charge of an election shall provide ~~paper ballot precincts~~
 5 each precinct with a the precinct's pollbook, in the form prescribed by the ~~State Board of~~
 6 ~~Elections for each election precinct~~ secretary of state, for the purposes of § 12-18-5. ~~If~~
 7 ~~any jurisdiction uses electronic pollbooks, but does not use vote centers, the~~

8 The person in charge of the election shall must provide a printed paper voter
 9 registration list and a printed and bound paper pollbook to each precinct in the jurisdiction
 10 prior to the opening of the polls, if the jurisdiction:

11 (1) Uses an electronic pollbook; and

12 (2) Does not use vote centers.

13 **Section 36. That § 12-16-39 be AMENDED:**

14 **12-16-39.** ~~The tally sheets for candidates for public office and submitted questions~~
 15 ~~shall be prescribed by the State Board of Elections.~~

16 The secretary of state shall prescribe the form of the tally sheet used to tabulate
 17 all votes cast at an election.

18 **Section 37. That § 12-17B-2 be AMENDED:**

19 **12-17B-2.** Any automatic tabulating or electronic ballot marking system used in
 20 an election ~~shall must enable the a voter to cast a vote for all offices and on all measures~~
 21 ~~on which the voter is entitled to vote. No automatic tabulating, electronic ballot marking,~~
 22 ~~or election voting equipment system may be connected to the internet. No ballot marking~~
 23 ~~device may save or tabulate votes marked on any system.~~

24 Each system shall must fulfill the requirements for election assistance commission
 25 standards certification and be approved by the ~~State Board of Elections prior to distribution~~
 26 and use in this state. No system may be approved unless the system fulfills the
 27 requirements as established by the State Board of Elections secretary of state before the
 28 system may be distributed and used in this state. The secretary may not approve the use
 29 of:

30 (1) An automatic tabulating system, electronic ballot marking system, or other election
 31 voting system, if the system:

1 (a) Does not fulfill the requirements for the system, as established by the
2 secretary; or

3 (b) May be connected to the internet; or

4 (2) A ballot marking system, if the system has the ability to save or tabulate votes
5 marked using the system.

6 Any changes or modifications to an approved system ~~shall~~ must be approved by
7 ~~the State Board of Elections prior to distribution and use~~ secretary before the system is
8 distributed and used in this state.

9 **Section 38. That § 12-17B-3 be AMENDED:**

10 **12-17B-3.** ~~Any~~ A governing body having supervision of elections within ~~any~~ a
11 political subdivision may, by resolution, adopt, experiment with, or abandon ~~any~~ the use
12 of any automatic tabulating or electronic ballot marking system that has been approved
13 for use by the ~~State Board of Elections~~ secretary of state.

14 Any governing body may use the system in all or some of the precincts within its
15 jurisdiction or in combination with any other type of voting system that has been approved
16 for use by the ~~State Board of Elections~~ secretary.

17 **Section 39. That § 12-17B-5 be AMENDED:**

18 **12-17B-5.** Not more than ten days prior to an election, the person in charge of
19 the election shall conduct a test of the automatic tabulating equipment to ascertain that
20 the equipment ~~will~~ correctly count counts the votes cast for all offices and on all measures.

21 The test must be open to the public. The person in charge of the election shall
22 notify the county chair of each political party with a candidate on the ballot, any
23 independent candidate or candidate without party affiliation on the ballot, and the ballot
24 question committees for or against an initiated or referred measure or initiated
25 constitutional amendment on the ballot, of the testing of the automatic tabulating
26 equipment, one week before the test is conducted. The person in charge of the election
27 shall post notice of the time and place of the test in the same manner as a public meeting
28 agenda, pursuant to § 1-25-1.1. The person in charge of the election shall post the notice
29 of the time and place of the test to the secretary of state's website.

30 If an errorless count by an automatic tabulating machine is achieved by the test,
31 the person in charge of the election ~~shall~~ must certify the machine. The ~~State Board of~~
32 ~~Elections~~ secretary shall promulgate rules, pursuant to chapter 1-26, prescribing the
33 certification of properly functioning automatic tabulating equipment under this section.

1 If an error is detected, the cause of the error ~~shall~~ must be determined and
2 corrected. Once the error is corrected, the person in charge of the election shall conduct
3 a new test of the automatic tabulating equipment. The person in charge of the election
4 may not approve the automatic tabulating equipment until an errorless count is made.

5 Any additional testing required to achieve an errorless count must be open to the
6 public. The person in charge of the election shall post notice of the time and place of an
7 additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.
8 The person in charge of the election shall notify the county chair of each political party
9 with a candidate on the ballot, any independent candidate or candidate without party
10 affiliation on the ballot, and the ballot question committees for or against an initiated or
11 referred measure or initiated constitutional amendment of the testing of the automatic
12 tabulating equipment twenty-four hours prior to the test. The person in charge of the
13 election shall post the notice of the time and place of the additional test to the secretary
14 of state's website.

15 The ~~secretary of state~~ shall provide each county auditor with the contact
16 information for any independent candidate on the ballot, candidate without party affiliation
17 appearing on the ballot, and the ballot question committees for or against an initiated or
18 referred measure or initiated constitutional amendment in the auditor's county.

19 **Section 40. That § 12-17B-5.2 be AMENDED:**

20 **12-17B-5.2.** After the conclusion of the testing of the automatic tabulating
21 equipment, no software or firmware updates may be made to the automatic tabulating
22 equipment until after the certification of the election results. Each automatic tabulating
23 ~~device~~ machine must be sealed with a unique numbered seal. The person in charge of the
24 election shall verify immediately prior to the official counting of the ballots that the seal
25 has not been tampered with since the testing period and certification process pursuant to
26 § 12-17B-5. The ~~State Board of Elections~~ secretary of state shall promulgate rules,
27 pursuant to chapter 1-26, prescribing the method of sealing automatic tabulating
28 equipment pursuant to this section.

29 **Section 41. That § 12-17B-11 be AMENDED:**

30 **12-17B-11.** Except for any specially trained technicians representing the
31 equipment vendor and required for the operation of the automatic tabulating equipment,
32 ~~there shall be equal representation from each political party having a candidate on the~~
33 ~~ballot and whose candidate on the county wide ballot at the last general election received~~

1 ~~at least fifteen percent of the votes amongst those employed or authorized to receive,~~
 2 ~~process, or tabulate the ballots~~ the person in charge of the election shall employ or
 3 otherwise authorize to receive, process, or tabulate ballots, an equal number of individuals
 4 affiliated with each political party that:

5 (1) Has a candidate on the ballot; and

6 (2) Had a candidate on the most recent general election ballot who received at least
 7 fifteen percent of the votes cast in that jurisdiction.

8 The person in charge of the election shall submit the proposed list of employees
 9 ~~shall be submitted~~ to each county party chairperson at least thirty days prior to the
 10 election. Each person employee shall, prior to discharging any duties, take and subscribe
 11 ~~to an~~ the oath as prescribed by the State Board of Elections secretary of state prior to
 12 discharging the employee's duties.

13 **Section 42. That § 12-17B-13.1 be AMENDED:**

14 ~~**12-17B-13.1.** If automatic tabulating equipment is located at a polling place for~~
 15 ~~processing ballots while the polls are open, the equipment may not be operated in a~~
 16 ~~manner which returns an over-voted or partially under-voted ballot to the voter. The~~
 17 ~~equipment shall be operated in a manner which returns any ballot that appears to the~~
 18 ~~tabulating equipment to be blank or has any possible mark which the tabulating equipment~~
 19 ~~cannot determine. If the ballot is returned to the voter, the voter may choose to remark~~
 20 ~~the ballot, obtain a new ballot, or resubmit the ballot.~~

21 ~~Any central count automatic tabulating equipment shall contain the capability to~~
 22 ~~out-stack ballots and shall be operated in a manner to out-stack any ballot which appears~~
 23 ~~to the tabulating equipment to be blank or has any possible mark which the tabulating~~
 24 ~~equipment cannot determine. If the ballot contains any such mark, the resolution board~~
 25 ~~shall examine the mark and make a determination of any individual vote according to the~~
 26 ~~rules promulgated pursuant to chapter 1-26 by the state board of elections. The resolution~~
 27 ~~board shall make a duplicate ballot as prescribed in § 12-17B-14 which shall be counted~~
 28 ~~by the automatic tabulating equipment.~~

29 The automatic tabulating equipment that is located at a polling place to process
 30 ballots while the polling place is open must be programmed to return a ballot to a voter if
 31 the voter:

32 (1) Has over-voted or partially under-voted;

33 (2) Has left the ballot blank; or

34 (3) Made any mark on the ballot that the tabulating machine is not able to count.

1 If the ballot is returned to the voter, the voter may attempt to resubmit the ballot,
 2 choose to remark the ballot and correct the error, or may obtain a new ballot.

3 The automatic tabulating equipment that is located at the location designated to
 4 count all of the ballots cast in a jurisdiction must be programmed to out-stack ballots and
 5 must be operated in a manner to out-stack any ballot that the equipment reads as blank
 6 or has a mark that the equipment is not able to count. If the ballot contains a mark that
 7 the tabulating equipment is not able to count, the resolution board must examine the
 8 mark and make a determination regarding the ballot. When the resolution board has made
 9 a determination regarding the disposition of a ballot that the tabulating machine is unable
 10 to count, the resolution board shall make a duplicate ballot, pursuant to § 12-17B-14, for
 11 the tabulating equipment to count.

12 The secretary of state shall promulgate rules, pursuant to chapter 1-26, to
 13 establish the procedure by which the resolution board examines marks that the tabulating
 14 equipment is unable to count and make a determination about the vote cast.

15 **Section 43. That § 12-17B-17 be AMENDED:**

16 **12-17B-17.** ~~The State Board of Elections may~~ secretary of state shall promulgate
 17 rules, pursuant to chapter 1-26 ~~concerning,~~ prescribing:

- 18 (1) The criteria and procedure for approving voting systems pursuant to this chapter;
 19 (2) ~~Notices~~ The notices and forms used in the process of testing, using, and auditing
 20 any voting system employed pursuant to this chapter;
 21 (3) ~~Test procedures~~ The procedures for testing a voting system employed pursuant to
 22 this chapter; and
 23 (4) The arrangement and conduct of voting, absentee voting, tabulating, preparing
 24 returns, and recounts.

25 **Section 44. That § 12-17B-19 be AMENDED:**

26 **12-17B-19.** ~~The office of the~~ secretary of state shall reimburse each county for
 27 the cost of ~~any~~ the post-election audit required by §§ 12-17B-18 to 12-17B-25, inclusive.

28 ~~The State Board of Elections~~ secretary shall promulgate rules, pursuant to chapter
 29 1-26, administering the reimbursement process and defining reimbursable expenses and
 30 reimbursement rates for post-election audits.

31 **Section 45. That § 12-18-6.2 be AMENDED:**

1 **12-18-6.2.** If a voter is not able to present a form of personal identification as
 2 required by § 12-18-6.1, the voter ~~may~~ must complete an affidavit in lieu of the personal
 3 identification before the voter may be given a ballot.

4 The ~~State Board of Elections~~ secretary of state shall promulgate rules, pursuant to
 5 chapter 1-26, prescribing the form of the affidavit. The affidavit ~~shall~~ must require the
 6 voter to provide ~~his or her~~ the voter's name and address. The voter shall sign the affidavit
 7 under penalty of perjury.

8 **Section 46. That § 12-18-7.2 be AMENDED:**

9 **12-18-7.2.** ~~If any person attempting to vote in any election claims to be registered~~
 10 ~~or any person attempting to vote in any election claims to be in the inactive registration~~
 11 ~~file but does not possess an acknowledgment notice and the person's name does not~~
 12 ~~appear in the registration list of the precinct, the person may vote if one of the members~~
 13 ~~of the precinct election board first confirms by telephone or other means with the county~~
 14 ~~auditor or a deputy auditor that the name was erroneously omitted from the list, and an~~
 15 ~~emergency voting card, in duplicate, in the form prescribed by the State Board of Elections~~
 16 ~~is signed by the applicant and each member of the precinct election board.~~

17 A member of the precinct election board must confirm an individual's status as a
 18 qualified voter with the county auditor if the individual requests a ballot and:

19 (1) The name of an individual requesting a ballot does not appear in the precinct's
 20 voter registration list; and

21 (2) The individual does not possess an acknowledgement notice, sent pursuant to
 22 § 12-4-5.3, indicating that the individual's voter registration was accepted.

23 If the auditor confirms that the omission of the individual's name from the voter
 24 registration list was a mistake, the individual must be issued an emergency voting card,
 25 in the form prescribed by the secretary of state. The card must be issued in duplicate and
 26 must be signed by the individual requesting the ballot and each member of the precinct
 27 election board.

28 The original emergency voting card ~~shall~~ must be retained by the precinct
 29 superintendent as part of the precinct superintendent's permanent records, and the
 30 duplicate ~~shall~~ must be given to the voter. In a primary election, the party affiliation of
 31 any voter using the emergency voting procedure of this section ~~shall~~ must be designated
 32 on the emergency voting card.

33 **Section 47. That § 12-18-7.4 be AMENDED:**

1 ~~**12-18-7.4.** Any person whose name appears on the inactive registration list in the~~
 2 ~~possession of the precinct superintendent may vote in any election following completion~~
 3 ~~of an affirmation of the person's address in this state.~~

4 An individual must complete an affirmation of the individual's residence address
 5 before the individual is eligible to vote at an election, if the individual's name is included
 6 in the precinct's inactive voter registration list.

7 If the voter has moved to a new address within the state, ~~this the~~ affirmation shall
 8 must serve as a new registration. The affirmation shall be prescribed by the State Board
 9 of Elections. The secretary of state shall prescribe the form of the affirmation.

10 **Section 48. That § 12-18-40 be AMENDED:**

11 ~~**12-18-40.** Before giving a person a provisional ballot, the person shall complete~~
 12 ~~an affirmation. The person's name shall be written in the pollbook along with a designation~~
 13 ~~that the person has cast a provisional ballot. The person shall be given the ballot~~
 14 ~~appropriate to the precinct in which the person is claiming to be registered, along with a~~
 15 ~~provisional ballot envelope. After the person votes, the person shall seal the ballot in the~~
 16 ~~provisional ballot envelope and complete the statement on the envelope. The envelope~~
 17 ~~shall then be placed in the ballot box. The provisional ballot and provisional ballot envelope~~
 18 ~~shall be prescribed by the State Board of Elections.~~

19 An individual eligible to cast a provisional ballot shall complete an affirmation, as
 20 prescribed by the secretary of state, before a member of the precinct election board may
 21 provide the individual with the provisional ballot. The member of the precinct election
 22 board providing the individual the provisional ballot shall write the individual's name in
 23 the pollbook along with a statement indicating that the individual has been issued a
 24 provisional ballot. The member shall also provide the individual with a provisional ballot
 25 envelope. The individual must be issued the ballot for the precinct in which the individual
 26 claims to be registered as a voter. After marking the ballot, the individual shall seal the
 27 ballot in the provisional ballot envelope and complete the statement on the envelope.

28 The secretary shall prescribe the form of the provisional ballot, the provisional
 29 ballot envelope, and the statement.

30 **Section 49. That § 12-19-2.5 be AMENDED:**

31 ~~**12-19-2.5.** The State Board of Elections shall promulgate rules, pursuant to~~
 32 ~~chapter 1-26, to prescribe the absentee application form and a combined absentee ballot~~

1 application form and return envelope for absentee voting in the office of the person in
2 charge of the election.

3 ~~The application may be made by letter or upon any form containing the required~~
4 ~~information or upon any form prescribed by the State Board of Elections or the postcard~~
5 ~~form referred to in § 12-4-8.1, executed by any person authorized in accordance with the~~

6 An individual identified as covered by the provisions of the Uniformed and Overseas
7 Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., as of January 1, 2023 §§ 20301
8 to 20311, inclusive, (January 1, 2023), may request an absentee ballot by providing the
9 person in charge of the election with a statement or form containing the information
10 required in § 12-4-4.4.

11 **Section 50. That § 12-19-4 be AMENDED:**

12 ~~**12-19-4.** The return envelope for the absentee ballot must have printed on the~~
13 ~~reverse thereof a statement to be signed by the voter. The State Board of Elections shall~~
14 ~~promulgate rules, pursuant to chapter 1-26, prescribing the forms for the return envelope,~~
15 ~~ballots, and instructions to the voter.~~

16 The secretary of state shall promulgate rules, pursuant to chapter 1-26, prescribing
17 the form of:

18 (1) The absentee ballot application form;

19 (2) The absentee ballot;

20 (3) The absentee ballot return envelope;

21 (4) The combined absentee ballot application form and return envelope for absentee
22 voting in the office of the person in charge of the election; and

23 (5) Any instructions to the voter.

24 The absentee ballot return envelope and the combined absentee ballot application
25 and return envelope must have printed on the reverse thereof a statement to be signed
26 by the voter.

27 **Section 51. That § 12-19-9.3 be AMENDED:**

28 **12-19-9.3.** The person in charge of the election may not establish or place, or
29 allow any individual to establish or place, an absentee ballot drop box within the official's
30 jurisdiction. A completed absentee ballot ~~may only~~ must be returned to an office of the
31 individual in charge of the election pursuant to § 12-19-7.

32 For the purposes of this section, the term, absentee ballot drop box, means a
33 receptacle or container into which an individual may deposit a completed absentee ballot.

1 This term excludes a county auditor's means for physically securing a completed absentee
 2 ballot as required by § 12-19-10 or 12-19-42, including a secured and monitored
 3 receptacle or container at the office of the individual in charge of the election. ~~The State~~
 4 ~~Board of Elections~~ secretary of state shall promulgate rules, pursuant to chapter 1-26,
 5 prescribing the requirements to ensure the security of the receptacle or container located
 6 at the office of the individual in charge of the election.

7 A violation of this section is a Class 2 misdemeanor.

8 **Section 52. That § 12-19-50 be AMENDED:**

9 **12-19-50.** ~~The tally shall be recorded on forms prescribed by the State Board of~~
 10 ~~Elections. A special pollbook shall also be prescribed by the State Board of Elections.~~

11 The secretary of state shall prescribe the form of:

12 (1) The tally sheet used to record the votes cast on an absentee ballot; and

13 (2) The pollbook used to document the voters who have voted by absentee ballot.

14 Except as provided by § 12-19-52, the tally ~~shall~~ of absentee ballots must be
 15 recorded according to the precincts in which the voters are registered and ~~then~~ added to
 16 those individual precinct totals the vote recorded for that precinct.

17 **Section 53. That § 12-20-1 be AMENDED:**

18 **12-20-1.** As soon as the polls are closed, the precinct superintendent and precinct
 19 deputies shall ~~audit the ballot count as prescribed in §§ 12-20-2 and 12-20-3. The precinct~~
 20 ~~superintendent and precinct deputies shall then immediately deliver the ballot boxes,~~
 21 ~~registration book, pollbook, and other election supplies, including voided and unused~~
 22 ~~ballots, to the counting board, if appointed, and sign a certificate of transmittal and receipt~~
 23 ~~as prescribed by the State Board of Elections. The:~~

24 (1) Audit the ballot count as prescribed in §§ 12-20-2 and 12-20-3;

25 (2) Deliver to the counting board, if one has been appointed:

26 (a) The ballot boxes;

27 (b) Registration book;

28 (c) Pollbook;

29 (d) Any voided or unused ballots; and

30 (e) All other election supplies; and

31 (3) Sign the certificate of transmittal and receipt prescribed by the secretary of state.

32 Upon receipt of the ballot boxes and other election supplies, the members of the
 33 precinct election board or the precinct counting board or the precinct election board, if a

1 ~~counting board had not been~~ appointed, shall then immediately proceed to count publicly,
2 in the presence of all persons desiring to attend the count, the votes received at the polls,
3 and continue without leaving the site of the count, in the presence of any individual who
4 wishes to observe the counting of the ballots, count the votes cast at the polling place.

5 The board counting the votes may not stop the count, and members of the board
6 conducting the count may not leave the site, until the count is completed. ~~A person~~ The
7 individual charged with implementing this section may not delay the counting of ballots
8 other than to authorize short recesses for the health and wellbeing of those employed to
9 implement this section. In counting the votes, the members of the precinct election board
10 or counting board shall use the tally sheets ~~provided~~ prescribed by the secretary.

11 **Section 54. That § 12-20-7 be AMENDED:**

12 **12-20-7.** ~~Any ballot or part of a ballot from which it is impossible to determine the~~
13 ~~voter's choice by using standards defined by the State Board of Elections shall be void and~~
14 ~~may not be counted.~~ If the precinct election board or precinct counting board is unable to
15 determine the voter's intent using the standards established by the secretary of state, the
16 board may not count the ballot and must mark the ballot as void.

17 ~~The State Board of Elections~~ secretary shall promulgate rules, pursuant to chapter
18 1-26, defining standards for determining voter intent.

19 **Section 55. That § 12-20-13.2 be AMENDED:**

20 **12-20-13.2.** The provisional ballot counting board or resolution board and
21 tabulation machine operators shall convene one hour prior to the convening of the
22 canvassing board. ~~The provisional ballots, which the person in charge of the election has~~
23 ~~determined are not invalid according to § 12-20-5.1, shall be counted~~ to count the
24 provisional ballots that have been determined to be valid.

25 Upon completion of the count, the provisional ballot counting board or resolution
26 board shall complete a certification of the provisional ballot count and give the certification
27 to the canvassing board. ~~The certification form shall be prescribed by the State Board of~~
28 ~~Elections.~~

29 The secretary of state shall prescribe the form of the provisional ballot certification.

30 **Section 56. That § 12-20-13.4 be AMENDED:**

1 **12-20-13.4.** Within ten days after the official county canvass ~~each person voting~~
 2 ~~by provisional ballot shall be sent by the person in charge of the election a notice advising,~~
 3 the person in charge of the election shall send to each individual who cast a provisional
 4 ballot a notice, as prescribed by the secretary of state, stating whether the individual's
 5 ~~provisional ballot was counted. The notice shall be prescribed by the State Board of~~
 6 ~~Elections.~~

7 **Section 57. That § 12-20-18 be AMENDED:**

8 **12-20-18.** After the votes have been counted, the members of the precinct
 9 election board shall ~~set down~~ write in the pollbook and on the duplicate tally sheet ~~on~~
 10 ~~forms therein prescribed by the State Board of Elections the name of each person voted~~
 11 ~~for, the office for which the person received votes, candidate on the ballot and the office~~
 12 that each candidate was seeking, and the number of votes each ~~person~~ candidate
 13 ~~received, the. The number of votes that each person candidate received shall be expressed~~
 14 at length must be written out as words.

15 **Section 58. That § 12-21-2 be AMENDED:**

16 **12-21-2.** ~~The county recount board of each county which conducts a recount~~
 17 ~~authorized by this chapter shall be appointed by the presiding judge of the circuit court~~
 18 ~~for that county.~~

19 The presiding judge of the circuit court of the county conducting a recount, as
 20 provided in this chapter, shall appoint the recount board for the county.

21 At a general election, a judicial primary election, or an election for a ~~referred or~~
 22 ~~submitted question~~ ballot question, the recount board shall consist of a recount referee
 23 ~~who is a duly qualified member of the State Bar of South Dakota and a member of the~~
 24 ~~political party that received the greatest number of votes in the county in the race for~~
 25 ~~Governor in the last gubernatorial election,~~ and two voters of the county representing the
 26 two political parties with the largest registration in the county. The recount referee must
 27 be a qualified member of the State Bar of South Dakota and a member of the political
 28 party whose candidate for Governor received the greatest number of votes in the county
 29 in the last gubernatorial election.

30 In a non-judicial primary election or runoff election pursuant to § 12-6-51.1, the
 31 recount board ~~must~~ shall consist of members of the same political party as the candidates
 32 in the contest being recounted. The recount board must consist of a recount referee ~~who~~

1 ~~is a duly qualified member of the state bar~~ and two voters of the county. The recount
 2 referee must be a qualified member of the state bar.

3 An individual may not serve on the recount board if the individual is a candidate
 4 for the office that is the subject of the recount, or is the husband, wife, father, mother,
 5 father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or
 6 sister, whether by birth or marriage, of the whole or the half-blood, of any candidate
 7 involved in the recount.

8 Prior to serving, each member of the recount board shall take an oath that the
 9 member will act in good faith, with impartiality, and that the member meets the
 10 qualifications to serve as a member of the county recount board. ~~The State Board of~~
 11 ~~Elections shall promulgate rules, pursuant to chapter 1-26, that~~ secretary of state shall
 12 prescribe the form of the oath to be taken under this section.

13 **Section 59. That § 12-1-5 be REPEALED.**

14 ~~There is created a State Board of Elections to be composed of seven members, one~~
 15 ~~of whom shall be the secretary of state who is chairman. Two of the members shall be~~
 16 ~~county auditors appointed by the Speaker of the House of Representatives from a list of~~
 17 ~~nominees supplied by the county auditors meeting at the South Dakota Association of~~
 18 ~~County Officials. The auditors appointed by the Speaker of the House of Representatives~~
 19 ~~shall be of different political party registration. One auditor appointed in 1991 shall be~~
 20 ~~appointed for a two year term and one shall be appointed for a four year term. All~~
 21 ~~appointments of auditors after 1991 shall be for four years. One member of the board~~
 22 ~~shall be appointed by each of the following officers: the democratic leader of the Senate,~~
 23 ~~the democratic leader of the House of Representatives, the republican leader of the Senate~~
 24 ~~and the republican leader of the House of Representatives. Appointments to the board~~
 25 ~~shall be as follows: the appointee of the democratic leader of the House of~~
 26 ~~Representatives, 1980 and each fourth year thereafter; the appointee of the republican~~
 27 ~~leader of the Senate, 1981 and each fourth year thereafter; the appointee of the~~
 28 ~~republican leader of the House of Representatives, 1982 and each fourth year thereafter;~~
 29 ~~the appointee of the democratic leader of the Senate, 1983 and each fourth year~~
 30 ~~thereafter. After the appointments made in 1979, the terms of all appointed members of~~
 31 ~~the board, except auditors, shall be for four years. All appointments to the board are to~~
 32 ~~be made by January thirty first of each year. Vacancies on the board shall be filled in the~~
 33 ~~same manner as the original appointments were made. All appointed members of the~~
 34 ~~board shall file with the secretary of state an oath in the form prescribed by § 3-1-5.~~

1 **Section 60. That § 12-1-6 be REPEALED.**

2 ~~The per diem and expenses of the board shall be established by the Executive~~
3 ~~Board of the Legislative Research Council unless otherwise provided by law.~~

4 **Section 61. That § 12-1-7 be REPEALED.**

5 ~~The Office of the Secretary of State is hereby charged with the duty and~~
6 ~~responsibility to serve as the secretariat of the State Election Board and shall assist the~~
7 ~~board as may be directed by the said board.~~

8 **Section 62. That § 12-1-8 be REPEALED.**

9 ~~The Office of the Attorney General shall provide such legal assistance as the State~~
10 ~~Election Board may require.~~

11 **Section 63. That § 12-3-6 be REPEALED.**

12 ~~Whenever the United States Department of Justice and the United States Census~~
13 ~~Bureau, acting pursuant to Public Law 94-73, designate any county in South Dakota to be~~
14 ~~covered under the provisions of the Voting Rights Act Amendments of 1975, the county~~
15 ~~so designated shall be governed by the provisions of §§ 12-3-6 to 12-3-13, inclusive. The~~
16 ~~secretary of state shall notify those affected counties that they are covered by the~~
17 ~~provisions of Public Law 94-73.~~

18 **Section 64. That § 12-3-7 be REPEALED.**

19 ~~The state's attorney of any affected county is hereby authorized to bring~~
20 ~~appropriate proceedings, pursuant to Public Law 94-73, to exempt the entire county from~~
21 ~~the provisions of that act.~~

22 **Section 65. That § 12-3-8 be REPEALED.**

23 ~~Sections 12-3-6 to 12-3-13, inclusive, shall apply to all elections held within the~~
24 ~~affected counties designated pursuant to § 12-3-6, and the person in charge of such~~
25 ~~elections shall be responsible for the implementation of such sections.~~

26 **Section 66. That § 12-3-9 be REPEALED.**

1 ~~The Legislature finds that the Lakota, Nakota, and Dakota dialects of the Sioux~~
2 ~~language are "historically" unwritten languages and are defined as such by the provisions~~
3 ~~of Public Law 94-73.~~

4 **Section 67. That § 12-3-10 be REPEALED.**

5 ~~The county auditor of the counties affected by §§ 12-3-6 to 12-3-13, inclusive,~~
6 ~~shall provide election assistance to any Indian by providing a person proficient in both the~~
7 ~~local Sioux dialect and the English language in all precincts of the county for the purposes~~
8 ~~of registration, voting and instruction.~~

9 **Section 68. That § 12-3-11 be REPEALED.**

10 ~~Interpreters shall be provided for precincts as determined by the auditor or person~~
11 ~~in charge of that election and interpreters shall be paid the same as precinct deputies. All~~
12 ~~expenses shall be paid out of the county general fund or other appropriate political~~
13 ~~subdivision fund.~~

14 **Section 69. That § 12-3-12 be REPEALED.**

15 ~~If any precinct exists in any county that does not need the assistance of an~~
16 ~~interpreter, the county auditor and the county state's attorney shall certify such facts to~~
17 ~~the state board of elections. Appropriate proof shall accompany such certification.~~

18 **Section 70. That § 12-3-13 be REPEALED.**

19 ~~The State Board of Elections shall have the authority, pursuant to chapter 1-26, to~~
20 ~~promulgate rules to implement, administer and enforce §§ 12-3-6 to 12-3-13, inclusive,~~
21 ~~and the state board of elections shall have further authority, pursuant to chapter 1-26, to~~
22 ~~promulgate rules to implement, administer and enforce further federal administrative~~
23 ~~rulings made pursuant to Public Law 94-73.~~

24 **Section 71. That § 12-4-4.8 be REPEALED.**

25 ~~The State Board of Elections may promulgate rules pursuant to chapter 1-26 for~~
26 ~~the implementation of §§ 12-4-4.2 to 12-4-4.9, inclusive.~~

27 **Section 72. That § 12-4-7.2 be REPEALED.**

1 Any local, state, or federal agency staff person who registers a voter shall ensure
2 that the registration card, as prescribed by the State Board of Elections, is filled out
3 completely.

4 **Section 73. That § 12-4-8 be REPEALED.**

5 For the purpose of expediting work of the county auditor, to promote uniformity in
6 registration, and for the preparation of abstracts and other forms to be used by election
7 boards, registration records shall be prescribed by the State Board of Elections. The State
8 Board of Elections may require such information, on registration records, as is necessary
9 to effectuate the state and federal election laws.

10 **Section 74. That § 12-4-8.1 be REPEALED.**

11 In lieu of forms for registration prescribed under § 12-4-8, requests for absentee
12 ballots submitted in accordance with the Uniformed and Overseas Citizens Absentee
13 Voting Act, 52 U.S.C. § 20301 et seq., as of January 1, 2023, are sufficient for registration
14 purposes. The county auditor shall make and file the index card for the master file and
15 attach the card thereto and shall save an electronic copy of the card. The county auditor
16 shall supply a photocopy to the election board of the precinct for the purposes of § 12-19-
17 2.

18 **Section 75. That § 12-4-35 be REPEALED.**

19 The State Board of Elections may promulgate rules pursuant to chapter 1-26
20 necessary for implementation of the National Voter Registration Act.

21 **Section 76. That § 12-5-3.15 be REPEALED.**

22 The State Board of Elections may adopt rules pursuant to chapter 1-26 to
23 implement §§ 12-5-3.6 to 12-5-3.14, inclusive.

24 **Section 77. That § 12-6-5 be REPEALED.**

25 The form of the nominating petition shall be prescribed by the State Board of
26 Elections.

27 **Section 78. That § 12-6-14 be REPEALED.**

1 ~~The form of the official primary election ballot shall be prescribed by the State~~
2 ~~Board of Elections.~~

3 **Section 79. That § 12-9-13 be REPEALED.**

4 ~~The form of the nonpolitical judiciary ballot shall be prescribed by the State Board~~
5 ~~of Elections.~~

6 **Section 80. That § 12-16-2.1 be REPEALED.**

7 ~~The State Board of Elections shall, by rule adopted pursuant to chapter 1-26,~~
8 ~~establish the color for sample and official ballots and of ballots to be voted in all elections~~
9 ~~so as to differentiate between the political, nonpolitical, party, and ballot question ballots.~~
10 ~~In primary elections, a separate ballot label booklet, marking device, and voting booth~~
11 ~~shall be used for each political party holding a primary.~~

12 **Section 81. That § 12-16-9 be REPEALED.**

13 ~~The form of the official general election ballot shall be prescribed by the State~~
14 ~~Board of Elections in accordance with other provisions of the law.~~

15 **Section 82. That § 12-16-10 be REPEALED.**

16 ~~If two or more members of the State House of Representatives or the county~~
17 ~~commission are to be elected at large from a county, that portion of the official ballot shall~~
18 ~~also be prescribed, in accordance with § 12-16-8, by the State Board of Elections.~~

19 **Section 83. That § 12-18-8.1 be REPEALED.**

20 ~~The State Board of Elections shall promulgate rules pursuant to chapter 1-26~~
21 ~~setting the number of poll watchers which are allowed in each polling place.~~

22 **Section 84. That § 12-20-52 be REPEALED.**

23 ~~The State Board of Elections may, by rule, in accordance with chapter 1-26,~~
24 ~~promulgate rules and regulations to clarify the procedure by which ballots are counted~~
25 ~~and canvassed in all elections.~~

26 **Section 85. That § 12-21-6.1 be REPEALED.**

1 ~~The State Board of Elections may by rule, in accordance with chapter 1-26, adopt~~
2 ~~a code of regulations to govern the conduct of recounts.~~

3 **Section 86.** This Act is effective beginning January 1, 2027.