



2026 South Dakota Legislature
Senate Bill 114
ENROLLED

AN ACT

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

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

Section 1. That § 12-17B-13 be AMENDED:

12-17B-13. The process of tabulating the votes using the automatic tabulating equipment must be under the direction of the person in charge of the election, and must conform to the specifications and requirements of the automatic tabulating equipment.

The results printed by the automatic tabulating equipment are the immediate unofficial returns. These returns and any cast vote record or ballot images collected by the automatic tabulating equipment are public records under chapter 1-27. The county auditor is not required to produce a cast vote record or collection of ballot images, if the operating software of the automatic tabulating equipment used in a county does not produce a cast vote record or ballot images.

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

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

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

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

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

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

- (2) Contains any unredacted personal information that may be used to identify the voter who cast the ballot;
- (3) Provides the tabulating equipment's data in the order in which the data was generated;
- (4) Does not include all the ballots that were cast at the precinct polling place or vote center;
- (5) Is from a precinct polling place or vote center in which fewer than one hundred ballots were cast, and the cast vote record or ballot images have not been:
 - (a) Redacted to exclude the ballot style name, ballot style number, and any contest that is unique to the precinct; and
 - (b) Combined with the cast vote record or ballot images from at least one other precinct or vote center to be released as a collection that contains more than one hundred ballots; or
- (6) Is related to a ballot style of which fewer than one hundred ballots were cast, and the cast vote record or ballot images have not been:
 - (a) Redacted to exclude the ballot style name, ballot style number, and any contest that is unique to the ballot style; and
 - (b) Combined with the cast vote record or ballot images related to another ballot style to be released as a collection that contains more than one hundred ballots.

The jurisdiction conducting the election is responsible for all expenses associated with producing, storing, archiving, and releasing a cast vote record or a collection of ballot images.

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 114

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Filed _____, 2026
at _____ o'clock __ M.

Attest:

Chief Clerk of the House

Secretary of State

Senate Bill No. 114
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State