

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0140

HOUSE BILL NO. 1036

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning voter registration
2 and notices of boundary changes for local elections.

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

4 Section 1. That § 12-4-5 be amended to read:

5 12-4-5. The county auditor shall enter in the master registration file the names of all eligible
6 persons who have had their completed applications for registration and mail registration cards
7 received by any county auditor or any local, state, or federal agency responsible for conducting
8 voter registration under this chapter ~~not~~ no later than 5:00 p.m. local time fifteen days preceding
9 the election. However, any completed mail registration card mailed to the appropriate county
10 auditor and postmarked ~~not~~ no less than thirty days preceding an election shall be added to the
11 registration file. ~~Voter registrations~~ A voter registration completed at any local, state, or federal
12 agency during any given week commencing on Tuesday through the following Monday shall
13 be sent to the appropriate county ~~auditors~~ auditor no later than the following Wednesday. The
14 State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the alternative
15 transmission of voter registration information by computer from the agency to the secretary of



1 state. The name of any voter who has registered to vote by 5:00 p.m. local time fifteen days
2 preceding ~~the secondary~~ a runoff election shall be added to the file used for the ~~secondary~~ runoff
3 election.

4 Section 2. That § 12-4-5.3 be amended to read:

5 12-4-5.3. When a voter registration application is received by the county auditor, the
6 ~~application~~ county auditor shall ~~be reviewed~~ review the application for eligibility and
7 completeness. If the applicant is not eligible to be registered or sufficient information to
8 complete the registration card cannot be obtained from the applicant, the applicant shall be sent
9 an acknowledgment notice indicating why the reason the registration was not filed. In addition,
10 the acknowledgment notice shall state that the voter needs to submit the corrected information
11 to the county within thirty days or the voter registration form may not be processed. Any
12 applicant whose registration is accepted shall be sent an acknowledgment notice. The
13 acknowledgment notice shall be prescribed by the State Board of Elections and sent by
14 nonforwardable mail. The same confirmation mailing required by § 12-4-19 shall be sent
15 immediately to any person whose registration acknowledgment notice is returned undeliverable.

16 Section 3. That § 12-4-9 be amended to read:

17 12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format
18 that contains the information of each person registered in each voting precinct within the county.
19 This file shall be known as the master registration file and shall be, at all times during office
20 hours, open to public inspection. However, public access to social security numbers and driver
21 license numbers contained in the master registration file shall be prohibited. Public access to
22 each voter's day and month of birth shall be restricted. Public access to the voter's year of birth
23 is not restricted. The master registration file shall contain all information from each voter's
24 registration card. The master registration file shall also include the date of the last election the

1 voter has voted in and when the voter's information was last updated. The master registration
2 file may also contain additional voter history information. Any voter registration form for a
3 purged or unregistered voter shall be kept for twenty-two months. No purged or unregistered
4 voter may be included in the master registration file.

5 Section 4. That § 12-4-41 be amended to read:

6 12-4-41. ~~No information~~ Any information obtained from the statewide voter registration file
7 or any county voter registration file may be used or sold only for election purposes, may not be
8 used for any commercial purpose, and may not be placed for unrestricted access on the internet.

9 For the purpose of this section, the term, commercial purpose, does not include campaign or
10 political polling activities. Any violation of this section is a ~~Class 2~~ Class 1 misdemeanor. In
11 addition to any criminal sanctions, the court may impose a civil penalty not to exceed two
12 thousand dollars for each violation. Any civil penalty collected pursuant to this section shall be
13 deposited in the general fund.

14 Section 5. That § 12-14-1.1 be amended to read:

15 12-14-1.1. The official in charge of a local election shall notify the county auditor at least
16 forty-five days ~~preceding before~~ a local election, or if any external boundary changes have been
17 made for the precinct, ward, or representation area, or external boundary changes if any have
18 been made. In even numbered years, the official in charge of a local election shall notify the
19 county auditor at least one hundred days before the primary election and at least one hundred
20 days before the general election if any external boundary changes have been made.