

2020 South Dakota Legislature  
**Senate Bill 103**

**AMENDMENT 103B FOR THE INTRODUCED BILL**

1 **An Act to limit the disclosure of presidential election results and to provide for a**  
2 **suspension of such disclosure.**

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

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

5 **12-20-17. Public disclosure of returns--Prohibition until all polls closed.**

6 No public disclosure of the returns of state and federal elections in any primary or  
7 general election is permitted until each precinct polling place in the state is closed. This  
8 provision applies to each precinct polling place within the state.

9 No public disclosure of the returns in the general election for president ~~or vice~~  
10 president of the United States is permitted if the disclosure violates § 12-20-17.1.

11 **Section 2.** That a NEW SECTION be added:

12 **12-20-17.1. Votes for president--Disclosure--Restriction.**

13 ~~Unless a recount has been requested pursuant to chapter 12-21, no~~ An officer,  
14 employee, or contractor of this state or any political subdivision of this state may publicly  
15 disclose the ~~unofficial~~ number of votes cast in the general election for president ~~or vice~~  
16 president of the United States, ~~until after the time set by law for the meeting and voting~~  
17 ~~of presidential electors has passed in all states provided that the certified copy of the~~  
18 ~~official county canvass and the abstract by state canvassers of county returns are publicly~~  
19 ~~released in accordance with §§ 12-20-38.1 and 12-20-48.~~

20 The secretary of state may disclose, as soon as the information becomes available,  
21 the percentage of statewide votes cast for each presidential candidate, to the nearest  
22 tenth of a percentage point, a list of presidential candidates in order of increasing or  
23 decreasing percentage totals, and the winner of the election.

1           The secretary of state may also disclose partial results prior to receiving results  
2           from all voting districts, and in such case may release the percentage of the state's  
3           registered voters represented by those voting districts.

4           **Section 3.** That § 12-20-38.1 be AMENDED:

5           **12-20-38.1. Certified copy of official county canvass furnished to secretary**  
6           **of state--Permanent record.**

7           The county auditor shall immediately transmit by mail, fax, or electronic means to  
8           the secretary of state a certified copy of the official county canvass of votes prepared  
9           pursuant to § 12-20-38 which shall be used for the official state canvass. The certified  
10          copy shall bear a visible county seal. If the copy is faxed or sent by electronic means, the  
11          original certified copy shall also be mailed or ~~hand-delivered~~ hand-delivered to the  
12          secretary of state. The certified copies shall be microfilmed to become permanent records  
13          of the State of South Dakota and be kept by the secretary of state.

14          Neither the county auditor nor the secretary of state may publicly disclose the  
15          number of votes cast for electors for the president and vice president of the United States  
16          until after the time set by law for the meeting and voting of presidential electors has  
17          passed in all states.

18          **Section 4.** That § 12-20-48 be AMENDED:

19          **12-20-48. Abstract by state canvassers of county returns--Signature and**  
20          **seal--Recording and filing of abstracts.**

21          The Board of State Canvassers shall make an abstract stating the number of votes  
22          cast for each of such officers, the names of all persons voted for, for what office they  
23          respectively received the votes, and the number of votes each received, in words at length,  
24          and stating whom they declare to be elected to each office, which abstract shall be signed  
25          by the canvassers in their official capacity and as state canvassers, and have the great  
26          seal of the state affixed.

27          The secretary of state shall record such abstracts in a book to be kept ~~by him~~ for  
28          recording the result of state elections, called the "election book," and also file such  
29          abstracts.

30          Neither the Board of State Canvassers nor the secretary of state may publicly disclose  
31          the abstract stating the number of votes cast for electors for the president and vice  
32          president of the United States until after the time set by law for the meeting and voting  
33          of presidential electors has passed in all states.

1 **Section 5.** ~~Section 12-20-17.1~~ This Act is suspended until the secretary of state certifies that  
2 states cumulatively possessing a majority of the electoral votes have enacted the National  
3 Popular Vote Interstate Compact, in substantially the same form, and the enactments by such  
4 states have taken effect in each such state.