

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

582E0592

SENATE ENGROSSED NO. **HB 1252** - 02/28/2001

Introduced by: Representatives Davis, Abdallah, Bartling, Begalka, Bradford, Broderick, Brown (Jarvis), Brown (Richard), Burg, Clark, Derby, Duenwald, Duniphan, Eccarius, Elliott, Frost, Fryslie, Garnos, Glenski, Hansen (Tom), Hanson (Gary), Hargens, Heineman, Hennies (Don), Hennies (Thomas), Holbeck, Hundstad, Hunhoff, Jaspers, Jensen, Juhnke, Konold, Kooistra, Lange, Lintz, Madsen, McCaulley, McCoy, Michels, Monroe, Murschel, Nachtigal, Olson (Mel), Pederson (Gordon), Peterson (Bill), Peterson (Jim), Pitts, Pummel, Richter, Sebert, Sigdestad, Slaughter, Smidt, Solum, Sutton (Duane), Teupel, Valandra, Van Etten, Van Gerpen, Van Norman, and Wick and Senators Brown (Arnold), Albers, Apa, Brosz, Daugaard, de Hueck, Dennert, Diedrich (Larry), Diedrich (Elmer), Drake, Duxbury, Everist, Greenfield, Hutmacher, Kleven, Koetzle, Madden, McCracken, McIntyre, Moore, Munson, Olson (Ed), Putnam, Staggers, Sutton (Dan), Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish a statewide voter registration file, to make an
2 appropriation therefor and to declare an emergency.

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

4 Section 1. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The secretary of state shall establish a computerized system for maintaining and utilizing the
7 voter registration file and transmitting voter registration information from each county auditor
8 to the Office of the Secretary of State. Each county auditor shall furnish the current master
9 registration file of voters as provided in § 12-4-9 in computer format to the secretary of state by

1 January 1, 2002. Each county auditor shall transmit any changes thereafter to the master
2 registration file to the secretary of state on a daily basis.

3 Section 2. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The statewide voter registration file maintained by the secretary of state shall be considered
6 a duplicate file of the official voter registration records held in each county office. If there is any
7 discrepancy between the statewide voter registration file maintained by the secretary of state and
8 the master registration file maintained by the county auditor, the master registration file
9 maintained by the county auditor is the official file.

10 Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The secretary of state may promulgate rules pursuant to chapter 1-26 concerning:

- 13 (1) Procedures for the establishing the statewide voter registration file;
- 14 (2) Transmission of the voter registration information from the county to the Office of the
15 Secretary of State;
- 16 (3) Procedures for determining duplicate voter registration;
- 17 (4) Dissemination of the information from the statewide voter registration file; and
- 18 (5) Establishment of fees for information provided from the statewide voter registration
19 file.

20 Section 4. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 The secretary of state may use the statewide voter registration file to identify any duplicate
23 voter registration within the state. If the secretary of state has determined that there is a duplicate
24 voter registration, the secretary of state shall notify the county whose official master registration

1 file contains the oldest duplicate registration and such county shall remove the person from the
2 voter registration file. If the secretary of state has identified a potential duplicate voter
3 registration, the secretary of state shall notify the person registered in the county whose official
4 master registration file contains the oldest potential duplicate registration. The secretary of state
5 shall notify such person in a manner consistent with the provisions of § 12-4-19.1.

6 Section 5. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 No information obtained from the statewide voter registration file may be used or sold for
9 any commercial purpose. For the purpose of this section, the term, commercial purpose, does
10 not include campaign or political polling activities. Any violation of this section is a Class 2
11 misdemeanor.

12 Section 6. That § 12-4-9 be amended to read as follows:

13 ~~12-4-9. The county auditor shall maintain a list of voters in paper or computer format which~~
14 ~~shall be properly indexed, so made and arranged as to contain a list of all persons registered,~~
15 ~~alphabetically arranged according to surnames, residing in each voting precinct within the county.~~
16 ~~The list shall be kept at the office of the county auditor and properly safeguarded. This list shall~~
17 ~~be known as the "master registration list," and may not be removed from the office except upon~~
18 ~~an order of a court of competent jurisdiction. The "master registration list" shall be, at all times~~
19 ~~during office hours, open to public inspection and safeguard a file of voters in computer format~~
20 that contains each person registered in each voting precinct within the county. This file shall be
21 known as the master registration file and shall be, at all times during office hours, open to public
22 inspection. However, public access to social security numbers and driver license numbers
23 contained in the master registration file shall be restricted. The master registration file shall
24 contain all information from each voter's registration card except the description of the location

1 of the voter's residence. The master registration file shall also include the date of the last election
2 the voter has voted in and when the voter's information was last updated. The master registration
3 file may also contain additional voter history information.

4 Section 7. There is hereby appropriated from the general fund the sum of two hundred
5 thousand dollars (\$200,000), or so much thereof as may be necessary, to the secretary of state
6 for hardware, software, development, and any other costs that may be incurred to establish a
7 statewide voter registration file.

8 Section 8. The secretary of state shall approve vouchers and the state auditor shall draw
9 warrants to pay expenditures authorized by this Act.

10 Section 9. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
12 force and effect from and after its passage and approval.