

AN ACT

ENTITLED, An Act to establish a statewide voter registration file, to make an appropriation therefor and to declare an emergency.

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

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

The secretary of state shall establish a computerized system for maintaining and utilizing the voter registration file and transmitting voter registration information from each county auditor to the Office of the Secretary of State. Each county auditor shall furnish the current master registration file of voters as provided in § 12-4-9 in computer format to the secretary of state by January 1, 2002. Each county auditor shall transmit any changes thereafter to the master registration file to the secretary of state on a daily basis.

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

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

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

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

- (1) Procedures for the establishing the statewide voter registration file;
- (2) Transmission of the voter registration information from the county to the Office of the Secretary of State;
- (3) Procedures for determining duplicate voter registration;
- (4) Dissemination of the information from the statewide voter registration file; and

(5) Establishment of fees for information provided from the statewide voter registration file.

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

The secretary of state may use the statewide voter registration file to identify any duplicate voter registration within the state. If the secretary of state has determined that there is a duplicate voter registration, the secretary of state shall notify the county whose official master registration file contains the oldest duplicate registration and such county shall remove the person from the voter registration file. If the secretary of state has identified a potential duplicate voter registration, the secretary of state shall notify the person registered in the county whose official master registration file contains the oldest potential duplicate registration. The secretary of state shall notify such person in a manner consistent with the provisions of § 12-4-19.1.

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

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

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

12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format that contains each person registered in each voting precinct within the county. This file shall be known as the master registration file and shall be, at all times during office hours, open to public inspection. However, public access to social security numbers and driver license numbers contained in the master registration file shall be restricted. The master registration file shall contain all information from each voter's registration card except the description of the location of the voter's residence. The master registration file shall also include the date of the last election the voter has voted in and when the voter's information was last updated. The master registration file may also contain additional voter history information.

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

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

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

An Act to establish a statewide voter registration file, to make an appropriation therefor and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1252

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1252  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State