



2025 South Dakota Legislature

Senate Bill 103

Introduced by: **Senator Pischke**

1 **An Act to prohibit the use of voter centers in a county.**

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

3 **Section 1. That § 12-1-3 be AMENDED:**

4 **12-1-3.** Terms used in this title mean:

- 5 (1) "Ballot question committee," as defined by § 12-27-1;
- 6 (2) "Candidate," a person whose name is on the ballot or who is entitled to be on the
7 ballot to be voted upon for nomination or election at any election;
- 8 (3) "Election," any election held under the laws of this state;
- 9 (4) "Election officials," state and local officials charged with the duty of conducting
10 elections and the canvass of returns;
- 11 (5) "Elector," a person qualified to register as a voter, whether or not the person is
12 registered;
- 13 (6) "Electronic pollbook," an electronic system containing both the registration list and
14 pollbook;
- 15 (7) "General election," the vote required to be taken in each voting precinct of the
16 state on the first Tuesday after the first Monday in November of each even-
17 numbered year;
- 18 (8) "Independent" or "no party affiliation," any currently registered voter who writes
19 independent, I, Ind, no party affiliation, no party, no choice, nonpartisan, or line
20 crossed off in the choice of party field on the voter registration form and any
21 individual who is not currently registered to vote who leaves the choice of party
22 field blank on the voter registration form;
- 23 (9) "Independent candidate," notwithstanding the definition of independent as stated
24 in this section, any registered voter, regardless of party affiliation, who declares to
25 be an independent candidate for public office pursuant to this chapter;

- 1 ~~(10)~~ (10) "Other," any voter who writes a political party not recognized in this state in the
2 choice of party field on the voter registration form;
- 3 ~~(11)~~ (11) "Paid circulator," any person who receives money or anything of value for collecting
4 signatures for a petition;
- 5 ~~(9)~~~~(12)~~ (12) "Party office," an office of a political party organization as distinct from a public
6 office;
- 7 ~~(10)~~~~(13)~~ (13) "Person in charge of an election," or "person charged with the conduct of an
8 election," the county auditor in all cases except local elections for a municipality,
9 school district, township, or other political subdivision, in which case it is the officer
10 having the position comparable to the auditor in that unit of government if not
11 specifically designated by law;
- 12 ~~(11)~~~~(14)~~ (14) "Petition," a form prescribed by the State Board of Elections, which contains
13 the question or candidacy being petitioned, the declaration of candidacy if required
14 and the verification of the circulator. If multiple sheets of paper are necessary to
15 obtain the required number of signatures, each sheet shall be self-contained and
16 separately verified by the circulator;
- 17 ~~(12)~~~~(15)~~ (15) "Petition circulator," a resident of the State of South Dakota as defined under
18 § 12-1-4, who is at least eighteen years of age who circulates nominating petitions
19 or other petitions for the purpose of placing candidates or issues on any election
20 ballot;
- 21 ~~(13)~~~~(16)~~ (16) "Political party," beginning with the 2014 general election and each general
22 election thereafter, a party whose candidate for any statewide office received at
23 least two and one-half percent of the total votes cast for that statewide office in
24 either of the two previous general election cycles;
- 25 ~~(14)~~~~(17)~~ (17) "Pollbook" or "poll list," a list containing in numerical order the names of all
26 persons voting at the election and type of ballot voted;
- 27 ~~(15)~~~~(18)~~ (18) "Polling place," a designated place voters may go to vote;
- 28 ~~(16)~~~~(19)~~ (19) "Poll watcher," a person chosen to observe the conduct of an election by a
29 candidate, political party, or ballot question committee;
- 30 ~~(17)~~~~(20)~~ (20) "Primary" or "primary election," an election held at which candidates are
31 nominated for public office;
- 32 ~~(18)~~~~(21)~~ (21) "Public office," an elected position in government;
- 33 ~~(19)~~~~(22)~~ (22) "Registration list," a list of eligible voters;
- 34 ~~(20)~~~~(23)~~ (23) "Registered mail," does not include certified mail;

- 1 ~~(21)~~(24) "Registration officials," the county auditor and deputies and other persons
 2 authorized to assist in registration pursuant to chapter 12-4; and
 3 ~~(22)~~ "Vote center," a polling place when the precinct has been defined as the entire
 4 jurisdiction and an electronic pollbook is utilized;
 5 ~~(23)~~(25) "Voter," a person duly registered to vote or one who is performing the act of
 6 voting;
 7 ~~(24)~~ "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter
 8 who writes independent, I, Ind, no party affiliation, no party, no choice,
 9 nonpartisan, or line crossed off in the choice of party field on the voter registration
 10 form and any individual who is not currently registered to vote who leaves the
 11 choice of party field blank on the voter registration form;
 12 ~~(25)~~ "Independent candidate," notwithstanding the definition of independent as stated
 13 in this chapter, any registered voter regardless of party affiliation who declares to
 14 be an independent candidate for public office pursuant to this chapter;
 15 ~~(26)~~ "Other," any voter who writes a political party not recognized in South Dakota in
 16 the choice of party field on the voter registration form.

17 **Section 2. That § 12-6-7 be AMENDED:**

18 **12-6-7.** A nominating petition may be composed of several sheets, ~~each.~~ Each
 19 sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-
 20 contained sheet of paper. The petition for a candidate for the Legislature ~~shall~~ must
 21 designate the senatorial or representative district number and house for which the ~~person~~
 22 individual is a candidate.

23 The petition for party office or political public office for a state or federal candidate
 24 ~~shall~~ must be signed by ~~not less than~~ at least one percent of the voters who voted for that
 25 party's gubernatorial candidate at the last gubernatorial election in the state. A petition
 26 for the Legislature, county party office, or county political public office ~~shall~~ must be signed
 27 by ~~not less than~~ at least one percent of the voters who voted for that party's gubernatorial
 28 candidate at the last gubernatorial election, or fifty voters, in the county, part of the
 29 county, or district electing a candidate to fill the office, whichever is less.

30 If the party meets the requirement for alternative political status, as defined in
 31 § 12-1-3.1, the petition for party office or political public office for a state or federal
 32 candidate ~~shall~~ must be signed by ~~not less than~~ at least one percent of the voters who
 33 voted for that party's statewide candidate receiving the highest votes at the last
 34 gubernatorial election in the state. A petition for the Legislature, county party office, or

1 county political public office ~~shall~~ must be signed by ~~not less than~~ at least one percent of
 2 the voters who voted for that party's statewide candidate receiving the highest votes at
 3 the last gubernatorial election in the county, part of the county, or district electing a
 4 candidate to fill the office, whichever is less.

5 ~~If a county uses vote centers and does not print ballots by precinct, signature~~
 6 ~~requirements are:~~

7 ~~(1) For both partisan and independent candidates, fifty signatures for a legislative~~
 8 ~~candidate whose district either in whole or in part includes that county;~~

9 ~~(2) For a county candidate:~~

10 ~~(a) Partisan candidate petitions shall be signed by the lesser of fifty signatures~~
 11 ~~or signatures from one percent of the voters who voted for that party's~~
 12 ~~gubernatorial candidate, or the party's statewide candidate receiving the~~
 13 ~~highest votes if the party meets the requirement for alternative party status~~
 14 ~~as defined in § 12-1-3.1, at the last gubernatorial election in the county~~
 15 ~~electing a candidate to fill the office; or~~

16 ~~(b) Independent candidate petitions shall be signed by not less than one~~
 17 ~~percent of the total combined vote for Governor at the last certified election~~
 18 ~~within the county electing a candidate to fill the office;~~

19 ~~(3) Half the number of signatures required under subdivision (2), for county~~
 20 ~~commissioner district candidates;~~

21 ~~(4) Five signatures for a new party legislative candidate whose district either in whole~~
 22 ~~or in part includes that county;~~

23 ~~(5) Five signatures for a new party county candidate; or~~

24 ~~(6) Three signatures for a new party county commissioner district candidate.~~

25 **Section 3. That § 12-15-1 be AMENDED:**

26 **12-15-1.** The county auditor shall, not less than twenty days before any election,
 27 appoint a precinct superintendent and two precinct deputies who shall constitute the
 28 precinct election board and a precinct superintendent and two precinct deputies of the
 29 counting board, if the board is appointed pursuant to § 12-15-14 or 12-15-14.1, for each
 30 of the voting precincts ~~or vote centers~~ of the county. Additional precinct deputies may be
 31 appointed in increments of two. The county auditor shall make the appointments from
 32 lists of names submitted by the county central committee of each party. If the county
 33 auditor fails to receive the list at least forty-five days prior to an election, the county
 34 auditor ~~shall~~ must make the appointments.

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

2 **12-17B-20.** The post-election audit must be conducted in five percent of the
 3 precincts in the county by manually counting all votes cast in two contests and comparing
 4 the results of the manual count to the results for those precincts at the county canvass.
 5 The county auditor shall select the precincts for the audit at random, without the use of a
 6 computer, in public, during the meeting of the county canvassing board. If the combined
 7 total of all ballots cast in the precincts selected does not exceed one hundred ballots, then
 8 additional precincts must be randomly selected until the total of all ballots exceeds one
 9 hundred ballots. For the purposes of this section, ~~the term precinct includes vote centers,~~
 10 ~~but~~ a precinct does not include any precinct designated as an absentee precinct.

11 The county auditor shall select the contests for the audit at random, without the
 12 use of a computer, in public, during the meeting of the county canvassing board. One
 13 contest randomly selected for the audit must be a statewide contest. If there are no
 14 statewide contests on the ballot, the auditor randomly ~~shall~~ must select another contest
 15 on the ballot. If there is only one contest on the ballot, that contest must be audited.

16 **Section 5. That § 12-19-9 be AMENDED:**

17 **12-19-9.** An authorized messenger shall deliver the absentee ballot to the office
 18 of the person in charge of the election, unless there is ~~not sufficient~~ insufficient time for
 19 the person in charge of the election to transmit the absentee ballot to the voter's home
 20 precinct ~~or a vote center as prescribed by § 12-14-17. In that instance,~~

21 If there is insufficient time for the person in charge of the election to transmit the
 22 absentee ballot to the voter's home precinct, the authorized messenger ~~shall~~ must
 23 personally deliver the absentee ballot to the precinct superintendent of the voter's home
 24 precinct. If the authorized messenger requests a receipt when returning the absentee
 25 ballot, the person in charge of the election ~~shall~~ must provide the authorized messenger
 26 a receipt.

27 **Section 6. That § 12-16-28 be AMENDED:**

28 **12-16-28.** The person in charge of an election shall provide paper ballot precincts
 29 with a pollbook, in the form prescribed by the State Board of Elections, for each election
 30 precinct, for the purposes of § 12-18-5. If any jurisdiction uses electronic pollbooks, ~~but~~
 31 ~~does not use vote centers,~~ the person in charge of the election ~~shall~~ must provide a printed

1 paper voter registration list and a printed and bound paper pollbook to each precinct, prior
2 to the opening of the polls.

3 **Section 7. That § 12-14-17 be REPEALED.**

4 ~~Notwithstanding any other law, a jurisdiction may conduct an election using vote~~
5 ~~centers in accordance with this section. The election shall be conducted in accordance with~~
6 ~~all applicable election laws and rules other than:~~

7 ~~(1) The jurisdiction may use vote centers that allow voters in the jurisdiction to vote~~
8 ~~at any of the vote centers in lieu of establishing precincts and wards for the~~
9 ~~election;~~

10 ~~(2) Any person who is registered to vote and living in the jurisdiction may be appointed~~
11 ~~as a polling place superintendent or deputy to any of the vote centers;~~

12 ~~(3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration~~
13 ~~books;~~

14 ~~(4) The entire jurisdiction is designated as one voting precinct for the election; and~~

15 ~~(5) Any jurisdiction that uses vote centers shall provide a printed paper voter~~
16 ~~registration list and a printed and bound paper pollbook to each vote center prior~~
17 ~~to the opening of the polls.~~