

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

393S0599

SENATE BILL NO. 175

Introduced by: Senators Adelstein, Cutler, Holien, and Lederman and Representative Venner

1 FOR AN ACT ENTITLED, An Act to provide for the participation of independent voters in
2 primary elections.

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

4 Section 1. That § 12-6-2612-6-26 be amended to read as follows:

5 12-6-26. ~~No person may vote a party ballot at any primary election unless the person is~~
6 ~~registered as a member of that political party in the precinct in which the person seeks to vote.~~
7 ~~Any political party in its constitution or bylaws may allow for participation in the party's~~
8 ~~primary elections by any person who is registered to vote with no party affiliation. Any such~~
9 ~~change to the constitution or bylaws of a political party shall be filed pursuant to § 12-5-1.1 by~~
10 ~~January first of the year in the which the primary is conducted. If a person is registered as a~~
11 ~~member of a political party in the precinct in which the person seeks to vote, the person may~~
12 ~~vote that party's ballot at any primary election. If a person is registered to vote with no party~~
13 ~~affiliation in the precinct in which that person seeks to vote, the person may vote a single party~~
14 ~~ballot of that person's choice at any primary election.~~

15 Section 2. That § 12-19-2.6 be amended to read as follows:



1 12-19-2.6. If an absentee voter in a primary election is registered as an independent and is
2 eligible to vote more than one ballot style pursuant to § 12-6-26, the voter may specify the
3 voter's ballot style preference on the absentee ballot application. If no ballot style is designated,
4 the absentee voter shall be provided a nonpolitical ballot.

5 If an absentee voter in a primary election is registered as an independent and is only eligible
6 to vote one ballot style, the absentee voter shall be provided that ballot style. If more than one
7 ~~party allows independent voters to be eligible to vote in a primary election~~ ballot style is
8 available and no nonpolitical ballot is available and the absentee voter does not designate the
9 ballot style to be received, no ballot may be provided to the absentee voter.