

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

591T0171

## SENATE ENGROSSED NO. **SB 58** - 1/23/2012

Introduced by: Senators Schlekeway, Bradford, Buhl, Frerichs, Gray, Haverly, Heineman, Holien, Hunhoff (Jean), Juhnke, Novstrup (Al), Olson (Russell), Peters, Rampelberg, and Rhoden and Representatives Kirkeby, Abdallah, Boomgarden, Deelstra, Fargen, Hansen (Jon), Hickey, Hoffman, Kopp, Lucas, Lust, Olson (Betty), Rausch, Sly, Tulson, Turbiville, Verchio, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections conducted  
2 at voting centers and to declare an emergency.

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

4 Section 1. That chapter 12-14 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding any other provision of law, any jurisdiction may conduct an election using  
7 vote centers pursuant to the provisions of this section. The election shall be conducted in  
8 conformance with all applicable election laws and rules with the following exceptions:

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

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



1 (3) Secure, encrypted electronic pollbooks shall be used in lieu of paper registration  
2 books;

3 (4) The secretary of state shall prescribe the form of the ballot to be used at vote centers  
4 until the State Board of Elections promulgates rules pursuant to subdivision 12-1-  
5 9(2);

6 (5) The entire jurisdiction is designated as one voting precinct for this election; and

7 (6) The jurisdiction shall submit a plan for approval to the secretary of state. The Board  
8 of Elections shall promulgate rules pursuant to chapter 1-26 concerning the plan by  
9 July 1, 2013.

10 Section 2. That § 12-15-1 be amended to read as follows:

11 12-15-1. The county auditor shall, not less than twenty days before any election, appoint a  
12 precinct superintendent and two precinct deputies who shall constitute the precinct election  
13 board and a precinct superintendent and two precinct deputies of the counting board if the board  
14 is appointed pursuant to § 12-15-14 or 12-15-14.1 for each of the voting precincts or vote  
15 centers of the county. ~~Two or four additional~~ Additional precinct deputies may be appointed in  
16 increments of two. The county auditor shall make the appointments from lists of names  
17 submitted by the county central committee of each party. If the county auditor fails to receive  
18 the list at least forty-five days prior to an election, the county auditor shall make the  
19 appointments.

20 Section 3. That § 12-4-10 be amended to read as follows:

21 12-4-10. The county auditor shall provide from the master registration file, in paper or  
22 electronic format, a separate list of the names and addresses of all registered voters in each  
23 voting precinct as established pursuant to chapter 12-14, § 9-13-16, or 13-7-11 in the county,  
24 which shall be known as the precinct registration list. The list for any voting precinct shall be

1 designed so that each name can be distinctly marked whenever the registrant presents himself  
2 or herself for voting and shall contain a space in which may be recorded the record of any  
3 challenge, affidavit, or other information as may be required. Each entry shall be made by the  
4 precinct superintendent or precinct deputies when the voter presents himself or herself for  
5 voting.

6 Section 4. That § 12-1-3 be amended to read as follows:

7 12-1-3. Terms used in this title mean:

8 (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the  
9 ballot to be voted upon for nomination or election at any election;

10 (2) "Election," any election held under the laws of this state;

11 (3) "Election officials," state and local officials charged with the duty of conducting  
12 elections and the canvass of returns;

13 (4) "Elector," a person qualified to register as a voter, whether or not the person is  
14 registered;

15 (4A) "Electronic pollbook," an electronic system containing both the registration list and  
16 pollbook;

17 (5) "General election," the vote required to be taken in each voting precinct of the state  
18 on the first Tuesday after the first Monday in November of each even-numbered year;

19 (6) "Party office," an office of a political party organization as distinct from a public  
20 office;

21 (7) "Person in charge of an election," or "person charged with the conduct of an  
22 election," the county auditor in all cases except local elections for a municipality,  
23 school district, township, or other political subdivision, in which case it is the officer  
24 having the position comparable to the auditor in that unit of government if not

- 1 specifically designated by law;
- 2 (8) "Petition," a form prescribed by the State Board of Elections, which contains the  
3 question or candidacy being petitioned, the declaration of candidacy if required and  
4 the verification of the circulator. If multiple sheets of paper are necessary to obtain  
5 the required number of signatures, each sheet shall be self-contained and separately  
6 verified by the circulator;
- 7 (9) "Petition circulator," a resident of the State of South Dakota who is at least eighteen  
8 years of age who circulates nominating petitions or other petitions for the purpose of  
9 placing candidates or issues on any election ballot;
- 10 (10) "Political party," a party whose candidate for Governor at the last preceding general  
11 election at which a Governor was elected received at least two and one-half percent  
12 of the total votes cast for Governor;
- 13 (10A) "Pollbook" or "poll list," a list containing in numerical order the names of all persons  
14 voting at the election and type of ballot voted;
- 15 ~~(10.1)~~(10B) "Polling place," a designated place voters may go to vote;
- 16 (11) "Primary" or "primary election," an election held at which candidates are nominated  
17 for public office;
- 18 (12) "Public office," an elected position in government;
- 19 (12A) "Registration list," a list of eligible voters;
- 20 (13) "Registered mail," does not include certified mail;
- 21 (14) "Registration officials," the county auditor and deputies and other persons authorized  
22 to assist in registration pursuant to chapter 12-4;
- 23 (14A) "Vote center," a polling place when the precinct has been defined as the entire  
24 jurisdiction and an electronic pollbook is utilized;

1       (15) "Voter," a person duly registered to vote or one who is performing the act of voting.  
2       Section 5. Whereas, this Act is necessary for the support of the state government and its  
3 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
4 full force and effect from and after its passage and approval.