

AN ACT

ENTITLED, An Act to abolish straight-party voting and to revise certain provisions relating to election ballots.

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

Section 1. That § 12-16-2 be amended to read as follows:

12-16-2. All official ballots shall be printed on good quality bond paper, in black ink, and in the English language. The names of candidates for each office shall be printed in large type under the designation of the party for which the nomination is made, so that all the names of candidates for each party are in separate columns, the names of candidates for each office are directly opposite each other, and the names of all independent candidates occupy a separate column under the heading "independent candidates." If the certificate of nomination of an independent candidate filed pursuant to § 12-7-1 specifies the name of a national political party, or a political party organized pursuant to chapter 12-5, with which the independent candidate has an affiliation, the name of the political party specified shall be printed directly below the independent candidate's name on the ballot. In precincts using automatic tabulating systems, the ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order or arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or on a number of separate pages. No individual race or ballot question may be divided between pages. One ballot card may be used for recording a voter's vote on all races and measures.

Section 2. That § 12-16-3.1 be amended to read as follows:

12-16-3.1. If more than one political party qualifies for the general election, the position of each party's candidates on the ballot shall be determined by drawing of lots by the secretary of state at the same time and in the same manner as prescribed for candidates in § 12-16-8. Representatives of the parties may be present when the arrangement is determined. On paper

ballots, the first party name drawn shall be placed in the left-hand column, the second party name drawn shall be placed in the next column, and each succeeding party name drawn shall be placed on the ballot in the order drawn. On punch card ballot labels and on optical scan ballots, the candidate names shall appear in the order in which their party name was drawn.

Section 3. That § 12-16-34 be amended to read as follows:

12-16-34. The tally sheets in the area for tallying votes cast shall be ruled by horizontal and perpendicular lines so as to form squares of suitable size to contain five tally marks each, four of which may be upright and the fifth crossing the same at an oblique angle, every fifth perpendicular line in the ruling to be red, so that five squares for tally marks are contained between each two red lines. In a perpendicular column at the left margin of each tally sheet, there shall be left sufficient space so that there may be printed or written in ink in plain and legible manner the names of all candidates and all questions submitted to the voters at the election, in the same order that they are arranged upon the official ballots used in such election. At the extreme right margin of the tally sheet there shall be a perpendicular column labeled as follows: "Total Votes."

Section 4. That § 12-16-36 be amended to read as follows:

12-16-36. There shall be at the right of each name or question in one or two horizontal lines a sufficient number of squares for the tally marks as provided in § 12-16-34, on the tally sheets for each precinct, to contain the tally marks for one-third more votes than were cast in such precinct at the last preceding general election, not exceeding six hundred in any case. There shall be sufficient spaces at the right of the squares on such tally sheet so that the clerk may write out the total number of votes tallied for the candidate or question.

Section 5. That § 12-16-38 be amended to read as follows:

12-16-38. After the tallying and marking in the tally sheet of the votes for each candidate, the number of votes so tallied for each candidate shall be counted, and the numerical result shall

be placed in the column opposite the candidate's name.

Section 6. That § 12-18-18 be repealed.

Section 7. That § 12-18-20 be repealed.

Section 8. That § 12-18-21 be repealed.

Section 9. That § 12-20-5 be amended to read as follows:

12-20-5. The votes for the several candidates shall be counted in the order in which they occur upon the ballots. If there is no counting board, all three judges, after separation of ballots, shall personally scrutinize each ballot as the vote on that ballot is announced. At least two judges, of opposite political parties, shall scrutinize each ballot in like manner if counting boards are used with the superintendent acting to break any tie vote of the two judges ruling on a ballot. As the vote is announced each of the two clerks assisting the judges shall make the mark required on the tally sheet.

Section 10. That § 12-20-8 be amended to read as follows:

12-20-8. The judges, in counting the votes, shall endeavor to record the intention of the voter. The judges shall then hold the intention of the voter to be to vote for the candidate or candidates before whose name the voter has placed a mark.

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I certify that the attached Act
originated in the
SENATE as Bill No. 21

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 21
File No.
Chapter No.

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Received at this Executive Office
this ___ day of _____,
19__ at ___ M.

By _____
for the Governor

The attached Act is hereby
approved this ___ day of
_____, A.D., 19__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State