

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

555B0192

SENATE LOCAL GOVERNMENT  
COMMITTEE ENGROSSED NO. **SB13** -  
1/20/98

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise the State Board of Elections' rule-making  
2 authority.

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

4 Section 1. That § 12-1-9 be amended to read as follows:

5 12-1-9. The State Board of Elections ~~shall exercise the rule-making power previously~~  
6 ~~granted to the secretary of state, relating to establishing forms for registration and forms and~~  
7 ~~color of ballots and other forms for notices, and to otherwise prescribe forms where such are not~~  
8 ~~made mandatory by law to provide for uniformity of election procedures. The board, in~~  
9 ~~promulgation of its rules, shall comply with chapter 1-26~~ shall promulgate rules pursuant to  
10 chapter 1-26 concerning:

11 (1) Forms for voter registration and voter list maintenance;

12 (2) Forms and color of ballots;

13 (3) Forms for notices;

14 (4) The uniformity of election procedures;

- 1       (5)    The operation of the State Board of Elections;
- 2       (6)    The procedure to accept a petition and verify petition signatures;
- 3       (7)    Petition forms;
- 4       (8)    Envelopes for absentee voting;
- 5       (9)    Instructions to voters and absentee voters.

6       Section 2. That § 12-18-8.1 be amended to read as follows:

7       12-18-8.1. The State Board of Elections shall ~~for each primary and general election set~~  
8       promulgate rules pursuant to chapter 1-26 setting the number of poll watchers ~~for the various~~  
9       ~~precincts within the state taking into consideration the number of candidates and issues to be~~  
10      ~~voted upon at that election. Such rules shall be promulgated pursuant to chapter 1-26~~ which are  
11      allowed in each polling place.

12      Section 3. That § 12-19-3 be amended to read as follows:

13      12-19-3. Upon receiving an application for absentee ballots, the person in charge of an  
14      election shall, within forty-eight hours, or if ballots are not then on hand, then within forty-eight  
15      hours after receipt of the ballots, after confirming from the master registration list that the  
16      applicant is registered as a voter pursuant to chapter 12-4, enclose one of each of the official  
17      ballots, a set of instructions on absentee balloting, in and an unsealed return envelope ~~which shall~~  
18      ~~be prescribed by the State Board of Elections.~~ All of the enclosures shall be sealed in an envelope  
19      addressed to the applicant at the place stated in ~~his~~ the application.

20      Section 4. That § 16-1-2.2 be amended to read as follows:

21      16-1-2.2. ~~The form~~ State Board of Elections shall promulgate rules pursuant to chapter 1-26  
22      setting the deadline for requests from Supreme Court justices for inclusion on a retention ballot  
23      and prescribing the format of the Supreme Court justices' retention ballot ~~shall be prescribed by~~  
24      ~~the State Board of Elections.~~

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Local Government. S.J. 22

3 1/17/98 Scheduled for Committee hearing on this date.

4 1/17/98 Local Government Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 65

5 1/17/98 Local Government Place on Consent Calendar.