

AN ACT

ENTITLED, An Act to provide for the method for marking and counting ballots and to clarify the procedure for auditing ballots.

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

Section 1. That § 12-18-16 be amended to read as follows:

12-18-16. If a paper ballot is used, the voter may use a pencil or pen to mark the voter's ballot and the voter may mark the ballot with either a cross (x) or check mark (?).

Section 2. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as follows:

If an optical scan ballot is used, the voter may use a pencil or other marking instrument provided to mark the voter's choice on the ballot.

Section 3. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as follows:

If a punch card ballot is used, the voter may use the stylus provided to dislodge the chad indicating the voter's choice.

Section 4. That § 12-18-21.1 be repealed.

Section 5. That chapter 12-20 be amended by adding thereto a NEW SECTION to read as follows:

If a name is written on a ballot in an attempt to cast a write-in-vote, the write-in vote may not be counted. However, all other votes for which the voter's intent may be determined shall be counted.

Section 6. That § 12-20-7 be amended to read as follows:

12-20-7. Any ballot or part of a ballot from which it is impossible to determine the voter's choice shall be void and may not be counted. If the voter's marks on a ballot are sufficiently plain to determine the voter's intention it is the duty of the precinct deputies to count such vote. The State

Board of Elections shall promulgate rules, pursuant to chapter 1-26, defining standards for determining voter intent.

Section 7. That § 12-20-1 be amended to read as follows:

12-20-1. As soon as the polls are closed, the precinct superintendent and precinct deputies shall audit the ballot count as prescribed in §§ 12-20-2 and 12-20-3. The precinct superintendent and precinct deputies shall then immediately deliver the ballot boxes, registration book, pollbook, and other election supplies, including voided and unused ballots, to the counting board, if appointed, and sign a certificate of transmittal and receipt as prescribed by the State Board of Elections. The members of the precinct election board or the counting board, if appointed, shall then immediately proceed to count publicly, in the presence of all persons desiring to attend the count, the votes received at the polls, and continue without adjournment until the count is completed. In counting the votes, the members of the precinct election board or counting board shall use the tally sheets provided.

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I certify that the attached Act originated in the

SENATE as Bill No. 12

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 12
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State