

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

381I0367

HOUSE BILL NO. 1131

Introduced by: Representatives Wick, Adelstein, and Madsen and Senators Knudson and Earley

1 FOR AN ACT ENTITLED, An Act to establish or increase certain penalties related to election
2 and voting offenses.

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

4 Section 1. That § 12-26-3 be amended to read as follows:

5 12-26-3. Any person who, at the time of requesting ~~his name~~ to be registered as a voter, or
6 who at the time of ~~offering his vote~~ voting at any election, knowingly makes any false statement
7 or employs any false representation to ~~procure his name to be registered or his vote to be~~
8 ~~received to vote~~, is guilty of a ~~Class 2 misdemeanor~~ Class 6 felony. A false statement or
9 representation made or used in the presence and to the knowledge of a person requesting ~~his~~
10 ~~name~~ to be registered, or offering ~~his~~ to vote, is to be deemed made by ~~himself~~ the person if it
11 appears that it was made or used in support of ~~his~~ the person's claim to be registered or to vote,
12 that ~~he~~ the person knew it to be false, and that ~~he~~ the person allowed it to pass uncontradicted.

13 Section 2. That § 12-26-4 be amended to read as follows:

14 12-26-4. Any person knowing himself or herself not to be a qualified voter who votes or
15 offers to vote at any election is guilty of a ~~Class 2 misdemeanor~~ Class 6 felony.



1 Section 3. That § 12-26-8 be amended to read as follows:

2 12-26-8. A person who votes more than once at any election or who offers to vote after
3 having once voted, either in the same or in another election precinct, is guilty of a ~~Class 1~~
4 ~~misdemeanor~~ Class 6 felony.

5 Section 4. That § 12-26-14 be amended to read as follows:

6 12-26-14. It is a ~~Class 1 misdemeanor~~ Class 6 felony for any person, directly or indirectly,
7 to promise or threaten to grant or withhold or to cause to be granted or withheld, any public
8 relief, assistance loans, or grants for the purpose or with the intention of controlling or
9 influencing the political affiliations, party registration, support or vote at any election, of any
10 person so promised or threatened.

11 The terms, "public relief" and "assistance", include all forms of direct public relief and also
12 all forms of indirect relief such as employment on any public works or project. The terms, "loans"
13 and "grants", include all forms of financial assistance granted by the federal government or any
14 of its agencies and also by this state or any of its political subdivisions.

15 Section 5. That § 12-26-15 be amended to read as follows:

16 12-26-15. It is a ~~Class 2~~ Class 1 misdemeanor for any person, directly or indirectly, by
17 ~~himself~~ or through any other person:

18 (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
19 or other valuable consideration, to or for any voter or to or for any other person, ~~to;~~

20 (a) To induce ~~such the~~ voter to vote or refrain from voting at any election ~~or to;~~

21 (b) To induce any voter to vote or refrain from voting at ~~such the~~ election for any
22 particular person ~~or to;~~

23 (c) To induce ~~such the~~ voter to go to the polls or remain away from the polls at
24 ~~such the~~ election, ~~or on;~~ or

1 follows:

2 It is a Class 6 felony for any person to intentionally:

- 3 (1) Misrepresent the person's identity in applying for a ballot, depositing a ballot in a
4 ballot box, or attempting to vote by means of a voting machine or electronic voting
5 system;
- 6 (2) Aid, abet, counsel, or procure another to go into any precinct for the purpose of
7 voting in that precinct, knowing that the other person is not eligible to vote in that
8 precinct;
- 9 (3) Cause or attempt to cause the person's name to be registered in any precinct if the
10 person is not eligible to vote;
- 11 (4) Misrepresent the person's identity when attempting to register to vote;
- 12 (5) Make or sign any false certificate required by this title;
- 13 (6) Make any false or untrue statement in any application for absentee ballots;
- 14 (7) Apply for absentee ballots more than once in any election with the intent to cast an
15 illegal ballot;
- 16 (8) Do any act in violation of the provisions of this title for the purpose of casting an
17 illegal vote or for the purpose of aiding another to cast an illegal vote;
- 18 (9) Alter an absentee ballot application after it has been signed by the voter, except by an
19 election official for administrative purposes; or
- 20 (10) Aid, abet, counsel, or procure any other individual to violate this section.