MINUTES OF PUBLIC MEETING
State Board of Elections

The State Board of Elections convened a public meeting at 10:30 AM on November 18, 2025, in the Joint Appropriations Committee Room, Room #362, at 500 E. Capitol Avenue, Pierre, SD 57501. Members of the public were also allowed to listen to the meeting through a call-in option hosted on Microsoft Teams.

Hearing Officer: Monae L. Johnson, Secretary of State.

Members of the Board in Attendance: Monae L. Johnson, Kent Alberty, Jamalia Franzen, Austin Hoffman, Lindley Howard, and Scott McGregor.

Others in Attendance (In-Person): Thomas J. Deadrick, Deputy Secretary of State; Christine Lehrkamp, Interim Director of the Division of Elections; Evan Sippel, Election Coordinator; Madisen Vetter, Director of Communications; Rebecca Reimer, Representative D-26B; Thomas Oliva, Hughes County Finance Officer; and Stacy Pinney, Haakon County Auditor.

Others in Attendance (Call-In Option): Heather Irwin, Elections Systems Administrator; and Jamie Roeder, Election Cybersecurity Analyst. Twenty-five (25) people listened to the public hearing of the State Board of Elections through the call-in option.

Call to Order: Secretary of State Monae L. Johnson called the public hearing of the State Board of Elections to order at 10:30 AM.

Approval of Meeting Agenda: Kent Alberty moved that the agenda for the November 18, 2025 meeting of the State Board of Elections be approved. The motion was seconded by Jamalia Franzen. A roll call vote was taken, and the motion carried unanimously.

Approval of Draft Minutes: Austin Hoffman moved that the draft minutes from the September 25, 2025 meeting of the State Board of Elections be approved. The motion was seconded by Jamalia Franzen. A roll call vote was taken, and the motion carried unanimously.

Discussion of Petition for Declaratory Ruling and Response to Clarifying Questions: Austin Hoffman moved that the State Board of Elections move into executive session, pursuant to SDCL 1-25-2(3), for the purpose of consulting with legal counsel about proposed or pending litigation. The motion was seconded by Scott McGregor. A roll call vote was taken, and the motion carried unanimously.

The State Board of Elections moved into executive session at 10:31 AM.

Austin Hoffman moved that the State Board of Elections come out of executive session. The motion was seconded by Kent Alberty. A roll call vote was taken, and the motion carried unanimously.

The State Board of Elections came out of executive session at 10:47 AM.

Motions: Scott McGregor moved that the State Board of Elections deny consideration of Rick Weible's petition for declaratory ruling and response to clarifying questions on the grounds that the petition requested a contested case hearing and that the State Board of Elections previously ruled that it lacked the authority to consider contested cases under the declaratory

ruling statutes and rules. The motion was seconded by Austin Hoffman. A roll call vote was taken, and the motion carried unanimously.

Consideration of Ideas for Legislation: The State Board of Elections allowed public comment on the proposed ideas considered for legislation prior to Board consideration.

Stacy Pinney, Haakon County Auditor, stated that she was excited to see so many ideas. For #3, Pinney asked what was meant by the statement that "[a]ll expenses associated with producing, storing, archiving, and releasing cast vote records and ballot images are the county's responsibility." For #9, Pinney asked if this would only apply to state offices or county offices as well. For #16, Pinney asked whether contests held "in conjunction" would be on separate ballots and stated that clarification might be necessary.

Thomas Oliva, Hughes County Finance Officer, stated that he was pleased with the list. In particular, Oliva endorsed #1 and #2. In response to a question from Scott McGregor, Oliva described what a ballot on demand system is and how it would help with South Dakota's elections.

After receiving public testimony, the State Board of Elections considered each of the ideas for legislation individually.

#1 – An Act to modify provisions pertaining to absentee voting and to declare an emergency: Alberty expressed concerns about the fifteen-day absentee voting period and the emergency clause. McGregor explained that the emergency clause was necessary to allow changes to take effect prior to the June Primary Election, and Hoffman explained that the inclusion of "at least" when establishing the fifteen-day absentee voting period would allow for longer absentee voting periods when necessary. Howard asked how absentee voting would work in certain combined elections and was told that there would be broader discussion of the issue near the end of the meeting.

#2 – An Act to provide for the use of ballot on demand systems and to declare an emergency: Deputy Secretary of State Tom Deadrick described the issues that ballot on demand systems would address. Hoffman asked if ballot on demand systems are currently in use or permissible under state law, and Interim Director of the Division of Elections Christine Lehrkamp explained that there are certain provisions that currently prevent the use of ballot on demand systems.

#3 – An Act to provide for the release of a cast vote record and ballot image at the discretion of the county commission and to declare an emergency: Deputy Secretary of State Tom Deadrick explained that this was a recycled idea and that it included provisions to protect voter privacy. The State Board of Elections did not have any comments on #3.

#4 – An Act to allow an individual's right to vote to be challenged on the grounds that an individual is not a citizen of the United States and to declare an emergency: Alberty asked how SAVE could be used if the SAVE Act has only passed in the U.S. House of Representatives. Deputy Secretary of State Tom Deadrick explained the difference between the Save System and the Save ACT and also noted that South Dakota was already working on a memorandum of understanding (MOU) with the federal government to use the SAVE System. Hoffman stated that the Secretary of State's office and the State Board of Elections would need to be careful when implementing citizenship challenges. Howard added that the emergency clause should be removed to give the State Board of Elections adequate time to promulgate rules.

#5 – An Act to allow the Secretary of State to utilize the Systematic Alien Verification for Entitlements Program to verify the citizenship status of an individual who applies to register

as a voter of this state and to declare an emergency: Deputy Secretary of State Tom Deadrick stated that this idea was a safety net and was no longer necessary. The State Board of Elections did not pursue further discussion of #5.

#6 – An Act to clarify voter registration processes for individuals applying for a South Dakota driver license or nondriver identification card: Alberty asked what would happen to a registered voter who failed to sign the new signature line on a DL application. Deputy Secretary of State Tom Deadrick clarified that the failure to sign the new signature line would only affect individuals registering to vote for the first time.

#7 – An Act to provide for the use of a letter for voter list maintenance: Deputy Secretary of State Tom Deadrick explained that this was a commonsense idea and the product of past discussions with county auditors and the State Board of Elections. The State Board of Elections did not have any comments on #7.

#8 – An Act to allow a candidate to run for a partisan public office and a nonpartisan public office at the same election and to declare an emergency: Deputy Secretary of State Tom Deadrick described the need to allow for more dual-candidacy options due to the increasing number of combined elections. Alberty noted that school board members are restricted in the offices that they are allowed to run for. Hoffman argued that it might be necessary to allow people to hold more than one office, especially in rural areas where there are fewer people interested in running for public office.

#9 – An Act to allow a candidate to qualify to have the candidate's name on the ballot through the payment of a fee: Deputy Secretary of State Tom Deadrick explained how other states (e.g., Kansas) currently use a filing fee system for ballot access. McGregor asked for clarification on the contests that the proposed filing fee system would apply to and was told that it would apply to all contests, except in cases where candidates are required to be nominated by a convention. Hoffman and Alberty expressed opposition to the idea of "pay to play" ballot access and were joined by the rest of the State Board of Elections.

#10 - An Act to provide uniformity for petition signature addresses: Deputy Secretary of State Tom Deadrick described recent legislative changes to the petition process, specifically the requirement that individuals provide a voter registration address rather than a residence address on certain petitions. This idea would change all petitions to require a voter registration address in order to restore uniformity. Alberty suggested that legislation be introduced to repeal the previous change instead.

#11 – An Act to update references to certain voter registration materials: Deputy Secretary of State Tom Deadrick explained that this idea was part of an effort to clean up outdated language. The State Board of Elections did not have any comments on #11.

#12 – An Act to designate a school district business manager as an official in charge of voter registration: Deputy Secretary of State Tom Deadrick described how this idea was meant to improve the voter registration process for younger voters but also how there were some potential drawbacks. Hoffman and Howard stated that adding voter registration to the duties of school district business managers might put too much on their plate.

#13 – An Act to modify and repeal separate ballot requirements for certain elections: Deputy Secretary of State Tom Deadrick stated that this idea was intended to clean up outdated statutes. Hoffman suggested that an emergency clause be included as part of any proposed legislation.

#14 – An Act to modify signature requirements based on the number of votes received at the most recent gubernatorial election: Deputy Secretary of State Tom Deadrick explained that this idea was intended to simplify the calculations involved in certain signature requirements. Hoffman and Alberty noted that the new signature requirements, as proposed, would make it more difficult for Democratic candidates to secure ballot access without having the same effect on Republican candidates. Deputy Secretary of State Tom Deadrick stated that the numbers could be adjusted to satisfy all parties.

#15 – An Act to modify and repeal provisions relating to single-subject determinations for ballot questions: Deputy Secretary of State Tom Deadrick explained how the Legislative Research Council (LRC) is now tasked with making a similar determination as the Secretary of State, which makes the Secretary of State's role redundant. Hoffman agreed that the single-subject determination should not be the Secretary of State's responsibility.

#16 – An Act to clarify certain provisions pertaining to municipal elections: Deputy Secretary of State Tom Deadrick described the work that has gone into trying to understand and implement HB 1130 ahead of next year's elections. In doing so, a number of questions were brought up and discussed with the State Board of Elections.

#17 – An Act to amend certain dates pertaining to municipal and school elections: Deputy Secretary of State Tom Deadrick explained the need to change certain dates to make them more reasonable and to bring them closer to the dates used in county elections. The State Board of Elections did not have any comments on #17.

Public Comments: Secretary of State Monae L. Johnson invited members of the public to offer comments to the State Board of Elections.

Thomas Oliva, Hughes County Finance Officer, offered clarification as to whether a county auditor may deny a request from a city or school to combine elections, stating that state law was clear in giving the authority to consider combined elections to each governmental subdivision's governing body and not to the county auditor.

General Remarks: Secretary of State Monae L. Johnson provided an update on SDVotes, a voter registration system upgrade, and stated that it would go live on December 12, 2025. Secretary Johnson also stated that the Secretary of State's office would be certifying new election equipment between January 21 and January 23, 2026.

Scott McGregor reaffirmed the State Board of Election's decision to deny consideration of Rick Weible's petition based on the Administrative Procedures Act.

Austin Hoffman thanked the Secretary of State's office for their work in putting the proposed legislation together and expressed appreciation on behalf of the State Board of Elections.

Adjournment: Kent Alberty moved that the State Board of Elections meeting be adjourned. The motion was seconded by Austin Hoffman. A roll call vote was taken, and the motion carried unanimously. The State Board of Elections adjourned at 12:05 PM.