



South Dakota Secretary of State

Monae L. Johnson
Secretary of State

Thomas J. Deadrick
Deputy Secretary of State

State Board of Elections DRAFT Meeting Minutes

Wednesday December 4, 2024, at 1:30 P.M. (CST)

Capitol Building, Room B20
500 E Capitol Ave., Pierre

Call in Information: 1+ 605-679-7263

Phone ID: 605 194 042#

Call to Order: Secretary of State Monae L. Johnson called the meeting to order at 1:30 P.M.

Members present in person: Secretary of State Monae L. Johnson (Chair, Board of Elections), Kent Alberty (Board of Elections), Jamalia Franzen (Auditor, Board of Elections), Lindley Howard (Auditor, Board of Elections), John Lake (Board of Elections), Scott McGregor (Board of Elections)

Others present (In-Person): Tom Deadrick (Deputy Secretary of State), Rachel Soulek (Secretary of State, Election Director), Christine Lehrkamp (Secretary of State, Deputy of Elections), Thomas Oliva (Hughes Co. Auditor), Kathy Glines (Harding Co. Auditor), Brenda McGruder (Lawrence Co. Auditor), Jill Hanson (Beadle Co. Auditor), Stacy Pinney (Haakon Co. Auditor), Cindy Mohler (Pennington Co. Auditor), Bob Mercer (Keloland News) .

Others present (Online): Bailey Tibbs (Secretary of State, State Elections Coordinator), Heather Irwin (Secretary of State, Election Systems Administrator), Jamie Roeder (Secretary of State, Cyber Security Analyst).

A motion was made by John Lake and seconded Kent Alberty to approve the draft minutes from the Wednesday May 5, 2024, meeting. A roll call vote was taken, and the motion carried unanimously.

A motion was made by Jamalia Franzen and seconded by Scott McGregor to approve the agenda for December 4, 2024, meeting. A roll call vote was taken, and the motion carried unanimously.

Deputy Deadrick outlined the four draft pieces of legislation and then opened the floor for Board discussion and recommendations. The auditors present in the room also participated in the discussion.

- **Draft 163: An act to require a voter use a pen when marking a ballot** (see attached for complete draft).
 - Board was supportive of these proposed changes to 12-18-16.
 - The auditors stated that there are other statutes and rules that need to be cleaned up, in order for things to be consistent.
- **Draft 166: An act to prevent a member of a governing body from assisting in the canvass of the votes for an office for which the member is a candidate** (see attached for complete draft).
 - Board was supportive of these proposed changes to 12-20-36.
 - SOS staff will reach out to SDML and ASBSD regarding making a similar change to their canvassing statutes (9-13-24 and 13-7-8) in order to be consistent for elections.



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- **Draft 168: An act to modify pertaining to the submission of a nominating petition** (see attached for complete draft).
 - Under the current statute, in 2026, the last Tuesday of March is March 31 which would be the deadline date for petitions to be filed for the June Primary election. Ballots have to be in the auditors hands by April 17. The following would have to be completed in 17 days: waiting on registered mail to come (could arrive April 7 or later), random samples of statewide candidate petitions, lawsuits, ballot creation, ballot proofing, ballot printing and ballot delivery. This is an impossible timeline.
 - Board Member Lake recommended amending the title of the draft as it appears to be missing a word or two. **Change to:** *An act to modify ~~pertaining to~~ the submission of a nominating petition.* Board was in support of this title amendment.
- **Draft 169: An act to require the secretary of state to publish the number's pertaining to the collection of signatures on a nominating petition.**
 - This draft is a result of the SOS staff making a mistake in calculating some petition signature totals. A candidate submitted the required number we had published on our website and the petition was accepted by the SOS office. The office was taken to court and the judge ruled against the SOS and we had to remove the candidate from the ballot.
 - Board was supportive of these new sections to 12-6.
 - Suggested edits:
 - page 2, line 2 add "may" after party, delete "ing" from appealing and add "by" and delete must.
 - Page 2, line 3 add "ing" to file.
 - The question came up about using flat numbers for signature requirements like the school districts do. No matter what school district it is, candidates are only required to collect 20 valid signatures.
- **Board member McGregor brought a suggested piece of legislation for consideration** (see attached). His legislation would amend 12-19-1.2 and 12-19-2.1. These statutes relate to absentee voting. Some counties do not have office hours have limited hours on Fridays which results in voters not being able to vote absentee on Fridays during the 46-day absentee period. Member McGregor would like counties to be open every weekday during the absentee period, except holidays and weekends, for the purpose of absentee voting.
 - There was discussion between Member McGregor and the Auditors present regarding this.
- **The auditors offered a packet of proposed statute amendments** that they feel are a priority (see attached). Member Howard presented the packet and detailed the changes.
 - **12-15-3:** changes would allow the auditor to appoint the best **precinct workers** for the job instead of being so constrained by what party affiliation each person is.
 - **12-17B-11:** changes would allow the auditor to appoint the best persons to **tabulate ballots** instead of being constrained by what party affiliation each person is.
 - **12-17B-3:** changes would remove the governing board, who aren't election experts, from being able to make decisions about the voting system and instead give that authority to the person in charge of the election who is the auditor.
 - **12-21-4:** changes would allow the governing board to set the wages of the recount referee like the board sets all the other wages for the county.



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- **12-21-4.1**: changes would remove the text “however, this provision shall not apply to the first ten miles traveled each day.” This does not line up with how mileage is paid by any county. All mileage is paid and there is no exclusion for the first 10 miles.
- **12-17B-13**: changes would remove the text “printed by the automatic tabulating equipment.” Counties that use a DS850 tabulator with ERM do not get results that are printed by the tabulator.
- **12-4-5.4**: Suggestion by attorney representative from the Attorney General’s office that due to a current settlement agreement there should be no changes to this statute.
- **12-15-1**: changes would make it an option, instead of mandatory, to appoint precinct workers from lists provided by county central committees. Auditors need to appoint the best, most experienced, most reliable workers.
- **12-15-10**: Repeal this statute as it isn’t practical.

Secretary Johnson opened the meeting for Public Comments. There were no comments.

Secretary Johnson started her general remarks by thanking the board members for all they do. She also thanked all the auditors and their staff for their commitment to elections. She said it’s been an honor to serve as Secretary of State for the past two years, and those two years have been interesting, challenging, fun and exciting. She appreciates her dedicated staff.

Elections have changed in the past several years, as our office and the county auditors can attest. Nationwide, there have been verbal and physical threats, harassment and more.

The General Election turnout average was over 69% and once again the post-election audits showed that the ES&S tabulators read the ballots just as the voters voted.

We are all working for the citizens of South Dakota to secure elections and build trust in the election process. Currently, we are working with the Legislative Research Council on a bill to address residency confusion and will be happy to share it with you when available.

My staff and I wish you a very Merry Christmas and a Happy New Year.

A motion was made by Kent Alberty and seconded by Scott McGregor to adjourn the Board of Elections meeting. Voice vote. The motion to adjourn at 2:50 P.M. was passed unanimously.