

**From:** [John Carley](#)  
**To:** [Deadrick, Tom](#)  
**Cc:** [Johnson, Monae](#); [Flynn, Grant](#); [Lehrkamp, Christine](#); [Jamalia Franzen](#); [22kmatsuda@use.startmail.com](mailto:22kmatsuda@use.startmail.com); [Peterson, Sue](#)  
**Subject:** Fw: [EXT] BOE - 6/30/26 planned meeting - response to League of Women Voter's Petition for Rule Making  
**Date:** Tuesday, June 30, 2026 10:24:13 AM

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Mr. Deadrick,

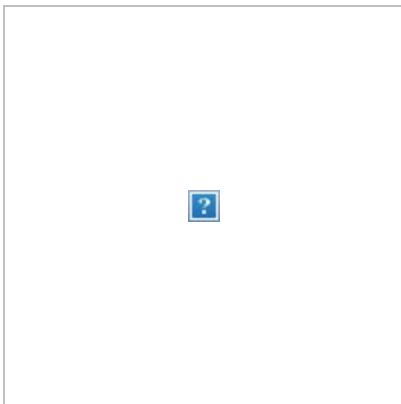
This email was sent to SOS office yesterday as you will see below at 4:37pm MT, and sent even BEFORE the Sioux Tribe email feedback which shows received at 6:37pm MT - however my comments are not published but Sioux Tribe's was listed at 7:48am MT today.

Please publish this as well on the website with the other public comments:

<https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=123>

Ms. Franzen replied yesterday that she received it.

Grant Flynn just announced the public comment comments at the beginning of meeting. He was copied yesterday as well.



## *John Carley*

Senator, District 29  
Meade, Pennington, Butte Counties  
Piedmont, SD

Joint Committee on Appropriations  
Senate Appropriations

[John.Carley@sdlegislature.gov](mailto:John.Carley@sdlegislature.gov)

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**From:** John Carley

**Sent:** Monday, June 29, 2026 4:27 PM

**To:** Johnson, Monae <monae.johnson@state.sd.us>; austinhoffman@valleytel.net <austinhoffman@valleytel.net>; Kristin M <mamatree@use.startmail.com>; Lindley Howard <lindley.howard@mcpherson.sdcounty.gov>; Dewey Auditor (auditor@deweycounty.biz) <auditor@deweycounty.biz>; sdmcgregor906@gmail.com <sdmcgregor906@gmail.com>;

kentalberty@gmail.com <kentalberty@gmail.com>

**Cc:** Marty Jackley <marty.jackley@state.sd.us>; Flynn, Grant <grant.flynn@state.sd.us>; Sue Peterson <Sue.Peterson@sdlegislature.gov>; Tony Kayser <Tony.Kayser@sdlegislature.gov>; Carl Perry <Carl.Perry@sdlegislature.gov>; Heather Baxter <Heather.Baxter@sdlegislature.gov>; Travis Ismay <Travis.Ismay@sdlegislature.gov>; Phil Jensen <Phil.Jensen@sdlegislature.gov>; Dylan C. Jordan <Dylan.Jordan@sdlegislature.gov>; Kathy Rice <Kathy.Rice@sdlegislature.gov>; John Sjaarda <John.Sjaarda@sdlegislature.gov>

**Subject:** BOE - 6/30/26 planned meeting - response to League of Women Voter's Petition for Rule Making

To Board of Elections:

Re: [BOE meeting 6/30/26](#), [Agenda item \(E\)](#) Rule Making ([SB175](#) - "SAVE South Dakota Act" - Citizen Only Registering to Vote)

SB 175 is South Dakota's version of the SAVE Act: a straightforward election-integrity law requiring new voter registrants (first-time in the state or re-registering after removal from the rolls) to provide documentary proof of U.S. citizenship to vote in state and local elections. Existing registered voters are untouched. Those who do not provide proof are designated "federal-only" voters, limited to federal races. Governor Larry Rhoden signed it March 26, 2026, with an emergency clause for immediate effect. The Secretary of State issued prompt guidance aligning with the statute. The LWV petition claims this guidance and current forms create inconsistency, confusion, and legal risk. A plain reading shows something different: an activist group using administrative rulemaking to complicate, delay, and dilute a clear legislative mandate for basic citizenship verification. What SB 175 Actually Does (Statutory Reality) SB 175 amends SDCL §§ 12-4-1, 12-4-1.3, and 12-4-1.4. It adds a simple threshold: new registrants must show one of these acceptable proofs of citizenship:

- A. South Dakota driver's license or nondriver ID issued after July 1, 2025, indicating citizenship.
- B. Out-of-state DL/ID indicating citizenship verification.
- C. Tribal identification card.
- D. Legible photocopy of birth certificate, U.S. passport (showing number), consular report of birth abroad, naturalization certificate, or other federally acceptable documentary proof.

It applies only to new or re-registering voters and only for state/local ballots. Federal elections remain accessible without the extra step. This is minimal, targeted, and consistent with the principle that sovereign states decide who participates in their own elections. Non-citizen voting is not a hypothetical; it is a structural vulnerability that erodes confidence in self-government. The LWV Petition: What It Really Seeks The petition demands new or amended rules in areas such as:

- A. Adding DPOC instructions and examples to the voter registration form and instructions.
- B. Clarifying (and arguably expanding) acceptance of photocopies and submission methods.
- C. Creating special procedures and affidavits for name mismatches (e.g., marriage).
- D. Mandating standardized notices to federal-only registrants with cure instructions and appeal rights.
- E. Adding appeal processes to county boards or circuit court.
- F. Creating cure opportunities and provisional ballot options tied specifically to DPOC failures.

The petition leans heavily on NVRA, HAVA, the Civil Rights Act’s materiality provision, and due-process arguments. It warns of “disenfranchisement,” especially for Native American, rural, and low-income voters, and claims over 150 federal-only registrations already occurred by early May 2026.

Critique:

1. This is administrative lawfare against a democratically passed law.

The legislature and governor acted decisively. The Secretary of State moved quickly with guidance that tracks the statute’s distinction between secure original IDs (in-person for certain driver’s licenses and tribal IDs) and photocopies for birth certificates, passports, etc. The LWV response is not modest clarification — it is a lengthy wish list that would layer new procedural entitlements, cure mechanisms, and appeal bureaucracies onto a simple statutory requirement. This shifts power from the elected legislature to the Board of Elections and invites endless litigation.

2. The “burdens” and “disenfranchisement” claims are overstated and selective. Tribal IDs are explicitly accepted — a direct accommodation to South Dakota’s Native population. Photocopies are permitted for the most common documents. Existing voters need do nothing. The documents required (birth certificate copy, passport copy, tribal ID) are ordinary items most citizens already possess or can obtain.

The real “burden” falls on people who cannot or will not prove they are U.S. citizens before registering for state elections. Framing this as suppression is the standard rhetorical move against any citizenship or ID requirement. South Dakota principles reject the premise that easy access trumps verification.

3. Name-change affidavits and expansive cure/provisional processes undermine the

law's purpose.

Citizenship is a binary, threshold qualification, not something cured with an affidavit or provisional ballot after the fact. Allowing easy self-attestation or post-deadline fixes for DPOC turns the requirement into theater. Provisional ballots exist for identity issues under HAVA; extending them aggressively to citizenship proof risks letting ineligible voters cast ballots that may never be fully scrutinized. The statute's design — provide proof upfront or accept federal-only status — is deliberate and sound.

4. NVRA and federal overlays do not override state authority here.

NVRA primarily governs federal election administration. SB 175 creates a bifurcated system precisely to respect that distinction while securing state elections. The materiality provision and due-process citations are tools frequently deployed by groups seeking to weaken integrity measures. South Dakota's constitution and statutes already protect voting rights; they do not require the state to make citizenship verification optional or endlessly appealable.

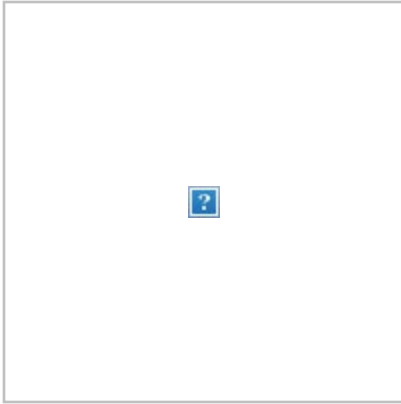
5. Uniformity is desirable — but on the legislature's terms.

Some standardization of forms and notices could be reasonable. The LWV version, however, tilts heavily toward maximizing federal-only registrations as a default and creating multiple off-ramps. This board should issue narrow, clarifying rules focused on clear communication of the statutory requirement, faithful implementation of the listed acceptable documents, and minimal additional process. It would not create new substantive rights or bureaucratic hurdles that dilute the law. Bottom Line, SB 175 is good policy. It reinforces that U.S. citizenship is a prerequisite for participating in South Dakota's self-government. The LWV petition is a predictable response from an organization with a consistent record of opposing voter ID, citizenship verification, and other commonsense safeguards while framing them as threats to "access." The statutes already on the books (pre- and post-SB 175) give the Board authority to implement, not to rewrite or soften, the law through expansive rulemaking. South Dakota voters elected a legislature and governor who chose security and sovereignty. The proper response to this petition is narrow rules that faithfully execute SB 175, not a 31-page administrative expansion that invites further challenges and administrative bloat. Election integrity begins with knowing who is voting. Requiring proof of citizenship for new registrants is not radical — it is baseline responsibility in a republic. The LWV petition seeks to make that baseline optional through process.

Thank you.

Author of SB175, Sponsors of SB175, (with Supermajority of the Senate and House

passing).



***John Carley***

Senator, District 29  
Meade, Pennington, Butte Counties  
Piedmont, SD

Joint Committee on Appropriations  
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[John.Carley@sdlegislature.gov](mailto:John.Carley@sdlegislature.gov)