

SOS reply to League of Women Voter's Petition for Rules (updated)

Yesterday, As the staff went through the rules being prepared for the August 6 meeting, it was plain that the path we were going down is different than what the GOP said about who should be the SOS. Therefore, at this time, there are no rules being prepared for Aug 6, but if the BOE wants some of the proposals from the League of Women Voters, we will begin the rule making process for those rules as per SDCL 1-26-13.

1-26-13. Petition for rules--Denial or initiation of proceedings--Copies to committee and code counsel.

An interested person, other than an inmate as defined in § [1-15-20.1](#), may petition an agency requesting the promulgation, amendment, or repeal of a rule. The petition must contain the text or substance of any new rule or amendment sought, the identification of any rule sought to be repealed, reasons for the proposal, and the name and address of the petitioner. Within thirty days after submission of a petition, the agency shall deny the petition in writing, stating its reasons for the denial, or shall initiate rule-making proceedings in accordance with § [1-26-4](#). The agency shall serve a copy of any petition and denial on the members of the Interim Rules Review Committee and code counsel.

Source: [SL 1966, ch 159](#), § 6; [SL 1972, ch 8](#), § 18; [SL 1975, ch 16](#), § 24; [SL 1997, ch 12](#), § 2; [SL 1999, ch 6](#), § 2; [SL 2025, ch 9](#), § 21.

[1-26-4](#) Permanent rule-making procedure--Notice, filings, service, and hearing--Extension--Waiver.

5:02:03:01 Voter registration form. This would make the form unwieldy. The proposal, however, has some validity as to informing voters and the SOS office is taking it into account, but incorporating it into 5:02:03:13 Voter registration instructions. As to both rules and anywhere the League proposes that a driver license can be photocopied the SOS differs in it's statutory construction and interpretation of the relevant statutes. It is plain that the first 3 means of demonstrating citizenship (SDCL 12-4-1.4) are classified as "shall present" which the SOS office interprets as "shall present an original." After the first three, the word "photocopy" is used, differentiating the other forms of documentation from the "shall present" documents. Clearest course of action would be to change 12-4-1.4 to allow photocopies of all. Otherwise the statute and the rule would conflict.

5:02:03:XX Proof of citizenship. The SOS office believes there is no statutory support for the photocopy language as explained above.

5:02:03:XX Name Change. Name Changes have been a part of voter registration for as long as women had the right to vote. The SOS office hears of almost no problems with name changes in the past and believes this proposed rule is not necessary.

5:02:03:XX Acknowledgment notice for federal voter registration. As presented this is unwieldy and would be expensive to print and mail.

5:02:03:16 Confirmation mailing notice will be in the proposed rules packet that will be available this week. The only change is striking “full ballot voter” and replacing with “state voter”

5:02:03:XX Opportunity to cure federal voter status. Curing federal status is as simple as registering or reregistering with the proper documentation. This does need a rule.

5:02:03:XX Right to appeal denial of voter registration. An appeal process is included with the proposed rules packet and allows the board of county commissioners to have 60 days to hear the matter rather than 30 days.

June 30, 2026