

**SOUTH DAKOTA COUNTY PARTY CHAIR  
And EXEC BOARD DUTIES IN ELECTIONS  
RESTORING LOCAL AUTHORITY  
AND  
OVERSIGHT IN SOUTH DAKOTA ELECTIONS**

Our goal at SD Canvassing is to restore free, fair, transparent and secure elections, now and for future generations. Over the course of the last twenty years, what had been locally run hand counted elections have become centralized, computerized, unverifiable elections. Control over the election reporting and results has been given over to third-party for-profit vendors, while the audit trail has disappeared. Election results are transmitted through internet connected non-certified software that has no government oversight in it's development or operation. Elections are intended to be of the People, by the People, and for the People.

The county party chair is given multiple avenues by state law to oversee and secure the elections. As has been very evident in the recent past, local auditors have not been following the laws, and the party chairs have no knowledge of their duty.

We aim to restore full compliance with this local oversight that is a very important part of securing our elections.

Recently, the precinct committee strategy has become popular, and many seats that had been empty, have now been filled. Many counties that were inactive are working to organize again. All of these things are encouraging signs that average citizens care about their government and are reengaging in civic duty. This is why every county executive board needs to understand their role in the election process, and to actively recruit volunteers for oversight of the 2024 elections.

The auditor's office should be provided with an extensive list of volunteers from the County Party Chair to staff the following:

1. Absentee ballot processing
2. Absentee ballot counting
3. Tabulation machine testing
4. Nursing home, assisted living, and hospital voting
5. Precinct poll workers
6. Election Day ballot counting
7. Post-election audit ballot counting

We strongly suggest each precinct committee person in your county be provided a current list of voters in their precinct now.

Duties of Each Precinct Committee Person:

1. Canvass the neighborhoods now. If contact has been made with voters prior to an election, they may be more open to canvassing during campaign season.
2. Take a clipboard with a list. Make note of voter roll discrepancies.
3. Ask each voter which item they would volunteer to help with during the 2024 elections:
  - a. Hand Counting ballots
  - b. Poll Worker
  - c. Poll Watcher
4. Turn in lists of volunteers to the County Party Chair.
5. County Party Chair turns in these compiled lists to the County Auditor well ahead of election season. Volunteers on the submitted lists must then be given poll worker spots and cannot be removed for political reasons. County Party Chair must know the law and then be prepared act.
6. County Party Chair should organize precinct committee persons and volunteers to:
  - a. Watch absentee ballot processing
  - b. Watch absentee ballot counting
  - c. Watch the tabulation machine testing
  - d. Watch the nursing home, assisted living, and hospital voting
  - e. Watch each precinct voting location
  - f. Watch election day ballot counting
  - g. Watch post-election audit ballot counting
  - h. Watch any recounts in your county
7. County Party Chair and Executive Board coordinates poll watchers for GOP candidates with previously compiled lists.
8. County Party Chair directs volunteers to South Dakota Canvassing Group or Midwest Swamp Watch for poll watcher and poll worker training and educational resources. These individuals must have knowledge of the law so they can help ensure they are followed properly during the above processes.

**Below is a list of state statutes mandating the county auditor to notify the County Party Chair of scheduled election processes.**

**PLEASE NOTE: A violation of any law in the SD State Code that is not assigned a separate penalty is a Class 2 Misdemeanor.**

**3-16-1. Willful failure to perform official duty as misdemeanor.**

Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every intentional omission to perform such duty, where no special provision shall have been made for the punishment of such delinquency, is a Class 2 misdemeanor.

**12-15-1. Appointment by county auditor of precinct election officials--Names submitted by parties.**

The county auditor shall, not less than twenty days before any election, appoint a precinct superintendent and two precinct deputies who shall constitute the precinct election board and a precinct superintendent and two precinct deputies of the counting board if the board is appointed pursuant to § 12-15-14 or 12-15-14.1 for each of the voting precincts or vote centers of the county. Additional precinct deputies may be appointed in increments of two. The county auditor shall make the appointments from lists of names submitted by the county central committee of each party. If the county auditor fails to receive the list at least forty-five days prior to an election, the county auditor shall make the appointments.

**12-15-2. Precinct superintendent and deputy to be registered voters and residents of precinct--Vacancy on precinct election board.**

A precinct superintendent or precinct deputy appointed under § 12-15-1 shall be a registered voter and a resident of the precinct for which the person is appointed. If the person in charge of the election is unable to appoint a sufficient number of members of the precinct election board who meet the requirements under § 12-15-3 by the time prescribed in § 12-15-1, a vacancy may be filled by appointing any registered voter of the county in which the precinct is located.

**Source:** SDC 1939, § 16.1002; SL 1939, ch 79; SL 1976, ch 105, § 33; SL 1984, ch 108, § 1; SL 1993, ch 112, § 2; SL 1999, ch 69, § 4; SL 2019, ch 75, § 3.

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**12-15-2.1. Precinct superintendent and precinct deputy prohibited to serve as poll watchers.**

No person appointed as a precinct superintendent or precinct deputy may serve as a poll watcher at that election.

**12-15-3. Distribution of precinct officials among parties--Superintendent from majority party--Eligible appointees when list not provided.**

In the appointment of the members of the precinct election board and of the counting board pursuant to this chapter, if three or more parties have candidates on the official ballot, one precinct deputy shall be appointed from each party whose candidate for Governor in the last gubernatorial election had at least fifteen percent of the votes as shown by the precinct returns. If two parties have candidates on such ballots, the members of the precinct election board shall be selected from each party and the party

receiving a majority of the votes cast for Governor in the election precinct at the last preceding gubernatorial election shall have a majority of the members of the precinct election board. The precinct superintendent shall belong to the party whose candidate received the most votes for Governor in the last gubernatorial election in that precinct. If a precinct has been created since the last election, the precinct superintendent shall belong to the party which received the most votes for Governor in the county in the last gubernatorial election. If no list is provided by a party's county central committee pursuant to § 12-15-1, any registered voter who is not affiliated with a party as provided in this section may be chosen as a precinct election board member for the party which did not submit the list within time frame specified in § 12-15-1.

**12-16-8. Order of listing candidates for same office in same column.**

If there is more than one candidate seeking nomination or election for the same office in any column, the names of candidates for that office shall be arranged by lot, under the supervision of the election official in whose office the candidates' nominations were filed. Each candidate has the right to be present or represented when the arrangement is being determined.

**12-17B-11. Equal party representation amongst persons employed to receive, process or tabulate ballots--Submission of employee list--Oath required.**

Except for any specially trained technicians representing the equipment vendor and required for the operation of the automatic tabulating equipment, there shall be equal representation from each political party having a candidate on the ballot and whose candidate on the county-wide ballot at the last general election received at least fifteen percent of the votes amongst those employed or authorized to receive, process, or tabulate the ballots. The proposed list of employees shall be submitted to each county party chairperson at least thirty days prior to the election. Each person shall, prior to discharging any duties, take and subscribe to an oath as prescribed by the State Board of Elections.

**12-17B-5. Testing system before election--Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.**

Not more than ten days prior to an election, the person in charge of the election shall conduct a test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

#### **12-17B-18. Post-election audit--Auditing board--Members--Promulgation of rules.**

Within fifteen days following the completion of the state canvassing of a primary or general election, the auditor of each county shall conduct a post-election audit of the ballots cast in the election following the procedures listed in this section and §§ 12-17B-19 to 12-17B-25, inclusive. The county auditor shall appoint a county auditing board of sufficient size to promptly complete the audit.

The members of the county auditing board may not all be members of the same political party. A member of the county auditing board must be a registered voter in the county in which the audit takes place. An individual may not serve on the county auditing board if the individual is a candidate for the office that is on the ballot being audited.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the oath that each member of a county auditing board must take prior to discharging any duties.

#### **12-17B-20. Post-election audit--Procedure--Precinct defined.**

The post-election audit must be conducted in five percent of the precincts in the county by manually counting all votes cast in two contests and comparing the results of the manual count to the results for those precincts at the county canvass. The county auditor shall select the precincts for the audit at random without the use of a computer in public during the meeting of the county canvassing board. If the combined total of all ballots cast in the precincts selected does not exceed one hundred ballots, then additional precincts must be randomly selected until the total of all ballots exceeds one hundred ballots. For the purposes of this section, the term precinct includes vote centers, but does not include any precinct designated as an absentee precinct.

The county auditor shall select the contests for the audit at random without the use of a computer in public during the meeting of the county canvassing board. One contest randomly selected for the audit must be a statewide contest. If there are no statewide contests on the ballot, the auditor randomly shall select another contest on the ballot. If there is only one contest on the ballot, that contest must be audited.

**Source:** SL 2023, ch 50, § 3.

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#### **12-17B-21. Post-election audit open to the public--Notification.**

A post-election audit conducted pursuant to §§ 12-17B-18 to 12-17B-25, inclusive, must be open to the public. Members of the public shall keep a reasonable distance so as to not interfere with the audit process. The county auditor shall post notice of the time and place of the audit in the same manner as a public meeting agenda pursuant to § 1-25-1.1 and provide the notice to the county chair of each political party that has a candidate on the ballot.

**12-19-9.1. Nursing facility, assisted living center, or hospital having multiple absentee ballot requests--Promulgation of rules.**

If there is any nursing facility, assisted living center, or hospital, as defined in § 34-12-1.1, within any county from which there might reasonably be expected to be five or more absentee applications, the county auditor shall notify the person in charge of that facility and the chair of the county central committee of each party and any other person who has filed a request to be notified of the date and time at which representatives of the auditor's office will be present to assist the residents of that facility to vote, utilizing the absentee procedure. Any political party, independent candidate, and nonpolitical candidate may assign a person to accompany the county auditor's representatives. At the date and time announced, the county auditor's representative shall deliver ballots to and assist all persons at that facility who desire assistance to vote. This section applies only to a primary or general election.

If a person in charge of an election conducts absentee voting at a nursing facility, assisted living center, or hospital, as defined in § 34-12-1.1, the voter shall complete a combined absentee ballot application form and return envelope, and the identification and affidavit requirements provided in § 12-19-2.1 are waived. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the procedures by which the county auditor will conduct absentee voting, collect completed ballots, and secure completed ballots at a nursing facility, assisted living center, or hospital, as defined in § 34-12-1.1.

**12-19-37. Absentee ballot precincts--Creation--Absentee ballot counting board.**

Any county may create a special precinct to be known as an absentee ballot precinct. If the county creates an absentee ballot precinct, all absentee ballots cast at any election shall be counted in such precinct. However, if a paper ballot precinct has ten or fewer absentee ballots cast at the time the polls open on election day, the absentee ballots in that precinct shall be counted at the polling place. The election board of the absentee ballot precinct is the absentee ballot counting board. There may be only one absentee ballot counting board at any time in a county.

**Source:** SL 1976, ch 108, § 1; SL 1985, ch 116.

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**12-19-38. Appointment of absentee ballot counting board--Number of members.**

The county auditor shall appoint the absentee ballot counting board in the manner prescribed in chapter 12-15, except that the number of election officials on the absentee ballot counting board shall be sufficient to complete the counting of ballots within a reasonable time.

**Source:** SL 1976, ch 108, § 2.

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**12-19-39. Oath of board members--Compensation.**

Each election official of the absentee ballot counting board shall take the oath required by § 12-15-9 and shall be paid as provided by § 12-15-11.

**Source:** SL 1976, ch 108, § 3.

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12-19-40. Repealed by SL 1982, ch 130.

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**12-19-41. Powers and duties of absentee ballot counting board.**

Except as otherwise provided in §§ 12-19-37 to 12-19-52, inclusive, the absentee ballot counting board's powers and duties shall be the same as provided in chapters 12-19 and 12-20 for precinct election officials in regular precinct polling places, except that the board shall receive and count all absentee ballots for all precincts in the county upon receipt thereof from the person in charge of the election.

**12-19-43. Review--Sorting--Processing--Absentee Ballots.**

The county auditor shall direct the board to meet on election day prior to the closing of the polls for the sole purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes, if in the auditor's judgment this procedure shall be necessary due to the number of absentee ballots received. The absentee ballots shall be opened, stamped, and placed in the ballot box or processed by an automatic tabulating machine, but under no circumstances shall the ballots be manually counted nor any vote totals printed or displayed by any tabulating machine prior to the closing of the polls. If ballots are processed by an automatic tabulating machine prior to the closing of the polls, the resolution board shall be present and notification of such processing shall be provided to each county party chairperson at least ten days before the election.

**12-19-47. Processing of absentee ballots.**

The absentee ballot counting board, during the time prescribed in § 12-19-46, shall process each absentee ballot as required by § 12-19-10.

**Source:** SL 1976, ch 108, § 12; SL 1982, ch 86, § 90; SL 1992, ch 115, § 8; SL 1993, ch 118, § 19; SL 2006, ch 72, § 7; SL 2010, ch 74, § 18.

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**12-19-50. Forms for recording tally--Special pollbook--Tally added to home precinct totals.**

The tally shall be recorded on forms prescribed by the State Board of Elections. A special pollbook shall also be prescribed by the State Board of Elections. Except as provided by § 12-19-52, the tally shall be recorded according to the precincts in which the voters are registered and then added to those individual precinct totals.

**Source:** SL 1976, ch 108, §§ 4, 9; SL 1993, ch 113, § 12.

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