



2023 South Dakota Legislature

House Bill 1115

Introduced by: **Representative Sjaarda**

1 **An Act to revise certain provisions pertaining to the destruction of ballots and**
 2 **pollbooks after an election.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 12-20-31 be AMENDED:**

5 **12-20-31.** The officer in charge of an election may destroy voted ballots and
 6 pollbooks from a nonfederal election ~~sixty~~ one hundred and eighty-two days following the
 7 election at which such ballots were voted. However, they may not be destroyed if any
 8 recount or contest of ~~such an~~ election is pending, if any civil action to preserve the ballots
 9 or pollbooks has commenced, pursuant to §§ 15-2-30 and 15-2-31, or if the ballots or
 10 pollbooks are discoverable as a part of a civil action that has commenced, pursuant to §§
 11 15-2-30 and 15-2-31. The officer in charge of an election may destroy voted ballots,
 12 pollbooks and all other election material relating to a federal election twenty-two months
 13 after the election at which the ballots were voted. For the purpose of this section, a federal
 14 election is any election to nominate or elect persons to the United States Congress or
 15 other national elected position, including national issues or questions. If a ballot is used
 16 for a federal election and a state or local election, the ballots and all other election material
 17 shall be maintained for twenty-two months. All federal election material may be removed
 18 from the ballot box if it is maintained in such a manner as to guarantee the safety and
 19 integrity of such material.