

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

189Z0613

HOUSE BILL NO. 1305

Introduced by: Representatives Dennert, DiSanto, Latterell, Lust, May, Mickelson, Pischke,
and Wiese and Senators Rusch and Frerichs

1 FOR AN ACT ENTITLED, An Act to authorize independents to vote at a primary election
2 under certain conditions.

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

4 Section 1. That § 12-6-26 be amended to read:

5 12-6-26. No person may vote a party ballot at any primary election, unless the person is
6 registered as a member of that political party in the precinct in which the person seeks to vote,
7 or, in the case of a person with no party affiliation or independent, a person may specify on the
8 person's voter registration form the party primary in which the person chooses to participate.
9 ~~Any political party in its constitution or bylaws may allow for participation in the party's~~
10 ~~primary elections by any person who is registered to vote with no party affiliation. Any such~~
11 ~~change to the constitution or bylaws of a political party shall be filed pursuant to § 12-5-1.1 by~~
12 ~~January first of the year in the which the primary is conducted.~~

13 Section 2. That chapter 12-6 be amended by adding a NEW SECTION to read:

14 At the time of registration any person selecting no party affiliation or independent party shall
15 be given a separate column to choose which party's primary he or she chooses to participate.



1 Any voters choosing no party affiliation or independent shall be allowed to choose to vote in
2 the primary of one registered political party.

3 If any voter choosing no party affiliation or independent does not indicate a choice of
4 primary on his or her voter registration, the ballot shall default to a non-political ballot, if
5 available. If party loses its registered status, the ballot for any voter, who chose no party
6 affiliation or independent voter and who listed that party on his or her voter registration, shall
7 default to a non-political ballot.

8 Section 3. That § 12-19-2.6 be repealed.

9 ~~—12-19-2.6. If an absentee voter in a primary election is registered as an independent and is~~
10 ~~eligible to vote more than one ballot style pursuant to § 12-6-26, the voter may specify the~~
11 ~~voter's ballot style preference on the absentee ballot application. If no ballot style is designated,~~
12 ~~the absentee voter shall be provided a nonpolitical ballot.~~

13 ~~—If an absentee voter in a primary election is registered as an independent and is only eligible~~
14 ~~to vote one ballot style, the absentee voter shall be provided that ballot style. If more than one~~
15 ~~party allows independent voters to be eligible to vote in a primary election and no nonpolitical~~
16 ~~ballot is available and the absentee voter does not designate the ballot style to be received, no~~
17 ~~ballot may be provided to the absentee voter.~~