



2020 South Dakota Legislature

Senate Bill 103

Introduced by: **Senator Stalzer**

1 **An Act to limit the disclosure of presidential election results and to provide for a**
 2 **suspension of such disclosure.**

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

4 **Section 1.** That § 12-20-17 be AMENDED:

5 **12-20-17. Public disclosure of returns--Prohibition until all polls closed.**

6 No public disclosure of the returns of state and federal elections in any primary or
 7 general election is permitted until each precinct polling place in the state is closed. This
 8 provision applies to each precinct polling place within the state.

9 No public disclosure of the returns in the general election for president is permitted
 10 if the disclosure violates § 12-20-17.1.

11 **Section 2.** That a NEW SECTION be added:

12 **12-20-17.1. Votes for president--Disclosure--Restriction.**

13 Unless a recount has been requested pursuant to chapter 12-21, no officer,
 14 employee, or contractor of this state or any political subdivision of this state may publicly
 15 disclose the number of votes cast in the general election for president of the United States,
 16 until after the time set by law for the meeting and voting of presidential electors has
 17 passed in all states.

18 The secretary of state may disclose, as soon as the information becomes available,
 19 the percentage of statewide votes cast for each presidential candidate, to the nearest
 20 tenth of a percentage point, a list of presidential candidates in order of increasing or
 21 decreasing percentage totals, and the winner of the election.

22 The secretary of state may also disclose partial results prior to receiving results
 23 from all voting districts, and in such case may release the percentage of the state's
 24 registered voters represented by those voting districts.

1 **Section 3.** Section 12-20-17.1 is suspended until the secretary of state certifies that states
2 cumulatively possessing a majority of the electoral votes have enacted the National Popular
3 Vote Interstate Compact, in substantially the same form, and the enactments by such states
4 have taken effect in each such state.