



2024 South Dakota Legislature

Senate Bill 48

Introduced by: The Committee on State Affairs at the request of the Secretary of State

1 **An Act to provide for the disclosure of a cast vote record and ballot images as a**
 2 **public record and declare an emergency.**

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

4 **Section 1. That § 12-17B-13 be AMENDED:**

5 **12-17B-13.** The procedure for tabulating the votes by the automatic tabulating
 6 equipment ~~shall~~ must be under the direction of the person in charge of the election, and
 7 ~~shall~~ must conform to the specifications and requirements of the automatic tabulating
 8 equipment. The results printed by the automatic tabulating equipment ~~shall constitute~~ are
 9 the immediate unofficial returns. These returns ~~shall be open to the public and the cast~~
 10 vote record and the ballot images collected from the automatic tabulating equipment, if
 11 any, are public records. The final returns printed by the automatic tabulating equipment
 12 ~~shall~~ must be presented to the canvassing board for review and certification as the official
 13 returns.

14 For the purposes of this section, the term "cast vote record" means an electronic
 15 record of how the marks on a ballot are tabulated as a vote for a candidate or other ballot
 16 question. For the purposes of this section, the term "ballot image" means a digital
 17 rendering or facsimile of a paper ballot tabulated in the election. Nothing in this section
 18 may be construed to require the person in charge of the election to capture the cast vote
 19 record or ballot images.

20 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,
 21 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
 22 and effect from and after its passage and approval.