



2022 South Dakota Legislature

House Bill 1106

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 **An Act to provide for the security and privacy of certain personally identifiable**
 2 **information for judicial officers and to declare an emergency.**

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

4 **Section 1. That § 3-1A-5 be AMENDED:**

5 **3-1A-5.** The secretary of state shall prescribe and provide forms for the reporting
 6 of close economic interest. The value of a close economic interest need not be reported.
 7 Each individual filing a statement of financial interest shall subscribe to an oath or
 8 affirmation verifying the contents of ~~such~~ the statement. All statements of financial
 9 interest shall be open to public inspection, except pursuant to section 2 of this Act.

10 **Section 2. That chapter 3-1A be amended with a NEW SECTION:**

11 Any personally identifiable information of a circuit court judge or justice of the
 12 Supreme Court contained in a statement of financial interest filed pursuant to this chapter
 13 is not open to public inspection. For purposes of this section, the term, personally
 14 identifiable information, means any home address, home or personal telephone number,
 15 or personal e-mail address. The county of residence of the circuit court judge or justice is
 16 a public record.

17 **Section 3. That § 12-4-2 be AMENDED:**

18 **12-4-2.** The county auditor has complete charge of maintaining and safeguarding
 19 the voter registration records in the county. The county auditor shall retain all voter
 20 registration records in the auditor's office in paper or electronic form. All such records
 21 shall be open to public inspection at all times during office hours, except pursuant to § 12-
 22 4-9 and section 4 of this Act.

23 Voter registration shall be conducted by each county auditor and municipal finance
 24 officer. Voter registration shall be available at the secretary of state's office and at those

1 locations which provide driver licenses; food stamps; temporary assistance for needy
2 families; women, infants, and children nutrition program; medicaid; military recruitment;
3 and assistance to the disabled as provided by the Department of Human Services.

4 **Section 4. That chapter 12-4 be amended with a NEW SECTION:**

5 The voter registration record for a magistrate judge, circuit court judge, or justice
6 of the Supreme Court eligible to vote under § 12-4-1 is not open to public inspection. The
7 Unified Judicial System shall provide a list of judicial officers to the secretary of state.

8 **Section 5. That chapter 12-9 be amended with a NEW SECTION:**

9 Any personally identifiable information filed pursuant to this chapter with the Office
10 of the Secretary of State by or on behalf of any candidate for the office of judge of the
11 circuit court or a justice of the Supreme Court subject to a retention election is not open
12 to public inspection. For purposes of this section, the term, personally identifiable
13 information, means any home address, home or personal telephone number, or personal
14 email address. The county of residence of the candidate for the office of judge or justice
15 subject to a retention election is a public record.

16 **Section 6. That § 12-25-31 be AMENDED:**

17 **12-25-31.** The secretary of state shall prescribe and provide forms for the
18 reporting of close economic interest. The value of a close economic interest need not be
19 reported. Each individual filing a statement of financial interest shall subscribe to an oath
20 or affirmation verifying the contents of such statement. All statements of financial interest
21 shall be open to public inspection, except pursuant to section 7 of this Act.

22 **Section 7. That chapter 12-25 be amended with a NEW SECTION:**

23 Any personally identifiable information contained in a statement of financial
24 interest filed pursuant to this chapter by a candidate for circuit court judge or Supreme
25 Court justice subject to a retention election is not open to public inspection. For purposes
26 of this section, the term, personally identifiable information, means any home address,
27 home or personal telephone number, or personal email address. The county of residence
28 for the candidate for the office of judge or justice subject to a retention election is a public
29 record.

- 1 **Section 8.** Whereas, this Act is necessary for the immediate preservation of the public peace,
- 2 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
- 3 and effect from and after its passage and approval.