



## 2024 South Dakota Legislature

# House Bill 1241

Introduced by: **Representative Lems**

1 **An Act to modify the amount of time allowed to an employee to vote at any election**  
 2 **in this state.**

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

4 **Section 1. That § 12-3-5 be AMENDED:**

5 **12-3-5.** Any person entitled to vote at any election held within this state, ~~including~~  
 6 ~~a primary election, shall~~ is, on the day of ~~such~~ the election, ~~be entitled to~~ be absent ~~himself~~  
 7 from any service or employment in which ~~he~~ the person is ~~then~~ engaged or employed for  
 8 a period of ~~two~~ four consecutive hours between the time of opening and the time of closing  
 9 the polls; provided ~~such~~ the person does not have a period of ~~two~~ four consecutive hours  
 10 during the time the polls are open ~~during which he~~ when the person is not required to be  
 11 present at ~~his~~ the person's work or place of employment. ~~Such voter is not, because of so~~  
 12 ~~absenting himself,~~ No person is liable to any penalty for being absent from work or the  
 13 person's place of employment for the purpose of voting, nor may any deduction be made  
 14 ~~on account of such absence from his~~ from the person's usual salary or wages due to the  
 15 absence. The employer may specify the hours ~~during which such~~ when an employee may  
 16 be absent himself as aforesaid for the purpose of voting.

17 An employer who refuses an employee the privilege conferred by this section or  
 18 who subjects an employee to a penalty or reduction of wages because of the exercise of  
 19 ~~such~~ the privilege or who directly or indirectly violates this section is guilty of a Class 2  
 20 misdemeanor.