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March 4, 2026

The Honorable Larry Rhoden  
Governor  
State of South Dakota  
500 East Capitol Avenue  
Pierre, SD 57501  
Via email

RE: Veto Request for Senate Bill 114

Dear Governor Rhoden,

On behalf of Verified Voting, a nonpartisan nonprofit organization, I write to request a veto on Senate Bill 114. Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast, recorded accurately, and kept secret. Senate Bill 114 undermines this trust as it risks the privacy and ballot secrecy every voter deserves.

The bill would require cast vote records and ballot images, which are digital records of individual voters' selections, to be treated as public records. When cast vote records (CVRs) and ballot images are made public, there is a real risk that individual CVRs or ballot images can be linked with individual voters—effectively revealing the choices of individual voters. The bill makes an effort to address voters' choices being accidentally revealed by prohibiting release under certain circumstances including “from a precinct polling place or vote center in which fewer than one hundred ballots were cast,” but the problems associated with making these digital artifacts public records extend beyond this.

Notably, making CVRs and ballot images public records enables vote selling and coercion. Voters could mark their ballots in a distinct way—known as pattern voting—or include an unusual write-in candidate, thus making their ballots identifiable. (CVRs and ballot images could even include an image of a voter's handwritten write-in choice, making their vote even more readily distinguishable.) The longer and more complex a ballot, the easier pattern voting becomes. A ballot that has just ten contests with three candidates apiece can be voted in over 59,000 ways—or over one million ways if blank votes are considered. A publicly available CVR or ballot image then can serve as “proof” that a voter voted as promised.

The secret ballot protects not only the secrecy of an individual voter's choices but also the overall integrity of the voting process and our democracy writ large. SB 114 jeopardizes the secret ballot, and we urge you to veto this bill.

Sincerely,

C.Jay Coles  
Deputy Director of Legislative Affairs