

STATE OF SOUTH DAKOTA



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February 26, 2016

M. Laughlin McDonald
American Civil Liberties Union Foundation
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303

Re: Defendants' Response to February 17, 2016, Settlement Demand -
Libertarian Party et. al v. Krebs et. al, 4:15-cv-04111

Dear Mr. McDonald,

This letter will confirm receipt of your demand letter dated February 17, 2016. Pursuant to the District Court's February 5, 2016 Order, Defendants are responding to your demand in writing as soon as possible.

Defendants disagree with your interpretation of SDCL 12-5-1 and submit that failing to meet the March 29, 2016, deadline merely makes that party ineligible to participate in the primary. Accordingly, the party would forgo having candidates on the ballot for any race that requires participation in the primary. If a new political party files a written declaration to organize pursuant to SDCL 12-5-1 by July 11, 2016, that party could nominate candidates at a state convention for the offices outlined in SDCL 12-5-21.

Defendants therefore reject all three proposals set forth in your settlement demand.

Regards,

A handwritten signature in cursive script that reads "Ellie Bailey".

Ellie Bailey
Assistant Attorney General

EJB/rar

cc: Stephen L. Pevar
Brendan V. Johnson