



# COMMISSION ON JUDICIAL QUALIFICATIONS

## RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Human Resources and Administration

Records Management Program

(605) 773-3589

# ACKNOWLEDGEMENTS

## PREPARED BY:

Bureau of Human Resources and Administration  
Records Management Program  
1320 East Sioux Avenue  
Pierre, South Dakota 57501

# 2025

## PROJECT STAFF

The members of the Judicial Qualification Commission who contributed their time to explain the purpose and review the content of each record.

Dana Hoffer  
State Records Manager

## STATE RECORD DESTRUCTION BOARD

Jason Kettwig, Deputy Commissioner  
Bureau of Human Resources  
and Administration (Chairman)

Steven Blair  
Office of the Attorney General

Chelle Somsen, State Archivist  
Department of Education

Jenna Latham  
Office of the State Auditor

Russell Olson, State Auditor General  
Legislative Audit

Dana Hoffer  
State Records Manager

## MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer  
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: July 30, 2025

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

Pursuant to ARSD 10:04:01:03 (5), Review the inventory and the retention and destruction schedules **annually** and petition changes to the state records manager to make the schedules current, accurate, and complete.

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements for the transfer of records to state archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

# PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Robert Morris, acting in my position as the Chairman of the Commission on Judicial Qualification, request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Commission on Judicial Qualification consists of 3 page(s ) and contains record series number(s) JQC-1 (consecutively numbered) through JQC-7.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.

  
\_\_\_\_\_  
Robert Morris, Chairman  
Commission on Judicial Qualification

05-19-2025  
Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.

  
\_\_\_\_\_  
Dana Hoffer, State Records Manager

6/4/2025  
Date

**Addendum to the Commission on Judicial Qualifications' Petition for Authority to Destroy Records**

**Records Destruction Board's Action(s):**

- Amend the retention for JQC-2 to read as follows:  
PAPER: Retain 5 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

ELECTRONIC FILES: Retain 10 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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**DESTRUCTION AUTHORITY**

I hereby certify that the State Records Destruction Board met on the 29th day of July 2025 and authorized the destruction of the records as described in the foregoing Petition subject to the Addendum which is hereby incorporated and made part of the Destruction Authority at the expiration time provided for their storage. I further certify that the change(s) to the Petition as indicated in the Addendum was authorized by and through the action(s) of the State Records Destruction Board. **Authority is granted under Records Destruction Board (RDB) Number 25-003.**

**Jason.Kettwig** Digitally signed by Jason.Kettwig  
Date: 2025.08.19 10:19:24 -05'00'

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Jason W. Kettwig, Chairman of the Board

## **South Dakota Codified Laws:**

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

### **INTRODUCTION:**

Except for financial records, and except as otherwise required by law, all records and proceedings of the Commission are confidential. See SDCL § 16-1A-4; Rule I, Section 3; Rule III, Section 1. Nothing in this manual shall act to limit or to waive the confidentiality of the records and the proceedings of the Commission.

# TABLE OF CONTENTS

## **Commission on Judicial Qualification:**

JQC-1. APPLICATIONS: .....	1
JQC-2. COMPLAINTS AND RESOLUTION OF COMPLAINTS: .....	1
JQC-3. FINANCIAL RECORDS: .....	2
JQC-4. GENERAL CORRESPONDENCE: .....	2
JQC-5. LEGAL CORRESPONDENCE AND DOCUMENTS: .....	2
JQC-6. MINUTES:.....	3
JQC-7. NOTICES OF VACANCIES:.....	3



DEPARTMENT:	Unified Judicial System
DIVISION:	Judicial Qualification Comm.
OFFICE:	
PROGRAM:	
RECORDS OFFICER:	Tara Hicks
RM CUSTOMER #:	0163

**R.D.B.**  
**AUTHORITY**  
**NUMBER**

RECORD		
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---</u>	<u>RETENTION AND DESTRUCTION SCHEDULE</u>

Except for documents described herein for which permanent retention is required, all documents dated or generated prior to January 1, 2016, shall be destroyed upon adoption of this Manual and all necessary approvals hereof.

**25-003**

This series contains all applications for judicial appointments and supporting documents, including credit reports, background checks, and writing samples. This series also includes correspondence to the applicant and to the Office of the Governor.

**RETENTION:** PAPER: Retain 5 years in office, then destroy.

ELECTRONIC FILES: Retain 10 years, then destroy.

**25-003**

This series contains complaints against Judges, including all supporting documentation, such as copies of pleadings and transcripts provided by the complaining party. This series also includes supporting documentation gathered by the Commission as a part of its investigation, including but not limited to memoranda, and correspondence with the complaining party and the subject Judge, including but not limited to deferred discipline agreements and other resolution related documents.

**RETENTION:** PAPER: Retain 5 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

ELECTRONIC FILES: Retain 10 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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Page: 2

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**AUTHORITY**  
**NUMBER**

**25-003**

**RETENTION:** Retain in office permanently in electronic format.

**25-003**

**RETENTION:** Retain in office 5 year in electronic format, then destroy.