

Administrative Rule Changes for the State Board of Elections

ARTICLE 5:02

STATE BOARD OF ELECTIONS

Chapter

- 5:02:03 Forms for registration.
- 5:02:04 Forms of notices.
- 5:02:06 Ballot forms and color.
- 5:02:08 Petitions.
- 5:02:10 Absentee voting.

CHAPTER 5:02:03

FORMS FOR REGISTRATION

- 5:02:03:00 Repealed.
- 5:02:03:01 Voter registration form.
- 5:02:03:01.01 Repealed.
- 5:02:03:02 Repealed.
- 5:02:03:03 Repealed.
- 5:02:03:04 Repealed.
- 5:02:03:05 Repealed.
- 5:02:03:06 Repealed.
- 5:02:03:07 Repealed.
- 5:02:03:08 Repealed.
- 5:02:03:09 Repealed.
- 5:02:03:10 Repealed.

- 5:02:03:11 Repealed.
- 5:02:03:12 Agency voter registration instructions.
- 5:02:03:13 Voter registration instructions.
- 5:02:03:14 Acknowledgement notice for invalid or incomplete voter registration applications.
- 5:02:03:15 Acknowledgement notice for valid voter registrations.
- 5:02:03:16 Confirmation mailing notice.
- 5:02:03:17 Retention of confirmation mailing notice records.
- 5:02:03:18 Voter registration statistics.
- 5:02:03:19 Voter registration address verification notice.
- 5:02:03:20 Potential duplicate notice.
- 5:02:03:21 Statement by person registering without a driver license or social security number.
- 5:02:03:22 Parameters for voter registration verification with driver license records.
- 5:02:03:23 Parameters for voter registration verification with social security administration records.
- 5:02:03:24 Notice to removed felons.
- 5:02:03:25 Repealed.

(1) 5:02:03:14. Acknowledgement notice for invalid or incomplete voter registration applications.

The acknowledgement notice sent by forwardable mail to each person who submits a voter registration application to the county auditor that is invalid or incomplete and cannot be filed shall be in the following form:

Invalid or Incomplete Voter Registration Acknowledgement Notice

_____ Your voter registration is not valid because you are not eligible to be a registered voter. Reason:

_____.

_____ Your voter registration has not been processed because your application is incomplete. Please call or visit our office to complete your registration. You will not be able to vote unless you have provided the needed information by within 30 days from the date set forth on this acknowledgment notice _____.

To complete your voter registration or if you have further questions, please call our office at _____.

Thank You,

_____ County Auditor

Source: 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 28 SDR 99, effective January 17, 2002,

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-5.3.

CHAPTER 5:02:04

FORMS OF NOTICES

Section

- | | |
|------------|--|
| 5:02:04:01 | Repealed. |
| 5:02:04:02 | Repealed. |
| 5:02:04:03 | Repealed. |
| 5:02:04:04 | Notice of deadline for voter registration. |
| 5:02:04:05 | Notice of general election. |
| 5:02:04:06 | Notice of vacancy for municipal election. |
| 5:02:04:07 | Repealed. |
| 5:02:04:08 | Notice of municipal election. |
| 5:02:04:09 | Notice of special election. |
| 5:02:04:10 | Notice of vacancy which may occur due to filing of recall petitions. |

- 5:02:04:11 Notice of special recall election and of filing of nominating petitions for special recall election.
- 5:02:04:12 Repealed.
- 5:02:04:13 Notice of ~~secondary~~ runoff election.
- 5:02:04:14 Notice of vacancy on school board.
- 5:02:04:15 Notice of school board election.
- 5:02:04:16 Notice of primary election.
- 5:02:04:17 Notice of deadline for filing primary nominating petitions.
- 5:02:04:18 Notice of statewide ~~secondary~~ runoff election.
- 5:02:04:19 Publication of ballot for ~~secondary~~ runoff election.
- 5:02:04:20 Repealed.
- 5:02:04:21 Repealed.
- 5:02:04:22 Notice of election for special district formation.
- 5:02:04:23 Notice of vacancy for newly incorporated municipal election.
- 5:02:04:24 Notice of vacancy for conservation district supervisor nominating petitions.

(2) **5:02:04:13. Notice of ~~secondary~~ runoff election.** The notice of ~~secondary~~ runoff election must be in the following form:

**NOTICE OF ~~SECONDARY~~ RUNOFF ELECTION
MUNICIPALITY OF _____**

The following candidates will appear on the ballot for the ~~secondary~~ runoff election to be held on _____, _____. If the polls cannot be opened because of bad weather, the election may be postponed one week.

(HERE LIST CANDIDATES APPEARING ON THE BALLOT AND POSITION FOR WHICH THEY ARE RUNNING.)

The election will be held during the same hours and at the same polling places as the annual municipal election held on _____.

Voters with disabilities may contact the city finance officer for information and special assistance in absentee voting or polling place accessibility.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-27.1, 12-2-4.

- (3) **5:02:04:17. Notice of deadline for filing primary nominating petitions.** Not less than ten nor more than fifteen days before the deadline for filing primary nominating petitions, the person in charge of the local election shall publish a notice in the following form:

NOTICE OF DEADLINE FOR FILING NOMINATING PETITIONS FOR THE PRIMARY ELECTION AND FOR FILING INDEPENDENT CANDIDATE PETITIONS FOR THE GENERAL ELECTION

The deadline for filing nominating petitions for the primary election is _____, _____, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. (mountain or central) time, it shall be considered filed.

The deadline for filing nominating petitions to run as an independent candidate in the general election is _____, _____, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. (mountain or central) time, it shall be considered filed.

The deadline for filing nominating petitions to run as an independent candidate for president in the general election is _____, _____, at 5:00 p.m. central time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. central time, it shall be considered filed. (Only include this deadline in addition to the independent deadline above if it is a presidential election year.)

Nominating petitions for the offices of (here list county offices) shall be filed in the office of the county auditor ~~located in the county courthouse~~ during regular business hours. Nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) shall be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. central time.

(County Auditor or County Finance Officer)

Source: 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 30 SDR 171, effective May 10, 2004; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-12-1.

- (4) **5:02:04:18. Notice of statewide secondary runoff election.** The notice of the statewide secondary runoff election shall be in the following form:

**NOTICE OF ~~SECONDARY~~ RUNOFF ELECTION
STATE OF SOUTH DAKOTA**

Because no candidate for _____ received the required thirty-five percent of the vote in the primary election held on June _____, _____, a ~~secondary runoff~~ election will be held on Tuesday, August _____, _____, in each county in the state. The polling places will be the same as those used in the primary election, and the polls will be open from seven a.m. to seven p.m. _____ (~~mountain or central daylight savings~~) local time.

The candidates for nomination for _____, as determined by the official state canvass, are

Secretary of State, South Dakota

Source: 12 SDR 43, effective September 23, 1985; 29 SDR 113, effective January 30, 2003; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-6-51.1, 12-12-1.

(5) **5:02:04:19. Publication of ballot for secondary runoff election.** A copy of the secondary runoff election ballot as prescribed in § 5:02:06:17 shall be printed with the notice prescribed in § 5:02:04:18.

Source: 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-12-1.

CHAPTER 5:02:06

BALLOT FORMS AND COLOR

Section

5:02:06:01 General election.

5:02:06:01.01 Constitutional amendments.

5:02:06:01.02 Optical scan ballot instructions.

5:02:06:01.03 Optical scan ballot political party notation.

5:02:06:02 Repealed.

5:02:06:02.01 Repealed.

5:02:06:02.02 Repealed.

5:02:06:02.03 Repealed.

5:02:06:03 Judiciary.

5:02:06:03.01 Repealed.

5:02:06:03.02 Deadline for request to be on retention ballot.

5:02:06:04 Repealed.

5:02:06:04.01 Initiated measures and referred laws.

5:02:06:05 Repealed.

5:02:06:05.01 Repealed.

5:02:06:06 Repealed.

5:02:06:06.01 Repealed.

5:02:06:07 Transferred.

5:02:06:07.01 Transferred.

5:02:06:08 Sample ballots.

5:02:06:09 Party precinct committeeman and committeewoman.

5:02:06:10 Primary ballot.

5:02:06:10.01 Repealed.

5:02:06:10.02 Repealed.

5:02:06:11 Repealed.

5:02:06:12 Municipal election.

5:02:06:13 Municipal questions election.

5:02:06:14 Municipal bond election.

5:02:06:15 School board election.

5:02:06:16 Ballot for increasing or decreasing number of school board members.

- 5:02:06:17 Ballot for statewide ~~secondary~~ runoff election.
- 5:02:06:18 Colors of ballots for combined elections.
- 5:02:06:19 Nonpolitical consumers power district election.
- 5:02:06:20 Tax levy opt-out ballot.
- 5:02:06:21 Special district formation ballot.
- 5:02:06:22 School district reorganization ballot.
- 5:02:06:23 Sanitary district election ballot.
- 5:02:06:24 Alternate optical scan ballot.
- 5:02:06:25 County questions election.
- 5:02:06:26 County, municipal, or school tax levy opt-out ballot.
- 5:02:06:27 School sentinel program ballot.
- 5:02:06:28 County annual tax levy for maintaining, repairing, constructing and reconstructing roads and bridges ballot.

(6) **5:02:06:01. General election.** The general election ballot ~~must~~ shall be white and ~~must~~ shall be in the following form, as applicable:

Front Side:

OFFICIAL GENERAL ELECTION BALLOT		
November _____, _____	County, South Dakota	
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02		
For Presidential Electors You may vote for <u>one</u> slate or leave it blank.	For Secretary of State You may vote for <u>one</u> or leave it blank.	For State Senator, District _____ You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Doe & Roe Electors Party Label John Hall Jane Smith Pat Jones	<input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	<input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent
<input type="radio"/> Lee & Jones Electors Party Label Jill Doe John Doe Shannon McGee	For Attorney General You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	For State Representative, District _____ You may vote for up to <u>two</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Party Label <input type="radio"/> Jill Doe Party Label <input type="radio"/> Shannon McGee Independent
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02	For State Auditor You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	<input type="radio"/> Bill Smith Independent For State Representative, District _____ (A or B) You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent
For United States Senator You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	For State Treasurer You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	For (County Treasurer) or (County Finance Officer) You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent
For United States Representative You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	For Commissioner of School and Public Lands You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	For (County Auditor) or (County Finance Officer) You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent
For Governor and Lieutenant Governor To be elected as a team, you may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label for Governor and Jane Doe for Lieutenant Governor <input type="radio"/> Pat Jones Party Label for Governor and Kim Olson for Lieutenant Governor <input type="radio"/> Mary Johnson Independent for Governor and Shannon McGee for Lieutenant Governor	<input type="radio"/> Pat Jones Independent	<input type="radio"/> Pat Jones Independent
Go to top of next column	Go to top of next column	Turn Page

Reverse Side:

November _____, _____	County, South Dakota	
For Sheriff You may vote for one or leave it blank.	NONPOLITICAL BALLOT	INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02
<input type="radio"/> John Doe Party Label	Supreme Court Justice Retention Vote on each justice. Shall the justice(s) of the Supreme Court named on this ballot, whose term(s) expire(s) (date), be retained in office?	Constitutional Amendment(s) The following amendment(s) to the State Constitution (is/are) submitted to the voters by (the Legislature/petition). The amendment(s) will not become effective unless approved by majority vote.
<input type="radio"/> Jane Smith Party Label	Justice John Doe , representing the _____ Supreme Court District	Constitutional Amendment A
<input type="radio"/> Pat Jones Independent	<input type="radio"/> Yes <input type="radio"/> No	Title:
For Register of Deeds You may vote for one or leave it blank.	Justice John Doe , representing the _____ Supreme Court District	Attorney General Explanation:
<input type="radio"/> John Doe Party Label	<input type="radio"/> Yes <input type="radio"/> No	<u>Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note:</u>
<input type="radio"/> Jane Smith Party Label		<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Pat Jones Independent	Judge of the Circuit Court For _____ Circuit, Position _____, you may vote for one or leave it blank	Initiated Measure(s) The following initiated measure(s) (was/were) proposed by petition for submission to the voters. Th(is/ese) initiated measure(s) will not become effective unless approved by majority vote.
For Coroner You may vote for one or leave it blank.	<input type="radio"/> John Doe	Initiated Measure 1
<input type="radio"/> John Doe Party Label	<input type="radio"/> Jane Smith	Title:
<input type="radio"/> Jane Smith Party Label		Attorney General Explanation:
<input type="radio"/> Pat Jones Independent	Water Development District For _____ Water Development District Director, Area _____, you may vote for one or leave it blank	<u>Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note:</u>
	<input type="radio"/> John Doe	<input type="radio"/> Yes <input type="radio"/> No
For County Commissioner, District _____ You may vote for one or leave it blank.	<input type="radio"/> Jane Smith	Referred Law(s) The following law(s) (was/were) adopted by the Legislature and referred to the voters by petition. Th(is/ese) referred measure(s) will not become effective unless approved by majority vote.
<input type="radio"/> John Doe Party Label	Heartland Consumers Power District For Subdivision No. _____ Director, you may vote for one or leave it blank.	Referred Law 2
<input type="radio"/> Jane Smith Party Label	<input type="radio"/> John Doe	Title:
<input type="radio"/> Pat Jones Independent	<input type="radio"/> Jane Smith	Attorney General Explanation:
		<u>Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note:</u>
For County Commissioner At Large You may vote for up to _____ or leave it blank.	Conservation District For _____ Conservation District Supervisor, you may vote for up to three or leave it blank.	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> John Doe Party Label	<input type="radio"/> John Doe _____	
<input type="radio"/> Jane Smith Party Label	<input type="radio"/> Jane Smith _____	
<input type="radio"/> Pat Jones Party Label		
<input type="radio"/> Jill Doe Party Label		
<input type="radio"/> Shannon McGee Independent		
<input type="radio"/> Kim Olson Independent		
Go to top of next column	Go to top of next column	Turn Page

Printing note: The top right corner of the front side of each ballot must be cut off approximately as indicated by the dashed line on the ballot form one half inch from the right and top of the ballot. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 19 SDR 12, effective August 5, 1992; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 36 SDR 209, effective June 30, 2010; 42 SDR 15, effective August 11, 2015; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 12-16-2.1, 12-16-9, 12-16-10.

(7) **5:02:06:10. Primary ballot.** The primary election ballot must have a blue indicator for the Democratic Party, white for the Republican Party, and a different color as certified by the Secretary of State for any other party. The ballot must be in one of the following forms, as applicable:

Hand counted paper ballots may only be used if there is no federal race on the ballot and must be in the following form, as applicable:

_____ PARTY
OFFICIAL PRIMARY ELECTION BALLOT
_____ COUNTY, SOUTH DAKOTA
JUNE _____, _____

To vote use a cross (X) or a check mark (✓) in the square in front of the name. DO NOT cast more votes than are allowed in each race.

For Governor, you may vote for one or leave it blank

- _____
- _____

For State Senator, District _____, you may vote for one or leave it blank

- _____
- _____

For State Representative, District _____, (you may vote for up to two or leave it blank) or (you may vote for one or leave it blank)

- _____
- _____

For State Representative, District _____ (A or B), (you may vote for up to two or leave it blank) or (you may vote for one or leave it blank)

- _____
- _____

For (County Treasurer) or (County Finance Officer), you may vote for one or leave it blank

- _____
- _____

For (County Auditor) or (County Finance Officer), you may vote for one or leave it blank

- _____
- _____

For States Attorney, you may vote for one or leave it blank

- _____
- _____

For Sheriff, you may vote for one or leave it blank

- _____
- _____

For Register of Deeds, you may vote for one or leave it blank

- _____
- _____

For Coroner, you may vote for one or leave it blank

- _____
- _____

For County Commissioner, District _____, you may vote for one or leave it blank

- _____
- _____

For County Commissioner at Large, you may vote for up to _____ or leave it blank

- _____
- _____

For Delegates to State Convention, you may vote for up to _____ or leave it blank

- _____
- _____

For Precinct Committeeman, you may vote for one or leave it blank

- _____
- _____

For Precinct Committeewoman, you may vote for one or leave it blank

- _____
- _____

If there is a federal race on the ballot, an optical scan ballot must be used and in the following format, as applicable:

Front Side:

OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT		
June _____, _____	_____ County, South Dakota	Ballot Stamp
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02		
For Presidential Delegates and Alternates You may vote for <u>one</u> slate or leave it blank.	For United States Senator You may vote for <u>one</u> or leave it blank.	For State Representative, District _____ (A or B) You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Candidates preferring John Hall for President Delegates: John Doe Jane Doe	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
Pat Jones Alternates: John Doe Jane Doe Pat Jones	For United States Representative You may vote for <u>one</u> or leave it blank.	For (County Treasurer) or (County Finance Officer) You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Candidates preferring Jane Smith for President Delegates: John Doe Jane Doe Pat Jones Alternates: John Doe	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
Jane Doe Pat Jones	For Governor You may vote for <u>one</u> or leave it blank.	For States Attorney You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Candidates preferring Pat Jones for President Delegates: John Doe Jane Doe Pat Jones Alternates: John Doe	<input type="radio"/> John Doe <input type="radio"/> Pat Jones <input type="radio"/> Mary Johnson	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
Jane Doe Pat Jones	For State Senator, District _____ You may vote for <u>one</u> or leave it blank.	For Sheriff You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Candidates preferring Pat Jones for President Delegates: John Doe Jane Doe	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
Jane Doe Pat Jones	For State Representative, District _____ You may vote for up to <u>two</u> or leave it blank.	For (County Auditor) or (County Finance Officer) You may vote for <u>one</u> or leave it blank.
Alternates: John Doe Jane Doe Pat Jones	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones	<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02		
For Delegates to Support a Presidential Candidate You may vote for <u>one</u> or leave it blank.	<input type="radio"/> Jill Doe <input type="radio"/> Shannon McGee <input type="radio"/> Bill Smith	For Register of Deeds You may vote for <u>one</u> or leave it blank.
<input type="radio"/> Delegates to support John Doe		<input type="radio"/> John Doe <input type="radio"/> Jane Smith <input type="radio"/> Pat Jones
<input type="radio"/> Delegates to support Jane Smith		
<input type="radio"/> Delegates to support Pat Jones		
Go to top of next column	Go to top of next column	Turn Page

Reverse Side:		
June _____, _____ County, South Dakota		
For Coroner You may vote for <u>one</u> or leave it blank.	For Precinct Committeewoman You may vote for <u>one</u> or leave it blank.	For City Commission, _____ year term You <u>may</u> vote for up to _____ or leave it blank.
<input type="radio"/> John Doe	<input type="radio"/> Jolene Doe	<input type="radio"/> John Doe
<input type="radio"/> Jane Smith	<input type="radio"/> Jane Smith	<input type="radio"/> Jane Smith
<input type="radio"/> Pat Jones	<input type="radio"/> Patricia Jones	<input type="radio"/> Pat Jones
For County Commissioner, District _____ You may vote for <u>one</u> or leave it blank.	NONPOLITICAL BALLOT	<input type="radio"/> Jill Doe
<input type="radio"/> John Doe	Judge of the Circuit Court For _____ Circuit, Position _____, you may vote for <u>one</u> or leave it blank.	<input type="radio"/> Shannon McGee
<input type="radio"/> Jane Smith	<input type="radio"/> John Doe	<input type="radio"/> Kim Olson
<input type="radio"/> Pat Jones	<input type="radio"/> Jane Smith	INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02
For County Commissioner At Large You may vote for up to _____ or leave it blank.	Water Development District For _____ Water Development District Director, Area _____, you may vote for <u>one</u> or leave it blank.	County Initiated Ordinance(s) The following initiated ordinance(s) (was/were) proposed by petition for submission to the voters. Th(is/ese) initiated ordinance(s) will not become effective unless approved by majority vote.
<input type="radio"/> John Doe	<input type="radio"/> John Doe	Initiated Measure 1
<input type="radio"/> Jane Smith	<input type="radio"/> Jane Smith	Title:
<input type="radio"/> Pat Jones		States Attorney Explanation:
<input type="radio"/> Jill Doe	Heartland Consumers Power District For Subdivision No. _____ Director, you may vote for <u>one</u> or leave it blank.	<input type="radio"/> Yes
<input type="radio"/> Shannon McGee	<input type="radio"/> John Doe	<input type="radio"/> No
<input type="radio"/> Kim Olson	<input type="radio"/> Jane Smith	County Referred Ordinance(s)/Resolution(s) The following referred ordinance(s) or resolution(s) (was/were) adopted by the County Commission and referred to the voters by petition proposed by petition for submission to the voters. Th(is/ese) referred ordinance(s) or resolution(s) will not become effective unless approved by majority vote.
For Delegates to State Convention You may vote for up to _____ or leave it blank.	School District For School Board Member, _____ year term You may vote for up to _____ or leave it blank.	Referred Law 2
<input type="radio"/> John Doe	<input type="radio"/> John Doe	Title:
<input type="radio"/> Jane Smith	<input type="radio"/> Jane Smith	States Attorney Explanation:
<input type="radio"/> Pat Jones	<input type="radio"/> Pat Jones	<input type="radio"/> Yes
<input type="radio"/> Jill Doe	<input type="radio"/> Jill Doe	<input type="radio"/> No
<input type="radio"/> Shannon McGee	<input type="radio"/> Shannon McGee	Municipal Initiated Ordinance(s) (was/were) proposed by petition for
<input type="radio"/> Kim Olson	<input type="radio"/> Kim Olson	Initiated Measure 1
For Precinct Committeeman You may vote for <u>one</u> or leave it blank.	City of _____ For Mayor You may vote for one or leave it blank.	Title:
<input type="radio"/> John Doe	<input type="radio"/> John Doe	City Attorney Explanation:
<input type="radio"/> Jim Smith	<input type="radio"/> Jim Smith	<input type="radio"/> Yes
<input type="radio"/> Pat Jones	<input type="radio"/> Patricia Jones	<input type="radio"/> No
Go to top of next column	Go to top of next column	Municipal Referred Ordinance(s) Municipal Referred Ordinance(s) (was/were) adopted by the City Council and referred to the voters by petition. Th(is/ese) ordinance(s) will not become effective unless approved by majority vote.
		Referred Law 2
		Title:
		City Attorney Explanation:
		<input type="radio"/> Yes
		<input type="radio"/> No
		Turn Page

If the political party does not print the delegates and alternates for the presidential race on the ballot you will use this format for that race:

OFFICIAL PARTY PRIMARY ELECTION BALLOT	
June	County, South Dakota
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01-02	For Governor
	You may vote for one or leave it blank
For Delegates to Support a Presidential Candidate	
You may vote for one or leave it blank.	
<input type="radio"/> Delegates to support Pat Jones	
<input type="radio"/> Delegates to support John Doe	

Printing notes: For county commissioners at large or delegates to state convention, use the correct number designations for the number of candidates to be elected. For state representative, use the correct "vote for" phrase for the number to be elected. The top right corner of the front side of each ballot must be cut off approximately one half inch from the right and top of the ballot. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

If a municipality, school district, or other local jurisdiction has a local ballot measure and the jurisdiction combines with the primary election, that ballot measure must be included on the county ballot and must follow the administrative rule for the layout of that specific ballot measure.

General Authority: SDCL 12-1-9(2).

Law Implemented: SDCL 12-6-14, 12-16-2.1, 12-5-3.11.

- (8) **5:02:06:17. Ballot for statewide secondary runoff election.** The ballot for a statewide secondary runoff election shall be in the same form prescribed in 5:02:06:10. The form may only include the races to be voted upon. The heading shall state "OFFICIAL ~~SECONDARY~~ RUNOFF ELECTION BALLOT".

Source: 12 SDR 43, effective September 23, 1985; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 32 SDR 225, effective July 3, 2006; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-1-9(2).

Law Implemented: SDCL 12-6-51.1.

- (9) **5:02:06:20. County, municipal, or school tax levy opt-out ballot.** The tax levy opt-out ballot must be white and in the following form:

OFFICIAL TAX LEVY OPT-OUT ELECTION BALLOT
 (_____ County) (Name of Municipality) or (_____ School District No. _____)
 _____, SOUTH DAKOTA

(Election Date)

The following tax levy opt-out was passed by the governing body and (submitted) (referred by petition) to the voters. The tax levy opt-out ~~will~~ does not become effective unless approved by majority vote.

(HERE LIST THE AMOUNT AND TERMS OF THE INCREASED TAX LEVY)

To vote use a cross (X) or check mark (✓) in the square in front of "Yes" or "No".

- Yes A vote "Yes" will increase the tax levy by the amount of the opt-out.
- No A vote "No" will leave the tax levy as it is without the amount of the opt-out.

Source: 32 SDR 225, effective July 3, 2006.
General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 10-12-43, 10-13-36.

(10) New Rule 5:02:06:26: School board capital outlay ballot. The capital outlay ballot must be white and in the following form:

OFFICIAL SCHOOL CAPITAL OUTLAY ELECTION BALLOT
 _____ **SCHOOL DISTRICT NO.** _____
SOUTH DAKOTA
(Election Date)

The following decision was passed by the school board and submitted to the voters. The decision does not become effective unless approved by sixty percent of the vote.

(HERE LIST THE AMOUNT AND TERMS OF THE INSTALLMENT PURCHASE CONTRACT OR LEASE-PURCHASE, OR ISSUANCE OF CAPITAL OUTLAY CERTIFICATES)

To vote use a cross (X) or check mark (✓) in the square in front of "Yes" or "No".

- Yes A vote "Yes" will approve the board's capital outlay decision.
- No A vote "No" will not approve the board's capital outlay decision.

Source:
General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 13-16-6.4.

(11) New Rule 5:02:06:27: School sentinel program ballot. The ballot shall be white and shall be in the following form:

OFFICIAL SCHOOL SENTINEL PROGRAM ELECTION BALLOT
 _____ **SCHOOL DISTRICT NO.** _____
South Dakota
(Election Date)

The following school board decision regarding the implementation of a school sentinel program was referred by petition for submission to the voters. The sentinel program does not become effective unless approved by majority vote.

Title:

State's Attorney Explanation: (HERE LIST STATE'S ATTORNEY'S EXPLANATION)

To vote use a cross (X) or check mark (✓) in the square next to "Yes" or "No".

- YES A vote "Yes" will adopt the sentinel program.
- NO A vote "No" will not adopt the sentinel program.

Source:

General Authority: SDCL 12-1-9(2)

Law Implemented: SDCL 13-64-7, 13-64-13, 13-64-14

(12) New Rule 5:02:06:28: County annual tax levy for maintaining, repairing, constructing and reconstructing roads and bridges ballot. The tax levy ballot must be white and in the following form:

OFFICIAL ROADS AND BRIDGES TAX LEVY ELECTION BALLOT
 _____, COUNTY, SOUTH DAKOTA
 (Election Date)

The following tax levy was passed by the governing body and referred by petition for submission to the voters. The tax levy does not become effective unless approved by majority vote.

Title: (HERE LIST TITLE OF REFERENDUM TO BE VOTED ON)

States Attorney Explanation: (HERE LIST STATES ATTORNEY'S EXPLANATION)

To vote use a cross (X) or check mark (✓) in the square in front of "Yes" or "No."

- Yes A vote "Yes" will adopt the annual tax levy.
- No A vote "No" will not adopt the annual tax levy.

Source:

General Authority: SDCL 12-1-9(2).

Law Implemented: SDCL 10-12-13, 7-18A-21, 7-18A-22.

CHAPTER 5:02:08

PETITIONS

Section

- 5:02:08:00 Guidelines for acceptance of petitions.
- 5:02:08:00.01 Requirements for counting signatures on petitions.
- 5:02:08:00.02 Sections of petition.
- 5:02:08:00.03 Form of petition.
- 5:02:08:00.04 Validity of petition signature when signer has signed more petitions than offices to be nominated.
- 5:02:08:00.05 Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition.
- 5:02:08:01 Form of nominating petition -- Partisan election.
- 5:02:08:02 Form of petition for circuit court judge -- Nonpartisan election.
- 5:02:08:03 Repealed.
- 5:02:08:04 Repealed.
- 5:02:08:05 Certificate of nomination for Independent candidate.
- 5:02:08:05.01 Independent candidate declaration of candidacy and certification of running mate.
- 5:02:08:06 Form of declaration for new political party.
- 5:02:08:07 Form of initiative petition.
- 5:02:08:07.01 Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition.
- 5:02:08:07.02 Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated.
- 5:02:08:08 Form of referendum petition.
- 5:02:08:09 Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision.
- 5:02:08:10 Repealed.

- 5:02:08:11 Nominating petition for school board member.
- 5:02:08:12 Reserved.
- 5:02:08:13 Nominating petition for municipal election.
- 5:02:08:14 Repealed.
- 5:02:08:15 Municipal initiative petition.
- 5:02:08:16 Municipal referendum petition.
- 5:02:08:17 Municipal petition for recall.
- 5:02:08:18 County initiative petition.
- 5:02:08:19 County referendum petition.
- 5:02:08:20 Certificate of nomination for Independent presidential electors.
- 5:02:08:21 Form of petition to increase or decrease number of county commissioners.
- 5:02:08:22 Form of petition to increase or decrease number of members of school board.
- 5:02:08:23 Form of petition for change in municipal government.
- 5:02:08:24 Form of petition for water development district director.
- 5:02:08:25 Form of petition for irrigation district director by division.
- 5:02:08:26 Form of petition for irrigation district director at large.
- 5:02:08:27 Form of petition for water project district director by division.
- 5:02:08:28 Form of petition for water project district director at large.
- 5:02:08:29 Form of petition for school district reorganization through dissolution.
- 5:02:08:30 Form of petition for multiple school district reorganization to create a new district.
- 5:02:08:31 Form of petition for reconsideration of rejected school district reorganization plan.
- 5:02:08:32 Form of petition for combining county offices.
- 5:02:08:33 Form of petition for combining a county office with the same office in other counties.
- 5:02:08:34 Form of nominating petition for township election.

- 5:02:08:35 Form of nominating petition for special district trustee.
- 5:02:08:36 Form of petition for ~~taxpayer of real property~~ conservation district supervisor -- Nonpartisan election.
- 5:02:08:37 Repealed.
- 5:02:08:38 Repealed.
- 5:02:08:39 Form of petition for organization of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district.
- 5:02:08:40 Form of petition for a resolution of cooperation or consolidation.
- 5:02:08:41 Form of petition for referring a tax levy opt-out.
- 5:02:08:42 Form of petition for consumers power district director.
- 5:02:08:43 Form of petition for establishing or eliminating school board representation areas.
- 5:02:08:44 Form of petition for referring the discontinuance of an attendance center.
- 5:02:08:45 Form for precinct committeeman or committeewoman.
- 5:02:08:46 Form of petition for a school board to implement a school sentinel program.

(13) 5:02:08:00.01. Requirements for counting signatures on petitions. Requirements for counting signatures on a petition sheet are as follows:

(1) No signature on a petition sheet may be counted if one of the following conditions is present:

(a) The form of the petition does not meet the requirements of this chapter;

(b) The petition sheet is not a self-contained sheet of paper printed front and back;

~~(bc)~~ The circulator's verification is not completed or is improperly completed, according to subdivision 5:02:08:00(3) unless the missing information is completed elsewhere on the petition sheet. A completed circulator's verification must include the printed name of the circulator, the circulator's residence address as provided in subdivision 5:02:08:00.01(2)(c), and complete date;

(ed) The declaration of candidacy has not been completed on or after the first date authorized by statute to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in South Dakota; or

(de) The circulator's verification was signed by more than one circulator; and

(2) An individual signature on a petition sheet may not be counted if one of the following conditions is present:

(a) It was signed prior to the signing of the candidate's declaration of candidacy or, if for a ballot question, it was signed before a copy of the text was filed with the secretary of state;

- (b) It was signed after the circulator completed the verification;
- (c) The residence address does not include a street and house number or a rural route and box number and the town. If the signer is a resident of a second or third class municipality, a post office box number may be used. If the signer does not have a residence address or post office box number, a description of the residence location must be provided. If the signer is a resident of a building with a publicly known name, the building name may be used;
- (d) The date of signing, including month and day, is not indicated;
- (e) The signer's name is not printed and legible; or
- (f) The signer's county of voter registration is not provided.

Source: 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-1-9(6).

Law Implemented: SDCL 2-1-2, 2-1-2.1, 2-1-4, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-8, 13-7-6.

(14) 5:02:08:00.02. Sections of pPetition sheets. ~~A petition may contain more than one section. Each sheet is considered a section of a petition containing more than one sheet of paper. A petition may be composed of multiple sheets. Each sheet must be a self-contained sheet of paper printed front and back and have identical headings printed at the top.~~

Source: 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-3(14).

Cross-Reference: Guidelines for acceptance of petitions, § 5:02:08:00(3).

(15) 5:02:08:36. Form of petition for taxpayer of real property conservation district supervisor -- Nonpartisan election. The nominating petition for taxpayer of real property conservation district supervisor must be in the following form:

**NONPOLITICAL CONSERVATION DISTRICT PETITION
TAXPAYER OF REAL PROPERTY CONSERVATION DISTRICT SUPERVISOR**

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of _____ Conservation District in _____ County(ies), South Dakota, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of Conservation District Supervisor, ~~Taxpayer of Real Property~~, for "a four" "the remaining two years of a four" (cross out incorrect option) year term, within the _____ Conservation District at the general election to be held on November _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am registered to vote ~~reside~~ in _____ County, ~~that I am a taxpayer of real property,~~ and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve as Conservation District Supervisor.

(Signed) _____

Sworn to before me this _____ day of _____, _____.

(Seal)

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

The balance of this petition form is prescribed in § 5:02:08:00.03.

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001.

General Authority: SDCL 12-1-9(7).

Law Implemented: SDCL 38-8-39.

(16) Repeal: 5:02:08:37. Form of petition for urban area conservation district supervisor -- Nonpartisan election. ~~The nominating petition for urban area conservation district supervisor must be in the following form:~~

**~~NONPOLITICAL CONSERVATION DISTRICT PETITION
URBAN AREA CONSERVATION DISTRICT SUPERVISOR~~**

~~INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.~~

WE, THE UNDERSIGNED registered voters of _____ Conservation District in _____ County(ies), South Dakota, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of Conservation District Supervisor, Urban Area, for "a four" "the remaining two years of a four" (cross out incorrect option) year term, within the _____ Conservation District at the general election to be held on November _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I reside in _____ County, that I am a resident of an urban area,

and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve as Conservation District Supervisor.

(Signed) _____

Sworn to before me this _____ day of _____, _____.

(Seal) _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

~~The balance of this petition form is prescribed in § 5:02:08:00.03. Repealed.~~

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001.

General Authority: SDCL 12-1-9(7).

Law Implemented: SDCL 38-8-39.

(17) Repeal: 5:02:08:38. Form of petition for rural landowner or occupier conservation district supervisor -- Nonpartisan election. The nominating petition for rural landowner or occupier conservation district supervisor must be in the following form:

**~~NONPOLITICAL CONSERVATION DISTRICT PETITION
RURAL LANDOWNER OR OCCUPIER CONSERVATION DISTRICT SUPERVISOR~~**

~~INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.~~

~~WE, THE UNDERSIGNED registered voters of _____ Conservation District in _____ County(ies), South Dakota, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of Conservation District Supervisor, Rural Landowner or Occupier, for "a four" "the remaining two years of a four" (cross out incorrect option) year term, within the _____ Conservation District at the general election to be held on November _____, _____.~~

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I reside in _____ County, that I am a rural landowner or occupier, and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve as Conservation District Supervisor.

(Signed)

Sworn to before me this _____ day of _____, _____.

(Seal)

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

~~The balance of this petition form is prescribed in § 5:02:08:00.03. Repealed.~~

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001.

General Authority: SDCL 12-1-9(7).

Law Implemented: SDCL 38-8-39.

CHAPTER 5:02:09

AUTOMATIC TABULATING EQUIPMENT

Section

- 5:02:09:01 Repealed.
- 5:02:09:01.01 Notice of testing automatic tabulating equipment.
- 5:02:09:01.02 Test of tabulating equipment.
- 5:02:09:01.03 Test of direct recording electronic voting machines.
- 5:02:09:02 Approval of automatic tabulating systems required before distribution.
- 5:02:09:02.01 Criteria for approving automatic tabulating systems.
- 5:02:09:02.02 Criteria for approving direct recording electronic voting machines.
- 5:02:09:02.03 Criteria for approving electronic ballot marking systems.
- 5:02:09:03 Number of voting booths.
- 5:02:09:04 Repealed.
- 5:02:09:04.01 Repealed.
- 5:02:09:04.02 Repealed.
- 5:02:09:04.03 Arrangements for and conduct of voting in precincts where automatic tabulating systems used.

- 5:02:09:04.04 Tabulation procedures.
- 5:02:09:04.05 Election day test of electronic ballot marking system.
- 5:02:09:05 Recount procedure.
- 5:02:09:06 Repealed.
- 5:02:09:07 Repealed.
- 5:02:09:08 Repealed.
- 5:02:09:09 Unnecessary items in the pollbook.
- 5:02:09:10 Repealed.
- 5:02:09:11 Official and unofficial election results.
- 5:02:09:11.01 Repealed.
- 5:02:09:11.20 Repealed.
- 5:02:09:12 Repealed.
- 5:02:09:13 Envelope for official returns.
- 5:02:09:14 Oath by tabulation center employees.
- 5:02:09:15 Repealed.
- 5:02:09:16 Recapitulation sheet.
- 5:02:09:17 Examination of voting booths.
- 5:02:09:18 Repealed.
- 5:02:09:19 Repealed.
- 5:02:09:20 Repealed.
- 5:02:09:21 Repealed.
- 5:02:09:22 Counting imperfectly marked optical scan ballots.

(18) 5:02:09:04.04. Tabulation procedures. The procedures for receiving, preparing, and tabulating the ballots are as follows:

(1) The tabulation technicians shall compare the total number of ballots shown on the return printed by the equipment and the total number of ballots shown on the recap sheet from the precinct officials. If there is a discrepancy in the total number of ballots cast in any precinct, the tabulation technicians shall note the discrepancy on the recap sheet, the sheet shall be signed by a tabulation technician and notice given to the resolution board;

(2) If the total number of ballots exceed by five or more the number of names in the pollbook as found on the recap sheet, the ballots shall be examined by the resolution board for the official ballot stamp. Any unstamped ballots shall be removed and marked as "unstamped - not counted." If the total number of ballots still exceeds the number of names in the pollbook, the ballots shall be placed in a box and one of the resolution board shall publicly draw from the box the number of ballots that is equal to the excess and place these in an envelope labeled "ballots drawn by resolution board to justify totals". The remaining ballots shall then be counted by the tabulation equipment and the count shall be included with the other tabulations to constitute the compiled unofficial returns; and

(3) If a ballot is rejected by the automatic tabulating equipment, the resolution board shall review the ballot as follows:

(a) If the resolution board determines that the ballot is damaged or defective, a duplicate shall be made of the ballot. All duplicate ballots shall clearly be marked "duplicate," shall bear a serial number which is also recorded on the original ballot. This ballot shall then be counted by the automatic tabulating equipment in lieu of the original ballot; and

(b) If the resolution board determines that the tabulating equipment is not reading any mark on a paper optical scan ballot, which is a vote according to § 5:02:09:22, the board shall duplicate that ballot on a paper optical scan ballot according to subdivision (3)(a) of this section.

If the resolution board cannot reach an agreement on the determination of any mark, the board shall duplicate that ballot according to subdivision (3)(a) without marking any ~~o~~ selection in dispute on a paper optical scan ballot.

If the resolution board cannot reach an agreement on the determination of all of the marks on any ballot, the board shall reject that ballot and label it, "no votes can be determined".

(c) If the resolution board determines that the tabulating equipment is not reading any selection on a thermal paper ballot, which is a vote according to § 5:02:09:22, the board shall duplicate that ballot on a paper optical scan ballot according to subdivision (3)(a) of this section.

If the resolution board cannot reach an agreement on the determination of any selection, the board shall duplicate that ballot according to subdivision (3)(a) without marking any selection in dispute on a paper optical scan ballot.

If the resolution board cannot reach an agreement on the determination of all of the selections on any ballot, the board shall reject that ballot and label it, "no selections can be determined".

Source: 21 SDR 77, effective October 24, 1994; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL [12-17B-17\(4\)](#).

Law Implemented: SDCL [12-17B-13](#), [12-17B-14](#).

CHAPTER 5:02:10

ABSENTEE VOTING

Section

- 5:02:10:01 Application for absentee ballot.
- 5:02:10:01.01 Receipt for absentee ballot.
- 5:02:10:01.02 Guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters.
- 5:02:10:01.03 Combined absentee ballot application/return envelope.
- 5:02:10:01.04 Repealed.
- 5:02:10:02 Envelope for transmitting ballot application to superintendent of elections.
- 5:02:10:03 Envelope for sending ballots to voter.
- 5:02:10:04 Instructions to absentee voters.
- 5:02:10:05 Official return envelope for ballots used in voting.
- 5:02:10:06 Official record of absentee ballots delivered to voters.
- 5:02:10:07 Repealed.
- 5:02:10:08 Envelopes for use with voting service and overseas ballots.

(19) 5:02:10:01. Application for absentee ballot. The application for an absentee ballot must be in the following form:



South Dakota Absentee Ballot Application Form

_____ County

Please print and return to your county auditor. A new application must be completed each calendar year.				
You may apply for an absentee ballot before 5:00 p.m. the day before the election for any or all general, primary, municipal, school, or any other elections conducted in this calendar year with one request. Additional information on absentee voting is available at sdsos.gov.				
1	Last Name	First Name	Middle Name(s)/Initial	Suffix
2	Voter Registration Address	Apt. or Lot #	City, State	Zip Code
3	Absentee ballot mailing address (if different from Section #2)		City, State	Zip Code
SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR: <u>If your address changes after this is submitted, you must submit a new form</u>				
4	<input type="checkbox"/> All <input type="checkbox"/> General <input type="checkbox"/> Primary <input type="checkbox"/> Municipal <input type="checkbox"/> School <input type="checkbox"/> Any Other If you are registered as an independent and are requesting a Primary Election ballot, you may have a choice of the following: <input type="checkbox"/> Democratic <input type="checkbox"/> Non-Political			

5	Daytime telephone number	<u>If request is for a municipal or school election:</u> I have lived in that jurisdiction at least 30 days in the last year. <input type="checkbox"/> YES <input type="checkbox"/> NO I am a full-time student who resided in that jurisdiction prior to leaving. <input type="checkbox"/> YES <input type="checkbox"/> NO	
	MILITARY AND OVERSEAS CITIZENS ONLY: Are you in the Military or Uniformed Services, a spouse or dependent of the same or an Overseas Citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO If you checked yes, complete this section. If you checked no, proceed to section #7. If you want your ballot sent electronically instead of first class mail, provide your e-mail address below: <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am an eligible spouse or dependent of a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a U.S. citizen residing outside the United States If you checked yes to any of the above questions, complete this section (#6). If you checked no for all questions, proceed to section #7. If you would like your ballot sent electronically (for Primary and General Elections ONLY) instead of first class mail, provide your e-mail address: <u>E-mail address:</u> *A Stateside military voter is required to submit a photocopy of their ID or have this application notarized. *The notarization of this application may be administered by any commissioned officer in the United States military. *An overseas military and overseas citizen voters, or stateside military voter are is not required to submit a photocopy of the voter's ID. *All Any military and overseas voters voter may submit your a signed application for absentee ballot by fax or e-mail.		
6	An acceptable ID is: A South Dakota driver's license or non-driver ID card, a passport or other picture ID issued by the United States government, a tribal photo ID, or a current student photo ID issued by a South Dakota high school or postsecondary education institution. <input type="checkbox"/> Copy of photo identification is attached OR <input type="checkbox"/> I hereby verify that I am the person named above and these statements made by me on this application are true and correct.		
	Sworn to me before this _____ day of _____, 20____. (Seal) Notary Signature _____ My commission expires _____		
7	_____ Voter's Signature (required)		_____ Voter's Date of Signing (required): ____/____/____ Month / Day / Year
	AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY: The deadline to request is 3:00 p.m. on Election Day		
8	As a registered voter, I authorize...		
	Last Name _____ Address _____	First Name _____ Apt. or Lot # _____	Daytime telephone _____ City, State _____ Zip Code _____
...to serve as my authorized messenger to pick up my absentee ballot. I further certify under penalty of law that I am confined because of sickness or disability and for this reason alone am unable to vote at my polling place on Election Day. _____ Voter's Signature		As the authorized messenger, I acknowledge receipt of the ballot for the above named voter on...Date: _____ Time: _____ Are you serving as an authorized messenger for any other voter? <input type="checkbox"/> YES <input type="checkbox"/> NO _____ Authorized Messenger's Signature	

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 112, effective January 11, 2010; 36 SDR 209, effective June 30, 2010; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-1-9(4), 12-19-2.

Law Implemented: SDCL 9-13-4.1, 12-18-6.1, 12-19-2, 12-19-2.1, 12-19-2.2, 13-7-4.2.

(20) 5:02:10:01.02. Guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters. The person in charge of the election shall upon request make a fax number or email address available to Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) voters for the purpose of sending a facsimile or emailed image of their signed absentee ballot application or request.

The facsimile or emailed image must be legible. ~~If the facsimile or emailed image is from a UOCAVA voter located in the United States, the application or request must have a legible notary seal or copy of the voter's identification card as required by SDCL 12-19-2.~~

If the application or request is not legible, the person in charge of the election shall attempt to notify the voter as soon as possible by telephone or email if such contact information is provided.

Source: 31 SDR 214, effective July 4, 2005.

General Authority: SDCL 12-1-9(4).


Law Implemented: SDCL 12-19-2.3.

(21) 5:02:10:08. Envelopes for use with voting service and overseas ballots. ~~Prior to January 1, 2011, the envelope for sending ballots to voter may follow the specifications provided in this section that were in effect on May 7, 2009.~~

The envelopes used in connection with voting service and overseas ballots must be printed in black ink and must meet the following federal guidelines:

BALLOT TRANSMISSION ENVELOPE

- Max
- Height 6 1/8 inches
- Length 11 1/2 inches
- Min
- Height 3 1/2 inches
- Length 5 1/2 inches
- Use Black Ink

NAME AND COMPLETE ADDRESS _____ _____ _____ _____	 OFFICIAL ELECTION MAIL <small>Authorized by the U.S. Postal Service</small>		US POSTAGE PAID 39 USC 3406 PAR AVION
OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL			
NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0			
TO: _____ _____ _____			

BALLOT RETURN ENVELOPE

If mailed in non U.S. Postal System -- Voter must pay postage

- Max
- Height 6 1/8 inches
- Length 11 1/2 inches
- Min
- Height 3 1/2 inches
- Length 5 1/2 inches
- Use Black Ink

The ballot return envelope must be a white security envelope or heavy manila envelope. The following must be printed on the reverse of the return envelope to the county auditor:

I, _____, under penalty of impersonating a registered voter (five years imprisonment and \$10,000 fine), state that I am a registered voter, ~~that my voting residence is~~ _____; and that I have voted the enclosed ballot.

Signature of Voter

Source: 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; transferred from § 5:02:05:18, 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 20 SDR 4, effective July 19, 1993; 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 35 SDR 306, effective July 1, 2009.

General Authority: SDCL 12-1-9(8).

Law Implemented: SDCL 12-19-3, 12-19-4, 12-19-5, 12-26-7, and 22-6-1.

CHAPTER 5:02:19

RECOUNTS

Section

- 5:02:19:01 Reconvening of a recount.
- 5:02:19:02 Staff for recount board.
- 5:02:19:03 Precautions to insure against tampering.
- 5:02:19:04 Counting rules to apply.
- 5:02:19:05 Candidate's petition for recount.
- 5:02:19:06 Precinct voters' petition for recount.
- 5:02:19:07 Voters' petition for recount on questions submitted to the entire state.
- 5:02:19:08 Certificate of recount.
- 5:02:19:09 Certificate of disputed ballots.
- 5:02:19:10 Voters' petition for recount in close municipal or school ballot question election.
- 5:02:19:11 Oath of recount board.

(22) 5:02:19:05. Candidate's petition for recount. A petition for recount on a race that involves any candidate whose nominating petition was submitted in a county auditor's office to be placed on a primary or general election ballot shall be submitted with the applicable county auditor(s). A statewide candidate or candidate voted on in more than one county (not including municipal or school, or legislative candidates) shall file the petition with the secretary of state. A candidate's petition for recount shall be in the following form:

CANDIDATE'S PETITION FOR RECOUNT

I, _____, candidate for the office of _____, believe that a recount will change the result of the election held on the ____ day of _____, 20____, and I petition for a recount of all votes cast for this office in every precinct which has not previously been recounted.

(Signed)_____

STATE OF SOUTH DAKOTA)

) SS VERIFICATION

COUNTY OF _____)

I, _____, under oath, state that I read and signed the foregoing petition and know its contents and that, to the best of my knowledge and belief, the statement is true.

(Signed) _____

Sworn to before me this _____ day of _____, 20____.

(Seal)

Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Source: 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 42 SDR 15, effective August 11, 2015.

General Authority: SDCL [12-1-9](#).

Law Implemented: SDCL [12-21-10](#), [12-21-11](#), [12-21-12](#).