

**State Board of Elections Rules Proposals
June 4, 2015 Rules Hearing**

CHAPTER 5:02:05

FORMS FOR CONDUCT OF ELECTIONS

5:02:05:02.01. Instructions to the voters using optical scan ballots. The instructions to be posted in two locations in the polling place in at least 48 point type for optical scan ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Fill in the oval (●) next to the name or ballot question. Use only the pencil or marker given to you!
Do not make any marks other than filling the oval.
Do not erase anything on your ballot.
Do not rip your ballot or make holes in it.
Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake give the ballot back and get a new one.
If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

PROVISIONAL BALLOT

You may vote a provisional ballot if your name is not on the voter list but you registered in this precinct by the deadline. You must complete both the envelope and ballot.

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person he or she chooses to help them vote.
Any voter may ask for instruction in the proper procedure for voting.
Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

OTHER INFORMATION

The polls are open from 7:00 a.m. to 7:00 p.m. If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

The instructions to be posted in each voting booth for optical scan ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Completely Fill in the oval (●) next to the name or ballot question. Use only the pencil or marker given to you!

Do not make any marks other than filling the oval.



WRONG WRONG WRONG RIGHT

Do not erase anything on your ballot.
Do not rip your ballot or make holes in it.
Do not write in a name.

IF YOU MAKE A MISTAKE

If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

INSTRUCTIONS TO THE VOTERS

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person he or she chooses to help the voter vote.

Any voter may ask for instruction in the proper procedure for voting.
Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence.

Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010; 39 SDR 123, effective January 16, 2013.

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

Law Implemented: SDCL 12-4-18, 12-16-23, 12-16-25, 23A-27-35, USC 1973gg-6(g).

CHAPTER 5:02:06

BALLOT FORMS AND COLOR

5:02:06:01. General election. The general election ballot must be white and must be in the following form, as applicable:

OFFICIAL GENERAL ELECTION BALLOT		(Ballot Stamp)
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 Representatives, 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
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"/> Shannon McGee Independent <input type="radio"/> Bill Smith 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 Representative, District __ 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"/> 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	<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.		For County 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
<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	<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.		For County 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"/> John Doe Party Label for Governor and Jane Doe for Lieutenant Governor	<input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	<input type="radio"/> Pat Jones Independent
<input type="radio"/> Pat Jones Party Label for Governor and Kim Olson for Lieutenant Governor	For Public Utilities Commissioner 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 States Attorney 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"/> Mary Johnson Independent for Governor and Shannon McGee for Lieutenant Governor		
Go to top of next column	Go to top of next column	Turn Page

November ,	County, South Dakota	INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02
For Sheriff You may vote for one or leave it blank.	NONPOLITICAL BALLOT	
<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	<input type="radio"/> Yes
<input type="radio"/> Jane Smith Party Label		<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	<input type="radio"/> Yes
For County Commissioner, District __ You may vote for one or leave it blank.	<input type="radio"/> John Doe	<input type="radio"/> No
<input type="radio"/> John Doe Party Label		Referred Law(s) The following law(s) (was/were) adopted by the Legislature and referred to the voters by petition. Th(is/ese) law(s) will not become effective unless approved by majority vote.
<input type="radio"/> Jane Smith Party Label	<input type="radio"/> Jane Smith	Referred Law 2
<input type="radio"/> Pat Jones Independent	Heartland Consumers Power District For Subdivision No. _____ Director, you may vote for one or leave it blank	Title:
For County Commissioner At Large You may vote for up to __ or leave it blank.	<input type="radio"/> John Doe	<input type="radio"/> Yes
<input type="radio"/> John Doe Party Label	<input type="radio"/> Jane Smith	<input type="radio"/> No
<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		
<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. The person in charge of the election must select where to have the ballot stamp watermark printed on the ballot.

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.

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

Law Implemented: SDCL 12-16-2.1, 12-16-9, 12-16-10.

CHAPTER 5:02:08

PETITIONS

5:02:08:11. Nominating petition for school board member. The nominating petition for school board member must be in the following form:

NOMINATING PETITION FOR SCHOOL BOARD MEMBER

_____ SCHOOL DISTRICT # _____

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 qualified voters of _____ school district number _____, state of South Dakota, nominate _____ whose mailing address is _____, _____, South Dakota, _____, and whose residence address is _____, _____, South Dakota, _____, for a _____-year term (in _____ representation area, if applicable) on the school board at the school board election to be held on the _____ day of _____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I reside in _____ school district number _____, South Dakota; that I am a registered voter of the district; and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed)_____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

(Insert here the instructions to signers and verification by the circulator portions of the petition form prescribed in § 5:02:08:00.03.)

Source: 2 SDR 82, effective June 13, 1976; 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 23 SDR 115, effective January 22, 1997; 36 SDR 112, effective January 11, 2010.

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

Law Implemented: SDCL 12-1-2, 13-7-6, 13-7-13.

5:02:08:13. Nominating petition for municipal election. The nominating petition for a municipal election must be in the following form:

NOMINATING PETITION FOR MUNICIPAL ELECTION

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 qualified voters of the municipality of _____ in the state of South Dakota, nominate _____ whose residence address is _____, _____, South Dakota, _____ and whose mailing address is _____, _____, South Dakota, _____, as a candidate for a _____-year term for the office of _____ at the Municipal Election to be held on the _____ day of _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot) under oath, declare that I reside and am registered to vote in the municipality of _____ and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office. If I am an alderman candidate, I declare that I reside and am registered to vote in Ward _____.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

(Here insert instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

Print name of the circulator	Residence Address	City	State
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I, under oath, state that I circulated the above nominating petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, and that I attest the legality of the signatures and that each person signing this petition is a qualified voter of the municipality of _____.

Signature of Circulator

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

(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004.

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

Law Implemented: SDCL 9-13-7, 9-13-11.

5:02:08:23. Form of petition for change in municipal government. The form of a petition for **either** proposing a change in the type of municipal government or for increasing or decreasing the number of commissioners, **wards**, or trustees, or both, shall be as follows:

PETITION FOR ELECTION TO CHANGE MUNICIPAL GOVERNMENT

WE, THE UNDERSIGNED qualified voters of the municipality of _____, petition that the municipal government of _____ be changed as follows and that the proposal be submitted to the voters for their approval or rejection pursuant to SDCL 9-11-5:

(Here: either describe the proposed new form of government or the increase or decrease in the number of commissioners, wards, or trustees, or both.)

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

Source: 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989.

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

Law Implemented: SDCL 9-11-5.

CHAPTER 5:02:09

AUTOMATIC TABULATING EQUIPMENT

5:02:09:02.03. Criteria for approving electronic ballot marking systems. Before the State Board of Elections grants a certificate of approval, the following capabilities of the electronic ballot marking system must be demonstrated to the board or its designee. The board may grant a certificate of approval for a system, if the system fulfills the following requirements:

- (1) Accurately mark 250 ballots with at least 10 races on each ballot with no ballot jams;
- (2) If the system has the capability of marking a ballot on the back side, the races must be split between the front and back of the ballot;
- (3) Enables the voter to vote in absolute secrecy;
- (4) Presents the entire ballot to the voter in a series of sequential screens that include methods to ensure the voter sees all ballot options on all screens before completing the vote and allows the voter to review all ballot choices before casting a ballot;
- (5) Prevents any voter from selecting more than the allowable number of candidates for any office to prevent overvoting, alerts the voter on the screen if the voter attempts to overvote, and provides information on how to correct the overvote;
- (6) Alerts the voter to any undervote prior to marking the ballot;
- (7) Accurately marks a paper ballot for each vote for each position voted;
- (8) Is an electronic computer-controlled voting system that provides for marking of votes cast;
- (9) Has a battery back-up system that, at a minimum, allows voting to continue uninterrupted for two hours without external power;
- (10) Is designed to accommodate multiple ballot styles in each election precinct and have an option to handle multiple precincts;
- (11) Has a real-time clock capable of recording and documenting the total time polls are open in a precinct and capable of documenting the opening and closing of polls;

(12) Complies with the disability voting requirements of the Help America Vote Act of 2002 as of January 1, 2005;

(13) Has a color touch-screen that is at least fifteen inches in diagonal measure;

(14) Has an option to accommodate a voter who uses a mobility device without intervention of the poll worker other than a minor adjustment such as the angle of the display, and the voter must be able to vote in a face-first position so that privacy is maintained with the ballot surface adjusted to a vertical position;

(15) Has wheels so that the system may be easily rolled by one person on rough pavement and rolled through a standard thirty-inch door frame if the net weight of the system, or aggregate of voting device parts, is over twenty pounds;

(16) Has a method to activate the system for each individual voter and which shall prevent any voter from voting more than once;

(17) Has internal operating system software or firmware, that:

- (a) Is specifically designed and engineered for the election application;
- (b) Is contained within each voting device;
- (c) Is stored in a nonvolatile memory within each terminal;
- (d) Includes internal quality checks such as parity or error detection and correction codes; and
- (e) Include comprehensive diagnostics to ensure that failures do not go undetected; and

(18) Marks ballots that can be accurately counted as provided in § 5:02:09:02.01 for each automatic tabulating system which will be counting ballots.

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

General Authority: SDCL 12-17B-17(1) (3).

Law Implemented: SDCL 12-17B-2.

CHAPTER 5:02:10

ABSENTEE VOTING

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:			
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 <input type="checkbox"/>		
	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 <input type="checkbox"/>		
5	Daytime telephone number	If request is for a municipal or school election:	
		I have lived in that jurisdiction at least 30 days in the last year. Yes <input type="checkbox"/> No <input type="checkbox"/>	
		I am a full-time student who resided in that jurisdiction prior to leaving. Yes <input type="checkbox"/> No <input type="checkbox"/>	
MILITARY AND OVERSEAS CITIZENS ONLY:			
6	Are you in the Military or Uniformed Services, a spouse or dependent of the same or an Overseas Citizen? Yes <input type="checkbox"/> No <input type="checkbox"/>		
	If you checked yes, complete this section. If you checked no, proceed to section #7.		
	If you want your <u>primary and/or your general election</u> ballot sent electronically instead of first class mail, provide your e-mail address below:		
	*Stateside military voters are required to submit a photocopy of their ID or have this application notarized.		
	*The notarization of this application can be administered by any commissioned officer in the United States military.		
	*Overseas military and overseas citizen voters are not required to submit a photocopy of their ID.		
	*All military and overseas voters may submit your signed application for absentee ballot by fax or e-mail.		
7	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 before me this _____ day of _____, 20_____.		
	(Seal)	Voter's Signature Required	
	Notary signature _____	Date: _____ / _____ / _____	
	My commission expires _____	Month / Day / Year	
AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY: The deadline to request is 3:00 p.m. on Election Day.			
As a registered voter, I authorize...			
	Last Name	First Name	Daytime telephone
	Address	Apt. or Lot #	City, State
			Zip Code
8	...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.		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? Yes <input type="checkbox"/> No <input type="checkbox"/>
	Voter's Signature		Authorized Messenger's Signature

09/01/2013

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.

CHAPTER 5:02:19

RECOUNTS

5:02:19:05. Candidate's petition for recount. Legislative and local candidates shall file the 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 candidates) All other 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.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-21-10, 12-21-11, 12-21-12.

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 election.

- 5:02:04:19 Publication of ballot for secondary election.
- 5:02:04:20 Repealed.
- 5:02:04:21 Notice of cancellation of municipal election Repealed.
- 5:02:04:22 Notice of election for special district formation.

5:02:04:21. Notice of cancellation of municipal election. The notice of the cancellation of a municipal election shall be in the following form:

NOTICE OF CANCELLATION OF MUNICIPAL ELECTION
MUNICIPALITY OF _____

Notice is hereby given that no Municipal Election will be held on the _____ day of _____, 20____, in _____, South Dakota.

The election for which public notice was given has been canceled because

(a) no certificates of nomination were filed for (any of) the following position(s) and the incumbent(s) will hold over for the new term:

(HERE LIST POSITIONS AND NAME OF THE INCUMBENT(S))

(b) the following individual(s) has (have) filed certificates of nomination in the office of the Finance Officer for the position(s) to be filled:

(HERE LIST CANDIDATES FILING CERTIFICATES OF NOMINATION AND POSITIONS FOR WHICH THEY HAVE FILED)

Because (each of) the candidate(s) is unopposed, certificates of election will be issued in the same manner as to successful candidates after election.

Dated this _____ day of _____, 20____.

 _____ Finance Officer Repealed

Source: 14 SDR 19, effective August 9, 1987; 36 SDR 209, effective June 30, 2010.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 9-13-5.