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5:02:03:00    Repealed.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5:02:03:01.01 Repealed.
5:02:03:02    Repealed.
5:02:03:03    Repealed.
5:02:03:04    Repealed.
5:02:03:05    Repealed.
5:02:03:06    Repealed.
5:02:03:07    Repealed.
5:02:03:08    Repealed.
5:02:03:09    Repealed.
5:02:03:10    Repealed.
5:02:03:11 Repealed.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5:02:03:25 Repealed.
5:02:03:26 National Change of Address Notice
5:02:03:27 Voter Registration List Maintenance Confirmation Notice

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 which is: __________________________.

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.

5:02:03:18. Voter registration statistics. Following each general election, each county auditor shall supply the following information to the secretary of state for compilation of statewide statistics:

(1) The number of active and inactive voter registrations at the time of the last general election;

(2) The number of active and inactive voter registrations at the time registration closes for the current general election;

(3) The number of new voter registrations between the last two general elections. This does not include any registrations which only provide for change of name, party, or address within the county;

(4) The number of active and inactive voter registrations following the current general election;

(5) The number of registrations which were canceled between the last two general elections;

(6) The number of registrations between the last two general elections received from:

(a) Driver's license offices;

(b) Mail-in;

(c) Public assistance agencies such as food stamps, AFDC, and WIC;

(d) Department of Human Services;
(e) Armed forces recruitment offices;

(f) Municipal finance offices;

(g) In-person registration at the auditor's office;

(h) Voter registration drives which deliver cards;

(i) Individual voters registering through the UOCAVA system;

(7) The number of duplicate registrations between the last two general elections received from:

(a) Driver's license offices;

(b) Mail-in;

(c) Public assistance agencies such as food stamps, AFDC, and WIC;

(d) Department of Human Services;

(e) Armed forces recruitment offices;

(f) Municipal finance offices;

(g) In-person registration at the auditor's office;

(h) Voter registration drives which deliver cards;

(i) Individual voters registering through the UOCAVA system;

(8) The number of confirmation mailings sent between the last two general elections; and

(9) The number of responses received from confirmation mailings sent between the last two general elections in the following categories:

(a) No change in registration;

(b) Address change within the county;

(c) Registration change to new county;

(d) Cancellation because of change to new state;

(e) No response to confirmation mailing;

(f) Confirmation mailing card undeliverable.

Source: 21 SDR 77, effective October 24, 1994.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-35.
5:02:03:26. National Change of Address Notice. The national change of address notice must be sent to any voter in the active registration file who has failed to vote, has not updated the voter's registration information, has not replied to a confirmation mailing at least once during the last preceding four consecutive years and have a National Change of Address within the jurisdiction with the United States Post Office. The postal endorsement must be: forwarding service requested. This notice must be mailed to these voters as required by SDCL 12-4-19 and must contain the following:

_____________________________________________

NATIONAL CHANGE OF ADDRESS

VOTER REGISTRATION NOTICE

Your name and address was listed on the National Change of Address (NCOA) and this notice is to verify this is the address you are now residing at. Below is the address you provided to the United States Post Office for the NCOA.

Name:  Ward:

Residence Address:  Commissioner:

Party:  State Senate:

Ward:  State House:

Voting Precinct:  Water District:

School District:  Township:

Municipal:  Date of Registration:

Please review the information on this card. If the information is correct, you do not need to do anything further. If any of the information is incorrect, please make your corrections next to where your information is listed, sign and date, and return to the county auditor at the address listed on this card.

For questions call your county auditor’s office at _________________________________.

Date ________________________________

Signature ________________________________

The postal endorsement shall be: Forwarding Service Requested.

Note: Not all voters will have information for all the districts.

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

Law Implemented: SDCL 12-4-19.
5:02:03:27. Voter registration list maintenance confirmation notice. The confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned by the voter registration deadline for the next primary election. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card by the voter registration deadline for the next primary election, the voter's registration will become inactive.

The confirmation mailing must be sent by forwardable mail to any voter in the active registration file who:

1. Has failed to vote and has not updated the voter's registration information in two general election cycles;
2. Has failed to vote and has not updated the voter's registration information in two general election cycles and has a National Change of Address outside the jurisdiction with the United States Post Office must contain the following information:

Voter Registration Information

(List voter's name, complete mailing address, complete residence address, political party, ward, precinct, school County Auditor district, county commission district, legislative district, water district, township, and location of precinct polling place)

If this information is correct and you wish to remain registered to vote, please check Forwarding Service Requested or Address Service Requested the first box, sign below, tear off this preaddressed and prepaid card and mail.

If this is not correct, please see reverse side for instructions.

(bold) You must check one: (unbold)

☐ I certify that the above information is correct or has been corrected; or
☐ I certify that I have registered elsewhere (Voter's Name) and/or please cancel my registration. (Voter's Address)

________________________________________________________ (Voter's City, State, Zip)

Date ______________ Voter Signature _______________________

The reverse side shall be in the following form:

Voter Registration List Maintenance Confirmation Notice

1. If the information on the reverse side is correct and you wish to remain registered to vote, please check the first box, sign, tear off, and return the attached card.

2. If any of this information is not correct, please check the first box, make the appropriate changes, sign, tear off, and return the attached (Postage Prepaid) card. Your voter registration will be changed to reflect the information which you provide.

If you indicate a residence address outside of your registration county, your voter registration will be canceled; and we encourage you to register to vote in your new county or state. (County Auditor's Address)

3. If this card is not returned by the voter registration deadline for the next primary election your voter registration will become inactive. With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.
4. If this card is not returned by the voter registration deadline for the next primary election and you do not vote by the second general election from today, your registration will be canceled.

5. If you have registered to vote elsewhere, please check the second box, sign, and return.

Source:

General Authority: SDCL 12-1-9(1), 12-4-35.

Law Implemented: SDCL 12-4-19.

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
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.
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)

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


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

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

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 12-6-51.1, 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.
Colors of ballots for combined elections.

Nonpolitical consumers power district election.

County, municipal, or school district Tax tax levy opt-out ballot.

Special district formation ballot.

School district reorganization ballot.

Sanitary district election ballot.

Alternate optical scan ballot.

County questions election.

School district capital outlay ballot.

School sentinel program ballot.

County annual tax levy for maintaining, repairing, constructing, and reconstructing roads and bridges ballot.

5:02:06:01. General election. The general election ballot must shall be white and must shall be in the following form, as applicable:
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 one slate or leave it blank.
- Doe & Roe Electors
  - John Doe
  - Jane Smith
  - Pat Jones
- Lee & Jones Electors
  - Jill Doe

For Secretary of State
You may vote for one or leave it blank.
- John Hall
- Jane Smith
- Pat Jones
- Doe & Roe Electors
  - John Doe
  - Jane Smith
  - Pat Jones
- Lee & Jones Electors
  - Jill Doe

For State Senator, District ______
You may vote for one or leave it blank.
- Pat Jones

For Attorney General
You may vote for one or leave it blank.
- John Doe
- Shannon McGee

For State Auditor
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones
- Jill Doe

For State Representative, District ______
You may vote for up to two or leave it blank.
- Pat Jones

For United States Senator
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones
- Shannon McGee

For United States Representative
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

For State Treasurer
You may vote for one or leave it blank.
- John Doe

For State Representative, District ______ [A or B]
You may vote for one or leave it blank.
- Pat Jones

For Commissioner of School and Public Lands
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

For Governor and Lieutenant Governor
To be elected as a team, you may vote for one or leave it blank.
- John Doe
- Jane Doe
- Pat Jones

For Public Utilities Commissioner
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

For States Attorney
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

For [County Treasurer] or [County Finance Officer]
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

For [County Auditor] or [County Finance Officer]
You may vote for one or leave it blank.
- John Doe
- Jane Smith
- Pat Jones

Go to top of next column

Turn Page
<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Party Label</th>
<th>Yes</th>
<th>No</th>
<th>Title</th>
</tr>
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<td>Sheriff</td>
<td>John Doe</td>
<td>Party Label</td>
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<td>No</td>
<td>Justice John Doe, representing the Supreme Court District</td>
</tr>
<tr>
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<td>Party Label</td>
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<td>No</td>
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<td>Kim Olson</td>
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<td>No</td>
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<tr>
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<tr>
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<td>Shannon McGee</td>
<td>Independent</td>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>Register of Deeds</td>
<td>Kim Olson</td>
<td>Independent</td>
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<td>No</td>
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<tr>
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<td>Party Label</td>
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<td>Jane Smith</td>
<td>Party Label</td>
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<td>No</td>
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<td>Party Label</td>
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<td>No</td>
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<td>Shannon McGee</td>
<td>Independent</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Register of Deeds</td>
<td>Kim Olson</td>
<td>Independent</td>
<td>Yes</td>
<td>No</td>
<td>Turn Page</td>
</tr>
</tbody>
</table>

INSTRUCTIONS TO THE VOTER:
Insert appropriate instructions from ARSD 5:02:06:01.02
**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 12-13-9, 12-13-25.1, 12-16-2.1, 12-16-9, 12-16-10.

**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 Committee woman, 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:
<table>
<thead>
<tr>
<th>Position</th>
<th>Candidates</th>
<th>Alternates</th>
</tr>
</thead>
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<tr>
<td>Presidential Delegates and Alternates</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Doe, Pat Jones</td>
</tr>
<tr>
<td>United States Senator</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
</tr>
<tr>
<td>For State Representative, District _____</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
</tr>
<tr>
<td>United States Representative</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
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<tr>
<td>County Treasurer or County Finance Officer</td>
<td>Pat Jones, Jane Smith</td>
<td>Pat Jones, Jane Smith</td>
</tr>
<tr>
<td>For States Attorney</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
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<tr>
<td>For Sheriff</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
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<tr>
<td>For Register of Deeds</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
</tr>
<tr>
<td>For State Senator, District _____</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
</tr>
<tr>
<td>Sheriff</td>
<td>John Doe, Jane Smith</td>
<td>John Doe, Jane Smith</td>
</tr>
<tr>
<td>County Auditor or County Finance Officer</td>
<td>Pat Jones, Jane Smith</td>
<td>Pat Jones, Jane Smith</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS TO THE VOTER:**

Insert appropriate instructions from ARSD 5:02:06:01.02.
## Reverse Side:

<table>
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<tr>
<th>June _____, _______</th>
<th>___________ County, South Dakota</th>
</tr>
</thead>
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### For Coroner
You may vote for one or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones

### For Precinct Committeewoman
You may vote for one or leave it blank.
- [ ] Jolene Doe
- [ ] Jane Smith
- [ ] Patricia Jones

### For Precinct Committeeman
You may vote for one or leave it blank.
- [ ] John Doe
- [ ] Jim Smith
- [ ] Pat Jones

### For County Commissioner, District _____
You may vote for one or leave it blank.
- [ ] Jill Doe

### NONPOLITICAL BALLOT

#### Judge of the Circuit Court
For Circuit, Position _____, you may vote for one or leave it blank.
- [ ] Shannon McGee
- [ ] Kim Olson

#### For City Commission, _____ year term
You may vote for up to _____ or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones

#### For County Commissioner At Large
You may vote for up to _____ or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones
- [ ] Jill Doe
- [ ] Shannon McGee
- [ ] Kim Olson

#### Water Development District
Initiated Measure 1
For Water Development District Director, Area _____, you may vote for one or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones
- [ ] Jill Doe
- [ ] Shannon McGee
- [ ] Kim Olson

#### Heartland Consumers Power District
For Subdivision No. _____Director, you may vote for one or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones
- [ ] Shannon McGee
- [ ] Kim Olson

#### For Delegates to State Convention
You may vote for up to ______ or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones
- [ ] Jill Doe
- [ ] Shannon McGee
- [ ] Kim Olson

#### School District
For School Board Member, _____ year term
You may vote for up to _____ or leave it blank.
- [ ] John Doe
- [ ] Jane Smith
- [ ] Pat Jones
- [ ] Jill Doe
- [ ] Shannon McGee
- [ ] Kim Olson

#### City of ___________
For Mayor
You may vote for one or leave it blank.
- [ ] John Doe
- [ ] Jim Smith
- [ ] Pat Jones

### INSTRUCTIONS TO THE VOTER:
Insert appropriate instructions from ARSD 5:02:06:01.02

### County Initiated Ordinance(s)
The following initiated ordinance(s) (was/were) proposed by petition for submission to the voters. This (these) initiated ordinance(s) will not become effective unless approved by majority vote.

### County Referred Ordinance(s) or Resolution(s)
The following (these) referred ordinance(s) or resolution(s) (was/were) adopted by the County Commission and referred to the voters by petition for submission to the voters. This (these) referred ordinance(s) or resolution(s) will not become effective unless approved by majority vote.

### Municipal Initiated Ordinance(s)
Municipal initiated ordinance(s) (was/were) proposed by petition for.

### Municipal Referred Ordinance(s)
Municipal referred ordinance(s) were adopted by the City Council and referred to the voters by petition. This (these) ordinance(s) will not become effective unless approved by majority vote.

### Referred Law 2

Go to top of next column

Go to top of next column

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:

![Ballot Image]

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.

**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".

**General Authority:** SDCL 12-1-9(2).
**Law Implemented:** SDCL 12-6-51.1.

**5:02:06:20. County, municipal, or school district 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
```
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 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.

General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 10-12-43, 10-13-36.

5:02:06:26: School district 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.

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)


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).

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 Petitions.

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.
Reserved.

Nominating petition for municipal election.

Repealed.

Municipal initiative petition.

Municipal referendum petition.

Municipal petition for recall.

County initiative petition.

County referendum petition.

Certificate of nomination for Independent presidential electors.

Form of petition to increase or decrease number of county commissioners.

Form of petition to increase or decrease number of members of school board.

Form of petition for change in municipal government.

Form of petition for water development district director.

Form of petition for irrigation district director by division.

Form of petition for irrigation district director at large.

Form of petition for water project district director by division.

Form of petition for water project district director at large.

Form of petition for school district reorganization through dissolution.

Form of petition for multiple school district reorganization to create a new district.

Form of petition for reconsideration of rejected school district reorganization plan.

Form of petition for combining county offices.

Form of petition for combining a county office with the same office in other counties.

Form of nominating petition for township election.

Form of nominating petition for special district trustee.
Form of petition for taxpayer of real property conservation district supervisor — Nonpartisan election.

Form of petition for urban area conservation district supervisor — Nonpartisan election.

Form of petition for rural landowner or occupier conservation district supervisor — Nonpartisan election.

Form of petition for organization of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district.

Form of petition for a resolution of cooperation or consolidation.

Form of petition for referring a tax levy opt-out.

Form of petition for consumers power district director.

Form of petition for establishing or eliminating school board representation areas.

Form of petition for referring the discontinuance of an attendance center.

Form for precinct committeeman or committeewoman.

Form of petition for a school board to implement a school sentinel program.

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;
   c. 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;
   d. 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
   e. 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.


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

Law Implemented: SDCL 2-1-3(14), 12-1-3(8).

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

5:02:08:00.02. Sections of petition sheets. Petitions. 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 42-1-3(14), 12-1-3(8).

5:02:08:07.01. Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition. The affidavit to be filed with the completed petition for initiative, referendum, or initiated constitutional amendment shall be in the following form:

STATE OF SOUTH DAKOTA )
COUNTY OF _____________ )

I, under oath, state that the attached petition sheets constitute the entire petition to be filed and that to the best of my knowledge they contain a sufficient number of signatures to be certified to the ballot.

Title of Ballot Measure

______________________________

Signature of Sponsor

Print name and complete address of the sponsor

Sworn to before me this ______ day of __________, 20____.
5:02:08:07.02. **Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated.** The affidavit to be submitted with the petition in final format before circulating an initiative, referendum, or initiated constitutional amendment shall be in the following form:

STATE OF SOUTH DAKOTA
) SS
COUNTY OF ______________

I, under oath, state that the attached petition sheet constitutes the petition in final format to be circulated and I am one of the sponsors to this ballot measure.

Title of Ballot Measure

Print name of sponsor

Print name and complete address of the sponsor
Complete address of sponsor _____________________________________________________________________________
Street Address __________________________ State ______ Zip Code

Signature of Sponsor

Sworn to before me this _____ day of __________, 20 _____.
(Seal)

My commission expires: _____________.

Source: 16 SDR 20, effective August 10, 1989.
General Authority: SDCL 12-1-9.
Law Implemented: SDCL 2-1-6.2.

Source: 42 SDR 178, effective July 1, 2016.
General Authority: SDCL 12-1-9(5)
Law Implemented: SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1.
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 ______________________________, ____________________, 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.

General Authority: SDCL 12-1-9(7).
Law Implemented: SDCL 38-8-39.

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.


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

Law Implemented: SDCL 38-8-39.

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.


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.
Approval of automatic tabulating systems required before distribution.

Criteria for approving automatic tabulating systems.

Criteria for approving direct recording electronic voting machines.

Criteria for approving electronic ballot marking systems.

Number of voting booths.

Repealed.

Repealed.

Repealed.

Arrangements for and conduct of voting in precincts where automatic tabulating systems used.

Tabulation procedures.

Election day test of electronic ballot marking system.

Recount procedure.

Repealed.

Repealed.

Repealed.

Unnecessary items in the pollbook.

Repealed.

Official and unofficial election results.

Repealed.

Repealed.

Repealed.

Envelope for official returns.

Oath by tabulation center employees.

Repealed.

Recapitulation sheet.

Examination of voting booths.
Counting imperfectly marked optical scan ballots.

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 oval 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"; and

(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".


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.

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.

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<td>1</td>
<td>Last Name</td>
<td>First Name</td>
<td>Middle Name(s)/Initial</td>
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<td>2</td>
<td>Voter Registration Address</td>
<td>Apt. or Lot #</td>
<td>City, State</td>
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<tr>
<td>3</td>
<td>Absentee ballot mailing address (if different from Section #2)</td>
<td>City, State</td>
<td>Zip Code</td>
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**SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR:** If your address changes after this is submitted, you must submit a new form

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<td>☐ All ☐ General ☐ Primary ☐ Municipal ☐ School ☐ Any Other</td>
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<td>If you are registered as an independent and are requesting a Primary Election ballot, you may have a choice of the following: ☐ Democratic ☐ Non-Political</td>
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**MILITARY AND OVERSEAS CITIZENS ONLY:**

- Are you in the Military or Uniformed Services, a spouse or dependent of the same or an Overseas Citizen? ☐ YES ☐ NO
- If you checked yes, complete this section. **If you checked no, proceed to section #7.**

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<td>Daytime telephone number</td>
<td>If request is for a municipal or school election:</td>
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<td>I have lived in that jurisdiction at least 30 days in the last year. ☐ YES ☐ NO</td>
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<td>I am a full-time student who resided in that jurisdiction prior to leaving. ☐ YES ☐ NO</td>
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<td>I am a member of the Uniform Services or Merchant Marine on active duty ☐ YES ☐ NO</td>
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<td></td>
<td>I am an eligible spouse or dependent of a member of the Uniform Services or Merchant Marine on active duty ☐ YES ☐ NO</td>
<td></td>
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<td>6</td>
<td></td>
<td>I am a U.S. citizen residing outside the United States</td>
<td></td>
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<td></td>
<td>If you checked yes to any of the above questions, complete this section. <strong>If you checked no for all questions, proceed to section #7.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-mail address:</td>
<td>If you would like your ballot sent electronically (for Primary and General Elections ONLY) instead of first class mail, provide your e-mail address:</td>
<td></td>
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<td>☐ YES ☐ NO</td>
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<td>☐ YES ☐ NO</td>
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**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.

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<td>7</td>
<td></td>
<td>☐ Copy of photo identification is attached OR</td>
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<td></td>
<td></td>
<td>☐ I hereby verify that I am the person named above and these statements made by me on this application are true and correct.</td>
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<td></td>
<td>Sworn to me before this _____ day of ______<strong><strong>, 20</strong></strong>.</td>
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<td></td>
<td></td>
<td>(Seal)</td>
<td></td>
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<td></td>
<td></td>
<td>Notary Signature _______________________________</td>
<td></td>
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<td></td>
<td></td>
<td>Voter’s Date of Signing (required): <strong><strong><strong>/</strong></strong><em>/</em></strong>_</td>
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<td>My commission expires__________________________ Month / Day / Year</td>
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**AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY:** The deadline to request is 3:00 p.m. on Election Day

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<tr>
<td>8</td>
<td>As a registered voter, I authorize...</td>
<td></td>
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<tr>
<td></td>
<td>Last Name</td>
<td>First Name</td>
<td>Daytime telephone</td>
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<tr>
<td></td>
<td>Address</td>
<td>Apt. or Lot #</td>
<td>City, State</td>
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<td></td>
<td>As the authorized messenger, I acknowledge receipt of the ballot for the above named voter on...Date: <strong><strong><strong>/</strong></strong><em>/</em></strong>_ Time:<strong><strong>:</strong></strong>.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Are you serving as an authorized messenger for any other voter?</td>
<td></td>
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</tbody>
</table>
Voter’s Signature

Authorized Messenger’s Signature


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.

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**

Suggested Max
Height 6 1/8 inches
Length 11 ½ inches
Min
Height 3 ½ inches
Length 5 ½ inches

**Use Black Ink**
Printer Note: If an auditor needs to exceed the suggested maximum height and length, that is allowed.

**OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL**

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMIM 703,0,0

TO: ______________________________________

________________________________________

________________________________________

**BALLOT RETURN ENVELOPE**

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

Suggested Max
Height 6 1/8 inches
Length 11 ½ inches

Min
Height 3 ½ inches
Length 5 ½ inches

**Use Black Ink**

Printer Note: If an auditor needs to exceed the suggested maximum height and length, that is allowed

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


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


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.

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


General Authority: SDCL 12-1-9.

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