

## Final Board of Election Rules from August 25, 2004 Hearing

### 5:02:04:08. Notice of municipal election

The notice of municipal election must be in the following form:

#### NOTICE OF MUNICIPAL ELECTION

MUNICIPALITY OF \_\_\_\_\_

A Municipal Election will be held on \_\_\_\_\_, in \_\_\_\_\_, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from seven a.m. to seven p.m. \_\_\_\_\_ (mountain or central standard or mountain or central daylight savings) time on the day of the election.

At the election, the following questions will be voted upon or offices will be filled:

(HERE LIST QUESTIONS TO BE VOTED UPON AND OFFICES TO BE FILLED, WITH TERM LENGTHS AND CANDIDATES' NAMES)

(FURTHERMORE, THE FOLLOWING ARE UNOPPOSED)

The polling place in each precinct of this municipality is as follows:

(Here list the precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places within the municipality. ~~Include a facsimile ballot in the first notice.~~)

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

\_\_\_\_\_  
Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003.

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

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

Chapter 5:02:05

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#### Forms for Conduct of Elections

Sec.

5:02:05:00 Official stamp for ballots - All elections.

5:02:05:01 Certificate and receipt executed by the precinct election board and counting board.

5:02:05:02 Instructions to the voters using hand-counted paper ballots.

5:02:05:02.01 Instructions to the voters using optical scan ballots.

5:02:05:02.02 to 5:02:05:05. Repealed.

5:02:05:06 Precinct election board receipt for official ballots.

5:02:05:07 Receipt for transmission of election supplies.

5:02:05:08 Receipt of superintendent of election for ballots and supplies.

5:02:05:09 Ballot box metal seal envelope.

5:02:05:10 Precinct election board record of spoiled ballots.

5:02:05:11 Notice of appointment of election officials.

5:02:05:11.01 Notice of appointment of election officials for school or municipal election.

5:02:05:12 Envelope for notification of appointment of election officials.

5:02:05:13 Notice of appointment of counting board.

5:02:05:14 Election supplies tag.

5:02:05:15 Auditor's ballot box seal.

5:02:05:16 to 5:02:05:18. Transferred.

5:02:05:19 Ballot wrapper or envelope seals.

5:02:05:20 Emergency voting card.

5:02:05:21 Affirmation of inactive voter's address.

5:02:05:22. Provisional ballot envelope.

5:02:05:23. Notice to provisional voter.

5:02:05:24. Notice of provisional ballot determination.

5:02:05:25. Personal identification affidavit.

5:02:05:26. Polling place voter identification sign.

**5:02:05:26. Polling place voter identification sign.**

Voter identification signs must be posted at each polling place. A sign must be posted at each entrance to the polling place which is used by voters. In addition a voter identification sign must be posted in the voting area for each precinct voting at a polling place. The type size of the size must be a minimum of 36 point type. The language of the sign, shall be in the following form:

Please Read

To vote, you must either:

§ Present a photo ID, or if not able to do so,

§ Sign an affidavit which will be given to you.

Accepted forms of photo identification include any one of the following:

§ A SD driver license or nondriver ID card; or

§ A US government photo ID; or

§ A tribal photo ID; or

§ A photo ID from a SD high school or SD accredited institution of higher education.

Source:

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

Law Implemented: SDCL 12-18-6.1, 12-18-6.2.

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

The instructions to voters found on optical scan ballots shall be enclosed in a box. The appropriate instructions shall be placed at the top of the first column containing presidential electors or presidential delegates and alternates, at the beginning of the portion containing other candidates and at the beginning of the portion containing ballot questions. The instructions for all elections must be in either of the following forms:

To vote for a group of presidential electors fill in the oval (I) next to the names.

To vote for a group of presidential delegates and alternates fill in the oval (I) next to the names.

To vote for a person fill in the oval (I) next to the name.

To vote on a ballot question fill in the oval (l) next to “yes” or “no”.

Use only a pencil or marker.

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DO NOT cast more votes than are allowed in each race.

or

To vote for a group of presidential electors finish the arrow with a dark line (nnnnÃ”) next to the names.

To vote for a group of presidential delegates and alternates finish the arrow with a dark line (nnnnÃ”) next to the names.

To vote for a person finish the arrow with a dark line(nnnnÃ”) next to the name.

To vote on a ballot question finish the arrow with a dark line (nnnnÃ”) next to “yes” or “no”.

Use only a pencil or marker.

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DO NOT cast more votes than are allowed in each race.

Printers note: The instruction to “Use only a pencil or marker.” should be included in the first instruction box only. Use either “pencil” or “marker” which ever is correct for your system. If the ballot has columns, the words “Go to top of next column” should be printed on the bottom of any column preceding each column to be voted. If the ballot has races on the back side, the words “Turn page” should be printed in the lower right corner.

Source: 22 SDR 95, effective January 18, 1996; 23 SDR 236, effective July 17, 1997; 26SDR168, effective June 25, 2000; 28 SDR 99, effective January 17, 2002; 29 SDR 113, effective January 30, 2003; 29 SDR 177, effective July 2, 2003.

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

Law Implemented: SDCL 12-16-9.

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

The ballot for increasing or decreasing the number of school board members shall be white and shall be in the following form:

OFFICIAL BALLOT

\_\_\_\_\_ SCHOOL DISTRICT NO. \_\_\_\_\_

\_\_\_\_\_, South Dakota

\_\_\_\_\_, 19\_\_\_\_

The following question is brought before the voters for their acceptance or rejection. Place an (X) or (A) in the square at the left of your choice.

To vote use a cross (X) or check mark (A) in the square next to "For" or "Against".

For (increasing, decreasing) the number of school board members from \_\_\_ to \_\_\_

Against (increasing, decreasing) the number of school board members from \_\_\_ to \_\_\_

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

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

Law Implemented: SDCL 13-8-3.

**5:02:09:16. Recapitulation sheet**

A recapitulation sheet ~~is~~ containing the following ~~form~~ information shall be filled out for each type of ballot ~~or ballot card used~~.

RECAP SHEET: PRECINCT \_\_\_\_\_ Type of ballot: \_\_\_\_\_

(date and name of election)

Number of Voters from Pollbook \_\_\_\_\_ (A)

- 1. Official ~~Unvoted~~ Ballots Received from Auditor \_\_\_\_\_ +
- 2. Additional ~~Unvoted~~ Ballots Received During the Day \_\_\_\_\_ +
- 3. Absentee Ballots Received \_\_\_\_\_ +

4. Total Ballots Received (add lines 1, 2 and 3) = \_\_\_\_\_ (B Line 4 Total)

5. Ballots Spoiled \_\_\_\_\_ ±

6. Ballots Unvoted at End of the Day \_\_\_\_\_ ±

7. Absentee Ballots not Opened \_\_\_\_\_ +

8. Total (add lines 5, 6 and 7) ≡ \_\_\_\_\_ (€ Line 8 Total)

9. Ballots Voted (Line 4 minus Line 8) Total \_\_\_\_\_ (D) (~~subtract Total C from B~~ Line 9 Total)

10. Provisional Ballots Voted \_\_\_\_\_ (E)

11. Ballots To Be Counted Line 9 minus Line 10 \_\_\_\_\_ (F) (~~subtract E from D~~)

12. Enter Number of Voters from Pollbook for this Type of Ballot \_\_\_\_\_

If Line 9 and Line 12 are not the same, compare the voters in the pollbook and the registration list and correct any mistakes.

Signed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Precinct Officials

PLACE INSIDE BALLOT BOX OR TRANSFER CASE WITH VOTED BALLOTS

Discrepancies noted by resolution board: \_\_\_\_\_

(fill in only if there is a different total than above)

Signed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Resolution Board

Printer's note: In central count optical scan precincts, lines 10 and 11 may be completed by tabulation center employees. The printed form may be changed to reflect this option.

Source: 8 SDR 81, effective January 10, 1982; 12 SDR 43, effective September 23, 1985; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 30 SDR 171, effective May 10, 2004.

General Authority: SDCL 12-17B-17(2).

Law Implemented: SDCL 12-17B-9, 12-18-32.

**5:02:10:04. Instructions to absentee voters.**

Prior to January 1, 2005, the instructions to absentee voters may follow the specifications provided in this section that were effect on August 25, 2004.

All ballots mailed or delivered to ~~absent~~ absentee voters shall include instructions that read as follows:  
TO THE VOTER:

- § Mark your ~~ballots~~ ballot privately. ~~Fold each separately.~~
- § (insert a statement regarding whether and how many times the ballot should be folded)
- § ~~(2)~~ Place your ~~ballots~~ ballot in the return envelope and seal it securely.
- § ~~(3)~~ Complete the statement on the back of the return envelope and ~~sign it~~ (bold) SIGN IT (unbold).
- § ~~(4)~~ Mail the ballot to the person in charge of the election, deliver it in person, or authorize someone to deliver it for you.
- § ~~(5)~~ The ballot must be received by the person in charge of the election in time to transmit it to your precinct polling place on election day.

Source: 2 SDR 46, effective December 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 19 SDR 12, effective August 5, 1992.

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

Law Implemented: SDCL 12-19-4, 12-19-5.

**5:02:16:39. Form of the paper seal**

The paper seal used pursuant to § 5:02:09:04.03(8) and 5:02:16:38 shall be in the following form:

BALLOT BOX SEAL

SIGNATURES OF COUNTING BOARD

\_\_\_\_\_

OR PRECINCT BOARD

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Where ballots are counted by hand, upon ~~upon~~ returning ballots to the box after counting, the counting board shall sign these seals and affix the seals to the ballot box openings and upon all places where the box may be opened except where the openings are sealed with a metal seal. Where ballots are counted by machine, the precinct board shall sign these seals.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 25 SDR 167, effective July 6, 1999.

General Authority: SDCL 12-1-9(4), 12-20-52.

Law Implemented: SDCL 12-20-20.



## Chapter 5:02:17

### Pollbooks and Tally Sheets

Sec.

- 5:02:17:01. Repealed.
- 5:02:17:02. Pollbook binding.
- 5:02:17:03. Contents of cover.
- 5:02:17:03.01. Envelope for the pollbook.
- 5:02:17:04. ~~Oath of precinct election board. Repealed.~~
- 5:02:17:05. ~~Oath of counting board. Repealed.~~
- 5:02:17:06. List of voters.
- 5:02:17:07. Tally sheets.
- 5:02:17:08. Official vote count.
- 5:02:17:09. Certification by precinct election board.
- 5:02:17:10. Certification by counting board.
- 5:02:17:11. Official canvass sheet - Municipalities, school districts, and other  
local jurisdictions.
- 5:02:17:12. Duties of official board of canvassers for local jurisdiction.
- 5:02:17:13. Certification of provisional ballot count.

#### **5:02:17:04. Oath of precinct election board. Repealed.**

~~—Before the precinct superintendent's and precinct deputies' duties officially begin, each person shall individually take and sign the following oath which must appear on the first page of the pollbook. The precinct election board members may administer the oath to each other.~~

STATE OF SOUTH DAKOTA )

\_\_\_\_\_ : SS

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will perform the duties of precinct superintendent (or precinct deputy) according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election about to be held.

\_\_\_\_\_  
Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-9, 12-16-28.

### **5:02:17:05. Oath of counting board. Repealed.**

~~Before the counting board precinct superintendent's and deputies' duties officially begin, each person shall individually take and sign the following oath, which appears on the first page of the pollbook. The counting board members may administer the oath to each other.~~

STATE OF SOUTH DAKOTA )

\_\_\_\_\_ : SS

COUNTY OF \_\_\_\_\_ )

~~I, \_\_\_\_\_, do solemnly swear (or affirm) that I will perform the duties of precinct superintendent (or deputy) according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, abuse, and miscalculation in conducting the vote count about to be held.~~

\_\_\_\_\_  
Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-9, 12-16-28.