

**Summer 2008 Board of Elections Rules Final
Effective September 8, 2008**

5:02:03:01. Voter registration form

The voter registration form shall be legibly printed. It is recommended that the form be printed on 90-pound index stock 5 inches wide by 10.5 inches tall and horizontally perforated seven inches from the top and scored for folding 3.5 inches from the top. The voter registration form shall contain the following information:

South Dakota Voter Registration

Are you a citizen of the United States of America? Yes No
Will you be 18 years of age on or before election day? Yes No

If you checked 'no' in response to either of these questions, do not complete this form.

VOTER REGISTRATION for _____ County, SD

Name _____
(Last) (First) (Middle)

Residence Address _____ City State Zip

Mailing Address (if different) _____
City State Zip

If residence address is a post office box, rural box, or general delivery, you must give the location of your residence: _____

Print previous name, if changed: _____
South Dakota driver license number required: _____

(if you do not have a valid South Dakota driver license, you must give the last four numbers of your social security number)

Please register me as a member of the _____ Party.

Birth Date Required: _____ Phone Number: _____

I declare, under penalty of perjury (~~5~~ 2 years imprisonment and ~~\$5,000~~ 4,000 fine), that: I am a citizen of the United States; I ~~maintain my home at~~ actually live at and have no present intention of leaving the above address; I will be 18 on or before the next election; I have not been judged mentally incompetent; and I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system. I authorize cancellation of my previous registration as written below.

Dated _____ Voter Signature _____

For county auditor's office use only:

Ward Precinct Water Dist Leg Dist Comm Dist Township School Dist Other
(perforated)

Previous Voter Registration Information Required

I wish to be registered as shown above. I was last registered with the following name and address which will be cancelled:

Name _____
Previous Address _____
City _____ State _____ Zip _____
County _____ Birth Date: _____
Driver license number: _____
Dated _____ Voter Signature _____

If the form is printed on index stock, on the reverse of the form above the score must be the following:

_____ County Auditor
 _____, SD 57 _____

An alternative voter registration form may be printed on an 8.5 inch wide by 11 inch tall paper in the following format:

Voter Registration Application for _____ County

Use this form to: Register to vote or report a name, address or party change.

Please print. Complete entire form. Return this form to your county auditor.

The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election. Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information.

Are you a citizen of the United States of America? Yes No

Will you be 18 years of age on or before election day? Yes No

If you checked 'no' in response to either of these questions, do not complete this form.

Last	First	Middle	Circle one: Jr Sr II III IV
Residence Address	Apt or Lot #	City/Town	State Zip
Mailing Address (if different)		City/Town	State Zip
If residence address is a post office box, rural box, or general delivery, you must give the location of your residence:			
Print previous name, if changed:			
South Dakota Driver License Number Required: <small>(if you do not have a valid South Dakota driver license, you must give the last four numbers of your social security number)</small>			
Please register me as a member of the _____ Party.		Birth Date Required:	Phone Number:
I declare, under penalty of perjury (\$ 2 years imprisonment and \$5,000 <u>4,000</u> fine), that:			
<ul style="list-style-type: none"> * I am a citizen of the United States; * I maintain my home at <u>actually live at</u> and have no present intention of leaving the above address; * I will be 18 on or before the next election; * I have not been judged mentally incompetent; * I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system. * I authorize cancellation of my previous registration as written below. 			
Dated ____/____/____		Voter Signature:	

For county auditor's office use only:

 Ward Precinct Water Leg Comm Township School other

Previous Voter Registration Information Required

I wish to be registered as shown above. I was last registered with the following name and address which will be cancelled:

Last	First	Middle	Circle one: Jr Sr II III IV
Previous Address		City/Town	State Zip
County:		Birth Date:	Driver license number:
Dated ____ / ____ / ____		Voter Signature:	

Voter registration cards signed prior to January 1, 2009 may be on the form in effect July 17, 2008.

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 31 SDR 214, effective July 4, 2005; 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 12-4-3, 12-4-5.4, 12-4-6, 12-4-8.

5:02:04:09. Notice of special election

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

NOTICE OF SPECIAL ELECTION
(MUNICIPALITY OF _____) or (_____ COUNTY)

A Special 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:

(HERE LIST THE QUESTIONS TO BE VOTED UPON)

The polling place in each precinct of this (municipality or county) is as follows:

(Here list precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places ~~within the municipality.~~)

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

(Finance Officer or County Auditor)

Source: 4 SDR 26, effective October 27, 1977; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003.

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

Law Implemented: SDCL 7-18A-20, 9-13-14, 12-2-4.

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

The personal identification affidavit to be signed by a voter at the polling place who does not have personal identification shall be in the following form:

I declare, under penalty of perjury, that my name is listed as _____ on the official voter registration list, that I am that person, and that I currently reside at _____ . The maximum penalty for perjury is 5 2 years imprisonment and a \$5,000 4,000 fine.

Dated _____ Voter Signature _____

Source: 29 SDR 177, effective July 2, 2003.
General Authority: SDCL 12-18-6.2.
Law Implemented: SDCL 12-18-6.2.

Chapter 5:02:06

Ballot Forms and Color

Sec.

- 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. Constitutional amendments proposed by Legislature - Title.
- 5:02:06:02.01. Constitutional amendments proposed by Legislature - Recitation of effect of yes or no vote.
- 5:02:06:02.02. Initiated constitutional amendment - Title.
- 5:02:06:02.03. Initiated constitutional amendment - Recitation of effect of yes or no vote.
- 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. Special district.
- 5:02:06:04.01. Initiated measures and referred laws.
- 5:02:06:05. Initiated measures - Title.
- 5:02:06:05.01. Initiated measures - Recitation of effect of yes or no vote.
- 5:02:06:06. Referred laws - Title.
- 5:02:06:06.01. Referred laws - Recitation of effect of yes or no vote.
- 5:02:06:07. Transferred to § 5:02:06:02.02
- 5:02:06:07.01. Transferred to § 5:02:06:02.03
- 5:02:06:08. Sample ballots.
- 5:02:06:09. Party precinct committeeman and committeewoman.
- 5:02:06:10. Primary.
- 5:02:06:10.01. Repealed.
- 5:02:06:10.02. ~~Presidential primary~~ 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 election.
- 5:02:06:18. Colors of ballots for combined elections.
- 5:02:06:19. Nonpolitical consumers power district election.
- 5:02:06:20. Tax levy opt-out ballot.

5:02:06:01. 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"/> Hill & Hall Electors Independent Bill Smith June Johnson Kim Olson	For State Auditor You may vote for <u>one</u> or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	<input type="radio"/> Jill Doe Party Label <input type="radio"/> Shannon McGee Independent <input type="radio"/> Bill Smith Independent
INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02		
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	<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
For United States Representative You may vote for <u>one</u> or leave it blank.	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
<input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent		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
For Governor and Lieutenant Governor To be elected as a team, you may vote for <u>one</u> or leave it blank.	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
<input type="radio"/> John Doe Party Label for Governor and Jane Doe for Lieutenant Governor <input type="radio"/> Pat Jones Party Label for Governor and Kim Olson for Lieutenant Governor	<input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent	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"/> Mary Johnson Independent for Governor and Shannon McGee for Lieutenant Governor	<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
Go to top of next column	Go to top of next column	Turn Page

November ,	County, South Dakota	
For Sheriff You may vote for one or leave it blank.	NONPOLITICAL BALLOT	INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02
<input type="radio"/> John Doe Party Label	Supreme Court Justice Retention Vote on each justice. Shall the justice(s) of the Supreme Court named on this ballot, whose term(s) expire(s) (date), be retained in office?	Constitutional Amendment(s) The following amendment(s) to the State Constitution (is/are) submitted to the voters by (the Legislature/petition). The amendment(s) will not become effective unless approved by majority vote.
<input type="radio"/> Jane Smith Party Label	Justice John Doe , representing the ___ Supreme Court District	Constitutional Amendment A
<input type="radio"/> Pat Jones Independent	<input type="radio"/> Yes <input type="radio"/> No	Title:
For Register of Deeds You may vote for one or leave it blank.	Justice John Doe , representing the ___ Supreme Court District	Attorney General Explanation:
<input type="radio"/> John Doe Party Label	<input type="radio"/> Yes <input type="radio"/> No	<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	Water Development District	Attorney General Explanation:
<input type="radio"/> Pat Jones Independent	For ___ District Director, ___ Water Development District, 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	Title:
For County Commissioner At Large You may vote for up to ___ or leave it blank.	For ___ District Director, you may vote for one or leave it blank	Attorney General Explanation:
<input type="radio"/> John Doe Party Label	<input type="radio"/> John Doe	<input type="radio"/> Yes
<input type="radio"/> Jane Smith Party Label	<input type="radio"/> Jane Smith	<input type="radio"/> No
<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.

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 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.

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

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

5:02:06:10. Primary.

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 either of the following forms, as applicable:

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

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

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

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

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 County Treasurer, you may vote for one or leave it blank

For County Auditor, 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

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

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

Printing note: 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.

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 85, effective June 14, 1978; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 31, effective October 1, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 32 SDR 225, effective July 3, 2006.

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

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

Repeal

5:02:06:10.02. Presidential primary.

If a presidential primary is to be included on the primary ballot, the secretary of state may determine the layout of ballots depending on the number of slates of delegates certified by a political party or the number of qualified candidates for the presidential nomination. Primaries for other offices follow the presidential primary on the same ballot. The form for the Republican and Democratic presidential primaries primary ballot is as follows:

_____ (1) The Republican presidential primary ballot may be in the following form:

~~REPUBLICAN PARTY
OFFICIAL PRIMARY ELECTION BALLOT
_____ County, South Dakota
June _____, 20 _____~~

~~PRESIDENTIAL DELEGATES AND ALTERNATES~~

~~To vote use a cross (X) or check mark (✓) in the circle above the names. You may vote for one or leave it blank. DO NOT cast more votes than are allowed in each race.~~

○	○	○
Candidates Preferring	Candidates Preferring	Candidates Preferring
for President	for President	for President
Delegates:	Delegates:	Delegates:
Alternates:	Alternates:	Alternates:

_____ (2) The Democratic presidential primary ballot may be in the following form:

~~DEMOCRATIC PARTY
OFFICIAL PRIMARY ELECTION BALLOT
_____ County, South Dakota~~

- 5:02:08:19. County referendum petition.
- 5:02:08:20. Certificate of nomination for independent presidential electors.
- 5:02:08:21. Form of petition to increase or decrease number of county commissioners.
- 5:02:08:22. Form of petition to increase or decrease number of members of school board.
- 5:02:08:23. Form of petition for change in municipal government.
- 5:02:08:24. Form of petition for water development district director.
- 5:02:08:25. Form of petition for irrigation district director by division.
- 5:02:08:26. Form of petition for irrigation district director at large.
- 5:02:08:27. Form of petition for water project district director by division.
- 5:02:08:28. Form of petition for water project district director at large.
- 5:02:08:29. Form of petition for school district reorganization through dissolution.
- 5:02:08:30. Form of petition for multiple school district reorganization to create a new district.
- 5:02:08:31. Form of petition for reconsideration of rejected school district reorganization plan.
- 5:02:08:32. Form of petition for combining county offices.
- 5:02:08:33. Form of petition for combining a county office with the same office in other counties.
- 5:02:08:34. Form of nominating petition for township election.
- 5:02:08:35. Form of nominating petition for ~~road or sanitary~~ special district trustee.
- 5:02:08:36. Form of petition for taxpayer of real property conservation district supervisor -- Nonpartisan election.
- 5:02:08:37. Form of petition for urban area conservation district supervisor -- Nonpartisan election.
- 5:02:08:38. Form of petition for rural land owner or occupier conservation district supervisor -- Nonpartisan election.
- 5:02:08:39. Form of petition for organization of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district.
- 5:02:08:40. Form of petition for a resolution of cooperation or consolidation.
- 5:02:08:41. Form of petition for referring a tax levy opt-out.
- 5:02:08:42. Form of petition for consumers power district director.

5:02:08:00. Guidelines for acceptance of petitions.

When a petition is presented for filing, the person or governing board authorized to accept the petition for filing shall determine if it meets the following requirements for acceptance:

- (1) The petition is in the form required by this chapter;
- (2) The petition contains the minimum number of valid signatures, counted according to 5:02:08:00.01. One or more invalid signatures on a petition section do not disallow other valid signatures on the section;
- (3) Each section of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. ~~Dates may be in numbers, but must include month, day, and year.~~ The verification was completed and signed before an officer authorized to administer oaths;
- (4) The declaration of candidacy contains the original signature of the candidate. Additional sections may have an original or photocopied signature of the candidate;
- (5) If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the secretary of state;
- (6) The governing board or person authorized by statute to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the

signature lines or circulator's verification on his or her petition provided the filing deadline has not passed; and

(7) Following the presentation of the petition for filing, names may not be removed from the petition.

Except for petitions to nominate candidates for school boards, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. Petitions containing signatures in excess of the minimum number may be filed, but the excess signatures will be disregarded.

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; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 28 SDR 99, effective January 17, 2002.

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

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

Cross-Reference Sections of petition, 5:02:08:00.02.

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 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; ~~or~~
- (c) 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
- (d) The circulator's verification was signed by more than one circulator; and

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

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

Source: 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 26SDR168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007.

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

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

5:02:08:01. Form of nominating petition - Partisan election

Nominating petitions for a partisan election must be in the following form:

NOMINATING PETITION FOR PARTISAN ELECTION
_____ Party

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 _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district, or "state") of South Dakota and members of the _____ Party, nominate _____ of _____ County, South Dakota, whose mailing address is _____, _____, SD _____, and whose principal residence address is _____, _____, SD _____, as a candidate for the office of _____ at the primary election to be held June _____, 20__ .

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate, that I am registered to vote as a member of the _____ Party, and that if I am a legislative or county commission candidate I reside in the district from 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

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

Source: 2 SDR 5, effective July 30, 1975; 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; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-6-5, 12-6-8.

5:02:08:05. Certificate of nomination for independent candidate

The certificate of nomination for an independent candidate shall be in the following form:

CERTIFICATE OF NOMINATION FOR INDEPENDENT CANDIDATE

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 _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district or "state") of South Dakota, nominate _____ of _____ County, whose mailing address is _____, SD _____, and whose principal residence address is _____, SD _____, as an Independent candidate for the office of _____ at the general election to be held November __, 20__.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate and that if I am a legislative or county commission candidate I reside in the district from which I am a candidate. If 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

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

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-6-5, 12-6-8, 12-7-1.

5:02:08:24. Form of petition for water development district director

The nominating petition for a director of a water development district shall be in the following form:

NOMINATING PETITION FOR WATER DEVELOPMENT DISTRICT DIRECTOR
NONPARTISAN 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 registered voters of _____ (insert the director area the candidate is to represent) of the _____ Water Development District, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, South Dakota, as a candidate for the office of director, representing _____ (insert the director area the candidate is to represent) of the _____ Water Development District for a _____ year term, in the primary election to be held on June __, 19 20 .

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I own real property and reside in the area that I will

represent 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 _____, 1920.

(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

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

Source: 10 SDR 27, effective September 26, 1983; 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989.

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

Law Implemented: SDCL 46A-3B-4.

5:02:08:35. Form of nominating petition for ~~road or sanitary~~ special district trustee

The petition for ~~road or sanitary~~ special district trustees must be in the following form:

NOMINATING PETITION FOR DISTRICT TRUSTEE

WE, THE UNDERSIGNED qualified voters of _____ District, _____ County, South Dakota, nominate _____ whose residence address is _____, SD _____, and whose business address is _____, SD _____, as a candidate for the office of District Trustee of _____ District at the election to be held on the _____ day of _____, ____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot) under oath, declare that I am eligible for 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 _____, 1920.

(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

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

Source: 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 6-16-8, 31-12A-17, 34A-5-21.

New Rule:

5:02:08:42. Form of petition for consumers power district director

The nominating petition for a director of a consumers power district shall be in the following form:

NONPARTISAN NOMINATING PETITION FOR CONSUMERS POWER DISTRICT DIRECTOR

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 Subdivision No. _____ (insert the subdivision the candidate is to represent) of the _____ Consumers Power District nominate _____ of _____ County, State of South Dakota, whose mailing address is _____ and whose residence address is _____ as a candidate for the office of director, representing Subdivision No. _____ (insert the subdivision area the candidate is to represent) of the _____ Consumers Power District in the primary election be held on June _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I own real property and reside in the area that I will represent 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 _____, _____.

(Seal) _____ Signature of Officer Administering Oath

My Commission Expires _____ Title of Officer Administering Oath

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

Source:

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

Law Implemented: SDCL 49-36-1.3.

Chapter 5:02:19

Recounts

Sec.

- 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 question election
- 5:02:19:11 Oath of recount board

New Rule:

5:02:19:11. Oath of recount board.

Before performing recount duties, each recount board member shall take an oath in the following form:

I, A.B., do solemnly swear (or affirm) that I will perform the duties of recount board member according to law and the best of my ability and that I will act in an impartial manner in conducting the recount about to be held.

Source:

General Authority: SDCL 12-1-9(10).

Law Implemented: SDCL 12-21-2.