

2009 Fall Rules Final

5:02:03:16. Confirmation mailing notice

The mailing notice sent by forwardable mail to confirm voter registration information must contain the following information:

Voter Registration Information

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

_____ County Auditor _____ (postage)
_____, SD _____

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail. If this is not correct, please see reverse side for further instructions.

Forwarding Service Requested
or Address Service Requested

(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 and/or please cancel my registration.

(Voter's Name)
(Voter's Address)
(Voter's City, State, Zip)

Date _____
Voter Signature _____

The reverse side shall be in the following form:

Voter Registration Confirmation

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. (Postage Prepaid)
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 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 within 30 days, 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 within 30 days 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: 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 31 SDR 214, effective July 4, 2005.
General Authority: SDCL 12-1-9(1), 12-4-35.
Law Implemented: SDCL 12-4-19, 12-4-19.1.

5:02:03:20. Potential duplicate notice.

The mailing notice sent to potential duplicates by forwardable mail to confirm voter registration information must contain the following information:

Voter Registration Information (postage)

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

_____,SD_____

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail. If this is not correct, please see reverse side for further instructions.

Forwarding Service Requested
or Address Service Requested

(Bold) You must check one: (Unbold)

- I certify that the above information is correct or has been corrected and that I am not registered at any other address; or
- I certify that I have registered elsewhere or cancel my registration.

(Voter's Name)
(Voter's Address)
(Voter's City, State, Zip)

Date _____
Voter Signature _____

The reverse side shall be in the following form:

Potential Duplicate Voter Registration Notice

1. Your voter registration has been identified as a possible duplicate voter registration in South Dakota. Please follow these instructions to confirm the validity of this voter registration.

2. If you are not registered at any other address, 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.

(Postage Prepaid)

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

(County Auditor's Address)

4. (Bold) If this card is not returned within 30 days, your voter registration will become inactive. (Unbold) With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.

5. If this card is not returned within 30 days and you do not vote by the second general election from today, your registration will be canceled.

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

Source: 28 SDR 99, effective January 17, 2002.
General Authority: SDCL 12-1-9(1).
Law Implemented: SDCL 12-4-40.

5:02:04:04. Notice of deadline for voter registration

The notice of deadline for voter registration must be in the following form:

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the _____ Election to be held on _____, will close on _____. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the county auditor at (telephone number).

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office and those locations which provide driver's licenses, ~~food stamps~~ SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at (www.sdsos.gov or a county provided web site with a link to a voter registration form - insert one option or the other).

Voters with disabilities may contact the county auditor for information and special assistance in voter registration, absentee voting, or polling place accessibility.

(Person in charge of election - Title)

(Political Subdivision)

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 6 SDR 123, effective July 2, 1980; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 30 SDR 171, effective May 10, 2004.

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

Law Implemented: SDCL 12-4-3, 12-4-5.2, 12-4-7.2

Cross-References: Pub L No 98-435.

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

The notice sent to the mailing address of a person who has cast a provisional ballot shall contain:

- (1) Voter's name;
- (2) Voter's mailing address;
- (3) Election at which the ballot was cast;
- (4) Whether the ballot was counted;
- (5) If the ballot was not counted, the reason why it was not counted; and
- (6) A telephone number for further information.

A paper or electronic copy of the notice shall be maintained by the official in charge of the election for the time period defined in SDCL 12-20-31.

Source: 29 SDR 177, effective July 2, 2003.

General Authority: SDCL 12-20-13.4.

Law Implemented: SDCL 12-20-13.4, 12-20-31.

5:02:06:21. Special district formation ballot.

The special district formation ballot must be white and must be in the following form:

OFFICIAL BALLOT
FORMATION OF _____ DISTRICT
(Election Date)

The following question was proposed by (petition) (the county commission) for submission to the voters. This district formation will not become effective unless approved by (majority vote) (sixty percent of votes cast).

Shall the _____ District be formed?

State's Attorney Explanation: (HERE LIST STATE'S 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 form the _____ District.
 No A vote "No" will not form the _____ District.

Source: 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 6-16-5, 6-16-5.1, 46A-18-20.

5:02:08:07. Form of initiative petition

Prior to July 1, 2010, the initiative petition form shall follow the specifications provided in this section that were in effect on December 9, 2009.

The initiative petition shall be in the following form:

INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November ____, ____ for their approval or rejection pursuant to the Constitution of the State of South Dakota.

Title:

Attorney General Explanation:

The substance text of the proposed law is as follows:
Be it enacted by the people of South Dakota.

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

VERIFICATION BY PERSON CIRCULATING PETITION

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

Print name of the circulator	Residence Address	City	State
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I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

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

Signature of Circulator

My Commission Expires _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26SDR168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007.
General Authority: SDCL 12-1-9(7).
Law Implemented: SDCL 2-1-1, 2-1-6.2, 2-1-7, 2-1-10.

5:02:08:08. Form of referendum petition

Prior to July 1, 2010, the referendum petition form shall follow the specifications provided in this section that were in effect on December 9, 2009.

The petition of referendum shall be in the following form:

REFERENDUM PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following law, as enacted by the Legislature of the state of South Dakota, be submitted to the voters of the state of South Dakota at the general election on November ____, ____ for their approval or rejection pursuant to the Constitution of the state of South Dakota.

(Here insert the title of law to be submitted and the effective date of its passage and approval the referred law.)

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

VERIFICATION BY PERSON CIRCULATING PETITION

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

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this _____ day of _____, _____.
(Seal) Signature of Circulator

My Commission Expires _____
Signature of Officer Administering Oath

Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26SDR168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007.
General Authority: SDCL 12-1-9(7).
Law Implemented: SDCL 2-1-3, 2-1-6.2, 2-1-7, 2-1-10.

5:02:08:09. Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision

Prior to July 1, 2010, the constitutional amendment petition form shall follow the specifications provided in this section that were in effect on December 9, 2009.

The petition for initiated constitutional amendment or repeal shall be in the following form:

INITIATED CONSTITUTIONAL AMENDMENT PETITION

or

INITIATED PETITION FOR REPEAL OF CONSTITUTIONAL PROVISION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be (repealed) (amended) and that this proposal be submitted to the voters of the state of South Dakota at the general election on November ____, ____ for their approval or rejection.

Title:

Attorney General Explanation:

(Here identify the section or sections and article or articles proposed to be repealed or amended. State the exact text of the amendment.)

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

VERIFICATION BY PERSON CIRCULATING PETITION

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

Print name of the circulator	Residence Address	City	State
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I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this _____ day of _____, _____.
(Seal) _____
Signature of Circulator

My Commission Expires _____
Signature of Officer Administering Oath

Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26SDR168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: S.D. Constitution, art XXIII, § 1; SDCL 2-1-2.1, 2-1-6.2.

5:02:08:11. Nominating petition for school board member

The nominating petition for school board member must be in the following form:

NOMINATING PETITION FOR SCHOOL BOARD MEMBER
_____ SCHOOL DISTRICT # _____

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

WE, THE UNDERSIGNED qualified voters of _____ school district number _____, state of South Dakota, nominate _____ whose mailing address is _____ for a _____-year term (in _____ representation area, if applicable) on the school board at the school board election to be held on the _____ day of _____, ~~19~~ 20_____.

DECLARATION OF CANDIDATE

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

(Signed) _____
Sworn to before me this _____ day of _____, 19 20 _____.
(Seal)

Signature of Officer Administering Oath _____
My Commission Expires _____
Title of Officer Administering Oath _____

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

Source: 2 SDR 82, effective June 13, 1976; 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 23 SDR 115, effective January 22, 1997.
General Authority: SDCL 12-1-9.
Law Implemented: SDCL 12-1-2, 13-7-6, 13-7-13.

5:02:09:05. Recount procedure.

The following procedure shall be used in recounting any election counted by an automatic tabulating system:

- (1) If a discrepancy in the number of ballots for a precinct is discovered during ballot tabulation and is not resolved at that time, the county auditor shall make every effort to resolve the discrepancy following the official county canvass and prior to the convening of the recount board;
- (2) The recount board shall first examine each ballot to determine if the official stamp has been placed on the ballot and may not count any vote on an unstamped ballot;
- (3) If any discrepancy remains after subdivisions (1) and (2) have been completed and the total number of ballots in a precinct exceeds the number of names in the pollbook, the ballots shall be placed in a box and the recount board shall draw from the box the number of ballots that is equal to the excess and place these in an envelope labeled "ballots drawn by recount board to justify totals";
- (4) The recount board shall review ballots for proper marking procedure according to the voting instructions. Each ballot marked in a manner other than as provided in the instructions to voter and which may not be counted by the machine shall be hand counted or duplicated in the manner used by a resolution board and the duplicate counted by machine. The recount board shall determine the voter's intent based on the standards found in ARSD 5:02:09:22;
- (5) The recount board shall review each ballot to determine if there are any write-in votes. Any write-in vote may not be counted but all other votes for which the voter's intent can be determined shall be counted;
- (6) The recount board shall examine the ballots reviewed by the resolution board to determine the correctness of the initial rejection or duplication. The recount board shall rule on whether each mark is to be counted or rejected according to § 5:02:09:22;

(7) The recount board shall test the automatic tabulating equipment according to §5:02:09:01.02. The board may conduct additional tests of the equipment including a comparison with hand-counted results from a precinct;

(8) The recount board shall count the ballots with the automatic tabulating equipment. A hand count may be conducted to verify the accuracy of the count by the automatic tabulating equipment. If any discrepancy is found, the discrepancy shall be resolved before the recount is concluded. If any vote cannot be accurately counted by the automatic tabulating equipment but can be hand counted, the hand count tally of that vote shall be added to the count by the automatic tabulating equipment or by hand;

(9) The recount board shall complete the Certificate of Disputed Ballot as provided in §5:02:19:09;

(10) Any question arising on the recount shall be determined by majority vote of the recount board; and

(11) The recount board shall certify the new returns as printed by the automatic tabulating equipment or as hand counted as the "Official Returns" for the election by completing the Certificate of Recount as provided in §5:02:19:08. The Certificate of Recount shall be filed with the person in charge of the election and shall constitute the final returns for the election in that jurisdiction. If the recount involved an election canvassed by the State Board of Canvassers a duplicate original of the Certificate of Recount shall be forwarded to the secretary of state to be incorporated into the statewide totals as provided by SDCL 12-21-39.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 21 SDR 77, effective October 24, 1994; 26SDR168, effective June 25, 2000 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-17B-7, 12-17B-17(4).

Law Implemented: SDCL 12-17B-7, 12-17B-16.

5:02:10:01. Application for absentee ballot.

The application for an absentee ballot must be in the following form:

APPLICATION FOR ABSENTEE BALLOT
_____ COUNTY, SOUTH DAKOTA

You may apply for an absentee ballot before 3:00pm on election day for any or all primary, general, or special elections conducted by your county in this calendar year with one request. However, you must make a separate request for municipal elections and another for school elections. Additional information on absentee voting is available at www.sdsos.gov.

Check the election(s) for which you are requesting an absentee ballot:

Primary If you are registered as an independent and are requesting a primary ballot, you may have a choice of ballots. Please check one of the following: Non-political ballot or Democratic Party ballot

General

Municipal

School

Special _____ (specify jurisdiction)

If any other election is conducted by this jurisdiction this calendar year, I request an absentee ballot for that election.

If request is for a municipal or school election:

I have lived in that jurisdiction at least 30 days in the last year. Yes No

I am a full-time postsecondary student who resided in that jurisdiction immediately prior to leaving for postsecondary education. Yes No

I am on active duty military and my home of record is in that jurisdiction. Yes No

My voter registration residence address is: _____
(address) (city)

My printed name as it appears on the voter registration list is: _____

Mail my ballot to the following address:
Daytime phone number: _____ (Street address or PO Box)(City)(State)(Zip)

I hereby verify that I am the person named above and these statements made by me are true and correct.

Voter Signature

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

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

NOTE: The voter's signature must be witnessed by a notary public or other officer authorized to administer an oath. If the signature is not witnessed, this application must be accompanied by a copy of the voter's valid ID. If absentee voting at the office of the person in charge of the election, you must show a valid ID.

An acceptable ID is:

- A South Dakota driver's license or nondriver ID card
- A passport or other picture ID issued by the United States government
- A tribal photo ID
- A current student photo ID issued by a South Dakota high school or postsecondary education institution

~~COMPLETE THIS PORTION IF BALLOT IS TO BE MAILED~~

~~Mail my ballot to the following address: _____
Daytime phone number: _____ (Street address or PO Box)(City)(State)(Zip)~~

~~COMPLETE THIS PORTION IF REQUEST IS FOR AN (bold) AUTHORIZED MESSENGER REQUEST ONLY (unbold) TO PICK UP BALLOT (This application must~~

~~be received by the person in charge of the election before 3:00 p.m. on election day):~~
I authorize _____ to serve as my authorized messenger to pick up my absentee ballot. I further certify under penalty of law that I am confined because of sickness or disability and for this reason alone am unable to vote at my polling place on election day.

Signature of voter

THE AUTHORIZED MESSENGER MUST COMPLETE THE FOLLOWING:

Name: _____ Phone: _____

Address: _____

Are you serving as an authorized messenger for any other voter? Yes No

I acknowledge receipt of the ballot for the above-named voter on _____ at _____ m.
(date) (time)

Signature of authorized messenger

Date ballot returned:

Absentee ballot applications used after June 30, 2010 must include the following prior to the authorized messenger section:

(bold) MILITARY OR OVERSEAS VOTERS ONLY (unbold)

If you are a military or overseas absentee voter in a primary, general or other statewide election, you may request your ballot be sent to you electronically. If you want your ballot sent electronically instead of first class mail, provide your email address:

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006.
General Authority: SDCL 12-1-9(4), 12-19-2.
Law Implemented: SDCL 9-13-4.1, 12-18-6.1, 12-19-2, 12-19-2.1, 12-19-2.2, 13-7-4.2.

5:02:10:01.03. Combined absentee ballot application/return envelope.

The application for an in-office absentee ballot shall be printed in the following form on an envelope used for sealing the voted ballot:

APPLICATION FOR IN-OFFICE ABSENTEE BALLOT
_____ COUNTY, SOUTH DAKOTA

My printed name as it appears on the voter registration list is: _____

My voter registration residence address is: _____
(address) (city)

Check the election for which you are requesting an absentee ballot:

Primary If you are registered as an independent and are requesting a primary ballot, you may have a choice of ballots. Please check one of the following: Non-political ballot or Democratic Party ballot

- General
- Municipal
- School
- Special _____ (specify jurisdiction)

If request is for a municipal or school election:

I have lived in that jurisdiction at least 30 days in the last year. Yes No

I am a full-time postsecondary student who resided in that jurisdiction immediately prior to leaving for postsecondary education. Yes No

I am on active duty military and my home of record is in that jurisdiction. Yes No

I, under penalty of impersonating a registered voter (5 years imprisonment and \$10,000 fine), state that I am the person named above, these statements made by me are true and correct, and that I will vote the ballot which will be enclosed in this envelope.

Voter Signature

Date

INSTRUCTIONS TO THE VOTER:

- Mark your ballot privately.
- Do not fold your ballot.

- Place your ballot in this envelope and seal it securely.
- Return the envelope immediately to the person in charge of the election.

Auditor Office Use Only:

Voter Precinct: _____

Type of ID: _____

Printers Note: When this form is printed for primary, general, or other county elections, reference to municipal and school elections may be omitted. The instruction to “not fold your ballot” may be changed if the ballot is to be folded.

Source: 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-1-9(8), 12-19-2.5.

Law Implemented: SDCL 12-19-2, 12-19-2.1, 12-19-9.1, 12-19-2.5, 12-26-7, 22-6-1.

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

All ballots mailed or delivered to absentee voters shall include instructions that read as follows:

TO THE VOTER:

- Mark your ballot privately.
- (insert a statement regarding whether and how many times the ballot should be folded)
- Place your ballot in the return envelope and seal it securely.
- Complete the statement on the back of the return envelope and (bold) **SIGN IT** (unbold).
- Mail the ballot ~~to the person in charge of the election~~, deliver it in person, or ~~authorize have someone to deliver it for you to the person in charge of the election.~~ (bold) **Do not return absentee ballot to your polling place.** (unbold)
- The ballot must be received by the person in charge of the election (in time to transmit it to your precinct polling place)(by 7:00pm p.m.) on election day.
- Additional information on absentee voting is available at www.sdsos.gov.

Printers Note: Use correct return time designation in last sixth bullet point.

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; 31 SDR 35, effective September 23, 2004; 32 SDR 225, effective July 3, 2006; 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 12-19-4, 12-19-5, 12-19-41.

5:02:16:00. Definitions.

Terms used in this chapter mean:

- ~~(1) "Voted ballot," a ballot placed in the ballot box at any time;~~
- ~~(2) "Unvoted ballot," a ballot never placed in the ballot box;~~
- ~~(3) "Unused ballot," a ballot never stamped or marked by a voter;~~
- ~~(4) "Spoiled ballot," a ballot marked by a voter but never placed in the ballot box at any time. A voted ballot not counted by the board is not a spoiled ballot;~~
- ~~(5) "Counted ballot," a voted ballot counted by the election or counting board in at least one race;~~

- ~~(6) "Rejected ballot," or "ballot voted but not counted," a voted ballot which was not counted for any reason, including an unstamped ballot or an excess ballot;~~
- ~~(7) "Duplicate ballots," two or more identical ballots stuck together given to one voter;~~
- ~~(8) "Metal seal," a device to seal ballot boxes, such as a metal closure designed to be broken or a padlock.~~
- ~~(9) "Write-in vote," a name written on a ballot in an attempt to indicate a vote for that person.~~

(1) "Counted ballot," a voted ballot counted by the election or counting board in at least one race;

(2) "Duplicate ballots," two or more identical ballots stuck together given to one voter;

(3) "Metal seal," a device to seal ballot boxes, such as a metal closure designed to be broken or a padlock;

(4) "Over vote," a race in which more votes were cast on a ballot than allowed for that race;

(5) "Rejected ballot," or "ballot voted but not counted," a voted ballot which was not counted for any reason, including an unstamped ballot or an excess ballot;

(6) "Spoiled ballot," a ballot marked by a voter but never placed in the ballot box at any time. A voted ballot not counted by the board is not a spoiled ballot;

(7) "Unused ballot," a ballot never stamped or marked by a voter;

(8) "Unvoted ballot," a ballot never placed in the ballot box;

(9) "Voted ballot," a ballot placed in the ballot box at any time;

(10) "Write-in vote," a name written on a ballot in an attempt to indicate a vote for that person.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999; 26SDR168, effective June 25, 2000.

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

Law Implemented: SDCL 12-20-1, 12-15-14, 12-15-14.1.