

Board of Elections 2009 Spring Rules Final

5:02:03:19. Voter registration address verification notice.

The verification notice sent by nonforwardable, return-if-undeliverable mail to the mailing address of registered voters as required by SDCL 12-4-19 must contain the following:

(1) Heading: **Voter Registration Address Verification Notice**;

(2) First instruction: (bold) **If this person no longer lives at this address, write “No longer here” on the front of this card and place in a mailbox. Do not throw away.** (unbold);

(2) Information: Voter's name, complete ~~mailing~~ residence address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and date of registration;

(3) ~~Second instruction~~ Instruction: Please review the information on this card. If any of the information is not correct and you wish to change it, please call _____ to request a new voter registration ~~card~~ form; and

(4) Postal endorsement: Return Service Requested.

Source: 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-4-19.

5:02:04:22. Notice of election for special district formation

The notice of election for formation of county road, ambulance, rural fire protection, sanitary, irrigation, watershed, or water project districts must be in the following form:

NOTICE OF MEETING AND ELECTION
PROPOSED _____(insert district name and type) DISTRICT

A (Meeting and) Election will be held on _____ to determine if the proposed _____ (insert district name and type) district shall be formed. (insert the following sentence only if trustees are to be elected at this meeting: If the district is formed by this election, nomination and election of a board of trustees will take place at the meeting.)

Residents within the proposed district who are also registered voters within the district are eligible to vote in this election.

The (meeting and) election will begin at _____ (mountain or central standard or mountain or central daylight savings) and continue until all present have voted.

The (meeting and) election will be held at the _____.

The area to be included in the proposed district is: (Include legal description of proposed district)

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

County Auditor

County

Source: 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003.
General Authority: SDCL 6-16-8
Law Implemented: SDCL 6-16-5, 6-16-8.

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.~~ Repealed.
- 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 to 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.

- 5:02:06:21. Special district formation ballot.
- 5:02:06:22. School district reorganization ballot.
- 5:02:06:23. Sanitary district election ballot.

5:02:06:04. Special district. Repealed.

~~—Special district ballots shall be green in color.~~

~~Source: 2 SDR 5, effective July 30, 1975.~~

~~General Authority: SDCL 12-1-9.~~

~~Law Implemented: SDCL 12-16-2.1.~~

5:02:06:12. Municipal election.

The municipal election ballot must be white and must be in the following form:

OFFICIAL MUNICIPAL ELECTION BALLOT
 _____, SOUTH DAKOTA
 (Election Date)

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 Mayor, you may vote for one or leave it blank.

- John Doe
- Richard Roe

For (City Commission, Alderman, Trustee), _____ year term, you may vote for up to _____ or leave it blank

- John Doe
- Richard Roe
- John Smith

For (City Commission, Alderman, Trustee), _____ year term, you may vote for one or leave it blank.

- John Doe
- Richard Roe

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 26, effective October 27, 1977; 14 SDR 19, effective August 9, 1987; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003.

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

Law Implemented: SDCL 9-13-21.

New Rule:

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.

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:

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

Law Implemented: SDCL 6-16-5, 6-16-5.1.

New Rule:

5:02:06:22. School district reorganization ballot.

The school district reorganization ballot must be white and must be in the following form:

OFFICIAL SCHOOL DISTRICT REORGANIZATION BALLOT
_____ SCHOOL DISTRICT NO.____, SOUTH DAKOTA
(Election Date)

The following question was brought before the voters for their acceptance or rejection.

Shall the _____ School District No. ____ dissolve and create a new district?

Check with a cross (X) or check mark (✓) in the square desired.

- For proposed school district reorganization plan.
- Against proposed school district reorganization plan.

Source:

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

Law Implemented: SDCL 13-6-43.

New Rule:

5:02:06:23. Sanitary district election ballot.

The sanitary district election ballot must be white and must be in the following form:

OFFICIAL SANITARY DISTRICT ELECTION BALLOT
_____ SANITARY DISTRICT , SOUTH DAKOTA
(Election Date)

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 District Trustee, you may vote for one or leave it blank.

- John Doe
- Richard Roe

For District Trustee, you may vote for up to _____ or leave it blank

- John Doe
- Richard Roe
- John Smith

Source:
General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 34A-5-20.

5:02:07:06. Certificate of nomination to fill vacancy

The certificate of nomination to fill a vacancy created by the death or withdrawal of a candidate shall be signed by the county party central committee chairperson of each county in the district when the nomination is for joint legislative districts. For a statewide or congressional district nomination, the certificate shall be signed by the state party central committee chairperson. The certificate shall be in the following form:

CERTIFICATE OF NOMINATION TO FILL VACANCY

I, (WE), THE UNDERSIGNED _____ party (county) (state) central committee chairperson(s), hereby certify that in accordance with the laws of South Dakota _____ of _____ County, whose mailing address is _____ and whose principal residence address is _____, was nominated to the office of _____ (list the district number, if applicable) in order to fill the vacancy created by the (death) (withdrawal) of _____

(Signed) _____
 Chairperson

(State) (_____ County) Central Committee

Subscribed and sworn to before me this _____ day of _____, 20____.

(Seal)

 Officer Administering Oath

I, _____ (print candidate name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office of _____, that I am registered to vote as a member of the _____ Party, and that if I am a legislative candidate I reside in the district from which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Candidate Signature) _____

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

(Seal)

 Signature of Officer Administering Oath

My Commission Expires _____

 Title of Officer Administering Oath

Source: 6 SDR 25, effective September 24, 1979; 29 SDR 113, effective January 30, 2003.

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

Law Implemented: SDCL 12-6-56, 12-6-58, 12-8-6.

Chapter 5:02:08

Petitions

Sec.

- 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.
- 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. Random sampling method for constitutional amendment, statutory initiative and referendum petitions.
- 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 and 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.
- 5:02:08:08. 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.
- 5:02:08:12. Reserved.
- 5:02:08:13. Nominating petition for municipal election.
- 5:02:08:14. Repealed.
- 5:02:08:15. Municipal initiative petition.
- 5:02:08:16. Municipal referendum petition.
- 5:02:08:17. Municipal petition for recall.
- 5:02:08:18. County initiative petition.
- 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 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.
- 5:02:08:43. Form of petition for establishing or eliminating school board representation areas.
- 5:02:08:44. Form of petition for referring the discontinuance of an attendance center.

New Rule:

5:02:08:43. Form of petition for establishing or eliminating school board representation areas.

The petition for establishing or eliminating school board representation areas shall be in the following form:

PETITION FOR (ESTABLISHING, ELIMINATING) SCHOOL BOARD REPRESENTATION AREAS

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition that the question of (establishing, eliminating) school board representation areas be submitted to the voters of this school district for their approval or rejection pursuant to SDCL 13-8-3.

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

Source:

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

Law Implemented: SDCL 13-8-3.

New Rule:

5:02:08:44. Form of petition for referring the discontinuance of an attendance center.

The petition for referring the discontinuance of an attendance center shall be in the following form:

SCHOOL DISTRICT ATTENDANCE CENTER DISCONTINUANCE REFERENDUM PETITION

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition that the following decision regarding the discontinuance of an attendance center, as passed by the school board of that district, be submitted to the voters of the district for their approval or rejection pursuant to law.

(Here insert the school board decision regarding the discontinuance of an attendance center and the date of its passage.)

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

Source:

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

Law Implemented: SDCL 13-23-3.

5:02:09:02. Approval of automatic tabulating systems required before distribution.

Prior to distribution in South Dakota, a company or corporation dealing in automatic tabulating, direct recording electronic, or electronic ballot marking systems shall give written notice to the state board of elections and demonstrate that its system complies with SDCL 12-17B-2, and § 5:02:09:02.01, § 5:02:09:02.02, or § 5:02:09:02.03 and is certified as fulfilling the requirements of the Election Assistance Commission 2002 voting system standards by an independent test authority accredited by the Election Assistance Commission. If the state board of elections approves the system, it shall issue a certificate of approval.

Any changes or modifications in an approved automatic tabulating, direct recording electronic, or electronic voting ballot marking system may be certified by the state board of elections with or without the demonstration described in this section for initial approval. The modification for the already approved provided that the modified system has must have been certified as fulfilling the requirements of the Election Assistance Commission voting system 2002 standards by an independent test authority accredited by the Election Assistance Commission or been certified to meet the national standard by another state. Any change or modification determined to be de minimis by the independent test authority does not need state board of elections certification.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 16 SDR 203, effective May 28, 1990; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 29 SDR 113, effective January 30, 2003; 32 SDR 109, effective December 26, 2005; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-17B-2.

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 someone to deliver it for you. (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) on election day.

Printers Note: Use correct return time designation in last 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.

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

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

Chapter 5:02:16

Counting and Canvassing of Ballots

Sec.

5:02:16:00	Definitions.
5:02:16:01	Delivery of supplies to counting board - Signing of certificate.
5:02:16:02	Signing of oaths.
5:02:16:03	Public vote count.
5:02:16:04	Use of tally sheets.
5:02:16:05	Comparison of registration list and pollbook.
5:02:16:06	Opening ballot box.
5:02:16:07	Folded ballots separated.
5:02:16:08	Duplicate ballots.
5:02:16:09	Drawing of excess ballots.
5:02:16:09.01	Endorsing of excess ballots.
5:02:16:10	Unstamped ballots.
5:02:16:11	Separation of ballots.
5:02:16:12	Order of vote counting.
5:02:16:13	Repealed.
5:02:16:14	Scrutiny of ballots by counting board.
5:02:16:15	Tally of ballots.
5:02:16:16 to 5:02:16:17	Repealed.
5:02:16:17.01	Write-in votes not counted.
5:02:16:17.02	Counting imperfectly marked paper ballots.
5:02:16:18 to 5:02:16:20	Repealed.
5:02:16:21	Voter's intent to be determined.
5:02:16:22	Repealed.
5:02:16:22.01	Use of prior court decision.
5:02:16:23 to 5:02:16:24	Repealed.
5:02:16:25	Unofficial returns of precinct vote.
5:02:16:26	Entry of precinct vote on unofficial return list.
5:02:16:27 to 5:02:16:30	Repealed.
5:02:16:31	Signing of certificates.

5:02:16:32	Repealed.
5:02:16:33	Procedure for placing voted ballots in the ballot box.
5:02:16:34	Return of unvoted ballots.
5:02:16:34.01	Return of duplicate ballots of one voter not counted.
5:02:16:35	Ballots voted but not counted.
5:02:16:36	Recapitulation sheet.
5:02:16:37	Sealing of ballot box.
5:02:16:38	Use of paper seals on ballot box <u>Repealed.</u>
5:02:16:39	Form of the paper seal.
5:02:16:40	Return and sealing of the pollbook.
5:02:16:41	Pollbook envelope seal.
5:02:16:41.01	Return of duplicate tally sheet.
5:02:16:42	Return of election material.
5:02:16:43	Purpose of this chapter.
5:02:16:44	Provisional ballot return envelope.

5:02:16:37. Sealing of ballot box

Following the deposit of all voted ballots except those in § 5:02:16:34, the precinct or counting board shall seal the ballot box with a metal security seal for each place where box and clasp connect. The security seal shall be of a design that would readily show if the seal has been broken. A paper seal shall be used to cover any other slot or opening which is not covered and sealed with the security seal.

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 12-17B-9, ~~12-18-32~~, 12-20-20.

5:02:16:38. ~~Use of paper seals on ballot box~~ Repealed.

~~—A paper seal may be used to cover the slot or any other opening on the ballot box through which ballots are deposited during the course of voting.~~

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

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

~~Law Implemented: SDCL 12-17A-34, 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 to 5:02:17:05.	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.
- 5:02:17:14. Electronic pollbook security.

5:02:17:09. Certification by precinct election board.

The members of the precinct election board shall sign the following certification which is located in the pollbook following the list of voters:

We hereby certify that the above list is a true and correct list of the individuals voting at the election.

If an electronic pollbook is used, the members of the precinct election board shall sign the following certification which is a separate form:

We hereby certify that the data entered into the electronic pollbook is a true and correct list of the individuals voting at the election.

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 12-16-28, 12-8-5.

New Rule:

5:02:17:14. Electronic pollbook security.

The pollbook file containing voter names, numbers and ballot types for an electronic pollbook must be located in the electronic pollbook. The pollbook file may not be located on a network drive or removable drive. The electronic pollbook may not be connected to the internet.

A pollbook file shall be password protected. The password shall be provided only to the precinct superintendent who may not divulge the password to any other person.

No person other than the election worker assigned to operate the electronic pollbook may be allowed to enter any information into the electronic pollbook.

Following the completion of the recapitulation sheet at the close of the polls, the pollbook file shall be immediately closed so that it is password protected.

The pollbook file may not be reopened prior to the official canvass. If the board of canvassers examines the pollbook file, the board must check the "properties" of the pollbook file prior to opening the file to determine that the file has not been accessed since the close of the polls.

Source:

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

Law Implemented: SDCL 12-16-28, 12-8-5.

5:02:05:00. Official stamp for ballots -- All elections. Official ballots for each election must be stamped with an official stamp which must contain the following information:

OFFICIAL BALLOT
(~~date of election~~)
**(NAME OF COUNTY, SCHOOL DISTRICT, MUNICIPALITY,
OR OTHER POLITICAL SUBDIVISION)**
(Precinct name or number or both)
SOUTH DAKOTA

~~The date may be omitted if it is pre-printed on each official ballot for the election.~~

Source: 3 SDR 69, effective April 10, 1977; 4 SDR 26, effective October 27, 1977; transferred from § 5:02:07:02, 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-1-9, 12-16-30.

5:02:10:03. Envelope for sending ballots to voter.

Prior to January 1, ~~2004~~ 2011, the envelope for sending ballots to voter may follow the specifications provided in this section that were effect on ~~November 28, 2004~~ May 7, 2009.

All ballots mailed to any absentee voter shall be enclosed in an envelope securely sealed and addressed to the absentee voter as indicated on the application for ballots. The envelope shall conform to the following specifications:

- (1) It shall be of minimum practicable size and weight;
- (2) Across the face of the envelope shall be printed the words "OFFICIAL ABSENTEE VOTING MATERIAL – FIRST CLASS MAIL";
- (3) In the upper left corner of the face of the envelope shall be printed the return address of the person in charge of the election; and
- (4) ~~In the lower left corner of the face of the envelope shall be printed the words, "This Envelope Contains the Official Ballots, Instructions, Return Envelope"; and~~
- ~~(5)~~ Between the return address and the postage shall be printed the "medium use" official election mail logo as prescribed by the U.S. Postal Service. There must be a minimum one-quarter inch clear area around the entire logo.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 28 SDR 99, effective January 17, 2002.
General Authority: SDCL 12-1-9(8).
Law Implemented: SDCL 12-19-3.

5:02:10:05. Official return envelope for ballots used in voting.

Prior to January 1, 2011, the envelope for sending ballots to voter may follow the specifications provided in this section that were effect on May 7, 2009.

The official return envelope for the absentee voter's ballot shall conform to the following specifications except as provided in § 5:02:10:08:

- (1) It is the minimum practicable size and weight utilizing a white security or heavy manila envelope;
- (2) Blank lines for the return address of the voter are printed in the upper left corner of the face of the envelope;
- (3) The words, "OFFICIAL BALLOT TO BE VOTED AT _____ Precinct in _____ County, S.D., at the _____ Election." may be printed in the lower left corner of the face of the envelope;
- (4) Between the return address and the postage shall be printed the "medium use" official election mail logo as prescribed by the U.S. Postal Service. There must be a minimum one-quarter inch clear area around the entire logo;
- (5) The words, "~~Must be received by the person in charge of the election by Election Day or the ballot will not be counted.~~ Place Stamp Here" are printed ~~below the mail logo inside a box in the upper right corner~~;
- (6) The return envelope is addressed to the person in charge of the local election in which the home precinct of the absentee voter is situated; ~~and~~
- (7) The return envelope has the following statement printed on its reverse:

STATEMENT OF ABSENTEE VOTER

I, _____, under penalty of impersonating a registered voter (5 years imprisonment and \$10,000 fine), state that I am a registered voter in the county, and state named on the front of this envelope, and that I have voted the enclosed ballot.

(bold) Signature of Voter (unbold)

and

(8) The words, "Must be received by the person in charge of the election by Election Day or the ballot will not be counted." are printed above or below the Statement of Absentee Voter.

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; 12 SDR 43, effective September 23, 1985; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 28 SDR 99, effective January 17, 2002; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007.



General Authority: SDCL 12-1-9(8).
 Law Implemented: SDCL 12-19-4, 12-26-7, 22-6-1.

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 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

- Max
- Height 6 1/8 inches
- Length 11 1/2 inches
- Min
- Height 3 1/2 inches
- Length 5 1/2 inches
- Use Black Ink

BALLOT RETURN ENVELOPE

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

- Max
- Height 6 1/8 inches
- Length 11 1/2 inches
- Min
- Height 3 1/2 inches
- Length 5 1/2 inches
- Use Black Ink



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.

Dated this ____ day of _____, 20__.

Signature of Voter

Source: 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; transferred from 5:02:05:18, 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 20 SDR 4, effective July 19, 1993; 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-19-3, 12-19-4, 12-19-5, 12-26-7, 22-6-1.