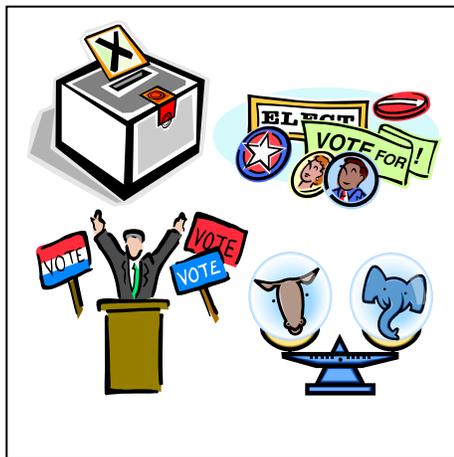


# General Information

## on

# South Dakota Elections

## 2008



*Chris Nelson*

*Secretary of State*

Chad Heinrich, Deputy Secretary of State

Kea Warne, Election Supervisor

State Capitol, 500 East Capitol Ave,

Pierre, SD 57501-5070 \* 605-773-3537

[www.sdsos.gov](http://www.sdsos.gov)

# 2008 Election Calendar

November 5, 2007	Deadline to file petitions for placement of a constitutional amendment on the general election ballot
March 25, 2008	Deadline to file nominating petitions for June primary election
April 1	Deadline to file petitions for an initiated measure on the general election ballot
May 19	Voter registration deadline for the June primary election
June 3	<b>Primary Election</b> Polls open 7:00am to 7:00pm – legal time
	Deadline for candidates to file nominating petitions as independent candidates (except for President)
June 17	Secondary Election (Required only if no candidate for Congress is nominated by at least 35% of the vote in the party primary)
August 5	Deadline for independent candidates for president to file nominating petitions
October 20	Voter registration deadline for the general election
November 4	<b>General Election</b> Polls open 7:00am to 7:00pm - legal time

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# **Voting, Absentee Voting, and Voter Registration Procedures**

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## **IDENTIFICATION AT THE POLLS**

All voters are required to provide identification before voting or obtaining an absentee ballot. The personal identification that may be presented shall either be:

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

If a voter is not able to present personal identification, the voter may complete an affidavit in lieu of the personal identification.

## **ABSENTEE VOTING**

Any registered voter may vote by absentee ballot. Voters do not need to provide a reason in order to absentee vote. Absentee ballots are available six weeks prior to the election.

An absentee voter desiring to vote by mail may apply to the person in charge of the election for an absentee ballot. The application or request shall be made in writing and be signed by the applicant and state the applicant's voter registration address. The application or request shall contain an oath verifying the validity of the information contained in the application or request. The oath shall be administered by a notary public or other officer authorized by statute to administer an oath. If the application or request does not contain an oath, the application or request shall be accompanied by a copy of the voter's identification card. The requirement for the oath or the submission of the voter's identification card is waived for voters covered under UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act). UOCAVA voters can submit the application for absentee ballot by fax or email image including a signature to the jurisdiction in charge of the election.

The application or request may be used to obtain an absentee ballot for all elections in that calendar year conducted by the jurisdiction receiving the application or request if so indicated.

At anytime prior to an election, a voter may apply in person to the person in charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. of the day of the election. If the voter applies in person, the voter shall show the person in charge of the election the voter's identification card or complete a personal identification affidavit.

In the event of confinement, because of sickness or disability, a qualified voter may request an absentee ballot in writing, naming an authorized messenger who will deliver the ballot to the voter. An application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election.

The voter must sign a statement on the absentee ballot envelope prior to returning the ballot. All voted ballots must be returned to the person in charge of the election in time to be delivered to the appropriate polling place prior to the closing of the polls.

An application for absentee ballot can be obtained at a county auditor's office or printed from the Secretary of State's website at [www.sdsos.gov](http://www.sdsos.gov)

A Power of Attorney cannot be used for absentee voting purposes.

## **VOTER REGISTRATION**

### **REGISTRATION REQUIREMENTS:**

- \*Citizen of the United States
- \*Age 18 or older on or before the next election day
- \*Resident of South Dakota
- \*Not be currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system
- \*Not be judged mentally incompetent by a court of law
- \*Must provide a South Dakota driver's license number. If you do not have a South Dakota driver's license, then you must provide the last four digits of your social security number.

#### REGISTRATION LOCATIONS:

- \*County auditor's office
- \*City finance office
- \*Driver's license station
- \*Public assistance agencies providing food stamps, TANF or WIC
- \*Department of Human Services offices which provide assistance to the disabled
- \*Military recruitment offices
- \*Mail-in registration with forms from the county auditor's office or [www.sdsos.gov](http://www.sdsos.gov)
- \*Secretary of State's Office

#### REGISTRATION DEADLINES:

- \*Fifteen days prior to any election
- \*Mail-in cards must be received by the county auditor 15 days prior to the election or postmarked 30 days prior to the election
- \*2008 Primary deadline is May 19
- \*2008 General deadline is October 20

PARTY REGISTRATION: South Dakota has closed primary elections. To be eligible to vote in the primaries, voters must indicate their political party choice on the registration cards. Democrat and Republican parties are the recognized political parties in South Dakota.

If you register to vote through a private entity or individual, they are required to provide you with their contact information.

A Power of Attorney cannot be used for voter registration purposes.

### **PROVISIONAL BALLOTS**

If any person is not authorized to vote, is successfully challenged, or is otherwise denied the ability to vote and the person maintains that he or she is currently registered to vote in that precinct, the person may cast a ballot which shall be called a provisional ballot.

The voter must complete an affirmation for a provisional ballot.

Provisional ballots are not counted on election night. The person in charge of the election will investigate the following day to determine if that voter was properly registered in that precinct. If the information found determines that the voter was properly registered, then that

provisional ballot will be counted. The voter will receive notification of whether his/her provisional ballot was counted or not and if not, an explanation of why it was not counted.

By voting a provisional ballot, your vote may not be secret if only one provisional ballot is cast in that precinct.

## **INSTRUCTIONS TO VOTERS**

### **IF YOU MAKE A MISTAKE**

If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one. (If you cast more votes than allowed in a race, your votes for that race will not be counted)

### **IF YOU NEED HELP, ASK**

The Election Board at your polling place on Election Day is there to help you if you have questions.

You may contact the Office of Secretary of State for information regarding the election process at 605-773-3537.

### **VOTING RIGHTS**

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person they choose to help them vote.

Any voter may ask for instruction in the proper procedure for voting.

Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

If your voting rights have been violated, you may call the person in charge of the election, the Secretary of State at 888-703-5328, or your state's attorney.

## The AutoMARK ballot assistant

Every voter in South Dakota will receive an optical scan ballot at federal elections. The voter has the choice to mark the ballot by hand or to use the AutoMARK ballot assistant.

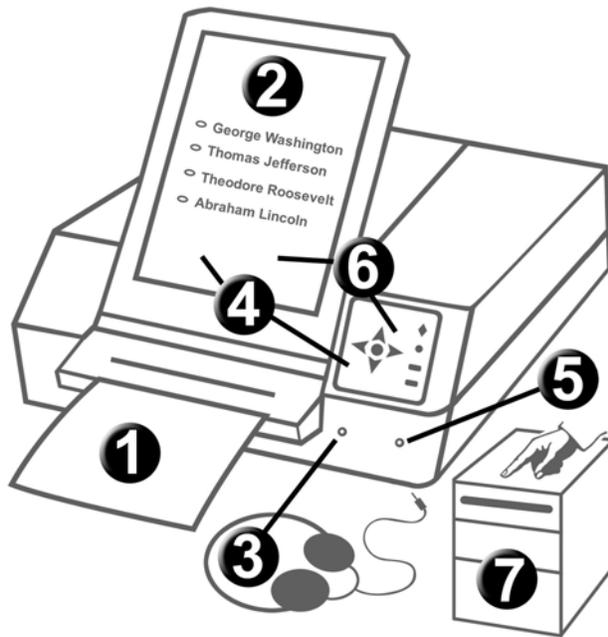
The AutoMARK assists a broad range of voters in marking their ballots independently and privately. Available in every polling place in South Dakota for any federal election, the AutoMARK may be provided for other elections.

The AutoMARK keeps no record of votes. It is a paper-based electronic ballot marker—an “electronic pen.” Most voters find it to be intuitive and user-friendly.

The AutoMARK has special features to assist voters who are blind, have poor eyesight, can’t hold a pen, or have other difficulties in voting a paper ballot. All ballots—whether voted by pen or AutoMARK—go into the same ballot box.

When a ballot is inserted into the AutoMARK, an electronic version appears on the screen. The pictures of the ballot contests can be enlarged for easier reading, shown in reverse contrast, or turned off for privacy if a voter chooses to access the ballot by attached headphones and keypad. The audio description of the ballot can be used in place of or in conjunction with the visual version on the screen. The voter makes selections through the touch screen or keypad.

The AutoMARK warns of undervotes and will not allow overvotes. The voter may make changes before the ballot is marked. The voter is provided a summary of selections. When the voter selects Mark Ballot, the appropriate ovals of the optical scan paper ballot are marked and the ballot is ejected. If a marked ballot is inserted into the AutoMARK, the touch screen will display and the headphones will describe the selections marked on that ballot. The voter takes the official paper ballot to the precinct ballot box for casting. A ballot privacy sleeve is provided to all voters.



## How does it work?

- 1** Insert your paper ballot into the AutoMARK.
- 2** Your ballot will appear on the touch screen.
- 3** If you would like the ballot read to you, plug in and put on the headphones.
- 4** Touch the screen or use the keypad to move through the ballot and select your choices.
- 5** You may use your own personal A/B - style switch to access the AutoMARK.
- 6** Verify your selections and press "Mark Ballot". The AutoMARK will mark and return your ballot.
- 7** Remove your ballot and place it in the ballot box.

## **Offices to be filled in the 2008 Elections**

**The following nominations are made in the closed party primary elections held on June 3, 2008:**

- U.S. Representative – 2 year term
- U.S. Senator – 6 year term
- 105 Legislators (35 Senate, 70 House) –2 year term
- County Commissioners – 4 year term
- States Attorney – 4 year term
- County Coroner – 4 year term
- County Treasurer – 4 year term
- Delegates to Republican Party State Convention - County chairman, vice chairman, state committee members, each precinct committeeman and committeewoman, and three at-large delegates from each county.
- Delegates to the Democratic Party State Convention – Four delegates from each county (including the county party chair, who is an automatic delegate) with one additional delegate from Brown County and Lincoln County, seven delegates from Pennington County and 16 delegates from Minnehaha County. Up to three alternates are elected by the County Central Committee in each organized county.

**In those areas of the state which have the following types of districts, nominations are made in a nonpartisan primary election:**

- Water Development District Directors -- 4 year term
- Heartland Consumers Power District Directors -- 6 year term

**The following will be nominated at the 2008 state conventions of each political party:**

- Public Utilities Commissioner - 6 year term
- 3 Presidential Electors

## CANDIDATE INFORMATION

### Number of Signatures Required on Petitions Filed for the 2008 Election

#### **U.S. SENATOR, U.S. REPRESENTATIVE,**

Republican: 2070 (1% of the vote for the 2006 republican gubernatorial candidate – 206,990)

Democratic: 1213 (1% of the vote for the 2006 democratic gubernatorial candidate – 121,226)

Independent: 3356\* (1% of the total vote for governor in 2006 – 335,508)

New Political Party: 250

\*The Independent signature requirement would also apply to independent candidates for public utilities commissioner. Independent candidates for President must file a certification of their vice-presidential candidate prior to petition circulation.

#### **FORM A NEW POLITICAL PARTY**

8388 (2.5% of total vote for governor in 2006 – 335,508)

#### **STATE LEGISLATORS**

Republican or Democrat: 50 signatures or 1% of the vote for their party's gubernatorial candidate in their legislative district in the 2006 election, whichever is less.

Independent: Signatures equal to 1% of the total vote for governor in 2006 in their legislative district.

New Political Party: Five signatures.

#### **COUNTY OFFICIALS & PARTY DELEGATES** (filed with county auditor)

Republican, Democrat: 50 signatures or 1% of the vote for their party's gubernatorial candidate in the county or commissioner district in the 2006 election, whichever is less.

Independent: Signatures equal to 1% of the total vote for governor in the county or commissioner district in 2006.

New Political Party: Five signatures.

## **SPECIAL DISTRICTS**

Heartland Consumer Power District Director: 50

Conservation District Director: 25

Water Development District Director: 25

**All petition signers must be active registered voters in the jurisdiction which the candidate is seeking office.**

## **DEADLINE FOR FILING**

March 25, 2008 for primary election

June 3, 2008 for independent candidates in general election

August 5, 2008 for independent presidential candidates in the general election

## **INITIATIVE PETITIONS**

16,776 signatures collected within one year following filing of the full text with the Secretary of State (5% of 2006 vote for governor).

Signatures must be filed by April 1, 2008.

## **REFERENDUM PETITIONS**

16,776 signatures (5% of 2006 vote for governor). File within 90 days after adjournment of legislature at which the law was passed.

## **INITIATED CONSTITUTIONAL AMENDMENT**

33,551 signatures (10% of 2006 vote for governor). Signatures must be filed by November 5, 2007.

## Recognized Political Parties

The Democrat and Republican parties are recognized political parties in South Dakota. New political parties may form by filing new party formation petitions signed by

8388 registered voters in South Dakota. The petition deadline for the 2006 elections is March 25, 2008. A political party's gubernatorial candidate must obtain at least 2.5% of the vote for governor to remain a recognized party.

### **SD Democratic Party**

207 E Capitol Ave 2nd Floor

Pierre SD 57501

Phone 605-224-1750; Fax 605-224-1759

[democrats@sddp.org](mailto:democrats@sddp.org)

[www.sddp.org](http://www.sddp.org)

### **SD Republican Party**

PO Box 1099

Pierre SD 57501

Phone 605-224-7347; Fax 605-224-7349

[administrator@southdakotagop.com](mailto:administrator@southdakotagop.com)

[www.southdakotagop.com](http://www.southdakotagop.com)

## Qualifications to Hold Office & Term Limitations

### **President of the United States**

35 years old, natural United States born citizen, 14 years residency within the U.S.

### **U.S. Senator**

30 years old, 9 years a citizen of U.S., inhabitant of state when elected

### **U.S. Representative**

25 years old, 7 years a citizen of U.S., inhabitant of state when elected

**Governor and Lt. Governor**

2 years residency, Citizen of United States, 21 years old, Term Limit: 2 consecutive terms

**Constitutional Officers**

No specified qualifications, Term Limit: 2 consecutive terms

**Legislators**

21 years old; 2 years residency preceding the General Election; qualified voter; not have been convicted of bribery, perjury or other infamous crime; not have illegally taken "public moneys"; Term Limit: 4 consecutive terms in House, 4 consecutive terms in Senate

**Public Utilities Commissioner**

25 years old, 2 years residency, qualified voter of the state, no conflict of interest

**Circuit Court Judges**

Citizen of United States, resident of state, voter in circuit, licensed to practice law

**Supreme Court Justice**

Citizen of United States, resident of state, voter in district represented, licensed to practice law

**Delegates to state or national party conventions**

Registered voter of party

**County Officials**

State's attorney must be licensed to practice law.

Sheriff candidate must be 21 years of age and have a certification from Law Enforcement Officers Standards Commission by the filing deadline. Call 773-3584.

## **Municipal Officials**

Qualified voter and resident of municipality, reside in municipality 3 months before election, not a defaulter to the municipality. Alderman candidates must be registered voters and residents of the ward they are running for when nominated.

## **School Board Members**

Resident voter, may not hold an incompatible office.

## **Campaign Finance**

### **(Campaign finance statute revised 7-1-07)**

As a candidate, you will be required to submit campaign reports to the person in charge of the election by certain deadlines.

Once you file as a candidate, the first reports you will submit to the person in charge of the election include the following:

- Statement of organization within fifteen days after becoming a candidate.
- Statement of financial interest within fifteen days after becoming a candidate.

You will also be required to submit the following campaign finance disclosure forms:

- Pre-election disclosure form due by 5:00 p.m. on the second Friday prior to each primary and general election complete through the fifteenth day prior to that election.
- Year-end disclosure form due by 5:00 pm on February first.

These statements are filed consecutively and only include contributions and expenditures occurring since the last statement filed.

There are both civil and criminal penalties for violations of the required filing of campaign finance statements – including a daily \$50 penalty for reports that are not received by the legal deadline.

**Note:** Federal candidates only file the statement of financial interest with the Secretary of State. Federal candidates file all other campaign finance information with the Federal Election Commission.

**South Dakota State Officials  
March 27, 2007**

**CONGRESSIONAL DELEGATION**

**U.S. Senator Tim Johnson (D)**

Spouse Barb; U.S. Representative 1987-1997, U.S. Senator 1997-present; term expires January 3, 2009; Current Salary \$165,200. 202-224-5842; 800-537-0025; FAX 202-228-5765; 136 Hart Senate Office Bldg., Washington, DC 20510; [www.johnson.senate.gov](http://www.johnson.senate.gov)

**U.S. Senator John Thune (R)**

Spouse Kimberley; U.S. Representative 1997-2002, U.S. Senator 2005-present; term expires January 2, 2011; Current Salary \$165,200. 202-224-2321; 866-850-3855; United States Senate SR-493, Washington, DC 20510; [www.thune.senate.gov](http://www.thune.senate.gov)

**U.S. Representative Stephanie Herseth Sandlin (D)**

U.S. Representative June, 2004 - present; term expires January 3, 2009; Current Salary \$165,200; 202-225-2801; 866-371-8747; FAX 202-225-5823; 1504 Longworth House Office Building, Washington, DC 20515; [www.house.gov/herseth/](http://www.house.gov/herseth/)

## **STATE OFFICIALS**

State Capitol Building, 500 East Capitol  
Pierre, SD 57501

### **Governor Mike Rounds (R)**

Spouse Jean; State Senator 1991-2001; Governor 2003-present; term expires January 3, 2011; Current salary \$108,711 and use of Executive Mansion; 773-3212; [www.state.sd.us/governor](http://www.state.sd.us/governor)

### **Lt. Governor Dennis M. Daugaard (R)**

Spouse Linda; State Senator 1997-2003; Lt. Gov. 2003-present; term expires January 3, 2011; Current Salary \$15,832; 773-3661; [www.state.sd.us/lt.gov](http://www.state.sd.us/lt.gov)

### **Secretary of State Chris Nelson (R)**

Spouse Penny; Secretary of State 2003-present; term expires January 3, 2011; Current Salary \$73,865; 773-3537; [www.sdsos.gov](http://www.sdsos.gov)

### **Attorney General Larry Long (R)**

Spouse Jan; Attorney General 2003-present; term expires January 3, 2011; Current Salary \$92,307; 773-3215; [www.state.sd.us/attorney](http://www.state.sd.us/attorney)

### **State Auditor Rich Sattgast (R)**

State Auditor 2003-present; term expires January 3, 2011; Current Salary \$73,865; 773-3341; [www.sdauditor.gov](http://www.sdauditor.gov)

### **State Treasurer Vernon L. Larson (R)**

State Auditor 1979-2003; State Treasurer 2003-present; term expires January 3, 2011; Current Salary \$73,865; 773-3378; [www.sdtreasurer.com](http://www.sdtreasurer.com)

### **Commissioner of School and Public Lands Jarrod Johnson (R)**

Spouse Heidi, Commissioner 2007-present; term expires January 3, 2011; Current Salary \$73,865; 773-3303; [www.sdpubliclands.com](http://www.sdpubliclands.com)

**Public Utilities Commissioner Steven Kolbeck (D)**

Spouse Stacy; PUC 2007-present; term expires January 8, 2013; Current Salary \$86,144; 773-3201; [www.state.sd.us/puc/index.htm](http://www.state.sd.us/puc/index.htm)

**Public Utilities Commissioner Gary Hanson (R)**

Spouse Sandy; State Senator 1983-1989; PUC 2003-present; term expires January 6, 2009; Current Salary \$86,144; 773-3201; [www.state.sd.us/puc/index.htm](http://www.state.sd.us/puc/index.htm)

**Public Utilities Commissioner Dustin "Dusty" Johnson (R)**

Spouse Jacquelyn; PUC 2005-present; term expires January 4, 2011; Current Salary \$86,144; 773-3201; [www.state.sd.us/puc/index.htm](http://www.state.sd.us/puc/index.htm)

**Chief Justice of the Supreme Court David Gilbertson**

Appointed April 3, 1995; next retention election 2014; Current Salary \$113,389.

**Justice of the Supreme Court John Konenkamp**

Appointed September 10, 1994; mandatory retirement January 6, 2015; Current Salary \$111,389.

**Justice of the Supreme Court Judith K. Meierhenry**

Appointed November 8, 2002; mandatory retirement January 6, 2015; Current Salary \$111,389.

**Justice of the Supreme Court Richard W. Sabers**

Appointed March 1, 1986; mandatory retirement January 6, 2009; Current Salary \$111,389.

**Justice of the Supreme Court Steven L. Zinter**

Appointed January 29, 2002; next retention election 2014; Current Salary \$111,389.

## **Circuit Court Judges**

39 judges in seven districts; terms expire January 5, 2015; Current salary is \$104,041; The presiding judges receive a current salary of \$106,041. Court system web site [www.sdjudicial.com](http://www.sdjudicial.com)

## **Legislators**

2007-2008 Senate has 20 Republicans and 15 Democrats with President Pro Tempore Bob Gray. House has 50 Republicans and 20 Democrats with Speaker Thomas Deadrick. \$12,000 salary for a two year term plus \$110 per diem for days in session. [legis.state.sd.us/index.cfm](http://legis.state.sd.us/index.cfm)

## **South Dakota Initiative and Referendum**

### **Types of Ballot Questions**

**Initiated Measure:** This is a petition to add to, amend, or repeal existing state statutes. Initiative petitions must be filed in the office of the Secretary of State by the first Tuesday in April of a general election year (SDCL 2-1-2). The petition must have signatures of registered voters equal to five percent (16,776) of the total vote for governor in the last gubernatorial election obtained within one year following the filing of the full text of the petition. No signatures may be obtained more than 19 months preceding the election date designated on the petition.

**Referred Law:** This is a petition to prevent a measure passed by the Legislature from becoming effective. It must have signatures of registered voters equal to five percent (16,776) of the total vote for governor in the last gubernatorial election and must be filed within 90 days of adjournment of the legislative session in which the measure was passed (SDCL 2-1-4). Measures which may be necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions are not subject to referendum (SD Constitution, Art. III, Sec. 1).

**Initiated Constitutional Amendment:** This is a petition proposing to amend, repeal, or add to provisions in the South Dakota state constitution. The petition must have signatures of registered voters equal to ten percent (33,551) of the total vote for governor in the last

gubernatorial election and must be filed in the Secretary of State's office one year before the general election (SD Constitution, Art. XXIII, Sec. 1). No signatures may be obtained more than 24 months preceding the election date designated on the petition.

### **General Information**

The sponsors of any initiated measure or constitutional amendment must submit that text to the director of the legislative research council who will within 15 days provide written comments on the measure to the sponsors and the secretary of state. The comments must be received by the secretary of state prior to filing the measure's full text (SDCL 12-13-25&26).

The full text of any petition to be circulated to put a question on the general election ballot complete with names and addresses of the petition sponsors shall be filed with the secretary of state prior to circulation for signatures (SDCL 2-1-5). No signatures obtained before that filing date will be counted.

All sections of any completed ballot question petition shall be filed simultaneously together with a sworn affidavit prescribed by the State Board of Elections signed by two-thirds of the sponsors.

### **Statistics**

Forty-seven initiatives have been on the ballot. Eighteen of these have passed for a 38.3% success rate.

Forty-three laws have been referred with 36 of these being rejected for a 83.7% success rate.

Two hundred twenty-two constitutional amendments have been on the ballot. One hundred thirteen have been adopted for a 50.9% success rate. Thirteen of these proposed amendments were initiated by the people with five of these passing. The other 209 amendments were proposed by the legislature.