

PROVISIONAL BALLOT

Who may vote a provisional ballot?

- A person who:
 - Is not on the registration list; and
 - Claims to be registered in that precinct; and
 - Is not eligible to vote a regular ballot by using an emergency voting card.
- A person who is successfully challenged as described in the next slide “*Challenging a Voter*”.
- A person whose identity can’t be proven as described in an earlier slide “*Voter Identification at the Polls*”.



CHALLENGING A VOTER



- A person's right to vote may be challenged for the following reasons (**SDCL 12-18-10**):
 - The person's identity is not that of the registered voter;
 - The person has been convicted of a felony or declared mentally incompetent since the registration list was prepared; or
 - In school and municipal elections, the person is not a resident of the school district or municipality (**SDCL 9-13-4.1** and **13-7-4.2**). Resident is defined as:
 - Live within the school district or municipality at least 30 days within the past year; or
 - Full-time postsecondary student who resided in the school district or municipality immediately prior to leaving for school; or
 - On active duty as a member of the armed forces whose home of record is within the school district or municipality.
- The challenger will present evidence to the precinct election board. The voter would be allowed to offer evidence supporting their right to vote.
- Based on the evidence presented and any personal knowledge the precinct election board will impartially determine if the person is eligible to vote.



PROCEDURE FOR VOTING A PROVISIONAL BALLOT IS:

- Voter must complete the affirmation on the blue provisional ballot envelope.

R-113—Provisional ballot envelope. 5:02:05:22

Voter's Affirmation for a Provisional Ballot

My voter registration was completed on or about the following date and was left with the following person or agency for delivery to the country auditor: _____.

My name is _____, I reside at _____,

my mailing address is _____, My date of birth is _____,

my SD driver license number is _____, my daytime telephone number is _____,

and my evening telephone number is _____.

If I do not have a South Dakota driver license the last four digits of my social security number are _____.

I understand if the election authority determines that I am not registered in this precinct and therefore not eligible to vote in this precinct, my vote will not be counted. I further understand that my vote may not be secret if only one provisional ballot is cast in the precinct. I declare or affirm under penalty of perjury that I registered and am eligible to vote in this precinct.

Signature of Voter

Date

To be completed by a precinct election worker:

Precinct number _____

Type of ballot provided to voter _____.

Signature of precinct worker

Source: 29 SDR 177, effective July 2, 2003; 31 SDR 214, effective July 4, 2005; 33 SDR 230, effective July 1, 2007. General Authority: SDCL 12-18-40. Law Implemented: SDCL 12-18-40.



PROCEDURE FOR VOTING A PROVISIONAL BALLOT IS:

- ✓ Write voter's name in pollbook and designate as a provisional voter.
- ✓ Provide the voter the correct ballot and stamp with official ballot stamp.
- ✓ Voter votes the ballot and seals it in the provisional ballot envelope.
- ✓ Envelope is placed in the ballot box.
- ✓ Give the voter a “Notice to Provisional Voter” sheet with the following language:

Provisional Ballot

You will be sent a notice within 13 days whether your ballot was counted or not counted. If the ballot was not counted, you will be told of the reason. [ARSD 05:02:05:23](#)



ONCE IT HAS BEEN DETERMINED THAT THE VOTER MAY CAST A BALLOT:

- **Mark** the voter's name on the registration list in the manner you have been instructed.
- **Announce** the voters name (*and party if in a primary*).
- **Write** the voter's name in the pollbook.
- If all of the voters in your precinct do not receive the same ballot, **mark** in the pollbook **which ballot** the voter is given.
- The pollbook cover and pages for the listing of voter names are shown on the following pages.



POLLBOOK
COVER

PC-57-12-1-9-12-16-28-5:02:17:03

DO NOT PUT IN BALLOT BOX

(Put it in envelope E-41)

_____ ELECTION

**POLLBOOK
& OFFICIAL VOTE COUNT
TALLY SHEETS**

_____ Ward _____ Precinct

City _____ County,
Town _____ South Dakota
Township _____

Election Held on the _____ Day of _____, 20____

McLeod's
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LIST OF VOTERS

5:02:17:06

No.	NAMES OF VOTER	Type of Ballot	No.	NAMES OF VOTER	Type of Ballot
1			45		
2			46		
3			47		
4			48		
5			49		
6			50		
7			51		
8			52		
9			53		
10			54		
11			55		
12			56		
13			57		
14			58		
15			59		
16			60		
17			61		
18			62		
19			63		
20			64		
21			65		
22			66		
23			67		
24			68		
25			69		
			70		

SAMPLE
PAGE OF A
POLLBOOK



- Provide the voter with the correct ballot. The ballot must have an official ballot stamp (shown below).
- **ARSD 05:02:05:00** lists the contents required for the official ballot stamp.

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

- For **hand counted paper ballots**, place the ballot stamp on the back near the top of the ballot before being given to the voter.
- For **optical scan ballots**, place the stamp where indicated by the person in charge of the election.
- If there is more than one type of ballot at your polling place, **be sure the voter gets the correct ballot!**



OTHER ELECTION DAY ITEMS:

- It is critical that you place the **official stamp** on the ballot **before** giving the ballot to the voter.
- Voters must vote alone in the voting booth.
- If the voter needs assistance they may have someone help them in voting their ballot.
- Voters have ten minutes to cast their ballot (**SDCL 12-18-15**).
- If a voter makes a mistake on their ballot (spoiled ballot), they can return it to the election board and receive a new ballot. A voter may have up to three ballots. A record is made of the spoiled ballot as shown on the following page.
- In optical scan precincts a voter may request instruction before entering the voting booth on how to mark their ballot so that it will be properly counted. You should provide that instruction publicly and without suggesting who to vote for.
- Voters cannot show their marked ballot to anyone (**SDCL 12-18-27**).
- The voter returns the voted ballot to the precinct worker in charge of the ballot box. The voter must show the precinct worker the official ballot stamp on the back of the ballot. The voter may then place the ballot in the box or give it to the precinct worker to place in the box.



RETURN OF SPOILED AND UNUSED BALLOTS

5:02:16:34. Return of unvoted ballots. All spoiled and unused ballots shall be returned to the person in charge of the election in plain wrappers or envelopes with the words "spoiled ballots" or "unused ballots" added to each wrapper or envelope. Each wrapper or envelope shall be sealed by a ballot seal containing the following information:

BALLOT WRAPPER OR ENVELOPE SEAL

_____ PRECINCT
NUMBER OF BALLOTS _____

DO NOT PLACE THESE SPOILED AND UNUSED BALLOTS IN THE BALLOT BOX

12-10-32A (1E) — PRINTED BY BROWN & BARNER, SIOUX FALLS, S. D.

RETURN ENVELOPE

OFFICIAL BALLOTS

SPOILED, UNUSED & REJECTED

To the person in charge of election, _____, South Dakota.

This Envelope Contains the Spoiled, Unused & Rejected Official Ballots of the _____

Ward _____ Precinct _____ South Dakota, at the Election held on the _____ day of _____

Judges of Election

NOTICE:—Judges of Election must place all Official Ballots Spoiled, Unused & Rejected in this wrapper and seal.

