

The seal of the State of South Dakota is a circular emblem with a serrated outer edge. It features a central illustration of a landscape with a windmill, a train, and a farmer. The words "STATE OF SOUTH DAKOTA" are written in a semi-circle at the top, and "GREAT SEAL" is at the bottom. The year "1889" is also visible.

General Information on South Dakota Elections 2020

Steve Barnett

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Last updated January 13, 2020

200 copies printed by the South Dakota Secretary of State's
office at a cost of \$1.19 each.

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Important Election Dates

November 4, 2019	Deadline to file petitions for placement of an initiated measure/constitutional amendment on the 2020 general election ballot.
January 1, 2020	Earliest date for a candidate to sign declaration of candidacy and begin circulating petitions
(90 days after the adjournment of the legislative session)	Deadline for filing a referendum petition from the 2020 Legislative Session
March 31	Deadline to file nominating petitions for June primary election
April 17	Absentee voting begins
April 28	Deadline for candidates to file nominating petitions as independent candidates, except for President
May 18	Voter registration deadline for the June primary election
June 2	Primary Election Polls open 7:00am to 7:00pm – local time
TBD	Deadline for submitting referendum petition
July 1	Deadline to file petitions for a new political party organizing that does not have a candidate for U.S. Senate, U.S. House, Governor, or Legislature, who is nominated at a primary election
August 4	Last Day for independent presidential candidates to file certificate of nomination
August 11	Run-Off Election (Required only if no candidate for Congress or Governor is nominated by at least 35% of the vote in the party primary)
September 18	Absentee voting begins
October 19	Voter registration deadline for the general election
November 3	General Election Polls open 7:00am to 7:00pm - local time

Voter Registration, Voter Identification, Absentee Voting & Voting Procedures

VOTER REGISTRATION

REGISTRATION REQUIREMENTS:

- Citizen of the United States
- Reside in South Dakota
- Age 18 or older on or before the next election day
- Not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system
- Not judged mentally incompetent by a court of law

REGISTRATION LOCATIONS:

- County auditor's office
- City finance office
- Driver's license station
- Public assistance agencies providing SNAP, TANF or WIC
- Department of Human Services offices which provide assistance to the disabled
- Military recruitment offices
- Secretary of State's Office

REGISTRATION DEADLINES:

- Fifteen days prior to any election
- Must be received by the county auditor 15 days prior to the election or postmarked 30 days prior to the election
- To vote in the 2020 Primary Election, the voter registration **deadline is May 18, 2020.**
- To vote in the 2020 General Election, the voter registration **deadline is October 19, 2020.**

PARTY REGISTRATION

- The Republican Party Primaries are closed to only voters registered with each respective party. For example, to be eligible to vote in the Republican Party Primary, a voter must indicate Republican as their political party choice on the voter registration form.
- The SD Democratic Party Primary is open to voters registered as Democrat, Independent or No Party Affiliation.
- The SD Libertarian Party Primary is open to voters registered as Libertarian, Independent or No Party Affiliation.
- Any voter registered under the category of “Other” (which means that the voter listed a political party on the voter registration form that is not currently recognized in South Dakota) will not be able to vote in the 2020 Primary Election unless there is a non-political ballot.

If you register to vote through a private entity or individual, they are required to provide you with their contact information. (SDCL 12-4-3)

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

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) United States government photo identification (passport is acceptable);
- (3) United States Armed Forces identification;
- (4) A tribal photo identification card; or
- (5) Current student photo identification card from a South Dakota high school or South Dakota accredited institution of higher education.

NOTE: If a voter is not able to present one of the photo ID's listed above, the voter must be given the opportunity to complete the personal ID affidavit and vote a regular ballot.

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 46 days prior to the primary and general elections.

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 a copy of a photo ID and/or notarization requirement is waived **ONLY** for stateside and overseas military and U.S. citizens residing outside of the United States. All voters covered under UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) 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. The application for absentee ballot is **only valid** for the calendar year in which the voter signed the application in.

Anytime during the 46-day absentee voting timeframe, a voter may apply in person to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. the day prior to 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 may be obtained at a county auditor's office or printed from the Secretary of State's website at www.sdsos.gov

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

Write-in Candidates

South Dakota **does not** allow for write-in candidates. (SDCL 12-20-21.2)

Who May Vote in the Primary?

No person may vote a party ballot at any primary election unless the person is registered as a member of that political party in the precinct in which the person seeks to vote. Any political party in its constitution or bylaws may allow for participation in the party's primary elections by any person who is registered to vote with no party affiliation (NPA). (SDCL 12-6-26)

INSTRUCTIONS TO VOTERS

TO MARK THE BALLOT

Completely fill in the oval next to the name or ballot question. Use only the pencil or marker given to you!

Do not make any marks other than filling the oval.



WRONG

WRONG

WRONG

RIGHT

Do not erase anything on your ballot.

Do not rip your ballot or make holes in it

Do not write in a name.

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)

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

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. local time 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.

Ballot Marking Devices

Voter assist terminals allow voters to review and mark their ballot electronically.

- The ballot is displayed on a touch-screen that allows the contents to be altered many different ways. The ballot contents may be enlarged for easier reading, shown in reverse contrast, or turned off for privacy if a voter chooses to listen to the ballot with the attached headphones.
- A keypad, A/B switch, or sip and puff devices may be used as well. This technology warns the voter of undervotes and will not allow overvotes and shows a summary screen that will allow the voter to make changes if necessary.
- Once the ballot is finalized, a paper ballot will then be marked and printed and can be placed in the ballot box. These devices DO NOT track or tabulate any votes.

Offices to be filled in the 2020 Elections

The following nominations are made in the party primary elections held on June 2, 2020:

- **U.S. Senator** - 6-year term
- **U.S. Representative** - 2-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/County Finance Officer** - 4-year term
- **Delegates and Alternates to National Party Conventions** (only if designated to be elected at a Primary Election in the party's bylaws; SDCL 12-5-3.11)
- **Delegates to State Party Conventions** - (only if designated to be elected at a Primary Election in the party's bylaws)
- **Precinct Committeeman and Committeewoman** - (only if designated to be elected at a Primary Election in the party's bylaws)

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 Consumer Power District Directors** - 6-year term

Supreme Court - Voted on the general election ballot:

- **Retention Election, South Dakota Supreme Court Justice** - 8-year term

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

- **Conservation District Supervisor** - 4-year term

The following will be **nominated at the 2020 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 2020 Election

(June Primary candidates may begin circulating on January 1, 2020.)

U.S. SENATOR, U.S. REPRESENTATIVE

Republican: 1,730 signatures (1% of the vote for the 2018 Republican gubernatorial candidate – 172,912)

Democrat: 1,615 signatures (1% of the vote for the 2018 democratic gubernatorial candidate – 161,454)

Libertarian: 50 signatures

Independent: 3,393 signatures (1% of the total vote for governor in 2018 – 339,214)

New Political Party: 250

*The Independent signature requirement would also apply to independent candidates for constitutional offices or public utilities commissioner.

*Independent candidates for president and their presidential electors may be on the general election ballot by petition. Any person interested in becoming a candidate must file a certification with the Secretary of State indicating the name of the candidate's vice-presidential running mate with the candidates nominating petitions.

DEADLINE FOR FILING

- March 31, 2020 for primary election
- April 28, 2020 for all independent candidates in the general election
- July 1, 2020 for new political party organizing that does not have a candidate for U.S. Senate, U.S. House, Governor, or Legislature, at the primary election (SDCL 12-5-1.5)

STATE LEGISLATORS

- Republican or Democrat: 50 signatures or 1% of the vote for their party's gubernatorial candidate in their legislative district in the 2018 election, whichever is less.

- **Independent:** Signatures equal to 1% of the total vote for governor in 2018 in their legislative district.
- **Libertarian Party:** Signatures equal to 1% of the total vote for that statewide candidate in 2018 in their legislative district.
- **New Political Party:** Five (5) signatures.
- If a county uses vote centers and does not print ballots by precinct, signature requirements for both partisan and independent candidates: 50 signatures

COUNTY OFFICIALS & PARTY DELEGATES (filed with auditor)

- **Republican or Democrat:** 50 signatures or 1% of the vote for their party's gubernatorial candidate in the county or commissioner district in the 2018 election, whichever is less.
- **Independent:** Signatures equal to 1% of the total vote for governor in the county or commissioner district in 2018.
- **Libertarian Party:** Signatures equal to 1% of the total vote for that statewide candidate in the county or commissioner district in 2018.
- **New Political Party:** (5) signatures for county officials, (5) for commissioner at large, (3) for commissioner districts.
- If a county uses vote centers and does not print ballots by precinct, signature requirements for both partisan and independent candidates: 50 signatures

To find the specific number of signatures required for legislative and county candidates please go to our website at:

<https://sdsos.gov/elections-voting/upcoming-elections/general-information/2020-signature-requirements-candidates.aspx>

SPECIAL DISTRICTS

- Heartland Consumer Power District Director: 50 signatures of registered voters of the district or subdivision of the district
- Conservation District Director: 15 signatures of registered voters in the district
- Water Development District Director: 25 signatures of registered voters in the director area

Independent Candidate Information

Please note: **Independent is not a political party in SD.**

- Independent candidates do not have to be registered as an Independent. A candidate may be registered with a political party and run as an Independent candidate by submitting an Independent Nominating petition.
- Independent candidates are automatically put on the General Election ballot and do not have a Primary Election.
- Independent candidates CANNOT circulate petitions until on or after January 1, 2020.
- You will find signature requirements for independent candidates on the Secretary of State's website. Independent candidates may collect signatures from any registered voter in the jurisdiction the candidate is running in.
- The deadline to submit an independent candidate nominating petition is April 28, 2020.
- Independent candidates for president and their presidential electors:
 - Any person interested in becoming a candidate must file a certification with the Secretary of State indicating the name of the candidate's vice-presidential running mate with the candidates nominating petitions. (SDCL 12-7-7)
 - The petition and the certification form are available from the Secretary of State's website.
 - The petitions must contain signatures of 3,393 registered South Dakota voters. Petitions may be circulated beginning on January 1, 2020, and filed between January 1, 2020 and August 4, 2020, with the Secretary of State.
 - Independent candidate declaration of candidacy and certification of running mate. (ARSD 5:02:08: 05:01)
 - Certificate of nomination for Independent presidential electors. (ARSD 5:02:08:20)

New Political Party Formation

New political parties forming that **intend to have a candidate** for US Senate, US House, Governor or Legislature, **in the Primary Election**, must form by filing new party formation petitions signed by at least 1% (3,393) of the voters of the state as shown by the total vote cast for Governor at the 2018 gubernatorial election. The petition deadline for the 2020 elections is **March 31, 2020 at 5 pm (CT)**. New parties may start circulating at any time.

If a new political party forming **does not intend to have a candidate** for US Senate, US House, Governor, or Legislature, in the Primary election, that new political party may be organized by filing new party formation petitions signed by at least 1% (3,393) of the voters of the state as shown by the total vote cast for Governor at the 2018 gubernatorial election. The petition deadline is **July 1, 2020 at 5 pm (CT)**.

Other elected offices are chosen at a political party's convention pursuant to SDCL 12-5-21.

To remain a political party, a political party's statewide candidate must obtain at least 2.5% of the vote for that party's statewide candidate in either of the two previous general elections. (SDCL 12-1-3)

Recognized Political Parties

The Democratic, Libertarian, and Republican parties are recognized political parties in South Dakota.

South Dakota Democratic Party

PO Box 1485
Sioux Falls, SD 57101
Phone 605-271-5405
Fax 605-271-5405
info@sddp.org
www.sddp.org

South Dakota Libertarian Party

609 Kent Street
Harrisburg, SD 57032
Phone 605-203-1061
info@lpsouthdakota.org
<http://lpsouthdakota.org/>

South Dakota Republican Party

PO Box 1099
Pierre SD 57501
Phone 605-610-1479
dan@southdakotagop.com
www.southdakotagop.com

Qualifications to Hold Office and Term Limitations

President of the United States

- At least 35 years old, no person except a natural born citizen, 14 years residency within the U.S., Term limit: 2 consecutive terms

U.S. Senator

- At least 30 years old, 9 years a citizen of U.S., inhabitant of the state when elected, Term limit: None

U.S. Representative

- At least 25 years old, 7 years a citizen of U.S., inhabitant of the state when elected, Term limit: None

Governor and Lt. Governor

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

Constitutional Officers

- No specified qualifications, Term Limit: 2 consecutive terms

Legislators

- At least 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 monies"; Term Limit: 4 consecutive terms in House, 4 consecutive terms in Senate

Public Utilities Commissioner

- At least 25 years old, 2 years residency, qualified voter of the state, no conflict of interest, Term limit: None

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

- See Party By-Laws

County Officials

- Four-year terms. Review Title 7 for more information on each office's qualifications.

Campaign Finance

As a candidate running for office in the 2020 primary and/or general elections, you will be required to submit campaign reports to the person in charge of the election by certain deadlines.

Once you file petitions 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 (unless you have previously filed one and have not terminated that committee) or not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of \$500.00.
- **Statement of financial interest** within fifteen days after becoming a candidate.

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

- (1) **Pre-primary report – due May 18, 2020:** fifteen days prior to the primary election, for the reporting period commencing with the last report submitted up through and including twenty days prior to the election date;
- (2) **Pre-general report – due October 19, 2020:** fifteen days prior to the general election, for the reporting period commencing with the last report submitted up through and including twenty days prior to the election date;

(3) Year-end report – due January 29, 2021: by the last Friday in January each year, for the reporting period commencing with the last report submitted up through and including December thirty-first of each year;

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

(4) Amendments: submitted pursuant to § 12-27-27;

(5) Supplemental report: submitted pursuant to § 12-27-28;

There are both civil and/or criminal penalties for violations of the required filing of campaign finance statements - that could include a \$200 civil penalty for a report that was not received by the deadline. Additional penalties not to exceed \$250 may also be assessed. (SDCL 12-27-29.1, 12-27-29.4)

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

Committees may file online/view reports at:

<https://sdcfr.sdsos.gov/>

For more information on campaign finance, contribution limits and report deadlines, please visit:

<https://sdsos.gov/elections-voting/campaign-finance/default.aspx>

INITIATIVE PETITIONS

Initiated Measure: This is a petition to add to, amend, or repeal existing state statutes. This petition must be submitted to the office of the Secretary of State one year before a general election (SDCL 2-1-1.2).

- 16,961 signatures required (5% of 2018 vote for governor). Signatures must be filed by November 4, 2019.

REFERENDUM PETITIONS

Referred Law: This is a petition to prevent a measure passed by the Legislature from becoming effective. This petition must be submitted to the office of the Secretary of State within 90 days after adjournment of the legislative session in which the measure was passed (SDCL 2-1-3.1). 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 Const., Art. III, Sec. 1).

- 16,961 signatures (5% of 2018 vote for governor). File within 90 days after adjournment of legislature at which the law was passed.

INITIATED CONSTITUTIONAL AMENDMENT

Initiated Constitutional Amendment: This is a petition proposing to amend, repeal, or add to provisions in the South Dakota state constitution. This petition must be filed in the Secretary of State's office one year before the general election (SD Const., Art. XXIII, Sec. 1). No signatures may be obtained more than 24 months preceding the election date designated on the petition.

- 33,921 signatures (10% of 2018 vote for governor). Signatures must be filed by November 4, 2019.

For more information on ballot questions and how to circulate, please visit: <https://sdsos.gov/elections-voting/upcoming-elections/ballot-question-information/default.aspx>

Ensuring Secure Elections in South Dakota

Ballot Security

- South Dakota uses paper ballots – NO Online Voting.
- Marked Ballots are placed into a secure locked ballot box that is delivered by two poll workers of different political parties to the County Auditor’s office that evening after the polls are closed.
- The County Auditor opens the sealed ballot box in public view.
- Paper ballots are removed from the ballot box in public view and put into the tabulating machine, which is **NOT** *connected to the Internet*.
- Once the tabulation of the paper ballots has been completed, the County Auditor takes the results and logs into a secure computer. The County Auditor must log in with a password, username and authentication key which produces a series of numbers that change constantly. The County Auditor’s office will then enter the precinct results into the Secretary of State’s secure live election results page.
- Once each County Commission completes and approves the official county canvass, the canvass reports are submitted to the Secretary of State for the official statewide canvass.
- **South Dakota does not have any Internet-based voting systems.**

Safeguards to Register to Vote

Every evening, all registrations go through:

- A social security number validation check through the Social Security Administration.
- A convicted felon check through the Unified Judicial System.
- A death record check through South Dakota’s Office of Vital Records.

Voter ID Requirements to Vote

- Photo ID is a requirement to vote. A voter must present one of the allowable photo ID’s:
SD driver’s license, an SD issued non-driver’s license ID, tribal photo ID, passport, U.S Armed Forces ID, current university photo ID or current high school photo ID.
- If a voter does not have an acceptable form of ID, the voter must be given the option to sign a personal affidavit under the penalty of perjury in which they state they are the person they have declared.



Voting in the June 2, 2020 Primary Election in South Dakota

Who can vote for what?

Voter Registration Deadline is **May 18, 2020**. To register to vote or to check your registration visit www.sdsos.gov

Democratic Ballot (If one is available) <ul style="list-style-type: none">- President- US House- US Senate- Legislative Candidates- County Commissioners- County States Attorney- County Coroner- County Treasurer- Finance Officer + Non-Political Ballot items: see note below. Party Registration: <ul style="list-style-type: none">* Democrat* No Party Affiliation (NPA) / Independent	Republican Ballot (If one is available) <ul style="list-style-type: none">- President- US House- US Senate- Legislative Candidates- County Commissioners- County States Attorney- County Coroner- County Treasurer / Finance Officer- Delegates & Precinct Committeemen & Committeewomen + Non-Political Ballot items: see note below. Party Registration: <ul style="list-style-type: none">* Republican	Libertarian Ballot (If one is available) <ul style="list-style-type: none">- President- US House- US Senate- Legislative Candidates- County Commissioners- County States Attorney- County Coroner- County Treasurer / Finance Officer + Non-Political Ballot items: see note below. Party Registration: <ul style="list-style-type: none">* Libertarian* No Party Affiliation (NPA) / Independent	Non-Political Ballot <ul style="list-style-type: none">- Other races and ballot questions that could be on your Non-Political Ballot:- School Board- Municipal Races- Local Ballot Measures- Water Development Districts- Heartland Consumer Power Districts Party Registration: <ul style="list-style-type: none">* No Party Affiliation (NPA) / Independent* Others (e.g. Tea Party, Green Party, American Party, Constitution Party)* Democrat/Libertarian/ Republican registered voter only if there is <u>not</u> a primary race.
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+Non-Political Ballot items: see the races listed under the Non-Political Ballot on the far right.

Some of these races may be on your Party ballot.