

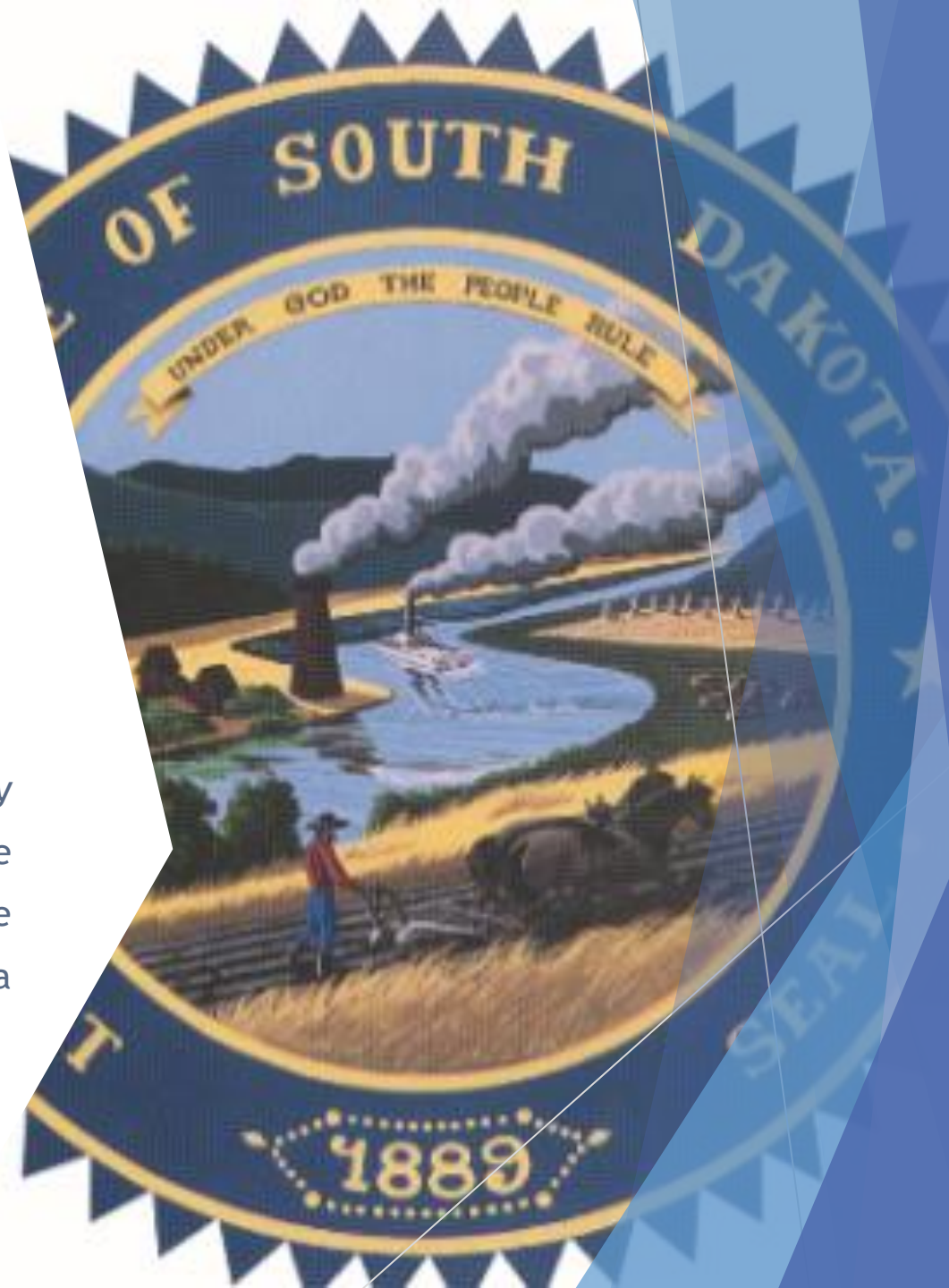
2021-2022 MUNICIPAL and SCHOOL ELECTION WORKSHOP Webinar 6

Sponsored by

Secretary of State's Office

South Dakota Municipal League

Associated School Boards of South Dakota



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What to ask for from your county auditor

- ▶ Make sure your county auditor knows you are having an election and whether you want your auditor to be available until the polls close on election day.
 - ▶ You will want to request this as early as you can, don't wait until the day before the election to request this.
 - ▶ SDCL 7-7-2. Hours of operation for county offices established by board of county commissioners-- Exceptions. The county auditor's office shall remain open, **if requested** by the person in charge of a school or municipal election, until the closing of the polls and the tabulation of votes for that election.

What to ask for from your county auditor

- ▶ Work with the auditor to get the voter registration list(s) for each precinct you have.
 - ▶ Let the auditor know when you want the list by. Typically you would want this within a few days prior to the election.
 - ▶ Schools: when requesting your list make sure you are requesting all the voters in your district across **all the counties** your district covers.

As the person in charge of the election, what do you do on election day?

- ▶ Make sure your election boards know how to set up the polling place(s) and that they will be ready to open by 7:00 am.
 - ▶ Some of you might set up the voting booths prior to election day to assist your election boards and that is ok.
- ▶ Be available for questions from your election board **all day**.
 - ▶ This means you have to remain at work until all polling places are closed, ballots are counted and delivered back to you after 7:00 pm.
 - ▶ You do not stay at the polling place at all during the day.
 - ▶ You could be present after 7:00 pm for the counting of the ballots. You cannot interfere in the process of counting.

As the person in charge of the election, what do you do on election day?

- ▶ Remember that absentee ballots may still be returned to you on election day and that voters may still request an absentee ballot up to 3:00 pm election day if they are using an authorized messenger. *This is why you need to be in your office.*
 - ▶ If you receive absentee ballots on election day, in order for them to be counted, you have to be able get the ballots to the voter's polling place or absentee precinct board (if you use one) by 7:00 pm.
 - ▶ If a ballot is delivered to your office at 6:58 pm chances are you will not be able to get that ballot to the voter's polling place prior to the polls closing.
- ▶ Once you have the results from ALL of your polling places, you may share those.
- ▶ Make sure to say that they are the “**unofficial results.**” The “official results” will be determined at the canvass.

Ballot Counting, Canvassing and Recounting

Provisional Ballot Counting
Duties of Canvassers
Recount Process



PROVISIONAL BALLOTS

- Provisional ballots **ARE NOT OPENED** or counted on election night.
- It doesn't matter if you use hand counted paper ballots or optical scan ballots, all the provisional ballot envelopes must be placed **UNOPENED** in the Provisional and Uncounted Absentee Ballot Return Envelope (ARSD 5:02:16:44) and returned to you. **Keep them secure!**
- The day after the election you must “diligently investigate” to determine if the voter was legally entitled to cast a ballot in that precinct.
- Use the information provided by the voter on the affirmation (on the envelope) to begin your investigation. Ask the county auditor to assist you with this determination.

PROVISIONAL BALLOT ENVELOPE

You will use the information provided by the voter to assist you in determining if the provisional ballot will be counted or not.

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.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Provisional Ballots *cont'd*

- ▶ Determining which provisional ballots should be counted. **If all of the 4 statements below are satisfied then the ballot should be counted:**
 - ▶ Voter was registered in that precinct by the voter registration deadline.
 - ▶ Identity has been verified.
 - ▶ Voter has not been removed from the voter list.
 - ▶ Voter is a resident.
- ▶ If you determine that there are provisional ballots which must be counted, a provisional ballot counting board must be appointed (SDCL 12-20-13.1). Follow SDCL 12-15-1 for process to appoint the board.
 - ▶ Counting is done prior to your canvass (see next slide).

BALLOT COUNTING, CANVASSING AND RECOUNTING

Provisional Ballots *cont'd*

- ▶ Provisional ballot counting board meets one hour prior to the official canvass.
 - ▶ This board has to be a minimum of three people.
 - ▶ The board can consist of election board members that worked on election day or any registered voter in your jurisdiction.
 - ▶ Even if you just have one provisional ballot you still have to follow this process.
- ▶ Provisional ballot counting board shall count the provisional ballots which **you have certified as countable**. The board will complete a Certification of Provisional Ballot Count (ARSD 5:02:17:13). See certificate below:

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF _____)

We (list names), appointed as the provisional ballot counting board or provisional ballot resolution board in the jurisdiction of _____ for the _____ election held on the ____ day of _____, 20 ____, hereby certify that the foregoing is a true abstract of the provisional votes which were counted for this jurisdiction.

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

Person in charge of election

- ▶ This board does not determine which provisional ballots shall be counted.

Your canvassing board will add the tally from this certification to the tallies on the canvass sheet.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Provisional Ballot Notification

- ▶ Within ten days after the official canvass, you must send each provisional voter a Notice of Provisional Ballot Determination. (ARSD 5:02:05:24)
 - ▶ The notice shall contain:
 - ▶ Voter's name
 - ▶ Voter's mailing address
 - ▶ Election at which the ballot was cast
 - ▶ Whether the ballot was counted
 - ▶ If the ballot was not counted, the reason why it was not counted
 - ▶ Your telephone number in case they have questions

BALLOT COUNTING, CANVASSING AND RECOUNTING

Provisional Ballot Notification

- ▶ A paper or electronic copy of the notice shall be maintained by the official in charge of the election for the time period defined in SDCL 12-20-31.
 - ▶ 60 days if no Federal race on the ballot
 - ▶ 22 months if there is a Federal race on the ballot



BALLOT COUNTING, CANVASSING AND RECOUNTING

Official Canvass

- ▶ Conducted by the governing body.
 - ▶ SDCL 12-20-46 states a candidate does not sit on the canvassing board but instead has a designee.
 - ▶ Cities and Schools follow Title 12 when there is not a statute in their respective Title that covers a process (SDCL 12-1-1).
 - ▶ There could be a conflict of interest should a candidate sit on the canvassing board (SDCL 6-1-17).
 - ▶ Work with your attorney on whether candidates should sit on the canvassing board.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Official Canvass

- ▶ If the majority of your governing board are candidates, which would cause the canvassing board to not have a quorum, see suggestion below (consult your attorney regarding these suggestions):
 - ▶ Canvass each race separately
 - ▶ Candidate/governing board member whose race is being canvassed would abstain from participating

BALLOT COUNTING, CANVASSING AND RECOUNTING

Official Canvass

- ▶ **Schools (SDCL 13-7-18):**
 - ▶ Canvass occurs at the next board meeting.
 - ▶ Schools must certify results to the county auditor.
- ▶ **Municipalities (SDCL 9-13-24):**
 - ▶ Canvass must occur within **seven days** of election.
 - ▶ Cities are not required to certify results to the county auditor.
- ▶ You do not have to submit any results to our office.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Board of Canvassers

- ▶ **DO NOT** take the ballot box to the canvassing.
- ▶ The canvassing board DOES NOT have the authority in law to open the ballot box or recount ballots.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Board of Canvassers

- ▶ The duties of the official board of canvassers for a local jurisdiction are as follows ([ARSD 05:02:17:12](#)):
 - ▶ Open the returns from each precinct which are found in each poll book
 - ▶ Satisfy itself that the returns are genuine and not forged
 - ▶ Tabulate the returns from the precincts and the certification of provisional ballot count
 - ▶ Declare the result
 - ▶ Make an abstract ([ARSD 05:02:17:11](#)) of the results of the votes cast for each of the candidates and each of the issues. The abstract must be signed and certified by the canvassers under the seal of the business manager or finance officer of the local jurisdiction.

OFFICIAL CANVASS SHEET

Date of Election: _____
 Type of Election: _____
 Jurisdiction: _____

OFFICE OR QUESTION												
Names of Candidates or "Yes" and "No"												
Precincts												
Precinct 1												
Precinct 2												
Precinct 3												
Precinct 4												
Precinct 5												
Precinct 6												
Totals												

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF _____)

We, _____ (list names) _____, appointed as the Board of Canvassers because of our positions on the governing board in the jurisdiction of _____ for the _____ election held on the _____ day of _____, 20____, hereby certify that the foregoing is a true abstract of the votes cast in the jurisdiction of _____ at the election as shown by the returns certified to the person in charge of the election.

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

 Person in Charge of the Election

ARSD
05:02:17:11

DON'T FORGET:

Each school district shall provide in the school board minutes the following information:

- (1) The number of registered voters of the school district on the date voter registration closes;
- (2) The number of registered voters of the school district who voted in the election;
- (3) The percentage of registered voters of the school district who voted in the election; and
- (4) If the election was held in conjunction with a regular municipal election as provided in §13-7-10.1 or with the regular June primary as provided in §13-7-10.3.

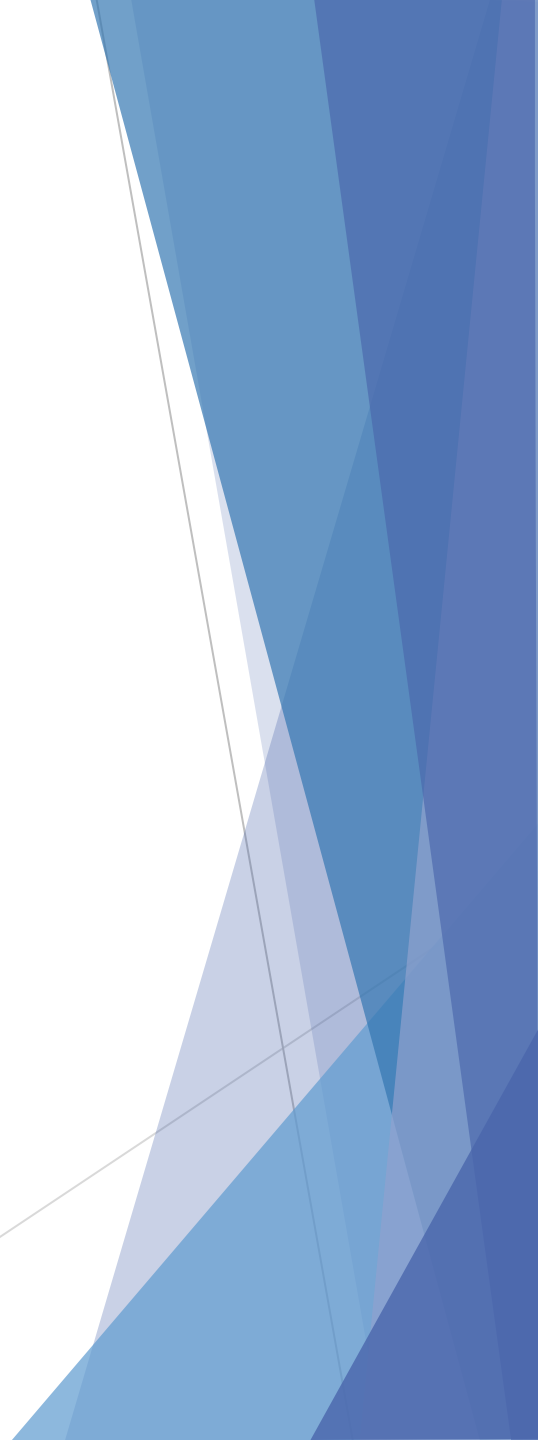
If no election is held the school board shall provide that information in the school board minutes.

(SDCL 13-7-30)

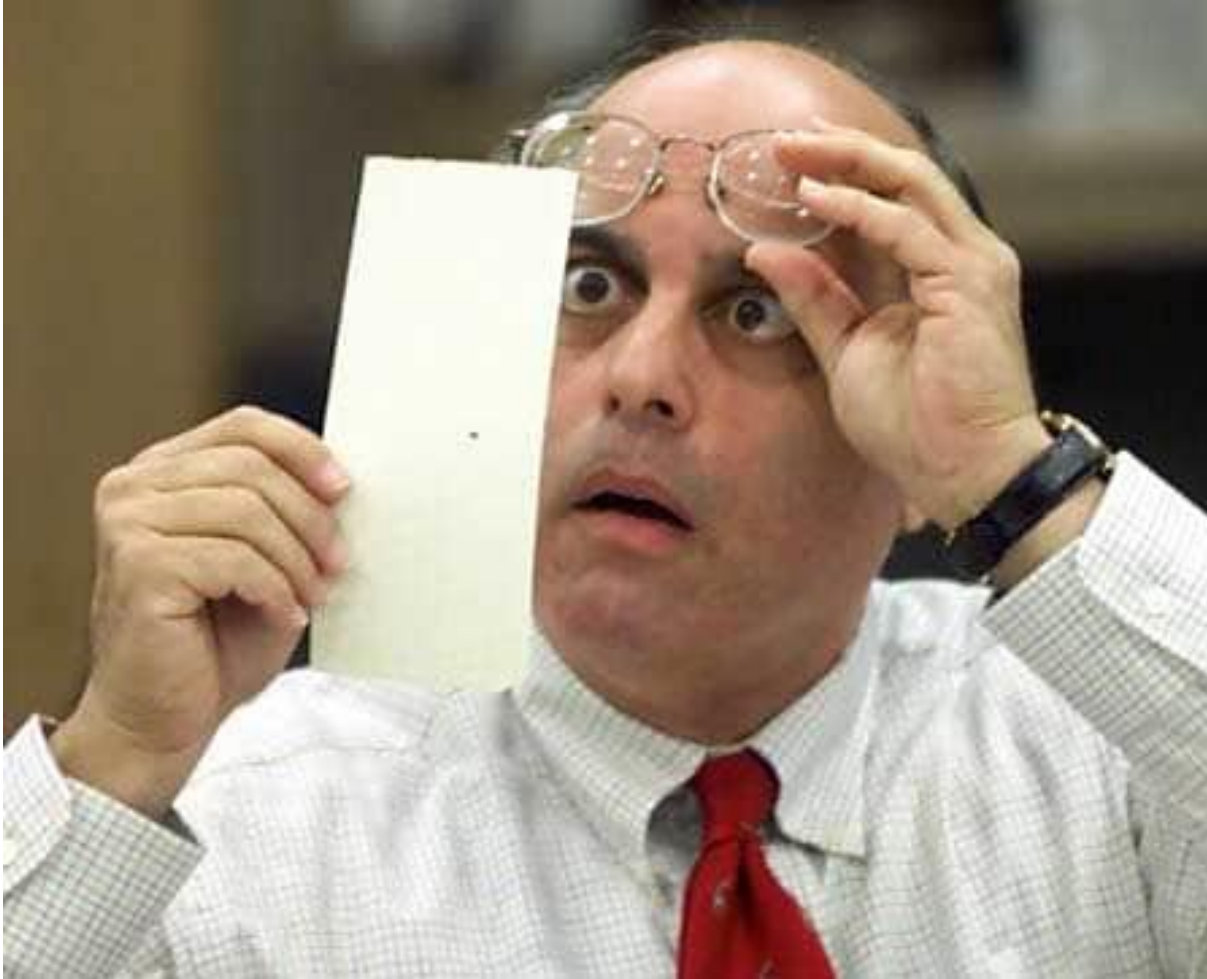
DON'T FORGET:

13-7-31. Time for providing election information. The school election information required in § 13-7-30 shall be provided within sixty days of the official canvass.

Source: SL 2018, ch 91, § 2.



Recount? No!!!!!!!!!!



BALLOT COUNTING, CANVASSING AND RECOUNTING

CANDIDATE RECOUNTS

SDCL 9-13-27.2, 9-13-27.3, 13-7-19.1 and 13-7-19.2

- ▶ We have posted on our website a **Municipal & School Recount Manual**. Please review this as it lays out a detailed step by step process.
- ▶ Candidate recounts are used to recount the results for a specific municipal or school board candidate's race.
 - ▶ **Deadline to request a recount:**
 - ▶ Within **five days** after official canvass for that office.
 - ▶ **Who requests (in writing):**
 - ▶ A tied or losing candidate.
 - ▶ A recount may be requested for the following reasons:
 - ▶ **Municipal-** if a race is tied, defeated by five votes or less or defeated by a margin not exceeding two percent.
 - ▶ **School-** if a race is tied or defeated by a margin not exceeding two percent.
 - ▶ **File the request with:**
 - ▶ Municipal finance officer or school business manager.

BALLOT COUNTING, CANVASSING AND RECOUNTING

Candidate Recount Board

- ▶ Appointed by the person in charge of the election.
- ▶ One person chosen by each candidate declared elected.
- ▶ One person chosen by each candidate who is eligible to request a recount.
- ▶ If the board consists of an even number of persons, one additional recount board member shall be appointed who is mutually agreeable to each candidate involved in the recount.
- ▶ The person in charge of the election sets the time and place for the recount.
 - ▶ City Finance officers have to set this date within 10 days of receiving the recount request. (SDCL 9-13-27.3)

BALLOT COUNTING, CANVASSING AND RECOUNTING

Ballot Question Recounts

SDCL 9-13-27.4 and 13-7-19.3

- ▶ Purpose:
 - ▶ Used to recount the results for a ballot question.
- ▶ Deadline to file a petition for recount:
 - ▶ Within five days after official canvass for that question.
- ▶ Who petitions:
 - ▶ Any three registered voters of the municipality or school district.
- ▶ Required when:
 - ▶ Defeated by a margin not exceeding two percent.
- ▶ Petition to recount:
 - ▶ ARSD 5:02:19:10
- ▶ File with:
 - ▶ Municipal finance officer or school business manager.

BALLOT COUNTING, CANVASSING AND RECOUNTING

BALLOT QUESTION RECOUNT BOARD

- ▶ Appointed by the person in charge of the election and consists of one person on each side of the question and one person mutually agreed upon by the other two appointed.
- ▶ Person in charge of the election shall set the time and place for the recount.
- ▶ City Finance officers have to set this date within 10 days of receiving the recount request.
(SDCL 9-13-27.3)



