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****Administrative rules are subject to change after each Legislative Session and Administrative Rules Hearings****

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South Dakota 2023 Administrative Rule



PREFACE

This book contains a reprint of Administrative Rules of South Dakota, Article 5:02 – State Board of Elections and Article 5:04:06 – Statewide Voter Registration File.

The Administrative Rules of the State Board of Elections and of the Secretary of State pertaining to elections as **revised through December 5, 2023**, are reprinted in this book.

South Dakota Codified Laws may be found in the 2023 Election Code document.

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CHAPTER 5:02:01 - GENERAL RULES AFFECTING BOARD

| | |
|------------|--------------------------------|
| Section | |
| 5:02:01:01 | Official office. |
| 5:02:01:02 | Filing and notice. |
| 5:02:01:03 | Special meetings of the board. |
| 5:02:01:04 | Quorum and presiding officer. |

5:02:01:01. Official office. The South Dakota State Board of Elections shall maintain an office as its principal place of business which shall be located, until otherwise designated, at the office of the Secretary of State, Capitol Building, Pierre, South Dakota 57501.

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-5, 12-1-9.

5:02:01:02. Filing and notice. Whenever filing with, or notice to, the board is permitted or required by these rules, the same shall be done, unless otherwise specifically provided, by written document addressed to the South Dakota State Board of Elections and delivered in person or mailed to the board at its principal place of business. The date of such filing or notice, unless otherwise specifically provided in these rules, shall be the date upon which the document is received at the principal place of business of the board.

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-5, 12-1-9.

5:02:01:03. Special meetings of the board. A special meeting of the board may be set upon call of the chairperson or upon written request by a majority of the board.

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-5, 12-1-9.

5:02:01:04. Quorum and presiding officer. Four of the seven members shall constitute a quorum for the conduct of business. In the absence of the chairperson specified in SDCL 12-1-5, members present shall appoint one of their number as chairperson for that meeting.

Source: 2 SDR 5, effective July 30, 1975; 10 SDR 27, effective September 26, 1983.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-5, 12-1-9.

CHAPTER 5:02:02 - DECLARATORY RULINGS

| | |
|------------|----------------------------------|
| Section | |
| 5:02:02:01 | Petition for declaratory ruling. |
| 5:02:02:02 | Board action on petition. |

5:02:02:01. Petition for declaratory ruling. The form of a petition to the board for a declaratory ruling shall be substantially as follows:

**State of South Dakota
State Board of Elections
Petition for Declaratory Rulings**

Pursuant to the provisions of SDCL 1-26-15, I (**name of petitioner**) of (**address of petitioner**), am (**title or capacity of petitioner**), and do hereby petition the South Dakota State Board of Elections for its declaratory ruling in regard to the following:

1. The state statute or State Board of Elections rule or order or form in question is: (identify and quote the pertinent statute, rule or order or form)
2. The facts and circumstances which give rise to the issue to be answered by the board's declaratory ruling are:
3. The precise issue to be answered by the board's declaratory ruling is:

Dated at (city and state), this ____ day of _____, 20____.

Signature of petitioner

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 1-26-15.

5:02:02:02. Board action on petition. Upon receipt of the petition the board may request from the petitioner such other or further information as may be required by it for the issuance of its ruling. Within 30 days following the receipt of the petition, or within 30 days following receipt of such further requested information, the board shall issue its declaratory ruling and serve a copy of the same by mail upon the petitioner.

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 1-26-15.

CHAPTER 5:02:03 - FORMS FOR REGISTRATION

Section

| | |
|---------------|---|
| 5:02:03:00 | Repealed. |
| 5:02:03:01 | Voter registration form. |
| 5:02:03:01.01 | Repealed. |
| 5:02:03:02 | Repealed. |
| 5:02:03:03 | Repealed. |
| 5:02:03:04 | Repealed. |
| 5:02:03:05 | Repealed. |
| 5:02:03:06 | Repealed. |
| 5:02:03:07 | Repealed. |
| 5:02:03:08 | Repealed. |
| 5:02:03:09 | Repealed. |
| 5:02:03:10 | Repealed. |
| 5:02:03:11 | Repealed. |
| 5:02:03:12 | Agency voter registration instructions. |
| 5:02:03:13 | Voter registration instructions. |
| 5:02:03:14 | Acknowledgement notice for invalid or incomplete voter registration applications. |
| 5:02:03:15 | Acknowledgement notice for valid voter registrations. |
| 5:02:03:16 | Confirmation mailing notice. |
| 5:02:03:17 | Retention of confirmation mailing notice records. |
| 5:02:03:18 | Voter registration statistics. |
| 5:02:03:19 | Voter registration address verification notice. |
| 5:02:03:20 | Potential duplicate notice. |
| 5:02:03:21 | Statement by person registering without a driver license, nondriver identification number, or social security number. |
| 5:02:03:22 | Parameters for voter registration verification with driver license records. |
| 5:02:03:23 | Parameters for voter registration verification with social security administration records. |
| 5:02:03:24 | Notice to removed felons. |
| 5:02:03:25 | Repealed. |
| 5:02:03:26 | National change of address notice. |
| 5:02:03:27 | Voter registration list maintenance confirmation notice. |
| 5:02:03:28 | Secured active designation – Application. |
| 5:02:03:29 | Secured active designation – Cancellation – Application. |

5:02:03:00. Binder for master registration list. Repealed.

Source: 4 SDR 26, effective October 27, 1977; transferred from § 5:02:07:03, 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:01. Voter registration form. The voter registration form must be legibly printed. The voter registration form must be printed on one or more pages that are eight-and-a-half-inch-wide by eleven-inch-tall paper, or a county may create a large print version of this form in the following format containing the following information:



South Dakota Voter Registration Form

_____ County

| Use this form to: Register to vote or report a name, address, or party change. | | | | | | | | | | | | | |
|---|--|-----------------------------|---|--|---------------------|--|--|--|--|--|--|--|--|
| Please print. Complete the entire form. Return this form to your county auditor. | | | | | | | | | | | | | |
| <p>The deadline for voter registration is 15 days before any election. Your form must be received by the county auditor by this deadline if you are to vote in the next election. Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information. For more information, visit www.sdsos.gov.</p> | | | | | | | | | | | | | |
| 1 | Are you a citizen of the United States of America? | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |
| | Will you be 18 years of age or older on or before the next election? | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |
| If you checked 'No' in response to either of these questions, do not complete this form. | | | | | | | | | | | | | |
| 2 | Last Name (Required): | First Name (Required): | Middle Name(s)/Initial | Suffix (Jr., Sr., II, etc.) | | | | | | | | | |
| 3 | Residence Address (Required): | | Apt. or Lot # | City | State Zip Code | | | | | | | | |
| 4 | Mailing Address (if different): | | City | State | Zip Code | | | | | | | | |
| 4a | If you live in a rural area and do not have a street address; if your residence address is a PO Box, rural box, or general delivery; or if you have no address, please describe the physical location of your residence in writing in the space below, which may include writing the names of the streets or intersections nearest to where you live and listing any landmarks (e.g., schools, churches, stores) near where you live. If you run out of room or if you want to draw a map to pinpoint your residence and you do not have enough room in the space provided, use the back of this form: | | | | | | | | | | | | |
| 5 | Date of Birth (Required): Month / Day / Year | Telephone Number (optional) | 7 | SD Driver License (DL) # or SD Non-Driver ID # (Required) <table border="1" style="width: 100%; height: 20px; margin-top: 5px;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table> | | | | | | | | | |
| | | | | | | | | | | | | | |
| 8 | Choice of Party – See information in the box below: | Email Address (optional) | 9 | If you do not have a current SD DL or SD Non-Driver ID, provide the last 4 digits of Social Security Number <table border="1" style="width: 100%; height: 20px; margin-top: 5px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table> | | | | | | | | | |
| | | | | | | | | | | | | | |
| Choice of Party Information: If you are currently registered to vote in South Dakota and you leave the choice of party field blank, you will remain registered with your current party affiliation. If you are not currently registered in South Dakota to vote and you leave the choice of party field blank, you will be entered as a no party affiliation voter. | | | | | | | | | | | | | |
| Previous Voter Registration Information Required Below. Use this section to cancel your previous voter registration: Please provide information below if you have recently moved to South Dakota from a different state, moved within South Dakota, or changed your last name. | | | | | | | | | | | | | |
| 10 | Previous Last Name | First Name | Middle Name(s) | | Suffix | | | | | | | | |
| 11 | Previous Address | | City | State | Zip Code | | | | | | | | |
| 12 | Previous Driver License Number and State | | Previous County | | | | | | | | | | |
| 13 | Would you like to be a precinct election worker on election day? | | Yes | No | | | | | | | | | |
| 14 | I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that: *I am a citizen of the United States of America; *I will be 18 years of age or older on or before the next election; *I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form; *I have not been judged mentally incompetent; *I am not currently serving a sentence for a felony conviction; and *I authorize cancellation of my previous registration, if applicable. | | <div style="border: 1px solid black; width: 100%; height: 40px; margin-bottom: 10px;"></div> <p style="text-align: center; margin: 0;">Signature Required</p> <p style="margin: 0;">Date: _____ / _____ / _____ Month Day Year</p> | | | | | | | | | | |

Auditor use only. Agency code:

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 31 SDR 214, effective July 4, 2005; 32 SDR 225, effective July 3, 2006; 35 SDR 48, effective September 8, 2008; 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016; 46 SDR 42, effective September 30, 2019; 49 SDR 47, effective November 21, 2022; 49 SDR 89, effective May 1, 2023.

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

Law Implemented: SDCL 12-4-3, 12-4-5.4, 12-4-6, 12-4-8.

5:02:03:01.01. Prohibited reasons for denying right to register. Repealed.

Source: 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 25 SDR 8, effective August 3, 1998; repealed, 29 SDR 177, effective July 2, 2003.

5:02:03:02. Authorization for removal of name from voter registration list. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 14 SDR 19, effective August 9, 1987; repealed, 16 SDR 203, effective May 28, 1990.

5:02:03:03. Authorization to return registration card. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; repealed, 12 SDR 43, effective September 23, 1985.

5:02:03:04. Receipt. Repealed.

Source: 2 SDR 5, effective July 30, 1975; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:05. Voter change of name or address, or both, card. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; repealed, 16 SDR 203, effective May 28, 1990.

5:02:03:06. Party designation card. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 14 SDR 19, effective August 9, 1987; repealed, 16 SDR 203, effective May 28, 1990.

5:02:03:07. Voter registration instructions. Repealed.

Source: 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:08. Authorization to register voters. Repealed.

Source: 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:09. Auditor's record of voter registration cards. Repealed.

Source: 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:10. Record of registered voters. Repealed.

Source: 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:11. Notice of change of voter registration information and voter registration cancellation card. Repealed.

Source: 16 SDR 203, effective May 28, 1990; 20 SDR 4, effective July 19, 1993; repealed, 21 SDR 77, effective October 24, 1994.

5:02:03:12. Agency voter registration instructions. The declination form and instructions provided with each voter registration form used by an agency which provides food stamps; temporary assistance for needy families (TANF); the women, infants, and children nutrition program (WIC); military recruitment; or assistance to the disabled as provided by the Department of Human Services must be in the following form:

SOUTH DAKOTA AGENCY VOTER REGISTRATION FORM

If you are (bold) **not registered to vote where you live now** (unbold), would you like to apply to register to vote here today? Yes _____ No _____

If you do not check either box, you will be considered to have decided not to register to vote at this time.

If you register to vote, the information regarding the office to which the voter registration form was submitted will remain confidential and be used only for voter registration purposes.

If you don't register to vote, this decision will remain confidential and be used only for voter registration purposes.

If you would like help filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the form in private.

If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State, 500 E. Capitol, Pierre, SD 57501, 605-773-3537.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

To register, please complete the entire voter registration form by printing the requested information. If you are currently registered to vote, please also fill out the previous voter registration information at the bottom of the form. Return the voter registration form to the county auditor in your county of residence or to your local TANF, food stamp, WIC, military recruitment, or Department of Human Services office. (bold) **The deadline for registration is 15 days before any election.** (unbold)

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 29 SDR 177, effective July 2, 2003; 31 SDR 214, effective July 4, 2005; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-2.

5:02:03:13. Voter registration instructions. The instructions attached to each voter registration form other than those used in the county auditor's office, the alternative form provided in § 5:02:03:01, or those used by agencies listed in § 5:02:03:12 must be in the following form:

South Dakota Voter Registration Form

Please follow these instructions carefully to ensure that your voter registration is properly completed.

You can use this form to:

- * Register to vote in South Dakota
- * Change your registration name or address
- * Change your party affiliation

To register to vote in South Dakota, you must:

- * Be a United States citizen
- * Reside in South Dakota
- * Be at least 18 years old on or before the next election
- * Not be currently serving a sentence for a felony conviction
- * Not be judged mentally incompetent by a court of law

To register, please complete the entire registration form by printing the requested information. If you are currently registered to vote, please also fill out the attached cancellation form. Return the registration/cancellation form to the county auditor in your county of residence. Any private person or entity registering voters is required to provide you with their contact information. (bold) **The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election.** (unbold)

Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor.

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 29 SDR 177, effective July 2, 2003; 31 SDR 214, effective July 4, 2005; 39 SDR 123, effective January 16, 2013.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-2, 12-4-3.

5:02:03:14. Acknowledgement notice for invalid or incomplete voter registration applications. If a person submits to the county auditor a voter registration application that cannot be filed because it is invalid or incomplete, the auditor must send, by nonforwardable mail, the following acknowledgement notice

Invalid or Incomplete Voter Registration Acknowledgement Notice

_____ Your voter registration is not valid because you are not eligible to be a registered voter. Reason: _____

_____ Your voter registration has not been processed because your application is incomplete. Please call our office if you have questions or visit our office to complete your registration. You will not be able to vote in accordance with the voter registration submitted unless you provide the needed information before _____. To complete your voter registration or if you have questions, please visit our office at _____.

Thank You,

_____ County Auditor

Source: 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 28 SDR 99, effective January 17, 2002; 44 SDR 94, effective December 4, 2017; 50 SDR 12, effective August 8, 2023; 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-5.3.

5:02:03:15. Acknowledgement notice for valid voter registrations. The acknowledgement notice sent by nonforwardable mail to each person who submits a valid voter registration application to the county auditor shall contain the following heading:

VOTER REGISTRATION ACKNOWLEDGEMENT NOTICE

and the following information:

Voter's name, complete mailing address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and date of registration.

and the following instruction:

Please review the information on this card. If any of the information is incorrect, please call _____ so that we may correct any errors before the next election.

The postal endorsement shall be: Return Service Requested.

Source: 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 28 SDR 99, effective January 17, 2002.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-5.3.

5:02:03:16. Confirmation mailing notice. The mailing notice sent by forwardable mail to confirm voter registration information must contain the following information:

Voter Registration Information

(List voter's name, complete mailing address, complete residence address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and location of precinct polling place)

(postage)

_____ County Auditor

_____, SD _____

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail. If this is not correct, please see reverse side for instructions.

Forwarding Service Requested
or Address Service Requested

(bold) **You must check one:** (unbold)

- I certify that the above information is correct or has been corrected; or
- I certify that I have registered elsewhere and/or please cancel my registration.

(Voter's Name)
 (Voter's Address)
 (Voter's City, State, Zip)

Date _____ Voter Signature _____

The reverse side shall be in the following form:

Voter Registration Confirmation

1. If the information on the reverse side is correct and you wish to remain registered to vote, please check the first box, sign, tear off, and return the attached card.
2. If any of this information is not correct, please check the first box, make the appropriate changes, sign, tear off, and return the attached card. Your voter registration will be changed to reflect the information which you provide. If you indicate a residence address outside of your registration county, your voter registration will be canceled; and we encourage you to register to vote in your new county or state.
3. If this card is not returned within 30 days, your voter registration will become inactive. With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.
4. If this card is not returned within 30 days and you do not vote by the second general election from today, your registration will be canceled.
5. If you have registered to vote elsewhere, please check the second box, sign, and return.

(Postage Prepaid)

(County Auditor's Address)

Source: 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 31 SDR 214, effective July 4, 2005; 36 SDR 112, effective January 11, 2010

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

Law Implemented: SDCL 12-4-19, 12-4-19.1.

5:02:03:17. Retention of confirmation mailing notice records. Information on who confirmation mailing notices have been sent to and any subsequent response must be kept for two years.

Source: 21 SDR 77, effective October 24, 1994.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-19.

5:02:03:18. Voter registration statistics. Following each general election, each county auditor shall supply the following information to the secretary of state for compilation of statewide statistics:

- (1) The number of active and inactive voter registrations at the time of the last general election;
- (2) The number of active and inactive voter registrations at the time registration closes for the current general election;
- (3) The number of new voter registrations between the last two general elections. This does not include any registrations which only provide for change of name, party, or address within the county;
- (4) The number of active and inactive voter registrations following the current general election;
- (5) The number of registrations which were canceled between the last two general elections;
- (6) The number of registrations between the last two general elections received from:
 - (a) Driver's license offices;
 - (b) Mail-in;
 - (c) Public assistance agencies such as food stamps, AFDC, and WIC;
 - (d) Department of Human Services;
 - (e) Armed forces recruitment offices;
 - (f) Municipal finance offices;
 - (g) In-person registration at the auditor's office;
 - (h) Voter registration drives which deliver cards;

(7) The number of duplicate registrations between the last two general elections received from:

- (a) Driver's license offices;
- (b) Mail-in;
- (c) Public assistance agencies such as food stamps, AFDC, and WIC;
- (d) Department of Human Services;
- (e) Armed forces recruitment offices;
- (f) Municipal finance offices;
- (g) In-person registration at the auditor's office;
- (h) Voter registration drives which deliver cards;

(8) The number of confirmation mailings sent between the last two general elections; and

(9) The number of responses received from confirmation mailings sent between the last two general elections in the following categories:

- (a) No change in registration;
- (b) Address change within the county;
- (c) Registration change to new county;
- (d) Cancellation because of change to new state;
- (e) No response to confirmation mailing;
- (f) Confirmation mailing card undeliverable.

Source: 21 SDR 77, effective October 24, 1994.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-35.

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, check the box "No longer here" on the front of this card and place in a mailbox. Do not throw away.** (unbold);

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

(4) Second 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 form; and

(5) Postal endorsement: Return Service Requested.

Source: 25 SDR 8, effective August 3, 1998; 35 SDR 306, effective July 1, 2009; 45 SDR 9, effective July 30, 2018.

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

Law Implemented: SDCL 12-4-19, 12-4-19.6, 12-4-19.7.

5:02:03:20. Potential duplicate notice. The mailing notice sent to potential duplicates by forwardable mail to confirm voter registration information must contain the following information:

Voter Registration Information

(postage)

(List voter's name, complete mailing address, complete residence address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and visit **sdsos.gov** to find your voting location.)

_____, SD _____

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail. If this is not correct, please see reverse side for instructions.

Forwarding Service Requested
or Address Service Requested

(bold) **You must check one:** (unbold)

I certify that the above information is correct or has been corrected and that I am not registered at any other address; or

I certify that I have registered elsewhere or cancel my registration.

(Voter's Name)
(Voter's Address)
(Voter's City, State, Zip)

Date _____

Voter Signature _____

The reverse side shall be in the following form:

Potential Duplicate Voter Registration Notice

1. Your voter registration has been identified as a possible duplicate voter registration in South Dakota. Please follow these instructions to confirm the validity of this voter registration.

2. If you are not registered at any other address, the information on the reverse side is correct and you wish to remain registered to vote, please check the first box, sign, tear off, and return the attached card.

(Postage Prepaid)

3. If any of this information is not correct, please check the first box, make the appropriate changes, sign, tear off, and return the attached card. Your voter registration will be changed to reflect the information which you provide.

(County Auditor's Address)

4. **(bold) If this card is not returned within 30 days, your voter registration will become inactive.** (unbold)
With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.

5. If this card is not returned within 30 days and you do not vote by the second general election from today, your registration will be canceled.

6. If you have registered to vote elsewhere, please check the second box, sign, and return.

Source: 28 SDR 99, effective January 17, 2002; 36 SDR 112, effective January 11, 2010; 40 SDR 40, effective September 9, 2013.

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

Law Implemented: SDCL 12-4-40.

5:02:03:21. Statement by person registering without a driver license, nondriver identification number, or social security number. The statement which must be signed by a person registering to vote who does not have a South Dakota driver license, South Dakota nondriver identification number, or social security number shall be in the following form:

Statement by Person Registering Without a South Dakota Driver License, South Dakota Nondriver Identification Number, or Social Security Number

I, _____ (print complete name), under oath, declare that I do not have a valid South Dakota driver license or South Dakota nondriver identification number, and that I have not been issued a social security number. Because I do not have a South Dakota driver license, South Dakota nondriver identification number, or social security number, my voter registration form is blank in the spot requiring such number.

(Signed) _____

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

(Seal)

Signature of County Auditor

Source: 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 47 SDR 37, effective October 6, 2020.

General Authority: SDCL 12-4-5.4.

Law Implemented: SDCL 12-4-5.4.

5:02:03:22. Parameters for voter registration verification with driver license records.

The voter registration fields being compared to the South Dakota driver license system fields are:

- SSN or driver license number to DRVR-LIC-NO-SSN
- last name to LAST-NAME DL
- first name to FIRST-NAME DL
- date-of-birth to DATE-OF-BIRTH DL

Four steps will be performed to check a South Dakota driver license number:

(1) A number check will be executed to see if the voter registrant's driver license number matches. If a match is not found no further checks are conducted on that record.

(2) If the number check matches, a check will be performed against the last name on the driver license.

(3) If the number check matches, a check will be performed against the first name on the driver license.

(4) If the number check matches, a check will be performed against the date-of-birth on the driver license.

Source: 30 SDR 171, effective May 10, 2004.

General Authority: SDCL 12-4-5.5.

Law Implemented: SDCL 12-4-5.5.

5:02:03:23. Parameters for voter registration verification with social security administration records. If the State of Driver License Issuance field is marked "SN," the voter registration fields to be compared to the social security administration records are:

- SSN for an exact match with the last four digits of the social security number
- last name for an exact match with the last name
- first name for an exact match with the first name
- date of birth for an exact match of the month and year.

For each record checked, the Social Security Administration will respond with one of the following codes and the county auditor will take the action indicated by the code:

| Code | Code Description | County Auditor Action |
|------|---|---|
| S | Invalid input data | Correct data and resubmit |
| T | Multiple matches - all deceased | Withdraw registration and investigate |
| V | Multiple matches - all alive | Remains registered |
| W | Multiple matches - at least one alive and at least one deceased | Withdraw registration and investigate |
| X | Single match - alive | Remains registered |
| Y | Single match - deceased | Withdraw registration and investigate |
| Z | No match found | Withdraw registration and investigate |
| 9 | System Error | Not returned to County - Resubmitted by State |

Source: 31 SDR 214, effective July 4, 2005.

General Authority: SDCL 12-4-5.5.

Law Implemented: SDCL 12-4-5.5.

5:02:03:24. Notice to removed felons. Any person who is removed from the voter registration list due to a felony conviction shall be notified by the county auditor. The notice shall be sent by forwardable mail in the following form:

Felony Conviction Notice Received
Voter Registration Cancellation Notice

This office has been notified that you have been convicted of a felony.

Under South Dakota law § 12-4-18, a person convicted of a felony loses the right to vote. You will be eligible to register to vote upon completion of your entire sentence.

Further information is available at www.sdsos.gov.

If you have any questions or believe this to be an error, please contact this office at _____ (phone number).

Source: 36 SDR 209, effective June 30, 2010; 39 SDR 123, effective January 16, 2013.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-4-18, USC 1973gg-6(g).

5:02:03:25. Overseas registrant form. Repealed.

Source: 40 SDR 40, effective September 9, 2013; 42 SDR 178, effective July 1, 2016.

5:02:03:26 National change of address notice. The national change of address notice must be sent to any voter in the active registration file who has failed to vote and, has not updated the voter's registration information, and has not replied to a confirmation mailing at least once during the last preceding four consecutive years and has had a National Change of Address within the jurisdiction with the United States Post Office. The postal endorsement must be: forwarding service requested. This notice must be mailed to the voter as required by SDCL 12-4-19 and must contain the following:

**NATIONAL CHANGE OF ADDRESS
VOTER REGISTRATION NOTICE**

Your name and address was listed on the National Change of Address (NCOA) and this notice is to verify that this address is where you are now residing. Below is the address you provided to the United States Post Office for the NCOA.

| | |
|---------------------------|------------------------------|
| Name: | Ward: |
| Residence Address: | Commissioner: |
| Party: | State Senate: |
| Ward: | State House: |
| Voting Precinct: | Water District: |
| School District: | Township: |
| Municipal: | Date of Registration: |

Please review the information on this card. If the information is correct, you do not need to do anything further. If any of the information is incorrect, please make your corrections next to where your information is listed, sign and date, and return the card to the county auditor at the address listed on this card.

For questions call your county auditor's office at _____

Date _____

Signature _____

The postal endorsement shall be: Forwarding Service Requested.

Note: A voter may not have information listed for each district.

Source: 44 SDR 94, effective December 4, 2017.

General Authority: SDCL 12-1-9(1), 12-4-19.

Law Implemented: SDCL 12-4-19.

5:02:03:27. Voter registration list maintenance confirmation notice. The confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned by the voter registration deadline for the next primary election. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card by the voter registration deadline for the next primary election or the voter's registration shall be designated as inactive.

The confirmation mailing must be sent by forwardable mail to any voter in the active registration file who:

(1) Has failed to vote and has not updated the voter's registration information in two general election cycles: or

(2) Has failed to vote and has not updated the voter's registration information in two general election cycles and has a National Change of Address outside the jurisdiction with the United States Post Office. The confirmation mailing must contain the following information:

Voter Registration Information

(List voter's name, complete mailing address, complete residence address, political party, ward, precinct, school district, county commission district, legislative district, water district, township, and location of precinct polling place) _____ County Auditor _____, SD _____ (postage)

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail.

Forwarding Service Requested
or Address Service Requested

If this is not correct, please see reverse side for instructions.

(bold) You must check one: (unbold)

- I certify that the above information is correct or has been corrected; or
- I certify that I have registered elsewhere and/or please cancel my registration.

(Voter's Name)
(Voter's Address)
(Voter's City, State, Zip)

Date _____ Voter Signature _____

The reverse side shall be in the following form:

Voter Registration List Maintenance Confirmation Notice

1. If the information on the reverse side is correct and you wish to remain registered to vote, please check the first box, sign, tear off, and return the attached card.

2. If any of this information is not correct, please check the first box, make the appropriate changes, sign, tear off, and return the attached card. Your voter registration will be changed to reflect the information which you provide. If you indicate a residence address outside of your registration county, your voter registration will be canceled; and we encourage you to register to vote in your new county or state.

(Postage Prepaid)

(County Auditor's Address)

3. If this card is not returned by the voter registration deadline for the next primary election your voter registration will become inactive. With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.

4. If this card is not returned by the voter registration deadline for the next primary election and you do not vote by the second general election from today, your registration will be canceled.


5. If you have registered to vote elsewhere, please check the second box, sign, and return.

Source: 44 SDR 94, effective December 4, 2017.

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

Law Implemented: SDCL 12-4-19.

5:02:03:28. Secured active designation – Application. The application form to be listed in the master registration file with a secured active designation must be in the following format and contain the following information:



South Dakota Voter Registration Secured Active Designation Application

Please print and complete the entire form. Return the completed application by email, fax, mail, or in person to the address listed below:

Office of the Secretary of State
Attn: Elections Division
500 East Capitol Avenue, Suite 204
Pierre, SD 57501

Applicant Information:

| | | | |
|-------------------------------------|------------------|-----------------------------|-------------------|
| Last Name | First Name | Middle Name(s)/Initial | Suffix |
| Residence Address | Apt. or Lot # | City | State Zip Code |
| Mailing Address (if different) | | City | State Zip Code |
| Date of Birth Month / Day / Year | Telephone Number | Email Address (optional) | |

I AFFIRM THAT: *(Check applicable box)*

I have obtained an active protection order under South Dakota Codified Law chapter 25-10 or 22-19A.

OR

I currently reside in a shelter established pursuant to South Dakota Codified Law chapter 25-10. *(Authorization below must be signed by an official of the shelter)*

 Signature of Authorized Shelter Official

 Name of Qualifying Shelter

PLEASE NOTE: If you are not currently registered to vote in South Dakota, please also complete and attach the South Dakota Voter Registration form to this application.


 Signature of Applicant

 Date of Application

The secretary of state shall obtain the signatures of officials authorized to sign an application from shelters established by SDCL chapter 25-10. The secretary of state shall verify the signatures on file on an annual basis.

Source: 48 SDR 39, effective October 4, 2021.
General Authority: SDCL 12-1-9(1), 12-4-9.2.
Law Implemented: SDCL 12-4-9.2.

5:02:03:29. Secured active designation – Cancellation - Application. A voter with a secured active designation listed in the master registration file may apply to the secretary of state to cancel the secured active designation. The application form must be in the following format and contain the following information:



**South Dakota Voter Registration
Secured Active Designation Cancellation**

Please print and complete the entire form. Return the completed application by email, fax, mail, or in person to the address listed below:

Office of the Secretary of State
Attn: Elections Division
500 East Capitol Avenue, Suite 204
Pierre, SD 57501

Applicant Information:

| | | | |
|-------------------------------------|------------------|-----------------------------|-------------------|
| Last Name | First Name | Middle Name(s)/Initial | Suffix |
| Residence Address | Apt. or Lot # | City | State Zip Code |
| Mailing Address (if different) | | City | State Zip Code |
| Date of Birth Month / Day / Year | Telephone Number | Email Address (optional) | |

Cancellation Request:

I request to have the secured active designation removed from my voter information included in the master registration file.

Signature of Applicant

Date of Application

Source: 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 12-1-9(1), 12-4-9.2

Law Implemented: SDCL 12-4-9.2.

CHAPTER 5:02:04 - FORMS OF NOTICES

Section

| | |
|------------|--|
| 5:02:04:01 | Repealed. |
| 5:02:04:02 | Repealed. |
| 5:02:04:03 | Repealed. |
| 5:02:04:04 | Notice of deadline for voter registration. |
| 5:02:04:05 | Notice of general election. |
| 5:02:04:06 | Notice of vacancy for municipal election. |
| 5:02:04:07 | Repealed. |
| 5:02:04:08 | Notice of municipal election. |
| 5:02:04:09 | Notice of special election. |
| 5:02:04:10 | Notice of vacancy which may occur due to filing of recall petitions. |
| 5:02:04:11 | Notice of special recall election and of filing of nominating petitions for special recall election. |
| 5:02:04:12 | Repealed. |
| 5:02:04:13 | Notice of secondary (runoff) election. |
| 5:02:04:14 | Notice of vacancy on school board. |
| 5:02:04:15 | Notice of school board election. |
| 5:02:04:16 | Notice of primary election. |
| 5:02:04:17 | Notice of deadline for filing primary nominating petitions. |
| 5:02:04:18 | Notice of statewide runoff election. |
| 5:02:04:19 | Publication of ballot for secondary election. |
| 5:02:04:20 | Repealed. |
| 5:02:04:21 | Repealed. |
| 5:02:04:22 | Notice of election for special district formation. |
| 5:02:04:23 | Notice of vacancy for newly incorporated municipal election. |
| 5:02:04:24 | Notice of vacancy for conservation district supervisor nominating petitions. |

5:02:04:01. First notice of proposed cancellation of voter registration. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; repealed, 21 SDR 77, effective October 24, 1994.

5:02:04:02. Final notice of proposed cancellation of voter registration. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 19 SDR 12, effective August 5, 1992; repealed, 21 SDR 77, effective October 24, 1994.

5:02:04:03. Authorization to update registration records. Repealed.

Source: 2 SDR 5, effective July 30, 1975; repealed, 21 SDR 77, effective October 24, 1994.

5:02:04:04. Notice of deadline for voter registration. The notice of deadline for voter registration must be in the following form:

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the _____ Election to be held on _____, will close on _____ at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the county auditor at (telephone number).

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at (www.sdsos.gov or a county provided website with a link to a voter registration form - insert one option or the other).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

(Person in charge of election - Title)

(Political Subdivision)

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 6 SDR 123, effective July 2, 1980; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 21 SDR 77, effective October 24, 1994; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 30 SDR 171, effective May 10, 2004; 36 SDR 112, effective January 11, 2010; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-4-3, 12-4-5.2, 12-4-7.2.

Cross-Reference: Pub. L. No. 98-435.

5:02:04:05. Notice of general election. The notice of general election must be in the following form:

NOTICE OF GENERAL ELECTION

A General Election will be held on Tuesday, November _____, _____, in all the voting precincts in _____ County.

The election polls will be open from seven a.m. to seven p.m. (mountain or central) time on the day of the election.

The polling place in each precinct of the county is as follows:

(Here list precincts and polling places. A map showing the precincts and location of the polling places within the county may be inserted. A map showing the voting precincts and polling places of a municipality may also be inserted.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

County Auditor

County

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-2-3, 12-12-1.

5:02:04:06. Notice of vacancy for municipal election. The notice of vacancy for a municipal election shall be in the following form:

NOTICE OF VACANCY

MUNICIPALITY OF _____

The following offices will become vacant due to the expiration of the present term or due to the resignation of office of the elective officer:

(HERE LIST THE OFFICES TO BE FILLED)

Mayor, _____ year term

City Commission, City Council, Alderman-Ward (list ward), Trustee, _____ year term

City Commission, City Council, Alderman-Ward (list ward), Trustee, _____ year term

City Council at Large, _____ year term

Circulation of nominating petitions may begin on _____ and petitions may be filed in the office of the finance officer located at _____ between _____

the hours of _____ a.m. and _____ p.m., (mountain or central) time not later than the _____ day of _____, 20_____, or mailed by registered mail not later than the _____ day of _____, 20_____, at 5:00 p.m. (mountain or central) time.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 8 SDR 24, effective September 16, 1981; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 42 SDR 178, effective July 1, 2016; 47 SDR 37, effective October 6, 2020.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-6, 9-13-7, 9-13-9.

5:02:04:07. Notice of filing of nominating petitions. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; repealed, 19 SDR 12, effective August 5, 1992.

5:02:04:08. Notice of municipal election. The notice of municipal election must be in the following form:

**NOTICE OF MUNICIPAL ELECTION
MUNICIPALITY OF _____**

A Municipal Election will be held on _____ in _____, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from seven a.m. to seven p.m. _____ (mountain or central) time on the day of the election.

At the election, the following questions will be voted upon or offices will be filled:

(HERE LIST QUESTIONS TO BE VOTED UPON AND OFFICES TO BE FILLED, WITH TERM LENGTHS AND CANDIDATES' NAMES)
(FURTHERMORE, THE FOLLOWING ARE UNOPPOSED)

The polling place in each precinct of this municipality is as follows:

(Here list the precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places within the municipality.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the municipal finance officer at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 31 SDR 35, effective September 23, 2004; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-13, 12-2-4.

5:02:04:09. Notice of special election. The notice of special election must be in the following form:

NOTICE OF SPECIAL ELECTION

(MUNICIPALITY OF _____) OR (_____ COUNTY)

A Special Election will be held on _____, _____, in _____, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from seven a.m. to seven p.m. _____(mountain or central standard or mountain or central daylight savings) time on the day of the election.

At the election, the following questions will be voted upon:

(HERE LIST THE QUESTIONS TO BE VOTED UPON AND OFFICES TO BE FILLED, WITH TERM LENGTHS AND CANDIDATE NAMES)

The polling place in each precinct of this (municipality or county) is as follows:

(Here list precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the (list person in charge of the election ex: county auditor or municipal finance officer) at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

(Finance Officer or County Auditor)

Source: 4 SDR 26, effective October 27, 1977; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective

January 30, 2003; 35 SDR 48, effective September 8, 2008; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 7-18A-20, 9-13-14, 12-2-4.

5:02:04:10. Notice of vacancy which may occur due to filing of recall petitions. The notice of vacancy which may occur due to filing of recall petitions shall be in the following form:

**NOTICE OF VACANCY WHICH MAY OCCUR DUE TO FILING OF
RECALL PETITIONS MUNICIPALITY OF _____**

The following office(s) may become vacant due to the filing of recall petitions:

[HERE LIST THE OFFICE(S) TO BE FILLED]

Nominating petitions may be filed in the office of the Finance Officer located at _____ between the hours of _____ a.m. and _____ p.m., _____ (mountain or central standard or mountain or central daylight savings) time, not earlier than the _____ day of _____, 20____, and not later than the _____ day of _____, 20____.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 9-13-6, 9-13-31.

5:02:04:11. Notice of special recall election and of filing of nominating petitions for special recall election. The notice of special recall election and the filing of nominating petitions for the special recall election must be in the following form:

**NOTICE OF SPECIAL RECALL ELECTION
MUNICIPALITY OF _____**

A Special Recall Election will be held on _____, _____, in all the voting precincts in _____, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The following individual(s) (has or have) filed petitions in the office of the Finance Officer for the position(s) to be filled in the Special Recall Election:

(HERE LIST THE INDIVIDUAL(S) WHO (HAS OR HAVE) FILED NOMINATING PETITIONS)

The incumbent, _____, (will also or will not) appear on the ballot.

The election polls will be open from seven a.m. to seven p.m. _____, (mountain or central) time on the day of the election.

At the election the following office(s) will be filled:

[HERE LIST THE OFFICE(S) TO BE FILLED]

The polling place in each precinct of this municipality is as follows:

(Here list the precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places within the municipality.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the municipal finance officer at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-31, 9-13-32, 12-2-4.

5:02:04:12. Notice of special recall election. Repealed.

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

5:02:04:13. Notice of secondary (runoff) election. The notice of secondary (runoff) election must be in the following form:

**NOTICE OF SECONDARY (RUNOFF) ELECTION
MUNICIPALITY OF _____**

The following candidates will appear on the ballot for the secondary (runoff) election to be held on _____, _____. If the polls cannot be opened because of bad weather, the election may be postponed one week.

(HERE LIST CANDIDATES APPEARING ON THE BALLOT AND POSITION FOR WHICH THEY ARE RUNNING.)

The election will be held during the same hours and at the same polling places as the annual municipal election held on _____.

Voters with disabilities may contact the city finance officer for information and special assistance in absentee voting or polling place accessibility.

Finance Officer

Source: 4 SDR 26, effective October 27, 1977; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-27.1, 12-2-4.

5:02:04:14. Notice of vacancy on school board. The notice of vacancy on a school board shall be in the following form:

NOTICE OF VACANCY ON SCHOOL BOARD
_____ SCHOOL DISTRICT NO. _____

The following school board position(s) will become vacant due to the expiration of the present term(s) of office or due to the resignation of the following school board member(s).

(HERE LIST THE BOARD POSITION(S) AND TERM(S) TO BE FILLED)

School Board Member, _____ year term

School Board Member, Representation Area (list area), _____ year term

Circulation of nominating petitions may begin on _____ and petitions may be filed in the office of the business manager located at _____ between the hours of _____ a.m. and _____ p.m., _____ (mountain or central) time not later than _____, at 5:00 p.m., or mailed by registered mail not later than _____, at 5:00 p.m.

Business Manager

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 14 SDR 19, effective August 9, 1987; 25 SDR 167, effective July 6, 1999; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-13-1.1, 13-7-5, 13-7-6, 13-7-10.1.

5:02:04:15. Notice of school board election. The notice of school board election must be in the following form:

NOTICE OF SCHOOL BOARD ELECTION
_____ **SCHOOL DISTRICT NO.** _____

A School District Election will be held on _____, _____, in all the voting precincts in School District No. _____, _____, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from seven a.m. to seven p.m. (mountain or central) time on the day of the election.

(HERE LIST QUESTIONS AND OFFICES TO BE VOTED UPON,
WITH TERM LENGTHS AND CANDIDATES WHO HAVE FILED)

The polling place in each precinct of this district is as follows:

(Here list precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places within the district.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the school business manager at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

Business Manager

Source: 4 SDR 26, effective October 27, 1977; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-2-4, 13-7-8.

5:02:04:16. Notice of primary election. The notice of primary election must be in the following form:

NOTICE OF PRIMARY ELECTION

A Primary Election will be held on Tuesday, June _____, _____, in all the voting precincts in _____ County.

The election polls will be open from seven a.m. to seven p.m. _____ (mountain or central) time on the day of the election.

The polling place in each precinct of this county is as follows:

(Here list precincts and polling places. Here also may be inserted a map showing the precincts and location of the polling places within the county. A map may also be inserted showing the voting precincts and polling places of a municipality.)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

County Auditor

County

Source: 4 SDR 26, effective October 27, 1977; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-12-1.

5:02:04:17. Notice of deadline for filing primary nominating petitions. Between the fifteenth and thirtieth day of January in an even-numbered year, the person in charge of the local election shall publish a notice in the following form:

NOTICE OF DEADLINE FOR FILING NOMINATING PETITIONS FOR THE PRIMARY ELECTION AND FOR FILING INDEPENDENT CANDIDATE PETITIONS

The deadline for filing nominating petitions for the primary election is _____, _____, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. (mountain or central) time, it is considered filed.

The deadline for filing nominating petitions to run as an independent candidate in the general election is _____, _____, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. (mountain or central) time, it is considered filed. For the offices of (here list county offices) nominating petitions must be filed in the office of the (insert name of county) county auditor, and nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) must be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501.

The deadline for filing nominating petitions to run as an independent candidate for president in the general election is _____, _____, at 5:00 p.m. central time. If a

petition is mailed by registered mail by _____, _____, at 5:00 p.m. central time, it is considered filed. (Only include this deadline in addition to the independent deadline above if it is a presidential election year.)

Nominating petitions for the offices of (here list county offices) must be filed in the office of the county auditor during regular business hours. Nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) must be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. central time.

(County Auditor or County Finance Officer)

Source: 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 30 SDR 171, effective May 10, 2004; 42 SDR 178, effective July 1, 2016; 44 SDR 94, effective December 4, 2017; 45 SDR 9, effective July 30, 2018; 46 SDR 42, effective September 30, 2019.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-12-1.

5:02:04:18. Notice of statewide runoff election. The notice of the statewide runoff election shall be in the following form:

**NOTICE OF RUNOFF ELECTION
STATE OF SOUTH DAKOTA**

Because no candidate for _____ received the required thirty-five percent of the vote in the primary election held on June _____, _____, a runoff election will be held on Tuesday, _____, _____, in each county in the state. The polling places will be the same as those used in the primary election, and the polls will be open from seven a.m. to seven p.m. _____ local time.

The candidates for nomination for _____, as determined by the official state canvass, are

Secretary of State, South Dakota

Source: 12 SDR 43, effective September 23, 1985; 29 SDR 113, effective January 30, 2003; 40 SDR 40, effective September 9, 2013; 44 SDR 94, effective December 4, 2017; 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-6-51.1, 12-12-1.

5:02:04:19. Publication of ballot for secondary election. A copy of the secondary election ballot as prescribed in § 5:02:06:17 shall be printed with the notice prescribed in § 5:02:04:18.

Source: 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-12-1.

5:02:04:20. Notice of presidential primary election. Repealed.

Source: 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; repealed, 23 SDR 236, effective July 17, 1997.

5:02:04:21. Notice of cancellation of municipal election. Repealed.

Source: 14 SDR 19, effective August 9, 1987; 36 SDR 209, effective June 30, 2010; repealed, 42 SDR 15, effective August 11, 2015.

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) time 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).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at (insert phone number) before the election for information on polling place accessibility for people with disabilities.

_____ County Auditor
_____ County

Source: 25 SDR 8, effective August 3, 1998; 29 SDR 113, effective January 30, 2003; 35 SDR 306, effective July 1, 2009; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 6-16-8.

Law Implemented: SDCL 6-16-5, 6-16-8.

5:02:04:23. Notice of vacancy for newly incorporated municipal election. The notice of vacancy for a newly incorporated municipal election shall be in the following form:

**NOTICE OF VACANCY FOR THE NEWLY
INCORPORATED MUNICIPALITY OF _____**

The following (insert number) offices will need to be filled due to the incorporation of _____, South Dakota.

Mayor, one year term
(Insert number of positions) and select type of office:
City Commission, Alderman-Ward, Trustee, City Council), one year term

Circulation of nominating petitions may begin on _____ and petitions shall be filed in the office of the county auditor in the county the newly incorporated municipality is located in located at _____ between the hours of _____ a.m. and _____ p.m. (mountain or central) time not later than the _____ day of _____, 20_____.

County Auditor

Source: 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 9-3-17.

5:02:04:24. Notice of vacancy for conservation district supervisor nominating petitions. The notice of vacancy for conservation district supervisor petitions shall be in the following form:

**NOTICE OF VACANCY
_____ CONSERVATION DISTRICT**

The following offices will become vacant due to the expiration of the present term of office or due to resignation of the elective officer:

(HERE LIST THE OFFICES TO BE FILLED)

Circulation of nominating petitions may begin on January 1, _____ and petitions may be filed in the office of the county auditor located in the county courthouse during regular business hours. If the conservation district lies in more than one county, the petitions shall be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. central time.

The deadline for filing nominating petitions is July 1, _____, at 5:00 p.m. central time. If a petition is mailed by registered mail by July 1, _____, at 5:00 p.m. central time, it shall be considered filed.

District Manager / District Secretary

Phone number and address

Source: 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 38-8-39.

CHAPTER 5:02:05 - FORMS FOR CONDUCT OF ELECTIONS

| | |
|---------------|---|
| Section | |
| 5:02:05:00 | Official stamp for ballots -- All elections. |
| 5:02:05:01 | Certificate and receipt executed by the precinct election board and counting board. |
| 5:02:05:02 | Instructions to the voters using hand-counted paper ballots. |
| 5:02:05:02.01 | Instructions to the voters using optical scan ballots. |
| 5:02:05:02.02 | Repealed. |
| 5:02:05:02.03 | Instructions to the voters using an electronic ballot marking system. |
| 5:02:05:03 | Repealed. |
| 5:02:05:04 | Repealed. |
| 5:02:05:05 | Repealed. |
| 5:02:05:06 | Precinct election board receipt for official ballots. |
| 5:02:05:07 | Receipt for transmission of election supplies. |
| 5:02:05:08 | Receipt of superintendent of election for ballots and supplies. |
| 5:02:05:09 | Ballot box metal seal envelope. |
| 5:02:05:10 | Record of spoiled ballots. |
| 5:02:05:11 | Notice of appointment of election officials. |
| 5:02:05:11.01 | Notice of appointment of election officials for school or municipal election. |
| 5:02:05:12 | Envelope for notification of appointment of election officials. |
| 5:02:05:13 | Notice of appointment of counting board. |
| 5:02:05:14 | Election supplies tag. |
| 5:02:05:15 | Auditor's ballot box seal. |
| 5:02:05:16 | Transferred. |
| 5:02:05:17 | Transferred. |
| 5:02:05:18 | Transferred. |
| 5:02:05:19 | Ballot wrapper or envelope seals. |
| 5:02:05:20 | Emergency voting card. |
| 5:02:05:21 | Affirmation of inactive voter's address. |
| 5:02:05:22 | Provisional ballot envelope. |
| 5:02:05:23 | Notice to provisional voter. |
| 5:02:05:24 | Notice of provisional ballot determination. |
| 5:02:05:25 | Personal identification affidavit. |
| 5:02:05:26 | Polling place voter identification sign. |

5:02:05:00. Official stamp for ballots -- All elections. The county auditor or officer charged with the conduct of a local election shall ensure that each official ballot for each election is stamped with an official stamp containing the following information:

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

The county auditor or officer charged with the conduct of a local election may use the abbreviation "SD" in place of "South Dakota" and "Cty" in place of "County".

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; 35 SDR 306, effective July 1, 2009; 49 SDR 47, effective November 21, 2022.

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

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

5:02:05:01. Certificate and receipt executed by the precinct election board and counting board. The precinct superintendent and precinct deputies of the precinct election board and of the counting board shall complete and sign a certificate and receipt attesting to delivery and receipt of ballots and other election materials. The certificate and receipt shall be placed with the pollbook and returned to the county auditor. The form of the certificate and receipt is as follows:

CERTIFICATE OF TRANSMITTAL TO COUNTING BOARD

At the election held at _____ precinct, _____ County, South Dakota, on the _____ day of _____, 20____, we, the undersigned election board members, had _____ voters cast ballots at that precinct, completed comparison and reconciliation in accord with SDCL 12-20-2, and then delivered:

- 1. ballot boxes
- 2. seals
- 3. registration list
- 4. pollbook
- 5. other election supplies, including voided and unused ballots,

to the counting board, consisting of the following persons:

_____, precinct superintendent of counting board;
_____, _____,
_____, and _____, precinct deputies of counting board.

Dated at _____, South Dakota, this _____ day of _____, 20_____.

Attest:

Certified by us:

Precinct Superintendent of Precinct Election Board

Precinct Deputy

Precinct Deputy

Precinct Deputy

Precinct Deputy

RECEIPT

The undersigned members of the counting board of the precinct acknowledge receipt of the items provided in the certificate above.

Precinct Superintendent of Counting Board

Precinct Deputy of Counting Board

Precinct Deputy of Counting Board

Precinct Deputy of Counting Board

Precinct Deputy of Counting Board

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999; 49 SDR 47, effective November 21, 2022.

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

Law Implemented: SDCL 12-20-1.



5:02:05:02. Instructions to the voters using hand-counted paper ballots. The instructions to be posted in two locations in the polling place in at least 48 point type for paper ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS

TO MARK THE BALLOT

Use a cross (X) or a check mark (✓) for each vote.
Do not make any marks other than a cross (X) or check mark (✓).
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.

TO RETURN THE BALLOT(S) AFTER VOTING

Fold each ballot so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

PROVISIONAL BALLOT

You may vote a provisional ballot if your name is not on the voter list but you registered in this precinct by the deadline. You must complete both the envelope and ballot.

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.

ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

OTHER INFORMATION

The polls are open from 7:00 a.m. to 7:00 p.m. If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your state's attorney.

The instructions to be posted in each voting booth for paper ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS

TO MARK THE BALLOT

Use a cross (X) or a check mark (☐) for each vote.
Do not make any marks other than a cross (X) or check mark (☐).
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.

TO RETURN THE BALLOT(S) AFTER VOTING

Fold each ballot so the ballot stamp shows and take to the ballot box.

IF YOU NEED HELP, ASK.

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

INSTRUCTIONS TO THE VOTERS

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 he or she chooses to help the voter 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 at _____, the Secretary of State at 888-703-5328, or your state's attorney at _____.

Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence.

Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 82, effective June 13, 1976; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010; 39 SDR 123, effective January 16, 2013.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-4-18, 12-16-23, 12-16-25, 23A-27-35, USC 1973gg-6(g).

5:02:05:02.01. Instructions to the voters using optical scan ballots. The instructions to voters using optical scan ballots must be posted in at least two locations within close proximity to the entrances to the polling place, depicted in at least forty-eight-point type, and in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Completely fill in the oval (●) next to the name or ballot question. Use only the black or blue pen given to you!

Do not make any marks other than completely filling in the oval.

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.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take the ballot to the ballot box where the ballot stamp can be seen by the poll worker.

IF YOU NEED HELP, ASK.

PROVISIONAL BALLOT

You may vote a provisional ballot if your name is not on the voter list but you registered in this precinct by the deadline. You must complete both the envelope and ballot.

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 he or she chooses 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.

ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

OTHER INFORMATION

The polls are open from 7:00 a.m. to 7:00 p.m. If your voting rights have been violated, you may call the person in charge of the election at _____, the Secretary of State at 888-703-5328, or your states attorney.

The instructions to be posted in each voting booth for optical scan ballots must be in the following form:

INSTRUCTIONS TO THE VOTERS:

TO MARK THE BALLOT

Completely fill in the oval (●) next to the name or ballot question. Use only the black or blue pen given to you!

Do not make any marks other than completely filling in the oval.

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.

TO RETURN THE BALLOT AFTER VOTING

Put the ballot in the holder so the ballot stamp shows and take the ballot to the ballot box where the ballot stamp can be seen by the poll worker.

IF YOU NEED HELP, ASK.

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

INSTRUCTIONS TO THE VOTERS

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 he or she chooses to help the voter 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 at _____, the Secretary of State at 888-703-5328, or your states attorney.

Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, the person may register to vote following the completion of the person's felony sentence.

Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. The person may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov.

ELECTION CRIMES

Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010; 39 SDR 123, effective January 16, 2013; 42 SDR 15, effective August 11, 2015; 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-4-18, 12-16-23, 12-16-25, 23A-27-35.

5:02:05:02.02. Instructions to the voters using punch card ballots. Repealed.

Source: 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; repealed, 30 SDR 171, effective May 10, 2004.

5:02:05:02.03. Instructions to the voters using an electronic ballot marking system. The instructions to be posted in each voting booth containing an electronic ballot marking system must be in the following form:

INSTRUCTIONS TO THE VOTERS

TO MARK THE BALLOT

When the screen shows "Please insert your ballot," put the unvoted ballot into the machine.

Follow the instructions on the screen to complete voting.

IF YOU MAKE A MISTAKE

If you make a mistake before pressing "Mark Ballot," you may change your vote on the screen.

If you find a mistake after your ballot has printed, give the ballot back and get a new one.

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.

Source: 32 SDR 109, effective December 26, 2005.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-16-23.

5:02:05:03. Instructions to the voters -- Primary election. Repealed.

Source: 2 SDR 82, effective June 13, 1976; 5 SDR 31, effective November 1, 1978; 25 SDR 8, effective August 3, 1998; repealed, 25 SDR 167, effective July 6, 1999.

5:02:05:04. Election expense bill. Repealed.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 20 SDR 4, effective July 19, 1993; 23 SDR 115, effective January 22, 1997; repealed, 25 SDR 167, effective July 6, 1999.

5:02:05:05. Envelope for election expense bill. Repealed.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; repealed, 26 SDR 168, effective June 25, 2000.

5:02:05:06. Precinct election board receipt for official ballots. The precinct election board's receipt for the official ballots shall be in the following form:

STATE OF SOUTH DAKOTA
_____ COUNTY
_____ PRECINCT

We, the Precinct Election Board Members, do hereby certify that on Tuesday the ____ day of _____, 20____, at the opening of the polls for the election held on that day, we received from _____ a sealed package containing the following official ballots:

(Here list the official ballots received)

for the use of the voters at the election.

Dated this ____ day of _____, 20____.

_____ Precinct Superintendent
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy

Source: 4 SDR 85, effective June 14, 1978; 25 SDR 167, effective July 6, 1999.
General Authority: SDCL 12-1-9(4), 12-17B-17(2).
Law Implemented: SDCL 12-16-20.

5:02:05:07. Receipt for transmission of election supplies. The receipt for transmission of election supplies shall be in the following form:

RECEIPT FOR ELECTION SUPPLIES FOR TRANSMISSION

RECEIVED of the County Auditor of _____ County, South Dakota, a package said to contain _____ (Primary, General, Special) election supplies for use in election precinct _____ for transmission to _____, Superintendent of the election, whose post office address is _____.

Dated this ____ day of _____, 20____.

SHERIFF

Source: 4 SDR 85, effective June 14, 1978.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-19.

5:02:05:08. Receipt of superintendent of election for ballots and supplies. The receipt of the superintendent of election for ballots and supplies shall be in the following form:

STATE OF SOUTH DAKOTA)
COUNTY OF _____)

I, _____, Superintendent of Election in and for the voting precinct of _____ in said County, do hereby certify that on the _____ day of _____, 20____, at the hands of _____ (Auditor, Sheriff), by _____, his deputy, of said County, I received a sealed package said to contain official ballots and necessary supplies for the use of the voters of said precinct at the _____ election to be held on Tuesday the _____ day of _____, 20____.

Dated this _____ day of _____, 20____.

SUPERINTENDENT OF ELECTION

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-19.

5:02:05:09. Ballot box metal seal envelope. The ballot box metal seal envelope shall be in the following form:

THIS ENVELOPE CONTAINS BALLOT BOX METAL SEALS

to be used at the _____ Election held on the

_____ day of _____, 20____

for the _____ Precinct of _____ County, SD

These seals must be returned, in the envelope provided, to the Auditor. (All used seals must also be returned with unused seals.)

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-26, 12-20-20.

5:02:05:10. Record of spoiled ballots. The election board's record of spoiled ballots must be in the following form:

STATE OF SOUTH DAKOTA
 _____ COUNTY
 _____ PRECINCT

We do hereby certify that at the election held on Tuesday the ____ day of _____, 20____, official ballots were spoiled, returned by voters, and canceled as follows:

| NAME OF VOTER | Type & Number of Ballots | NAME OF VOTER | Type & Number of Ballots |
|---------------|--------------------------|---------------|--------------------------|
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Dated this ____ day of _____, 20____.

_____ Precinct Superintendent
 _____ Precinct Deputy
 _____ Precinct Deputy
 _____ Precinct Deputy

Source: 4 SDR 85, effective June 14, 1978; 25 SDR 167, effective July 6, 1999.

General Authority: SDCL 12-1-9(4), 12-17B-17(2).

Law Implemented: SDCL 12-18-24.

5:02:05:11. Notice of appointment of election officials. The notice of appointment of election officials must be in the following form:

STATE OF SOUTH DAKOTA)
) SS NOTICE OF APPOINTMENT
 COUNTY OF _____)

To _____ Precinct Superintendent
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy

You are appointed as precinct election board members for the _____ Election, for _____ Precinct of _____ County. This election will be held at (polling place), from _____ a.m. to _____ p.m., local time, on the ____ day of _____, 20____. _____ has been designated Superintendent of this precinct election board.

If you are unable to serve, please contact the county auditor immediately.

The Election School of Instruction will be held at _____ on the _____ day of _____, 20____, at _____ m.

Witness my hand and seal this ____ day of _____, 20____.

Person in charge of election

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-1, 12-15-7.

5:02:05:11.01. Notice of appointment of election officials for school or municipal election. The notice of appointment of election officials for school district or municipal elections must be in the following form:

STATE OF SOUTH DAKOTA) MUNICIPALITY OF _____ (or
) SS
_____ SCHOOL DISTRICT

COUNTY OF _____) NOTICE OF APPOINTMENT

To: _____ Precinct Superintendent
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy
_____ Precinct Deputy

You are appointed as precinct election board members for the _____ election for _____ (Ward/Precinct). This election will be held at (polling place) from _____ a.m. to 7:00 p.m., local time, on the _____ day of _____, 20____.

If you are unable to serve, please contact the person in charge of the election immediately.

Dated this _____ day of _____, 20____.

(Signed) _____
Municipal Finance Officer or School Business Manager

Source: 12 SDR 43, effective September 23, 1985; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 9-13-16.1, 13-7-12.

5:02:05:12. Envelope for notification of appointment of election officials. The envelope for notification of appointment of election officials shall be a business envelope.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-15-1, 12-15-1.2, 12-15-7.

5:02:05:13. Notice of appointment of counting board. The notice of appointment of the counting board must be in the following form:

STATE OF SOUTH DAKOTA)

) SS NOTICE OF APPOINTMENT

COUNTY OF _____)

TO _____ Precinct Superintendent _____ Precinct Deputy
_____ Precinct Deputy _____ Precinct Deputy
_____ Precinct Deputy _____ Precinct Deputy
_____ Precinct Deputy

You are appointed a member of a separate counting board for the general election in _____ precinct, _____ County, on November _____, 20____. Please report to the polling place at _____ p.m. the day of the election. If you are unable to serve, please notify the county auditor immediately.

The election school of instruction will be held at _____ on the ____ day of _____, 20____, at _____m.

Witness my hand and the seal of this county, this ____ day of _____, 20 ____.

County Auditor

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.
General Authority: SDCL 12-1-9(4).
Law Implemented: SDCL 12-15-7, 12-15-14, 12-15-14.1.

5:02:05:14. Election supplies tag. The election supplies tag shall be in the following form:

FRONT SIDE

To _____
Supt. of Election

South Dakota

FROM COUNTY AUDITOR

or person in charge of election

South Dakota

BACK SIDE

This package contains Supplies and

Official Ballots for _____ Precinct

as follow: _____ Official Ballots

_____ Nonpolitical Ballots

Source: 4 SDR 85, effective June 14, 1978.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-19.

5:02:05:15. Auditor's ballot box seal. The auditor's ballot box seal shall be in the following form:

AUDITOR'S

BALLOT BOX SEAL

THIS BALLOT BOX CONTAINS ELECTION SUPPLIES

FOR _____ PRECINCT

AUDITOR

DEPUTY

Source: 4 SDR 85, effective June 14, 1978.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-19.

5:02:05:16. Transferred to § 5:02:10:06.

5:02:05:17. Transferred to § 5:02:10:07.

5:02:05:18. Transferred to § 5:02:10:08.

5:02:05:19. Ballot wrapper or envelope seals. Whenever a statute requires ballot wrappers or envelopes, those wrappers or envelopes shall be plain and sealed with a seal containing the following information:

BALLOT WRAPPER OR ENVELOPE _____ PRECINCT
OF BALLOTS _____

Source: 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-18, 12-18-32, 12-20-20.

5:02:05:20. Emergency voting card. The emergency voting card must be printed on two-part NCR paper, 3 inches by 5 inches in size, and in the following form:

EMERGENCY VOTING CARD

FOR _____ COUNTY

_____ Ward _____ Precinct _____

Party _____

Name _____

Residence _____

The undersigned members of the precinct election board hereby certify that the above-named voter was permitted to vote in this precinct at the election held _____, 20____, pursuant to instructions from the office of the county auditor.

Signature of Voter

Signature of precinct election board member calling office

Authorized by:

Precinct election board members

Precinct election board member

Precinct election board member

Precinct election board member

Source: 6 SDR 25, effective September 24, 1979; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-18-7.2.

5:02:05:21. Affirmation of inactive voter's address. The form to affirm an inactive voter's current address is the voter registration form prescribed in § 5:02:03:01.

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-18-7.4.

5:02:05:22. Provisional ballot envelope. The provisional ballot envelope shall be blue and in the following form:

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 county auditor:

My name is _____, I reside at _____, my mailing address is _____, my date of birth is _____, my South Dakota 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 and 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.

5:02:05:23. Notice to provisional voter. The notice handed to a provisional voter shall be in the following form:

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.

Source: 29 SDR 177, effective July 2, 2003.

General Authority: SDCL 12-1-9(3), 12-18-40, 12-20-13.4.

Law Implemented: SDCL 12-1-9(3), 12-18-40, 12-20-13.4.

5:02:05:24. Notice of provisional ballot determination. The notice sent to the mailing address of a person who has cast a provisional ballot shall contain:

- (1) Voter's name;
- (2) Voter's mailing address;
- (3) Election at which the ballot was cast;
- (4) Whether the ballot was counted;
- (5) If the ballot was not counted, the reason why it was not counted; and
- (6) A telephone number for further information.

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.

Source: 29 SDR 177, effective July 2, 2003; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 12-20-13.4.

Law Implemented: SDCL 12-20-13.4, 12-20-31.

5:02:05:25. Personal identification affidavit. The personal identification affidavit to be signed by a voter at the polling place who does not have personal identification shall be in the following form:

I declare, under penalty of perjury, that my name is listed as _____ on the official voter registration list, that I am that person, and that I currently reside at _____. The maximum penalty for perjury is 2 years imprisonment and a \$4,000 fine.

Dated _____ Voter signature _____

Source: 29 SDR 177, effective July 2, 2003; 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-18-6.2.

Law Implemented: SDCL 12-18-6.2.

5:02:05:26. Polling place voter identification sign. Voter identification signs must be posted at each polling place. A sign must be posted at each entrance to the polling place which is used by voters. In addition a voter identification sign must be posted in the voting area for each precinct voting at a polling place. The type size of the sign must be a minimum of 36 point type. The language of the sign, shall be in the following form:

Please Read

To vote, you must either:

- Present a photo ID, or if not able to do so,
- Sign an affidavit which will be given to you.

Accepted forms of photo identification include any one of the following:

- A SD driver license or nondriver ID card; or
- A US government photo ID; or
- A tribal photo ID; or
- A current student photo ID from a SD high school or SD accredited institution of higher education.

Source: 31 SDR 35, effective September 23, 2004; 32 SDR 225, effective July 3, 2006.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-18-6.1, 12-18-6.2.

CHAPTER 5:02:06 - BALLOT FORMS AND COLOR

| | |
|---------------|---|
| Section | |
| 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 | Repealed. |
| 5:02:06:02.01 | Repealed. |
| 5:02:06:02.02 | Repealed. |
| 5:02:06:02.03 | Repealed. |
| 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 | Repealed. |
| 5:02:06:04.01 | Initiated measures and referred laws. |
| 5:02:06:05 | Repealed. |
| 5:02:06:05.01 | Repealed. |
| 5:02:06:06 | Repealed. |
| 5:02:06:06.01 | Repealed. |
| 5:02:06:07 | Transferred. |
| 5:02:06:07.01 | Transferred. |
| 5:02:06:08 | Sample ballots. |
| 5:02:06:09 | Party precinct committeeman and committeewoman. |
| 5:02:06:10 | Primary ballot. |
| 5:02:06:10.01 | Repealed. |
| 5:02:06:10.02 | Repealed. |
| 5:02:06:10.03 | Primary election ballot for ballot marking device. |
| 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. |
| 5:02:06:24 | Alternate optical scan ballot. |
| 5:02:06:25 | County questions election. |

5:02:06:01. General election. The general election ballot must be white and must be in the following form, as applicable:

| OFFICIAL GENERAL ELECTION BALLOT | | |
|--|--|---|
| November _____ | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | | |
| For Presidential Electors You may vote for one slate or leave it blank. | For Secretary of State You may vote for one or leave it blank. | For State Senator, District __ You may vote for one or leave it blank. |
| <input type="radio"/> Doe & Roe Electors Party Label John Hall Jane Smith Pat Jones | <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| <input type="radio"/> Lee & Jones Electors Party Label Jill Doe John Doe Shannon McGee | For Attorney General You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | For State Representatives, District __ You may vote for up to two or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Party Label <input type="radio"/> Jill Doe Party Label |
| <input type="radio"/> Hill & Hall Electors Independent Bill Smith June Johnson Kim Olson | For State Auditor You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | <input type="radio"/> Shannon McGee Independent <input type="radio"/> Bill Smith Independent For State Representative, District __ You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | | |
| For United States Senator You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | For State Treasurer You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent For County Treasurer You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| For United States Representative You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | For Commissioner of School and Public Lands You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | <input type="radio"/> Pat Jones Independent For County Auditor You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| For Governor and Lieutenant Governor To be elected as a team, you may vote for one or leave it blank. <input type="radio"/> John Doe Party Label for Governor and Jane Doe for Lieutenant Governor <input type="radio"/> Pat Jones Party Label for Governor and Kim Olson for Lieutenant Governor <input type="radio"/> Mary Johnson Independent for Governor and Shannon McGee for Lieutenant Governor | For Public Utilities Commissioner You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | For States Attorney You may vote for one or leave it blank. <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| Go to top of next column | Go to top of next column | Turn Page |

| November __, ____ | County, South Dakota | INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 |
|---|--|---|
| For Sheriff You may vote for one or leave it blank. | NONPOLITICAL BALLOT | Constitutional Amendment(s) |
| <input type="radio"/> John Doe Party Label | Supreme Court Justice Retention Vote on each justice. Shall the justice(s) of the Supreme Court named on this ballot, whose term(s) expire(s) (date), be retained in office? | The following amendment(s) to the State Constitution (is/are) submitted to the voters by (the Legislature/petition). The amendment(s) will not become effective unless approved by majority vote. |
| <input type="radio"/> Jane Smith Party Label | Justice John Doe , representing the ___ Supreme Court District | Constitutional Amendment A |
| <input type="radio"/> Pat Jones Independent | <input type="radio"/> Yes <input type="radio"/> No | Title: |
| For Register of Deeds You may vote for one or leave it blank. | Justice John Doe , representing the ___ Supreme Court District | Attorney General Explanation: |
| <input type="radio"/> John Doe Party Label | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes |
| <input type="radio"/> Jane Smith Party Label | | <input type="radio"/> No |
| <input type="radio"/> Pat Jones Independent | Judge of the Circuit Court For ___ Circuit, Position __, you may vote for one or leave it blank | Initiated Measure(s) The following initiated measure(s) (was/were) proposed by petition for submission to the voters. Th(is/ese) initiated measure(s) will not become effective unless approved by majority vote. |
| For Coroner You may vote for one or leave it blank. | <input type="radio"/> John Doe <input type="radio"/> Jane Smith | Initiated Measure 1 |
| <input type="radio"/> John Doe Party Label | | Title: |
| <input type="radio"/> Jane Smith Party Label | | Attorney General Explanation: |
| <input type="radio"/> Pat Jones Independent | Water Development District For ___ Water Development District Director, Area ____, you may vote for one or leave it blank | <input type="radio"/> Yes |
| For County Commissioner, District __ You may vote for one or leave it blank. | <input type="radio"/> John Doe | <input type="radio"/> No |
| <input type="radio"/> John Doe Party Label | | Referred Law(s) The following law(s) (was/were) adopted by the Legislature and referred to the voters by petition. Th(is/ese) law(s) will not become effective unless approved by majority vote. |
| <input type="radio"/> Jane Smith Party Label | <input type="radio"/> Jane Smith | Referred Law 2 |
| <input type="radio"/> Pat Jones Independent | Heartland Consumers Power District For Subdivision No. ___ Director, you may vote for one or leave it blank | Title: |
| For County Commissioner At Large You may vote for up to __ or leave it blank. | <input type="radio"/> John Doe <input type="radio"/> Jane Smith | Attorney General Explanation: |
| <input type="radio"/> John Doe Party Label | | <input type="radio"/> Yes |
| <input type="radio"/> Jane Smith Party Label | | <input type="radio"/> No |
| <input type="radio"/> Pat Jones Party Label | | |
| <input type="radio"/> Jill Doe Party Label | | |
| <input type="radio"/> Shannon McGee Independent | | |
| <input type="radio"/> Kim Olson Independent | | |
| Go to top of next column | Go to top of next column | Turn Page |

Printing note: The top right corner of the front side of each ballot must be cut off approximately as indicated by the dashed line on the ballot form. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 19 SDR 12, effective August 5, 1992; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 36 SDR 209, effective June 30, 2010; 42 SDR 15, effective August 11, 2015; 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 12-16-2.1, 12-16-9, 12-16-10.

5:02:06:01.01. Constitutional amendments. All constitutional amendments proposed by the Legislature or initiated by the people shall be printed on the general election optical scan ballot.

Source: 6 SDR 123, effective July 2, 1980; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 12-13-11, 12-16-2.1.

5:02:06:01.02. Optical scan ballot instructions. The instructions to voters found on optical scan ballots shall be enclosed in a box. The appropriate instructions shall be placed at the top of the first column containing presidential electors (subdivision 1 and 8) or presidential delegates and alternates (subdivision 2 or 3 and 8), at the beginning of the portion containing other candidates (subdivision 4 and 8) and at the beginning of the portion containing ballot questions (subdivision 5 and 8). The instructions for all elections must be in the following form without the subdivision numbers:

- (1) To vote for a group of presidential electors FILL IN (Bold) the oval (●) next to the names.
- (2) If the delegates and alternates are printed on the ballot use: To vote for a group of presidential delegates and alternates FILL IN (Bold) the oval (●) next to the names.
- (3) If the political party does not have the delegates and alternates on the ballot use: To vote for a person FILL IN (Bold) the oval (●) next to the name.
- (4) To vote for a person FILL IN (Bold) the oval (●) next to the name.
- (5) To vote on a ballot question FILL IN (Bold) the oval (●) next to "yes" or "no".
- (6) Use only a pencil or pen.
- (7) If you make a mistake, give the ballot back and get a new one.
- (8) DO NOT (Bold) cast more votes than are allowed in each race.

Printers note: Subdivisions 6 and 7 shall be included in the first instruction box only. If the ballot has columns, the words "Go to top of next column" shall be printed on the bottom of any column preceding each column to be voted. If the ballot has races on the back side, the words "Turn page" shall be printed in the lower right corner.

Source: 22 SDR 95, effective January 18, 1996; 23 SDR 236, effective July 17, 1997; 26 SDR 168, effective June 25, 2000; 28 SDR 99, effective January 17, 2002; 29 SDR 113, effective January 30, 2003; 29 SDR 177, effective July 2, 2003; 31 SDR 35, effective September 23, 2004; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007; 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 12-16-9.

5:02:06:01.03. Optical scan ballot political party notation. The full name of each candidate's political party shall be printed next to or below the candidate's name on optical scan general election ballots.

Source: 29 SDR 177, effective July 2, 2003.

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

Law Implemented: SDCL 12-16-9.

5:02:06:01.04. General election ballot for ballot marking device. If a ballot marking device uses an activation card ballot, the general election ballot shall be white and shall be in the following form, as applicable:

This ballot marking device will print only the selections the voter makes on the machine in the format below. If the voter does not make a selection on a race or ballot measure the words "No Selection Made" will be printed on the ballot next to that race or ballot measure.

11111111111111111111111111111111
00000001

OFFICIAL GENERAL ELECTION BALLOT

COUNTY, SOUTH DAKOTA
NOVEMBER ____, _____
PRECINCT _____

PRESIDENTIAL ELECTORS-----
PARTY LABEL CANDIDATE & CANDIDATE ELECTORS
ELECTOR A, ELECTOR B,
ELECTOR C
UNITED STATES SENATOR-----
PARTY LABEL CANDIDATE
NAME
UNITED STATES REPRESENTATIVE-----

PARTY LABEL CANDIDATE

NAME

GOVERNOR AND LIEUTENANT GOVERNOR-----

PARTY LABEL CANDIDATE NAME FOR GOVERNOR

CANDIDATE NAME FOR LIEUTENANT GOVERNOR

SECRETARY OF STATE-----

PARTY LABEL

CANDIDATE NAME

ATTORNEY GENERAL-----

PARTY LABEL

CANDIDATE NAME

STATE AUDITOR-----

PARTY LABEL

CANDIDATE NAME

STATE TREASURER-----

PARTY LABEL

CANDIDATE NAME

COMMISSIONER OF SCHOOL AND PUBLIC LANDS-----

PARTY LABEL

CANDIDATE NAME

PUBLIC UTILITIES COMMISSIONER-----

PARTY LABEL

CANDIDATE NAME

STATE SENATOR, DISTRICT ____-----

PARTY LABEL

CANDIDATE NAME

STATE REPRESENTATIVE, DISTRICT ____-----

PARTY LABEL

CANDIDATE NAME

STATE REPRESENTATIVE, DISTRICT ____ (A or B)-----

PARTY LABEL

CANDIDATE NAME

(COUNTY TREASURER) or (COUNTY FINANCE OFFICER)-----

PARTY LABEL

CANDIDATE NAME

(COUNTY AUDITOR) or (COUNTY FINANCE OFFICER)-----

PARTY LABEL

CANDIDATE NAME

STATES ATT(ORNEY)-----

PARTY LABEL

CANDIDATE NAME

SHERIFF-----

PARTY LABEL

CANDIDATE NAME

REGISTER OF DEEDS-----

CANDIDATE NAME
CORONER-----
PARTY LABEL

CANDIDATE NAME
COUNTY COMMISSIONER, DISTRICT ____ -----
PARTY LABEL

CANDIDATE NAME
COUNTY COMMISSIONER AT LARGE-----
PARTY LABEL

CANDIDATE NAME
SUPREME COURT JUSTICE RETENTION - CANDIDATE NAME

YES OR NO
JUDGE OF THE CIRCUIT COURT, ____ CIRCUIT, POSITION ____

CANDIDATE NAME
NAME WATER DEVELOPMENT DISTRICT DIRECTOR, AREA ____

CANDIDATE NAME
HEARTLAND CONSUMERS POWER DISTRICT,
SUBDIVISION# ____ DIRECTOR-----

CANDIDATE NAME
NAME CONSERVATION DISTRICT SUPERVISOR-----

CANDIDATE NAME
CONSTITUTIONAL AMENDMENT A-----

YES OR NO
INITIATED MEASURE 1-----

YES OR NO
REFERRED LAW 2-----

YES OR NO

OFFICIAL GENERAL ELECTION BALLOT

____ COUNTY, SOUTH DAKOTA

NOVEMBER ____, _____

PRECINCT _____

Printing notes: The top right corner of the front side of each ballot must be cut off approximately one half inch from the right and top of the ballot. The person in charge of the election shall instruct the election worker to place the ballot stamp on the reverse side of the ballot.

The ballot style specific activation bar code and associated number must be preprinted at the top left of the ballot and the election name, date of the election, county, state, and precinct name/number must be printed at the bottom of the ballot on 4.25" wide, white thermal ballot paper prior to being distributed to the polling location.

County Auditor/County Finance Officer Notes Printing Notes: The pre-printing requirements above are only waived for a county that uses the ExpressVote and the ExpressLink ballot printer for in-person absentee voting in the county auditor's office. The county auditor will purchase blank white thermal ballot paper. The auditor or auditor's staff shall use the ExpressLink ballot printer to print the following on the blank white thermal ballot paper prior to distributing a ballot to a voter: the activation barcode and ballot style number, the words Official General Election Ballot, date of the election, county, state, and precinct name/number. This information must be printed on the top left of the ballot.

Source: 44 SDR 17, effective August 8, 2017.

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

Law Implemented: SDCL 12-16-2.1, 12-16-9, 12-16-10.

5:02:06:02. Constitutional amendments proposed by Legislature -- Title. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 6 SDR 123, effective July 2, 1980; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:02.01. Constitutional amendments proposed by Legislature -- Recitation of effect of yes or no vote. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 123, effective July 2, 1980; 8 SDR 24, effective September 16, 1981; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:02.02. Initiated constitutional amendment -- Title. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; transferred from § 5:02:06:07, 6 SDR 123, effective July 2, 1980; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:02.03. Initiated constitutional amendment -- Recitation of effect of yes or no vote. Repealed.

Source: 2 SDR 46, effective December 30, 1975; transferred from § 5:02:06:07.01, 6 SDR 123, effective July 2, 1980; 8 SDR 24, effective September 16, 1981; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:03. Judiciary. The judiciary ballots must be buff or tan and must be in the following form:

OFFICIAL NONPOLITICAL JUDICIARY BALLOT
_____ County, 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 JUDGE OF THE CIRCUIT COURT
_____ Circuit, Position _____

You may vote for one or leave it blank

- John Jones
- Joan Ray

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 4 SDR 26, effective October 27, 1977; 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; 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; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-9-13, 12-16-2.1.

5:02:06:03.01. Supreme Court justice retention ballot. Repealed.

Source: 10 SDR 27, effective September 26, 1983; 19 SDR 12, effective August 5, 1992; 32 SDR 225, effective July 3, 2006; repealed, 33 SDR 230, effective July 1, 2007.

5:02:06:03.02. Deadline for request to be on retention ballot. By the first Tuesday in August, an incumbent justice of the Supreme Court shall request the secretary of state to place the justice's name on the Supreme Court justice retention ballot.

Source: 10 SDR 27, effective September 26, 1983.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 16-1-2.

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

Source: 2 SDR 5, effective July 30, 1975; repealed, 35 SDR 306, effective July 1, 2009.

5:02:06:04.01. Initiated measures and referred laws. All measures initiated or laws referred by the people statewide shall be printed on the general election optical scan ballot. If a county ballot question is not placed on an optical scan ballot, the instructions to the voter must be in the following form: To vote use a cross (X) or check mark (✓) in the square next to "yes" or "no."

Source: 6 SDR 123, effective July 2, 1980; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 12-13-11, 12-16-2.1.

5:02:06:05. Initiated measures -- Title. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 6 SDR 123, effective July 2, 1980; 16 SDR 203, effective May 28, 1990; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:05.01. Initiated measures -- Recitation of effect of yes or no vote. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 123, effective July 2, 1980; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:06. Referred laws -- Title. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 2 SDR 46, effective December 30, 1975; 6 SDR 123, effective July 2, 1980; 16 SDR 20, effective August 10, 1989; repealed, 21 SDR 77, effective October 24, 1994.

5:02:06:06.01. Referred laws -- Recitation of effect of yes or no vote. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 123, effective July 2, 1980; repealed, 21 SDR 77, effective October 24, 1994.

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. All sample ballots shall be canary yellow in color.

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-2.1.

5:02:06:09. Party precinct committeeman and committeewoman. The official primary ballot for precinct committeeman and committeewoman must be in the following form:

_____ **PARTY**
_____ Precinct, _____ County, South Dakota,
June _____, _____

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 precinct committeeman, you may vote for one or leave it blank

- John Doe
- Richard Roe

For precinct committeewoman, you may vote for one or leave it blank

- Jane Doe
- Mary Roe

Source: 2 SDR 46, effective December 30, 1975; 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 12-5-8.

5:02:06:10. Primary ballot. The primary election ballot must have a blue indicator for the Democratic Party, white for the Republican Party, and a different color as certified by the Secretary of State for any other party. The ballot must be in one of the following forms, as applicable:

Hand counted paper ballots may only be used if there is no federal race on the ballot and must be in the following form, as applicable:

_____ **PARTY**
OFFICIAL PRIMARY ELECTION BALLOT
 _____ **COUNTY, SOUTH DAKOTA**
JUNE _____, _____

To vote use a cross (X) or a check mark (✓) in the square in front of the name. DO NOT cast more votes than are allowed in each race.

For Governor, you may vote for one or leave it blank

- _____
- _____

For State Senator, District _____, you may vote for one or leave it blank

- _____
- _____

For State Representative, District _____, (you may vote for up to two or leave it blank) or (you may vote for one or leave it blank)

- _____
- _____

For County Treasurer, you may vote for one or leave it blank

- _____
- _____

For County Auditor, you may vote for one or leave it blank

- _____
- _____

For States Attorney, you may vote for one or leave it blank

- _____
- _____

For Sheriff, you may vote for one or leave it blank

- _____
- _____

For Register of Deeds, you may vote for one or leave it blank

- _____
- _____

For Coroner, you may vote for one or leave it blank

- _____
- _____

For County Commissioner, District _____, you may vote for one or leave it blank

- _____
- _____

For County Commissioner at Large, you may vote for up to _____ or leave it blank

- _____
- _____

For Delegates to State Convention, you may vote for up to _____ or leave it blank

- _____
- _____

For Precinct Committeeman, you may vote for one or leave it blank

- _____
- _____

For Precinct Committeewoman, you may vote for one or leave it blank

- _____
- _____

If there is a federal race on the ballot, an optical scan ballot must be used and in the following format, as applicable:

| OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT | | (Ballot Stamp) |
|--|---|---|
| June _____ | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | For Governor You may vote for one or leave it blank. | For States Attorney You may vote for one or leave it blank. |
| For Presidential Delegates and Alternates You may vote for one slate or leave it blank. | | |
| <input type="radio"/> Candidates preferring John Hall for President | <input type="radio"/> John Doe | <input type="radio"/> John Doe |
| Delegates: John Doe | <input type="radio"/> Jane Smith | <input type="radio"/> Jane Smith |
| Jane Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Pat Jones |
| Pat Jones | | |
| Alternates: John Doe | For State Senator, District ____ You may vote for one or leave it blank. | For Sheriff You may vote for one or leave it blank. |
| Jane Doe | <input type="radio"/> John Doe | <input type="radio"/> John Doe |
| Pat Jones | <input type="radio"/> Jane Smith | <input type="radio"/> Jane Smith |
| Alternates: John Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Pat Jones |
| Jane Doe | | |
| Pat Jones | | |
| <input type="radio"/> Candidates preferring | For State Representatives, District ____ You may vote for up to two or leave it blank. | For Register of Deeds You may vote for one or leave it blank. |
| Jane Smith for President | <input type="radio"/> John Doe | <input type="radio"/> John Doe |
| Delegates: John Doe | <input type="radio"/> Jane Smith | <input type="radio"/> Jane Smith |
| Jane Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Pat Jones |
| Pat Jones | <input type="radio"/> Jill Doe | For Coroner You may vote for one or leave it blank. |
| Alternates: John Doe | <input type="radio"/> Shannon McGee | <input type="radio"/> John Doe |
| Jane Doe | <input type="radio"/> Bill Smith | <input type="radio"/> Jane Smith |
| Pat Jones | For State Representative, District ____ | <input type="radio"/> Pat Jones |
| Alternates: John Doe | <input type="radio"/> John Doe | For County Commissioner, District ____ You may vote for one or leave it blank. |
| Jane Doe | <input type="radio"/> Jane Smith | <input type="radio"/> John Doe |
| Pat Jones | <input type="radio"/> Pat Jones | <input type="radio"/> Jane Smith |
| <input type="radio"/> Candidates preferring | For County Treasurer You may vote for one or leave it blank. | <input type="radio"/> Pat Jones |
| Pat Jones for President | <input type="radio"/> John Doe | |
| Delegates: John Doe | <input type="radio"/> Jane Smith | For County Commissioner At Large You may vote for up to ____ or leave it blank. |
| Jane Doe | <input type="radio"/> Pat Jones | <input type="radio"/> John Doe |
| Pat Jones | | <input type="radio"/> Jane Smith |
| Alternates: John Doe | For County Auditor You may vote for one or leave it blank. | <input type="radio"/> Pat Jones |
| Jane Doe | <input type="radio"/> John Doe | <input type="radio"/> Jill Doe |
| Pat Jones | <input type="radio"/> Jane Smith | <input type="radio"/> Shannon McGee |
| Alternates: John Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Kim Olson |
| Jane Doe | | |
| Pat Jones | | |
| Go to top of next column | Go to top of next column | Turn Page |

| | | |
|---|--|--|
| June _____ | County, South Dakota | INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 |
| For Delegates to State Convention You may vote for up to ___ or leave it blank. <input type="radio"/> John Doe _____ | Heartland Consumers Power District For Subdivision No. _____ Director, you may vote for one or leave it blank <input type="radio"/> John Doe _____ | County Initiated Ordinance(s) The following initiated ordinance(s) (was/were) proposed by petition for submission to the voters. Th(is/ese) initiated ordinance(s) will not become effective unless approved by majority vote. |
| <input type="radio"/> Jane Smith _____ | <input type="radio"/> Jane Smith _____ | Initiated Measure 1 |
| <input type="radio"/> Pat Jones _____ | _____ | Title: _____ |
| <input type="radio"/> Jill Doe _____ | School District For School Board Member, ___ year term You may vote for up to ___ or leave it blank. | States Attorney Explanation: |
| <input type="radio"/> Shannon McGee _____ | <input type="radio"/> John Doe _____ | <input type="radio"/> Yes <input type="radio"/> No |
| <input type="radio"/> Kim Olson _____ | <input type="radio"/> Jane Smith _____ | County Referred Ordinance(s) |
| _____ | _____ | The following ordinance(s) (was/were) adopted by the County Commission and referred to the voters by petition. Th(is/ese) ordinance(s) will not become effective unless approved by majority vote. |
| For Precinct Committeeman You may vote for one or leave it blank. | <input type="radio"/> Pat Jones _____ | Referred Law 2 |
| <input type="radio"/> John Doe _____ | <input type="radio"/> Jill Doe _____ | Title: _____ |
| <input type="radio"/> Jim Smith _____ | <input type="radio"/> Shannon McGee _____ | States Attorney: |
| <input type="radio"/> Pat Jones _____ | <input type="radio"/> Kim Olson _____ | <input type="radio"/> Yes <input type="radio"/> No |
| For Precinct Committeewoman You may vote for one or leave it blank. | City of _____ For Mayor You may vote for one or leave it blank. | Municipal Initiated Ordinance(s) |
| <input type="radio"/> Joleen Doe _____ | <input type="radio"/> John Doe _____ | (was/were) proposed by petition for Initiated Measure 1 |
| <input type="radio"/> Jane Smith _____ | <input type="radio"/> Jim Smith _____ | Title: _____ |
| <input type="radio"/> Patricia Jones _____ | <input type="radio"/> Pat Jones _____ | City Attorney Explanation: |
| NONPOLITICAL BALLOT | For City Commission, ___ year term You may vote for up to ___ or leave it blank. | <input type="radio"/> Yes <input type="radio"/> No |
| Judge of the Circuit Court _____ | <input type="radio"/> John Doe <input type="radio"/> Jane Smith _____ | Municipal Referred Ordinance(s) |
| For _____ Circuit, Position ____, you may vote for one or leave it blank | _____ | The following ordinance(s) (was/were) adopted by the City Council and referred to the voters by petition. Th(is/ese) ordinance(s) will not become effective unless approved by majority vote. |
| <input type="radio"/> John Doe _____ | <input type="radio"/> Pat Jones _____ | Referred Law 2 |
| <input type="radio"/> Jane Smith _____ | <input type="radio"/> Jill Doe _____ | Title: _____ |
| Water Development District For _____ Water Development District Director, Area _____, you may vote for one or leave it blank | <input type="radio"/> Shannon McGee _____ | City Attorney Explanation: |
| <input type="radio"/> John Doe _____ | <input type="radio"/> Kim Olson _____ | <input type="radio"/> Yes <input type="radio"/> No |
| <input type="radio"/> Jane Smith _____ | _____ | _____ |
| Go to top of next column | Go to top of next column | Turn Page |

If the political party does not print the delegates and alternates for the presidential race on the ballot you will use this format for that race:

| OFFICIAL PARTY PRIMARY ELECTION BALLOT | |
|---|---|
| June | County, South Dakota |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | For Governor You may vote for <u>one</u> or leave it blank. |
| For Delegates to Support a Presidential Candidate You may vote for one or leave it blank. | |
| <input type="radio"/> Delegates to support Pat Jones | |
| <input type="radio"/> Delegates to support John Doe | |

Printing note: For county commissioners at large or delegates to state convention, use the correct number designations for the number of candidates to be elected. For state representative, use the correct "vote for" phrase for the number to be elected. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 85, effective June 14, 1978; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 31, effective October 1, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1987; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 32 SDR 225, effective July 3, 2006; 35 SDR 48, effective September 8, 2008; 36 SDR 209, effective June 30, 2010; 42 SDR 178, effective July 1, 2016.

General Authority: SDCL [12-1-9\(2\)](#).

Law Implemented: SDCL [12-6-14](#), [12-16-2.1](#), [12-5-3.11](#).

5:02:06:10.01. Presidential preference primary. Repealed.

Code Commission Note: This rule was repealed by SL 1980, ch 113, §§ 1 to 10, inclusive.

5:02:06:10.02. Presidential primary. Repealed.

Source: 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 23 SDR 236, effective July 17, 1997; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; repealed, 35 SDR 48, effective September 8, 2008.

5:02:06:10.03. Primary election ballot for ballot marking device. If a ballot marking device uses an activation card ballot, the primary election ballot must have a blue indicator for the Democratic Party, white for the Republican Party, tan for non-political and a different color as certified by the Secretary of State for any other party which must be printed at the bottom of the

front side of the ballot. The primary election ballot shall be white and in the following form, as applicable:

This ballot marking device will print only the selections the voter makes on the machine in the format below. If the voter does not make a selection on a race or ballot measure the words "No Selection Made" will be printed on the ballot next to that race or ballot measure.

11111111111111111111111111111111
 00000001

 OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT
 JUNE _____, _____
 _____ COUNTY, SOUTH DAKOTA
 PRECINCT _____

| | |
|---|----------------|
| PRESIDENTIAL DELEGATES AND ALTERNATES----- | |
| CANDIDATES PREFERRING CANDIDATE A FOR PRESIDENT | |
| DELEGATE A, DELEGATE B, DELEGATE C, | |
| ALTERNATE A, ALTERNATE B, ALTERNATE C | |
| DELEGATES TO SUPPORT A PRESIDENTIAL CANDIDATE----- | |
| DELEGATES TO SUPPORT CANDIDATE A | |
| UNITED STATES SENATOR----- | CANDIDATE NAME |
| UNITED STATES REPRESENTATIVE----- | CANDIDATE NAME |
| GOVERNOR----- | CANDIDATE NAME |
| STATE SENATOR, DISTRICT _____ | CANDIDATE NAME |
| STATE REPRESENTATIVE, DISTRICT _____ | CANDIDATE NAME |
| STATE REPRESENTATIVE, DISTRICT _____ (A or B) | CANDIDATE NAME |
| (COUNTY TREASURER) or (COUNTY FINANCE OFFICER)----- | CANDIDATE NAME |
| (COUNTY AUDITOR) or (COUNTY FINANCE OFFICER)----- | CANDIDATE NAME |
| STATES ATTORNEY----- | CANDIDATE NAME |
| SHERIFF----- | CANDIDATE NAME |
| REGISTER OF DEEDS----- | CANDIDATE NAME |
| CORONER ----- | CANDIDATE NAME |
| COUNTY COMMISSIONER, DISTRICT _____ | CANDIDATE NAME |

| | |
|--|----------------|
| COUNTY COMMISSIONER AT LARGE----- | CANDIDATE NAME |
| DELEGATES TO STATE CONVENTION----- | CANDIDATE NAME |
| PRECINCT COMMITTEEMAN----- | CANDIDATE NAME |
| PRECINCT COMMITTEEWOMAN----- | CANDIDATE NAME |
| JUDGE OF THE CIRCUIT COURT ___ CIRCUIT, POSITION _____ | CANDIDATE NAME |
| NAME WATER DEVELOPMENT DISTRICT DIRECTOR, AREA _____ | CANDIDATE NAME |
| HEARTLAND CONSUMERS POWER DISTRICT, SUBDIVISION # ___ DIRECTOR----- | CANDIDATE NAME |
| SCHOOL BOARD MEMBER, ___ YEAR TERM----- | CANDIDATE NAME |
| MAYOR----- | CANDIDATE NAME |
| CITY COMMISSION, _____ YEAR TERM----- | CANDIDATE NAME |
| COUNTY INITIATED MEASURE 1----- | YES OR NO |
| COUNTY REFERRED LAW 2----- | YES OR NO |

OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT
 _____ COUNTY, SOUTH DAKOTA
 JUNE ____, _____
 PRECINCT _____

Printing note: The top right corner of the front side of each ballot must be cut off approximately one half inch from the right and top of the ballot. The person in charge of the election shall instruct the election worker to place the ballot stamp on the reverse side of the ballot.

The ballot style specific activation bar code and associated number must be preprinted at the top left of the ballot and the official election name, date of the election, county, state, precinct name/number, and party color indicator (as prescribed in § 5:02:06:10) must be printed at the bottom of the ballot on 4.25" wide, white thermal ballot paper prior to being distributed to the polling location.

County Auditor/County Finance Officer Notes: The pre-printing language requirements above are only waived for a county that uses the ExpressVote and the ExpressLink ballot printer for in-person absentee voting in the county auditor's office. The county auditor will purchase blank white thermal ballot paper with the party color indicator (as prescribed in

§ 5:02:06:10). The auditor or auditor's staff shall use the ExpressLink ballot printer to print the following on the blank white thermal ballot paper prior to distributing a ballot to a voter during absentee voting: the activation barcode and ballot style number, the words Official Party Primary Election Ballot, date of the election, county, state, and precinct name/number. This information must be printed on the top left of the ballot.

Source: 44 SDR 17, effective August 8, 2017; 45 SDR 9, effective July 30, 2018.

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

Law Implemented: SDCL 12-5-3.11, 12-6-4, 12-16-2.1.

5:02:06:11. Primary ballot for highway board members. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; repealed, 10 SDR 27, effective September 26, 1983.

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 a 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, City Council, Alderman, Trustee), ____ year term, you may vote for up to ____ or leave it blank

- John Doe
- Richard Roe
- John Smith

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

- John Doe
- Richard Roe

For City Council at Large, ____ year term, you may vote for up to ____ or leave it blank

- John Doe

- Richard Roe
- John Smith

For City Council at Large, _____ 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; 35 SDR 306, effective July 1, 2009; 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 9-13-21.

5:02:06:13. Municipal questions election. The municipal questions ballot must be white and must be in the following form:

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

The following (initiated measure or referred ordinance or referred resolution) was proposed by petition for submission to the voters. This (initiated measure or referred ordinance or referred resolution) will not become effective unless approved by majority vote.

Title: (HERE LIST TITLE OF INITIATIVE OR REFERENDUM TO BE VOTED ON)

City Attorney Explanation: (HERE LIST CITY 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 (change city ordinance) (adopt the ordinance) (adopt the resolution).

No A vote "No" will (leave the city ordinance as it is) (not adopt the ordinance) (not adopt the resolution).

Source: 4 SDR 26, effective October 27, 1977; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 20 SDR 4, effective July 19, 1993; 28 SDR 99, effective January 17, 2002; 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 9-20-13.

5:02:06:14. Municipal bond election. The municipal bond election ballot shall be white and shall be in the following form:

**OFFICIAL BALLOT
BOND ELECTION
CITY OF _____, SOUTH DAKOTA
_____, 20____**

Shall the City of _____ South Dakota, issue bonds in an amount not exceeding \$ _____ for the purpose of

(State the purpose for which the bonds will be issued and other information as the governing body may determine)

INSTRUCTIONS TO VOTERS: Place a cross (X) or check mark (✓) in the square preceding "Yes" or "No." A vote "yes" is in favor of issuing the bonds and a vote "no" is against the issuing of bonds.

- YES Shall the above proposition be approved and the bonds issued?
- NO

Source: 4 SDR 26, effective October 27, 1977; 14 SDR 19, effective August 9, 1987.
General Authority: SDCL 12-1-9.
Law Implemented: SDCL 6-8B-5.

5:02:06:15. School board election. The school board election ballot must be white and must be in the following form:

**OFFICIAL SCHOOL BOARD ELECTION BALLOT
_____ SCHOOL DISTRICT NO. _____, SOUTH DAKOTA
(Election Date)**

To vote use a cross (X) or a check mark (✓) in the square in front of the name. DO NOT cast more votes than are allowed in each race.

For School Board Member _____ year term, you may vote for up to _____ or leave it blank

- John Doe
- Richard Roe
- John Smith

Source: 4 SDR 26, effective October 27, 1977; 14 SDR 19, effective August 9, 1987; 22 SDR 95, effective January 18, 1996; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 36 SDR 209, effective June 30, 2010.
General Authority: SDCL 12-1-9(2).
Law Implemented: SDCL 13-7-13.

5:02:06:16. Ballot for increasing or decreasing number of school board members. The ballot for increasing or decreasing the number of school board members shall be white and shall be in the following form:

OFFICIAL BALLOT
 _____ **SCHOOL DISTRICT NO.** _____
 _____, **South Dakota**
 _____, _____

The following question is brought before the voters for their acceptance or rejection. To vote use a cross (X) or check mark(✓) in the square next to "For" or "Against".

- For (increasing, decreasing) the number of school board members from _____ to _____.
- Against (increasing, decreasing) the number of school board members from _____ to _____.

Source: 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 31 SDR 35, effective September 23, 2004.

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

Law Implemented: SDCL 13-8-3.

5:02:06:17. Ballot for statewide secondary election. The ballot for a statewide secondary election shall be in the same form prescribed in 5:02:06:10. The form may only include the races to be voted upon. The heading shall state "OFFICIAL SECONDARY ELECTION BALLOT".

Source: 12 SDR 43, effective September 23, 1985; 25 SDR 8, effective August 3, 1998; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 32 SDR 225, effective July 3, 2006; 40 SDR 40, effective September 9, 2013.

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

Law Implemented: SDCL 12-6-51.1.

5:02:06:18. Colors of ballots for combined elections. When more than one ballot is voted in municipal, school district, or combined elections, white shall be used for one of the ballots and contrasting colors may be used for other ballots.

Source: 12 SDR 43, effective September 23, 1985; 26 SDR 168, effective June 25, 2000.

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

Law Implemented: SDCL 9-13-1.1, 13-7-10.1.

5:02:06:19. Nonpolitical consumers power district election. The nonpolitical consumers power district election ballot must be green and must be in the following form:

OFFICIAL NONPOLITICAL CONSUMERS POWER DISTRICT BALLOT
_____ County, 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 Director, District _____, _____ Consumers Power District, you may vote for one or leave it blank:

- George Watt
- Bill Ohm

Source: 16 SDR 20, effective August 10, 1989; 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 49-36-1, 49-36-1.8.

5:02:06:20. Tax levy opt-out ballot. The tax levy opt-out ballot must be white and in the following form:

OFFICIAL TAX LEVY OPT-OUT ELECTION BALLOT
_____, SOUTH DAKOTA
(Election Date)

The following tax levy opt-out was passed by the governing body and submitted to the voters. The tax levy opt-out will not become effective unless approved by majority vote.

(HERE LIST THE AMOUNT AND TERMS OF THE INCREASED TAX LEVY)

To vote use a cross (X) or check mark (✓) in the square in front of "Yes" or "No".

- Yes A vote "Yes" will increase the tax levy by the amount of the opt-out.
- No A vote "No" will leave the tax levy as it is without the amount of the

opt-out.

Source: 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 10-12-43, 10-13-36.

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) (sixty percent of votes cast).

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: 35 SDR 306, effective July 1, 2009; 36 SDR 112, effective January 11, 2010.

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

Law Implemented: SDCL 6-16-5, 6-16-5.1, 46A-18-20.

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: 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 13-6-43.

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: 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 34A-5-20.

5:02:06:24. Alternate optical scan ballot. The person in charge of the election, when utilizing an optical scan ballot and vote centers may designate the ballot style on the ballot.

| OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT | | (Ballot Stamp) |
|--|---|--|
| June _____ | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | | Ballot Style |
| For Governor You may vote for <u>one</u> or leave it blank. | | |
| For Presidential Delegates and Alternates You may vote for <u>one</u> slate or leave it blank. | | For States Attorney You may vote for <u>one</u> or leave it blank. |
| <input type="radio"/> Candidates preferring | <input type="radio"/> John Doe | <input type="radio"/> John Doe |
| John Hall | <input type="radio"/> Jane Smith | <input type="radio"/> Jane Smith |
| for President | <input type="radio"/> Pat Jones | <input type="radio"/> Pat Jones |
| Delegates: | | |
| John Doe | For State Senator, District __ You may vote for <u>one</u> or leave it blank. | <input type="radio"/> John Doe |
| Jane Doe | <input type="radio"/> John Doe | <input type="radio"/> Jane Smith |
| Pat Jones | <input type="radio"/> Jane Smith | <input type="radio"/> Pat Jones |
| Alternates: | <input type="radio"/> Pat Jones | For Sheriff You may vote for <u>one</u> or leave it blank. |
| John Doe | | <input type="radio"/> John Doe |
| Jane Doe | | <input type="radio"/> Jane Smith |
| Pat Jones | | |
| <input type="radio"/> Candidates preferring | | |

If the political party does not print the delegates and alternates on the ballot you will use this format for that race:

| OFFICIAL PARTY PRIMARY ELECTION BALLOT | |
|--|---|
| June | County, South Dakota |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | For Governor You may vote for <u>one</u> or leave it blank. |
| For Delegates to Support a Presidential Candidate You may vote for one or leave it blank. | |
| <input type="radio"/> Delegates to support Pat Jones | |
| <input type="radio"/> Delegates to support John Doe | |

Printing note: For county commissioners at large or delegates to state convention, use the correct number designations for the number of candidates to be elected. For state representative, use the correct "vote for" phrase for the number to be elected. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

| OFFICIAL GENERAL ELECTION BALLOT | | (Ballot Stamp) |
|--|---|---|
| November | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | | Ballot Style |
| For Presidential Electors You may vote for <u>one</u> slate or leave it blank. | For Secretary of State You may vote for <u>one</u> or leave it blank. | For State Senator, District __ You may vote for <u>one</u> or leave it blank. |
| <input type="radio"/> Doe & Roe Electors Party Label John Hall Jane Smith Pat Jones | <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent | <input type="radio"/> John Doe Party Label <input type="radio"/> Jane Smith Party Label <input type="radio"/> Pat Jones Independent |
| <input type="radio"/> Lee & Jones Electors Party Label | | |

Printing note: The top right corner of the front side of each ballot must be cut off approximately as indicated by the dashed line on the ballot form. The person in charge of the election may select where to have the ballot stamp watermark printed on the ballot if the location is within the vendor's printing limitations.

Source: 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 12-6-2.1, 12-16-9, 12-16-10, 12-16-14; 12-5-3.11.

5:02:06:25. County questions election. The county questions ballot must be white and must be in the following form:

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

The following (initiated measure or referred ordinance or referred resolution) was proposed by petition for submission to the voters. This (initiated measure or referred ordinance or referred resolution) will not become effective unless approved by majority vote.

Title: (HERE LIST TITLE OF INITIATIVE OR REFERENDUM TO BE VOTED ON)

States Attorney Explanation: (HERE LIST STATES 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 (change county ordinance) (adopt the ordinance) (adopt the resolution).
- No A vote "No" will (leave the county ordinance as it is) (not adopt the ordinance) (not adopt the resolution).

Source: 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 7-18A-11, 7-18A-21.

CHAPTER 5:02:07 - MISCELLANEOUS FORMS

Section

- 5:02:07:01 Precinct by precinct official returns.
- 5:02:07:02 Transferred.
- 5:02:07:03 Transferred.
- 5:02:07:04 Repealed.
- 5:02:07:05 Candidate's request to withdraw nomination.
- 5:02:07:06 Certificate of nomination to fill vacancy.

5:02:07:01. Precinct by precinct official returns. The precinct-by-precinct abstract of official returns shall consist of a copy of the official canvass of votes by the county canvassing board, certified by the county auditor, for the primary and general elections.

Source: 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 8 SDR 24, effective September 16, 1981.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-37, 12-20-38.1.

5:02:07:02. Transferred to § 5:02:05:00.

5:02:07:03. Transferred to § 5:02:03:00.

5:02:07:04. Certificate of election returns -- School districts. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 46 SDR 42, effective September 30, 2019.

5:02:07:05. Candidate's request to withdraw nomination. The candidate's request to withdraw nomination must be in the following form:

CANDIDATE'S REQUEST TO WITHDRAW NOMINATION

I, _____, candidate for the office of _____ (list office, party and/or district number, if applicable), request that my nomination be withdrawn and that my name not appear on the ballot. I, under oath, verify that I have read and understand the contents of this request to withdraw my candidacy.

(Signed) _____

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

(Seal)

Officer Administering Oath

Source: 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 23 SDR 115, effective January 22, 1997.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 9-13-5.1, 12-6-8.1, 12-6-55, 13-7-7.

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 for a single-county legislative district or a county office must be signed by the county party central committee chairperson. For multi-county legislative districts, the certificate must be signed by the state party central committee chairperson or the person designated to conduct the meeting under SDCL 12-6-57. For a statewide office or a presidential elector, the certificate must be signed by the state party central committee chairperson. The certificate must be in the following form:

CERTIFICATE OF NOMINATION TO FILL VACANCY

I, THE UNDERSIGNED _____ party (county) (state) central committee chairperson, or designee, 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 (or designee for multi-county legislative districts)

(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; 35 SDR 306, effective July 1, 2009; 48 SDR 39, effective October 4, 2021.

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

Law Implemented: SDCL 12-6-56, 12-6-57, 12-6-58, 12-8-6.

CHAPTER 5:02:08 - PETITIONS

Section

| | |
|---------------|---|
| 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 | Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition. |
| 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 | Repealed. |
| 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. |
| 5:02:08:07.02 | Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated. |
| 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 landowner 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. |
| 5:02:08:45 | Form for precinct committeeman or committeewoman statement of candidacy. |
| 5:02:08:46 | Form of petition for a school board to implement a school sentinel program. |

5:02:08:00. Guidelines for acceptance of petitions. When a petition is presented for filing, the person or governing board authorized to accept the petition shall determine if it meets the following requirements:

- (1) The petition is in the form required by this chapter;
- (2) The petition contains the minimum number of valid signatures, counted according to § 5:02:08:00.01. One or more invalid signatures on a petition do not disallow other valid signatures;
- (3) Each sheet of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. The verification was completed and signed before an officer authorized to administer oaths in this state;

(4) The declaration of candidacy contains the original signature of the candidate. Additional sheets may have an original or photocopied signature of the candidate;

(5) If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the Office of the Secretary of State;

(6) If a petition is for a ballot question to be voted on statewide, the sponsor(s) must submit the affidavit of completed petition when the petition sheets are submitted to the Office of the Secretary of State;

(7) The governing board or person authorized to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the signature lines or circulator's verification on the petition provided the filing deadline has not passed; and

(8) Following the presentation of the petition for filing, names may not be removed from the petition.

Except for petitions to nominate candidates for school boards, municipal offices, or statewide campaigns, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. **Petitions containing signatures in excess of the minimum number may be filed, but any excess signatures will be disregarded,** unless there is a challenge to that petition. Excess signatures will not be considered by the filing office unless the signatures are needed to validate the petition.

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; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 28 SDR 99, effective January 17, 2002; 35 SDR 48, effective September 8, 2008; 42 SDR 178, effective July 1, 2016; 45 SDR 9, effective July 30, 2018; 46 SDR 42, effective September 30, 2019; 47 SDR 37, effective October 6, 2020.

General Authority: SDCL 12-1-9(6).

Law Implemented: SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1, 9-13-7, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 12-7-1, 13-7-6, 12-1-3, 12-6-4, 18-3-1.

Cross-Reference: Sections of petition, § 5:02:08:00.02.

5:02:08:00.01. Requirements for counting signatures on petitions. Requirements for counting signatures on a petition sheet are as follows:

(1) No signature on a petition sheet may be counted if one of the following conditions is present:

(a) The form of the petition does not meet the requirements of this chapter;

(b) The petition sheet is not a self-contained sheet of paper printed front and back;

(c) The circulator's verification is not completed or is improperly completed, according to subdivision 5:02:08:00(3) unless the missing information is completed elsewhere on the petition sheet. A completed circulator's verification must include the printed name of the circulator, the circulator's residence address as provided in subdivision (2)(c) of this section, and the complete date;

(d) The declaration of candidacy has not been completed on or after the first date authorized by law to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in this state; or

(e) The circulator's verification was signed by more than one circulator;

(f) A petition for a legislative candidate must include the district number and whether the candidate is running for senate or house; and

(2) An individual signature on a petition sheet may not be counted if one of the following conditions is present:

(a) It was signed prior to the signing of the candidate's declaration of candidacy or, if for a ballot question, it was signed before a copy of the text was filed with the secretary of state;

(b) It was signed after the circulator completed the verification;

(c) The residence address does not include a street and house number or a rural route and box number and the town. If the signer is a resident of a second or third class municipality, a post office box number may be used. If the signer does not have a residence address or post office box number, a description of the residence location must be provided. If the signer is a resident of a building with a publicly known name, the building name may be used;

(d) The date of signing, including month and day, is not indicated;

(e) The signer's name is not printed and legible; or

(f) The signer's county of voter registration is not provided.

Source: 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 44 SDR 94, effective December 4, 2017; 46 SDR 42, effective September 30, 2019.

General Authority: SDCL 12-1-9(6).

Law Implemented: SDCL 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 13-7-6.

5:02:08:00.02. Sections of petition. A petition may contain more than one section. Each sheet is considered a section of a petition containing more than one sheet of paper.

Source: 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-1-3(14).

Cross-Reference: Guidelines for acceptance of petitions, § 5:02:08:00(3).

5:02:08:00.03. Form of petition. Each type of petition must contain the applicable heading as prescribed in this chapter and the following instructions to signers, signature blanks, and verification unless otherwise prescribed for a specific petition:

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

| NAME | RESIDENCE | DATE/COUNTY |
|-----------------|--|--------------------------|
| SIGN 1 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |
| SIGN 2 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |
| SIGN 3 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |
| SIGN 4 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |
| SIGN 5 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |
| SIGN 6 | STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER | DATE OF SIGNING |
| PRINT | CITY OR TOWN | COUNTY OF REGISTRATION |

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (**bold**) **must** (**unbold**) be completed following circulation and before filing.

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Signature of Circulator

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

Source: 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 23 SDR 115, effective January 22, 1997; 26 SDR 168, effective June 25, 2000.

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

Law Implemented: SDCL 12-1-3(14).

5:02:08:00.04. Validity of petition signature when signer has signed more petitions than offices to be nominated. The first signature presented to the filing office which meets the requirements of SDCL 12-6-8 and §§ 5:02:08:00 and 5:02:08:00.01 is valid. The same signature which meets the requirements of SDCL 12-6-8 and §§ 5:02:08:00 and 5:02:08:00.01 on the next nominating petition presented to the filing office may also be valid if the person has not signed petitions exceeding the number of candidates required to be nominated for the same office. Any subsequent signature by such person on a nominating petition presented to the filing office that exceeds the number of candidates required to be nominated for the same office is not valid, except as provided in SDCL 9-13-9.

Source: 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-6-8, 9-13-7, 9-13-9, 13-7-6.

5:02:08:00.05. Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition. Upon receiving any statewide candidate petition, initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall use the following method for conducting the random sample:

- (1) Each sheet within the petition shall be consecutively numbered;
- (2) A spreadsheet consisting of rows and columns shall be created listing each petition sheet number in a column and the number of eligible signatures, as defined in subsection 4(d), in a separate column;
- (3) The Office of Secretary State must use the tables in subdivision (8) which identifies how many signatures shall be randomly sampled to meet the statutory requirement based on the number of petition signatures submitted. Microsoft Excel functions, or a similar program

as determined by the secretary of state, shall be used to randomly select the signatures for validation;

(4) Each signature in the random sample shall be evaluated as to whether the signature is valid or invalid pursuant to §§ 5:02:08:00 and 5:02:08:00.01, and in accordance with:

(a) No signature line may be counted unless the person is a registered voter in the county indicated in the signature line;

(b) When validating a statewide partisan candidate petition, the party affiliation is also validated for each randomly selected eligible signature;

(c) A signature line consists of two rows containing six fields each, signature line is separately numbered as per § 5:02:08:00.03;

(d) An eligible signature is a signature line that is filled in partially or completely. If a signature line is empty or crossed out, said signature line is not included as an eligible signature. A signature line containing an abstract mark or markings shall be counted as an eligible signature; and

(e) A random sample signatures are those eligible signatures contained in the random sample generated by the program designated in subdivision (3). The total number of valid signatures submitted is extrapolated from the random sample;

(5) The total number of valid signatures is determined by:

(a) Subtracting the number of invalid random sample signatures from the total number of random sample signatures;

(b) Next, determine the percentage of valid signatures in the random sample signatures by dividing the number of valid signatures by the total number of random sample signatures;

(c) The resulting percentage is multiplied by the total number of eligible signatures submitted; and

(d) The resulting number is the number of valid signatures the secretary of state uses to determine how the petition is certified;

(6) If the number of valid signatures as determined in subdivision (5) is equal to or greater than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as filed;

(7) If the number of valid signatures as determined in subdivision (5) is less than the required number of signatures needed to file the petition, the secretary of state shall certify the petition as not filed; and

(8) The table below identifies how many signatures shall be randomly sampled to meet the state requirements:

(a) If the sample size number is less than the safe harbor sample size number the Secretary of State shall use the safe harbor sample size number; and

(b) If the number of submitted signatures is between two numbers listed in the signatures submitted column, the Secretary of State shall round down to the lower number if the number is 500 or less and shall round up if the number is 501 and higher.

| Statewide Ballot Question Table | | | |
|--|-----------------------------|----------------------------------|-------------------------------|
| Sample Size | Signatures Submitted | "Safe Harbor" Sample Size | Sample size % of total |
| 694 | 13,871 | 699 | 5.0032% |
| 699 | 15,000 | 701 | 4.6600% |
| 701 | 16,000 | 703 | 4.3813% |
| 703 | 17,000 | 704 | 4.1353% |
| 704 | 18,000 | 706 | 3.9111% |
| 706 | 19,000 | 707 | 3.7158% |
| 707 | 20,000 | 708 | 3.5350% |
| 708 | 21,000 | 709 | 3.3714% |
| 709 | 22,000 | 710 | 3.2227% |
| 710 | 23,000 | 711 | 3.0870% |
| 711 | 24,000 | 712 | 2.9625% |
| 712 | 25,000 | 713 | 2.8480% |
| 713 | 26,000 | 714 | 2.7423% |
| 714 | 27,000 | 714 | 2.6444% |
| 714 | 28,000 | 715 | 2.5500% |
| 715 | 29,000 | 715 | 2.4655% |
| 715 | 30,000 | 716 | 2.3833% |
| 716 | 31,000 | 716 | 2.3097% |
| 716 | 32,000 | 717 | 2.2375% |
| 717 | 33,000 | 717 | 2.1727% |
| 717 | 34,000 | 718 | 2.1088% |
| 718 | 35,000 | 718 | 2.0514% |
| 718 | 36,000 | 719 | 1.9944% |
| 719 | 37,000 | 719 | 1.9432% |
| 719 | 38,000 | 719 | 1.8921% |
| 719 | 39,000 | 720 | 1.8436% |
| 720 | 40,000 | 720 | 1.8000% |
| 720 | 41,000 | 720 | 1.7561% |
| 720 | 42,000 | 721 | 1.7143% |
| 721 | 43,000 | 721 | 1.6767% |

| | | | |
|-----|--------|-----|---------|
| 721 | 44,000 | 721 | 1.6386% |
| 721 | 45,000 | 721 | 1.6022% |
| 721 | 46,000 | 722 | 1.5674% |
| 722 | 47,000 | 722 | 1.5362% |
| 722 | 48,000 | 722 | 1.5042% |
| 722 | 49,000 | 722 | 1.4735% |
| 722 | 50,000 | 723 | 1.4440% |
| 723 | 51,000 | 723 | 1.4176% |
| 723 | 52,000 | 723 | 1.3904% |
| 723 | 53,000 | 723 | 1.3642% |
| 723 | 54,000 | 723 | 1.3389% |
| 723 | 55,000 | 723 | 1.3145% |
| 723 | 56,000 | 724 | 1.2911% |
| 724 | 57,000 | 724 | 1.2702% |
| 724 | 58,000 | 724 | 1.2483% |
| 724 | 59,000 | 724 | 1.2271% |
| 724 | 60,000 | 724 | 1.2067% |
| 724 | 61,000 | 724 | 1.1869% |
| 724 | 62,000 | 724 | 1.1677% |
| 724 | 63,000 | 725 | 1.1492% |
| 725 | 64,000 | 725 | 1.1328% |
| 725 | 65,000 | 725 | 1.1154% |
| 725 | 66,000 | 725 | 1.0985% |
| 725 | 67,000 | 725 | 1.0821% |
| 725 | 68,000 | 725 | 1.0662% |
| 725 | 69,000 | 725 | 1.0507% |
| 725 | 70,000 | 725 | 1.0357% |
| 725 | 71,000 | 726 | 1.0211% |
| 726 | 72,000 | 726 | 1.0083% |
| 726 | 73,000 | 726 | 0.9945% |
| 726 | 74,000 | 726 | 0.9811% |
| 726 | 75,000 | 726 | 0.9680% |
| 726 | 76,000 | 726 | 0.9553% |
| 726 | 77,000 | 726 | 0.9429% |
| 726 | 78,000 | 726 | 0.9308% |
| 726 | 79,000 | 726 | 0.9190% |
| 726 | 80,000 | 726 | 0.9075% |
| 726 | 81,000 | 726 | 0.8963% |
| 726 | 82,000 | 726 | 0.8854% |
| 726 | 83,000 | 727 | 0.8747% |
| 727 | 84,000 | 727 | 0.8655% |
| 727 | 85,000 | 727 | 0.8553% |

| Statewide Candidate Table | | | |
|----------------------------------|-----------------------------|----------------------------------|-------------------------------|
| Sample Size | Signatures Submitted | "Safe Harbor" Sample Size | Sample size % of total |
| 187 | 250 | 213 | 74.8000% |
| 213 | 300 | 259 | 71.0000% |
| 259 | 400 | 297 | 64.7500% |
| 297 | 500 | 330 | 59.4000% |
| 330 | 600 | 358 | 55.0000% |
| 358 | 700 | 383 | 51.1429% |
| 383 | 800 | 404 | 47.8750% |
| 404 | 900 | 423 | 44.8889% |
| 423 | 1,000 | 440 | 42.3000% |
| 440 | 1,100 | 455 | 40.0000% |
| 455 | 1,200 | 469 | 37.9167% |
| 469 | 1,300 | 481 | 36.0769% |
| 481 | 1,400 | 493 | 34.3571% |
| 493 | 1,500 | 503 | 32.8667% |
| 503 | 1,600 | 512 | 31.4375% |
| 512 | 1,700 | 521 | 30.1176% |
| 521 | 1,800 | 529 | 28.9444% |
| 529 | 1,900 | 537 | 27.8421% |
| 537 | 2,000 | 543 | 26.8500% |
| 543 | 2,100 | 550 | 25.8571% |
| 550 | 2,200 | 556 | 25.0000% |
| 556 | 2,300 | 562 | 24.1739% |
| 562 | 2,400 | 567 | 23.4167% |
| 567 | 2,500 | 572 | 22.6800% |
| 572 | 2,600 | 577 | 22.0000% |
| 577 | 2,700 | 581 | 21.3704% |
| 581 | 2,800 | 585 | 20.7500% |
| 585 | 2,900 | 589 | 20.1724% |
| 589 | 3,000 | 593 | 19.6333% |
| 593 | 3,100 | 596 | 19.1290% |
| 596 | 3,200 | 600 | 18.6250% |
| 600 | 3,300 | 603 | 18.1818% |
| 603 | 3,400 | 606 | 17.7353% |
| 606 | 3,500 | 609 | 17.3143% |
| 609 | 3,600 | 612 | 16.9167% |
| 612 | 3,700 | 615 | 16.5405% |
| 615 | 3,800 | 617 | 16.1842% |
| 617 | 3,900 | 620 | 15.8205% |
| 620 | 4,000 | 622 | 15.5000% |

| | | | |
|-----|--------|-----|----------|
| 622 | 4,100 | 624 | 15.1707% |
| 624 | 4,200 | 626 | 14.8571% |
| 626 | 4,300 | 628 | 14.5581% |
| 628 | 4,400 | 630 | 14.2727% |
| 630 | 4,5000 | 632 | 14.0000% |
| 632 | 4,600 | 634 | 13.7391% |
| 634 | 4,700 | 636 | 13.4894% |
| 636 | 4,800 | 638 | 13.2500% |
| 638 | 4,900 | 639 | 13.0204% |
| 639 | 5,000 | 641 | 12.7800% |
| 641 | 5,100 | 642 | 12.5686% |
| 642 | 5,200 | 644 | 12.3462% |
| 644 | 5,300 | 645 | 12.1509% |
| 645 | 5,400 | 647 | 11.9444% |
| 647 | 5,500 | 648 | 11.7636% |
| 648 | 5,600 | 649 | 11.5714% |
| 649 | 5,700 | 651 | 11.3860% |
| 651 | 5,800 | 652 | 11.2241% |
| 652 | 5,900 | 653 | 11.0508% |
| 653 | 6,000 | 654 | 10.8833% |
| 654 | 6,100 | 656 | 10.7213% |
| 656 | 6,200 | 657 | 10.5806% |
| 657 | 6,300 | 658 | 10.4286% |
| 658 | 6,400 | 659 | 10.2813% |
| 659 | 6,500 | 660 | 10.1385% |
| 660 | 6,600 | 661 | 10.0000% |
| 661 | 6,700 | 662 | 9.8657% |
| 662 | 6,800 | 663 | 9.7353% |
| 663 | 6,900 | 664 | 9.6087% |
| 664 | 7,000 | 664 | 9.4857% |
| 664 | 7,100 | 665 | 9.3521% |
| 665 | 7,200 | 666 | 9.2361% |
| 666 | 7,300 | 667 | 9.1233% |
| 667 | 7,400 | 668 | 9.0135% |
| 668 | 7,500 | 669 | 8.9067% |
| 669 | 7,600 | 669 | 8.8026% |
| 669 | 7,700 | 670 | 8.6883% |
| 670 | 7,800 | 671 | 8.5897% |
| 671 | 7,900 | 671 | 8.4937% |
| 671 | 8,000 | 672 | 8.3875% |
| 672 | 8,100 | 673 | 8.2963% |
| 673 | 8,200 | 673 | 8.2073% |
| 673 | 8,300 | 674 | 8.1084% |

| | | | |
|-----|--------|-----|---------|
| 674 | 8,400 | 675 | 8.0238% |
| 675 | 8,500 | 675 | 7.9412% |
| 675 | 8,600 | 676 | 7.8488% |
| 676 | 8,700 | 677 | 7.7701% |
| 677 | 8,800 | 677 | 7.6932% |
| 677 | 8,900 | 678 | 7.6067% |
| 678 | 9,000 | 678 | 7.5333% |
| 678 | 9,100 | 679 | 7.4505% |
| 679 | 9,200 | 679 | 7.3804% |
| 679 | 9,300 | 680 | 7.3011% |
| 680 | 9,400 | 680 | 7.2340% |
| 680 | 9,500 | 681 | 7.1579% |
| 681 | 9,600 | 681 | 7.0938% |
| 681 | 9,700 | 682 | 7.0206% |
| 682 | 9,800 | 682 | 6.9592% |
| 682 | 9,900 | 683 | 6.8889% |
| 683 | 10,000 | 683 | 6.8300% |
| 683 | 10,100 | 684 | 6.7624% |
| 684 | 10,200 | 684 | 6.7059% |
| 684 | 10,300 | 685 | 6.6408% |
| 685 | 10,400 | 685 | 6.5865% |
| 685 | 10,500 | 686 | 6.5238% |
| 686 | 10,600 | 686 | 6.4717% |
| 686 | 10,700 | 686 | 6.4112% |
| 686 | 10,800 | 687 | 6.3519% |
| 687 | 10,900 | 687 | 6.3028% |
| 687 | 11,000 | 688 | 6.2455% |
| 688 | 11,100 | 688 | 6.1982% |
| 688 | 11,200 | 688 | 6.1429% |
| 688 | 11,300 | 689 | 6.0885% |
| 689 | 11,400 | 689 | 6.0439% |
| 689 | 11,500 | 689 | 5.9913% |
| 689 | 11,600 | 690 | 5.9397% |
| 690 | 11,700 | 690 | 5.8974% |
| 690 | 11,800 | 690 | 5.8475% |
| 690 | 11,900 | 691 | 5.7983% |
| 691 | 12,000 | 691 | 5.7583% |
| 691 | 12,100 | 691 | 5.7107% |
| 691 | 12,200 | 692 | 5.6639% |
| 692 | 12,300 | 692 | 5.6260% |
| 692 | 12,400 | 692 | 5.5806% |
| 692 | 12,500 | 693 | 5.5360% |
| 693 | 12,600 | 693 | 5.5000% |

| | | | |
|-----|--------|-----|---------|
| 693 | 12,700 | 693 | 5.4567% |
| 693 | 12,800 | 694 | 5.4141% |
| 694 | 12,900 | 694 | 5.3798% |
| 694 | 13,000 | 694 | 5.3385% |
| 694 | 13,100 | 694 | 5.2977% |
| 694 | 13,200 | 695 | 5.2576% |
| 695 | 13,300 | 695 | 5.2256% |
| 695 | 13,400 | 695 | 5.1866% |
| 695 | 13,500 | 695 | 5.1481% |
| 695 | 13,600 | 696 | 5.1103% |
| 696 | 13,700 | 696 | 5.0803% |
| 696 | 13,800 | 696 | 5.0435% |
| 696 | 13,900 | 696 | 5.0072% |
| 696 | 14,000 | 697 | 4.9714% |
| 697 | 14,100 | 697 | 4.9433% |
| 697 | 14,200 | 697 | 4.9085% |
| 697 | 14,300 | 697 | 4.8741% |
| 697 | 14,400 | 698 | 4.8403% |
| 698 | 14,500 | 698 | 4.8138% |
| 698 | 14,600 | 698 | 4.7808% |
| 698 | 14,700 | 698 | 4.7483% |
| 698 | 14,800 | 699 | 4.7162% |
| 699 | 14,900 | 699 | 4.6913% |
| 699 | 15,000 | 699 | 4.6600% |
| 699 | 15,100 | 699 | 4.6291% |
| 699 | 15,200 | 699 | 4.5987% |
| 699 | 15,300 | 700 | 4.5686% |
| 700 | 15,400 | 700 | 4.5455% |
| 700 | 15,500 | 700 | 4.5161% |
| 700 | 15,600 | 700 | 4.4872% |
| 700 | 15,700 | 700 | 4.4586% |
| 700 | 15,800 | 701 | 4.4304% |
| 701 | 15,900 | 701 | 4.4088% |
| 701 | 16,000 | 701 | 4.3813% |
| 701 | 16,100 | 701 | 4.3540% |
| 701 | 16,200 | 701 | 4.3272% |
| 701 | 16,300 | 702 | 4.3006% |
| 702 | 16,400 | 702 | 4.2805% |
| 702 | 16,500 | 702 | 4.2545% |
| 702 | 16,600 | 702 | 4.2289% |
| 702 | 16,700 | 702 | 4.2036% |
| 702 | 16,800 | 702 | 4.1786% |
| 702 | 16,900 | 703 | 4.1538% |

| | | | |
|-----|--------|-----|---------|
| 703 | 17,000 | 703 | 4.1353% |
| 703 | 17,100 | 703 | 4.1111% |
| 703 | 17,200 | 703 | 4.0872% |
| 703 | 17,300 | 703 | 4.0636% |
| 703 | 17,400 | 703 | 4.0402% |
| 703 | 17,500 | 704 | 4.0171% |
| 704 | 17,600 | 704 | 4.0000% |
| 704 | 17,700 | 704 | 3.9774% |
| 704 | 17,800 | 704 | 3.9551% |
| 704 | 17,900 | 704 | 3.9330% |
| 704 | 18,000 | 704 | 3.9111% |
| 704 | 18,100 | 705 | 3.8895% |
| 705 | 18,200 | 705 | 3.8736% |
| 705 | 18,300 | 705 | 3.8525% |
| 705 | 18,400 | 705 | 3.8315% |
| 705 | 18,500 | 705 | 3.8108% |
| 705 | 18,600 | 705 | 3.7903% |
| 705 | 18,700 | 705 | 3.7701% |
| 705 | 18,800 | 706 | 3.7500% |
| 706 | 18,900 | 706 | 3.7354% |
| 706 | 19,000 | 706 | 3.7158% |
| 706 | 19,100 | 706 | 3.6963% |
| 706 | 19,200 | 706 | 3.6771% |
| 706 | 19,300 | 706 | 3.6580% |
| 706 | 19,400 | 706 | 3.6392% |
| 706 | 19,500 | 707 | 3.6205% |
| 707 | 19,600 | 707 | 3.6071% |
| 707 | 19,700 | 707 | 3.5888% |
| 707 | 19,800 | 707 | 3.5707% |
| 707 | 19,900 | 707 | 3.5528% |
| 707 | 20,000 | 707 | 3.5350% |

Reference: Northern State University Assistant Professor of Accounting, Economics, Banking and Financial Services and Business Law, Sara Schmidt provided the methodology and the signature tables.

Source: 33 SDR 230, effective July 1, 2007; 42 SDR 178, effective July 1, 2016; 44 SDR 17, effective August 8, 2017; 45 SDR 9, effective July 30, 2018.

General Authority: SDCL 2-1-16.

Law Implemented: SDCL 2-1-16, 12-1-35, 12-1-36.

5:02:08:01. Form of nominating petition -- Partisan election. Nominating petitions for a partisan election must be in the following form:

NOMINATING PETITION FOR PARTISAN ELECTION

_____ Party

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district, or "state") of South Dakota and members of the _____ Party, nominate _____ of _____ County, South Dakota, whose mailing address is _____, _____, SD _____, and whose principal residence address is _____, _____, SD _____, as a candidate for the office of (if a legislative candidate insert "State House of Representatives" or "State Senate") _____ at the primary election to be held June _____, 20__.

DECLARATION OF CANDIDATE

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

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 2 SDR 5, effective July 30, 1975; 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; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 46 SDR 42, effective September 30, 2019.

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

Law Implemented: SDCL 12-6-5, 12-6-7.1, 12-6-8.

5:02:08:02. Form of petition for circuit court judge -- Nonpartisan election. The nominating petition for circuit court judge shall be in the following form:

**NOMINATING PETITION FOR CIRCUIT COURT JUDGE
NONPARTISAN ELECTION**

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the _____ Judicial Circuit, State of South Dakota, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, SD _____, as a candidate for the office of Judge of the Circuit Court, position _____, in the (primary) (general) election to be held (June) (November) _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-6-5, 12-6-8, 12-9-4.

5:02:08:03. Form of petition for Supreme Court justice -- Nonpartisan election. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; repealed, 8 SDR 24, effective September 16, 1981.

5:02:08:04. Form of petition for highway board of unorganized county -- Nonpartisan election. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; repealed, 10 SDR 27, effective September 26, 1983.

5:02:08:05. Certificate of nomination for Independent candidate. The certificate of nomination for an Independent candidate shall be in the following form:

CERTIFICATE OF NOMINATION FOR INDEPENDENT CANDIDATE

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district or "state") of South Dakota, nominate _____ of _____ County, whose mailing address is _____, SD _____, and whose principal residence address is _____, _____, SD _____, as an Independent candidate for the office of (if a legislative candidate insert "State House of Representatives" or "State Senate") _____ at the general election to be held November _____, 20____.

DECLARATION OF CANDIDATE

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

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 46 SDR 42, effective September 30, 2019.

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

Law Implemented: SDCL 12-6-5, 12-6-7.1, 12-6-8, 12-7-1.

5:02:08:05.01. Independent candidate declaration of candidacy and certification of running mate. The declaration of candidacy and certification of running mate for independent candidates for president and governor must be in the following form:

**INDEPENDENT CANDIDATE FOR PRESIDENT OR GOVERNOR
DECLARATION OF CANDIDATE
AND
CERTIFICATION OF RUNNING MATE**

I, _____ (name of candidate), under oath, declare that I am eligible to seek the office of _____ (insert President of the United States or Governor). I certify that I have named _____ as my _____ (insert Vice President or Lieutenant Governor) candidate.

(Candidate Signature) _____

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

(Seal)

My Commission Expires _____

Signature of Officer Administering Oath

Title of Officer Administering Oath

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office of _____ (insert Vice President or Lieutenant Governor), and agree to serve as a candidate for this office.

(Running Mate Signature) _____

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

(Seal)

My Commission Expires _____ Signature of Officer Administering Oath
Title of Officer Administering Oath

Source: 25 SDR 167, effective July 6, 1999; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-7-1, 12-7-7.

5:02:08:06. Form of declaration for new political party. The declaration for new political party shall be in the following form:

DECLARATION FOR NEW POLITICAL PARTY

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, declare the organization of the _____ Party which subscribes to the following statement of principles:

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

Source: 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-5-1.

5:02:08:07. Form of initiative petition. The initiative petition form shall follow the specifications provided in this section.

The initiative petition shall be in the following form:

INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November ____, 20____, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

Title:

Attorney General Explanation:

Be it enacted by the people of South Dakota.

The text of the proposed law is as follows: (insert text)

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (**bold**) **must** (**unbold**) be completed following circulation and before filing.

| | | | |
|------------------------------|-------------------|------|-------|
| Print name of the circulator | Residence Address | City | State |
|------------------------------|-------------------|------|-------|

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and

that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

 Circulator ID Number (paid circulator only) Signature of Circulator

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

(Seal)

 Signature of Officer Administering Oath

My Commission Expires _____

 Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010; 45 SDR 9, effective July 30, 2018; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 2-1-1, 2-1-7, 2-1-10, 2-1-1.2.

5:02:08:07.01. Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition. The affidavit to be filed with the completed petition for initiative, referendum, or initiated constitutional amendment shall be in the following form:

STATE OF SOUTH DAKOTA)
) SS AFFIDAVIT OF COMPLETED PETITION
 COUNTY OF _____)

I, under oath, state that the attached petition sheets constitute the entire petition to be filed and that to the best of my knowledge they contain a sufficient number of signatures to be certified to the ballot.

 Signature of Sponsor

Print name and complete address of the sponsor

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

(Seal)

Signature of Officer Administering Oath

My commission expires: _____.

Title of Officer Administering Oath

Source: 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 2-1-6.2.

5:02:08:07.02. Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated. The affidavit to be submitted with the petition in final format before circulating an initiative, referendum, or initiated constitutional amendment shall be in the following form:

STATE OF SOUTH DAKOTA)

) SS AFFIDAVIT OF PETITION TO BE CIRCULATED

COUNTY OF _____)

I, under oath, state that the attached petition sheet constitutes the petition in final format to be circulated and I am one of the sponsors to this ballot measure.

Print name of sponsor

Complete address of sponsor _____, _____, _____
Street Address State Zip Code

Signature of Sponsor

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

(Seal)

Signature of Officer Administering Oath

My commission expires: _____.

Title of Officer Administering Oath

Source: 42 SDR 178, effective July 1, 2016.

General Authority: SDCL 12-1-9(5)

Law Implemented: SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1.

5:02:08:08. Form of referendum petition. The referendum petition form shall follow the specifications provided in this section.

The petition of referendum shall be in the following form:

REFERENDUM PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following law, as enacted by the Legislature of the state of South Dakota, be submitted to the voters of the state of South Dakota at the general election on November ____, 20____, for their approval or rejection pursuant to the Constitution of the state of South Dakota.

(Here insert the title of law to be submitted and the effective date of the referred law.)

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

| | | | |
|------------------------------|-------------------|------|-------|
| Print name of the circulator | Residence Address | City | State |
|------------------------------|-------------------|------|-------|

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and

that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Circulator ID Number (paid circulator only) Signature of Circulator

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

(Seal) _____
Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010; 45 SDR 9, effective July 30, 2018; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 2-1-3, 2-1-3.1, 2-1-7, 2-1-10.

5:02:08:09. Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision. The petition for initiated constitutional amendment or repeal shall be in the following form:

INITIATED CONSTITUTIONAL AMENDMENT PETITION

or

INITIATED PETITION FOR REPEAL OF CONSTITUTIONAL PROVISION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following section or sections and article or articles of the South Dakota Constitution be

(repealed) (amended) and that this proposal be submitted to the voters of the state of South Dakota at the general election on November ____, 20____, for their approval or rejection.

Title:

Attorney General Explanation:

(Here identify the section or sections and article or articles proposed to be repealed or amended. State the exact text of the amendment.)

(Insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

| | | | |
|------------------------------|-------------------|-------|-------|
| ----- | ----- | ----- | ----- |
| Print name of the circulator | Residence Address | City | State |

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I am not attesting to any signature obtained by any other person, that I am a resident of South Dakota, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

| | |
|---|-------------------------|
| ----- | ----- |
| Circulator ID Number (paid circulator only) | Signature of Circulator |

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

(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Source: 2 SDR 46, effective December 30, 1975; 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010; 42 SDR 178, effective July 1, 2016; 45 SDR 9, effective July 30, 2018; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: S.D. Constitution, art XXIII, § 1; SDCL 2-1-1.1, 2-1-10.

5:02:08:10. Declaration of pledge by national convention delegates and alternates.
Repealed.

Source: 2 SDR 46, effective December 30, 1975; repealed, 4 SDR 85, effective June 14, 1978.

5:02:08:11. Nominating petition for school board member. The nominating petition for school board member must be in the following form:

NOMINATING PETITION FOR SCHOOL BOARD MEMBER

_____ **SCHOOL DISTRICT #** _____

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of _____ school district number _____, state of South Dakota, nominate _____ whose mailing address is _____, _____, South Dakota, _____, and whose residence address is _____

_____, _____ South Dakota _____, for a ____-year term (in _____ representation area, if applicable) on the school board at the school board election to be held on the _____ day of _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I reside in _____ school district, number _____, South Dakota; that I am a registered voter of the district; and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

(Insert here the instructions to signers and verification by the circulator portions of the petition form prescribed in § 5:02:08:00.03.)

Source: 2 SDR 82, effective June 13, 1976; 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 23 SDR 115, effective January 22, 1997; 36 SDR 112, effective January 11, 2010; 42 SDR 15, effective August 11, 2015; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 12-1-2, 13-7-6, 13-7-13.

5:02:08:12. Reserved.

5:02:08:13. Nominating petition for municipal election. The nominating petition for a municipal election must be in the following form:

NOMINATING PETITION FOR MUNICIPAL ELECTION

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the municipality of _____ in the state of South Dakota, nominate _____ whose residence address is _____, _____, South Dakota, _____ and whose mailing address is _____, _____ South Dakota, _____ as a candidate for a _____-year term for the office of _____ at the Municipal Election to be held on the _____ day of _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot) under oath, declare that I reside and am registered to vote in the municipality of _____ and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office. If I am an alderman candidate, I declare that I reside and am registered to vote in Ward _____.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

(Here insert instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above nominating petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, and that I attest the legality of the signatures and that each person signing this petition is a qualified voter of the municipality of _____.

Signature of Circulator

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

(Seal)

Signature of Officer

Administering Oath
My Commission Expires _____

Title of Officer Administering Oath

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 12 SDR 43, effective September 23, 1985; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 42 SDR 15, effective August 11, 2015.

General Authority: SDCL [12-1-9\(7\)](#).

Law Implemented: SDCL [9-13-7](#), [9-13-11](#).

5:02:08:14. Certificate of nomination for municipal election nominating more than one candidate. Repealed.

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

5:02:08:15. Municipal initiative petition. The municipal initiative petition must be in the following form:

**MUNICIPAL INITIATIVE PETITION
IN THE MUNICIPALITY OF _____**

WE, THE UNDERSIGNED qualified voters of the municipality of _____, the state of South Dakota, petition that the following (ordinance) (resolution) be submitted to the voters of that municipality for their approval or rejection pursuant to law.

The proposed (ordinance) (resolution) in proper form is as follows:

Here state verbatim the proposed (ordinance) (resolution).

(Here insert instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

| Print name of the circulator | Residence Address | City | State |
|------------------------------|-------------------|------|-------|
|------------------------------|-------------------|------|-------|

I, under oath, state that I circulated the above initiative petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a resident and qualified voter of the municipality of _____.

Signature of Circulator

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

(Seal)

Signature of Officer Administering Oath
My commission expires _____.

Title of Officer Administering Oath

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000.

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

Law Implemented: SDCL 9-20-2, 9-20-9.

5:02:08:16. Municipal referendum petition. The municipal referendum petition must be in the following form:

**MUNICIPAL REFERENDUM PETITION
IN THE MUNICIPALITY OF _____**

WE, THE UNDERSIGNED qualified voters of the municipality of _____, the state of South Dakota, petition that the following (ordinance) (resolution), as passed by the governing board of the municipality, be submitted to the voters for their approval or rejection pursuant to law.

(Here insert the title of the (ordinance) (resolution) and date of its passage. However, if only a portion of the (ordinance) (resolution) is intended to be covered by the petition, that portion shall be set out at length.)

(Here insert the instructions to voters and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above referendum petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a resident and qualified voter of the municipality of _____.

Signature of Circulator

Sworn to before me this _____ day of _____, _____.
(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000.

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

Law Implemented: SDCL 9-20-7, 9-20-8, 9-20-9.

Court Decision: The board of elections had no authority to authorize the circulator of municipal initiative petitions to add the mailing address and date of signing, when SDCL 9-20-8 required the signer to do so; however, failure to add the state and municipality behind the signers' names would not invalidate signatures since the title of petitions contained that information. (Opinion issued before the 1979 amendment of SDCL 9-20-8.) **Bjornson vs City of Aberdeen**, 296 N.W. 2d 896 (Sept. 17, 1980).

5:02:08:17. Municipal petition for recall. The municipal petition for recall must be in the following form:

**PETITION FOR RECALL
IN THE MUNICIPALITY OF _____**

WE, THE UNDERSIGNED qualified voters of the municipality of _____, state of South Dakota, petition for a candidate election to be held for the purpose of recalling _____ from the office of _____, based on the following grounds:

(Here list the grounds for recall.)

(Here insert the instructions to signers and signature blanks prescribed in § 5:02:08:00.03.)

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section (bold) **must** (unbold) be completed following circulation and before filing.

Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition for recall, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a qualified voter of the municipality of _____.

Signature of Circulator

Sworn to before me this _____ day of _____, _____.
(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000; 27 SDR 146, effective July 9, 2001.

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

Law Implemented: SDCL 9-13-30.

5:02:08:18. County initiative petition. The county initiative petition shall be in the following form:

COUNTY INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of _____ County in the state of South Dakota, petition that the following (ordinance) (resolution) be submitted to the voters of that county for their approval or rejection pursuant to law.

The proposed (ordinance) (resolution) in proper form is as follows:

[Here list verbatim the proposed (ordinance) (resolution).]

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

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 7-18A-11, 7-18A-12.

5:02:08:19. County referendum petition. The county referendum petition shall be in the following form:

COUNTY REFERENDUM PETITION

WE, THE UNDERSIGNED qualified voters of _____ County in the state of South Dakota, petition that the following (ordinance) (resolution), as passed by the County Commissioners of that county, be submitted to the voters of the county for their approval or rejection pursuant to law.

(Here insert the title of the (ordinance) (resolution) and the date of its passage. However, if only a portion of the (ordinance) (resolution) is intended to be covered by the petition, that portion shall be set out at length.)

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

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 7-18A-15, 7-18A-17, 7-18A-18.

5:02:08:20. Certificate of nomination for Independent presidential electors. The certificate of nomination for Independent presidential electors shall be in the following form:

CERTIFICATE OF NOMINATION FOR INDEPENDENT PRESIDENTIAL ELECTORS

INSTRUCTIONS TO CANDIDATES: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, nominate _____ of _____ County, whose mailing address is _____, _____, SD _____; _____ of _____ County, whose mailing address is _____, _____, SD _____; _____ of _____ County, whose mailing address is _____, _____, SD _____, as independent candidates for the office of Presidential Electors for _____ and _____ at the General Election to be held November _____, 20_____.

DECLARATION OF CANDIDATES

We, under oath, declare that we reside in _____, _____, and _____ Counties, respectively, and that we are or will be eligible to seek the offices for which we are candidates. If elected, we will qualify and serve in those offices.

(Signed) _____

(Signed) _____

(Signed) _____

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

(Seal)

Signature of Officer Administering Oaths

My commission expires _____.

Title of Officer Administering Oaths

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

Source: 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 33 SDR 230, effective July 1, 2007; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 12-6-5, 12-6-8, 12-7-1, 12-7-7.

5:02:08:21. Form of petition to increase or decrease number of county commissioners.

The petition to increase or decrease the number of county commissioners shall be in the following form:

PETITION FOR CHANGE IN NUMBER OF COUNTY COMMISSIONERS

WE, THE UNDERSIGNED qualified voters of _____ County, State of South Dakota, petition that the number of commissioners for this county be (increased to five) (decreased to three) and that the proposal be submitted to the voters of _____ County for their approval or rejection at the general election to be held on November _____, _____.

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

Source: 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 31 SDR 214, effective July 4, 2005.

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

Law Implemented: SDCL 7-8-3.

5:02:08:22. Form of petition to increase or decrease number of members of school board. The petition to increase or decrease the number of school board members shall be in the following form:

PETITION FOR CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS

WE, THE UNDERSIGNED qualified voters of _____ School District No. _____, petition that the number of school board members be (increased, decreased) to (number of board members) and that the proposal be submitted to the voters of the _____ School District No. _____ for their approval or rejection pursuant to SDCL 13-8-3 and 13-8-4.

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

Source: 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-8-3, 13-8-4.

5:02:08:23. Form of petition for change in municipal government. The form of a petition for either proposing a change in the type of municipal government or for increasing or decreasing the number of commissioners, wards, or trustees, or both, shall be as follows:

PETITION FOR ELECTION TO CHANGE MUNICIPAL GOVERNMENT

WE, THE UNDERSIGNED qualified voters of the municipality of _____, petition that the municipal government of _____ be changed as follows and that the proposal be submitted to the voters for their approval or rejection pursuant to SDCL 9-11-5:

(Here: either describe the proposed new form of government or the increase or decrease in the number of commissioners, wards, or trustees, or both.)

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

Source: 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 42 SDR 15, effective August 11, 2015.

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

Law Implemented: SDCL 9-11-5.

5:02:08:24. Form of petition for water development district director. The nominating petition for a director of a water development district shall be in the following form:

NOMINATING PETITION FOR WATER DEVELOPMENT DISTRICT DIRECTOR

NONPARTISAN ELECTION

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of _____ (insert the director area the candidate is to represent) of the _____ Water Development District, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of director, representing _____ (insert the director area the candidate is to represent) of the _____ Water Development District for a _____ year term in the primary election to be held on June _____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am a resident and registered voter in the director area that I will represent and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 10 SDR 27, effective September 26, 1983; 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989; 35 SDR 48, effective September 8, 2008; 36 SDR 209, effective June 30, 2010; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 46A-3B-2, 46A-3B-4.

5:02:08:25. Form of petition for irrigation district director by division. The nominating petition for a director of an irrigation district by division shall be in the following form:

**NOMINATING PETITION FOR IRRIGATION DISTRICT DIRECTOR BY DIVISION
NONPARTISAN ELECTION**

Only owners of not less than thirty-five acres of land within the area to be represented by the candidate are eligible to sign this petition.

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED electors of Director Division _____, of
the _____ Irrigation District, nominate _____ of
_____ County, State of South Dakota, whose mailing address is

_____, _____, SD _____, as a candidate for the office of irrigation district director for Director Division _____, of the _____ Irrigation District in the annual election to be held on October _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot), under oath, declare that I am an elector in the area that I will represent and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 46A-4-27.1, 46A-4-28.

5:02:08:26. Form of petition for irrigation district director at large. The nominating petition for a director at large of an irrigation district shall be in the following form:

**NOMINATING PETITION FOR IRRIGATION DISTRICT DIRECTOR AT LARGE
NONPARTISAN ELECTION**

Only owners of not less than thirty-five acres of land within the area to be represented by the candidate are eligible to sign this petition.

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED electors of the _____ Irrigation District, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of irrigation district director at large of the _____ Irrigation District in the annual election to be held on October _____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot), under oath, declare that I am an elector in the area that I will represent and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 46A-4-27.1, 46A-4-28.

5:02:08:27. Form of petition for water project district director by division. The nominating petition for a director of a water project district by division shall be in the following form:

NOMINATING PETITION FOR WATER PROJECT DISTRICT DIRECTOR

BY DIVISION

NONPARTISAN ELECTION

Only registered voters or owners of real property, or both, within the area to be represented by the candidate are eligible to sign this petition. (SDCL 46A-18-2.1)

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of Director Division _____, of the _____ Water Project District, nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____, as a candidate for the office of water project district director for Director Division _____, of the _____ Water Project District in the annual election to be held on _____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot), under oath, declare that I am a qualified voter as defined in SDCL 46A-18-2.1 in the area that I will represent and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 46A-18-25.

5:02:08:28. Form of petition for water project district director at large. The nominating petition for a director at large of a water project district shall be in the following form:

**NOMINATING PETITION FOR WATER PROJECT DISTRICT DIRECTOR AT
LARGE**

NONPARTISAN ELECTION

Only registered voters or owners of real property, or both, within the area to be represented by the candidate are eligible to sign this petition. (SDCL 46A-18-2.1)

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the _____
Water Project District, nominate _____ of _____ County, State of
South Dakota, whose mailing address is _____,
_____, SD _____, as a candidate for the office of water project district
director at large of the _____ Water Project District in the annual election to
be held on _____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot),
under oath, declare that I am a qualified voter as defined in SDCL 46A-18-2.1 in the District
that I will represent and that I am eligible to seek the office for which I am a candidate. If
nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 11 SDR 120, effective March 11, 1985; 16 SDR 20, effective August 10, 1989; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 46A-18-25.

5:02:08:29. Form of petition for school district reorganization through dissolution.

The petition for school district reorganization through dissolution shall be in the following form:

PETITION FOR SCHOOL DISTRICT REORGANIZATION THROUGH DISSOLUTION

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition that the school board of the _____ School District No. _____ develop a reorganization plan dissolving the school district by attaching to another district or districts pursuant to SDCL 13-6 and that an election be held on the plan.

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

Source: 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-6-10.

5:02:08:30. Form of petition for multiple school district reorganization to create a new district. The petition for multiple school district reorganization to create a new district shall be in the following form:

PETITION FOR MULTIPLE SCHOOL DISTRICT REORGANIZATION TO CREATE A NEW DISTRICT

A separate petition must be submitted to each school board involved. Each petition may be signed only by residents of that district.

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition that the school boards of the following school districts:

develop a reorganization plan dissolving the school districts and creating a new district pursuant to SDCL 13-6 and that an election be held on the plan.

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

Source: 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-6-10.

5:02:08:31. Form of petition for reconsideration of rejected school district reorganization plan. The petition for reconsideration of a rejected school district reorganization plan shall be in the following form:

PETITION FOR RECONSIDERATION OF REJECTED SCHOOL DISTRICT REORGANIZATION PLAN

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition the school board of the _____ School District No. _____ to hold an election to reconsider the school district reorganization plan that was rejected at the election held _____, 20 ____.

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

Source: 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-6-49.

5:02:08:32. Form of petition for combining county offices. The petition for combining county offices shall be in the following form:

PETITION FOR COMBINING COUNTY OFFICES

WE, THE UNDERSIGNED qualified voters of _____ County in the state of South Dakota, petition that the county offices of _____, _____, and _____ be combined, that one person be elected to and perform the duties of the combined offices, and that the proposed change be submitted to the voters of that county for their approval or rejection pursuant to law.

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

Source: 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 7-7-1.5.

5:02:08:33. Form of petition for combining a county office with the same office in other counties. The petition for combining a county office with the same office in other counties shall be in the following form:

**PETITION FOR COMBINING A COUNTY OFFICE WITH THE
SAME OFFICE IN OTHER COUNTIES**

WE, THE UNDERSIGNED qualified voters of _____ County in the state of South Dakota, petition that the county office of _____ in _____ County be combined with the same county office in the (county) (counties) of _____ and that the proposed change be submitted to the voters of this county for their approval or rejection pursuant to law.

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

Source: 16 SDR 203, effective May 28, 1990.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 7-7-1.6.

5:02:08:34. Form of nominating petition for township election. The nominating petition for a township election must be in the following form:

NOMINATING PETITION FOR TOWNSHIP ELECTION

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the township of _____ in _____ County, South Dakota, nominate _____ whose residence address is _____, _____, SD _____, and whose business address is _____, _____, SD _____, as a candidate for the office of _____ at the annual township meeting to be held on the _____ day of _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot) under oath, declare that I reside in the township of _____ in _____ County, South Dakota, and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 8-3-1.2.

5:02:08:35. Form of nominating petition for special district trustee. The petition for special district trustees must be in the following form:

NOMINATING PETITION FOR DISTRICT TRUSTEE

WE, THE UNDERSIGNED qualified voters of _____ District, _____ County, South Dakota, nominate _____ whose residence address is _____, _____, SD _____, and whose business address is _____, _____, SD _____

_____, as a candidate for the office of District Trustee of _____ District at the election to be held on the _____ day of _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the ballot) under oath, declare that I am eligible for the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed)_____

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

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

Title of Officer Administering Oath

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

Source: 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998; 35 SDR 48, effective September 8, 2008; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 6-16-8, 31-12A-17, 34A-5-21.

5:02:08:36. Form of petition for conservation district supervisor -- Nonpartisan election. The nominating petition for conservation district supervisor must be in the following form:

NONPOLITICAL CONSERVATION DISTRICT PETITION
CONSERVATION DISTRICT SUPERVISOR

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of _____
Conservation District in _____ County(ies), South Dakota, nominate
_____ of _____ County, State of South Dakota,
whose mailing address is _____, _____, SD
_____, as a candidate for the office of Conservation District Supervisor, for _____ "a four"
_____ "the remaining two years of a four" (place check mark (✓ □) in front of the correct
option) year term, within the _____ Conservation District at the general
election to be held on November _____, 20_____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the
election ballot), under oath, declare that I am registered to vote in _____
County, and that I am eligible to seek the office for which I am a candidate. If nominated and
elected, I will qualify and serve as Conservation District Supervisor.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

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

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001; 44 SDR 94, effective December 4, 2017; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 38-8-39.

5:02:08:37. Form of petition for urban area conservation district supervisor -- Nonpartisan election. The nominating petition for urban area conservation district supervisor must be in the following form:

**NONPOLITICAL CONSERVATION DISTRICT PETITION
URBAN AREA CONSERVATION DISTRICT SUPERVISOR**

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of _____
Conservation District in _____ County(ies), South Dakota, nominate
_____ of _____ County, State of South Dakota,
whose mailing address is _____, _____, SD
_____, as a candidate for the office of Conservation District Supervisor, Urban Area, for "a
four" "the remaining two years of a four" (cross out incorrect option) year term, within the
_____ Conservation District at the general election to be held on November
_____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election
ballot), under oath, declare that I reside in _____ County, that I am a resident
of an urban area, and that I am eligible to seek the office for which I am a candidate. If nominated
and elected, I will qualify and serve as Conservation District Supervisor.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

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

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001.

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

Law Implemented: SDCL 38-8-39.

5:02:08:38. Form of petition for rural landowner or occupier conservation district supervisor -- Nonpartisan election. The nominating petition for rural landowner or occupier conservation district supervisor must be in the following form:

**NONPOLITICAL CONSERVATION DISTRICT PETITION
RURAL LANDOWNER OR OCCUPIER CONSERVATION DISTRICT SUPERVISOR**

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of _____
Conservation District in _____ County(ies), South Dakota, nominate
_____ of _____ County, State of South Dakota,
whose mailing address is _____, _____, SD
_____, as a candidate for the office of Conservation District Supervisor, Rural Landowner or
Occupier, for "a four" "the remaining two years of a four" (cross out incorrect option) year term,
within the _____ Conservation District at the general election to be held
on November _____, _____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election
ballot), under oath, declare that I reside in _____ County, that I am a rural
landowner or occupier, and that I am eligible to seek the office for which I am a candidate. If
nominated and elected, I will qualify and serve as Conservation District Supervisor.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

Title of Officer Administering Oath

My commission expires _____.

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

Source: 20 SDR 4, effective July 19, 1993; 27 SDR 146, effective July 9, 2001.

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

Law Implemented: SDCL 38-8-39.

5:02:08:39. Form of petition for organization of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district. The organizational petition for formation of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district must be in the following form:

WE, THE UNDERSIGNED, are qualified voters in the area herein described. We petition that the question of forming the _____ (insert name and type of district) district be submitted for a vote of approval or rejection pursuant to law.

(Here insert the legal description of the area to be included in the proposed district.)

(1) Road districts insert:

(a) The need for road work in the territory described; and

(b) Request county commissioners to define boundaries for the district and make a determination that such district be created;

(2) Ambulance districts insert area in square miles to be included in district;

(3) Fire districts insert area in square miles to be included in district;

(4) Watershed districts insert:

(a) The need in the interest of the public health, safety, and welfare for creation of a district to accomplish improvements in the watershed;

(b) Statement of the purposes of contemplated improvements;

(c) List of landowners and total acreage owned by each;

(d) Map of district and land ownership;

(e) Location of the official place of business of the district; and

(f) The number of managers; and

(5) Water project districts insert:

(a) The object and purpose of the district and the works proposed to be constructed with a description of the nature, location, and method of operation;

(b) Location of the principal place of business of the district; and

(c) The number of board members.

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

Source: 25 SDR 8, effective August 3, 1998; 26 SDR 168, effective June 25, 2000; 30 SDR 171, effective May 10, 2004.

General Authority: SDCL 6-16-8.

Law Implemented: SDCL 6-16-2, 6-16-8, 31-12A-3(1)(2)(3)(4), 34-11A-3, 34-31A-4, 46A-14-8(1)(2)(3)(4)(5)(6)(7), 46A-18-4(1)(2)(3)(4)(5).

5:02:08:40. Form of petition for a resolution of cooperation or consolidation. The form of a petition for proposing a resolution of cooperation by a local government entity or consolidation of local government entities shall be as follows:

PETITION FOR A RESOLUTION OF COOPERATION OR CONSOLIDATION

WE, THE UNDERSIGNED qualified voters of _____ (insert name of jurisdiction) petition for an election to be held to adopt or reject the following resolution of cooperation or consolidation.

(Name each local government entity to be involved in the cooperation or consolidation and describe each specific office, function, or governmental unit to be cooperated in or combined.)

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

Source: 27 SDR 146, effective July 9, 2001.

General Authority: SDCL 6-17-5.

Law Implemented: SDCL 6-17-5.

5:02:08:41. Form of petition for referring a tax levy opt-out. The petition for referring a tax levy opt-out must be in the following form:

_____ (insert jurisdiction) EXCESS TAX LEVY REFERENDUM PETITION

WE, THE UNDERSIGNED qualified voters of _____ (insert jurisdiction) in the state of South Dakota, petition that the following decision regarding the imposition of an excess tax levy, as passed by the governing body, be submitted to the voters of the jurisdiction for the voters' approval or rejection pursuant to law.

(Here insert the governing body's decision regarding the imposition of an excess tax levy and the date of its passage.)

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

Source: 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 10-12-43, 10-13-36.

5:02:08:42. Form of petition for consumers power district director. The nominating petition for a director of a consumers power district shall be in the following form:

NONPARTISAN NOMINATING PETITION FOR CONSUMERS POWER DISTRICT DIRECTOR

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED registered voters of Subdivision No. _____ (insert the subdivision the candidate is to represent) of the _____ Consumers Power District nominate _____ of _____ County, State of South Dakota, whose mailing address is _____, _____, SD _____ and whose residence address is _____, _____, SD _____ as a candidate for the office of director, representing Subdivision No. _____ (insert the subdivision area the candidate is to represent) of the _____ Consumers Power District in the primary election to be held on June ____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I own real property and reside in the area that I will represent and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

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

(Seal)

Signature of Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

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

Source: 35 SDR 48, effective September 8, 2008; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 49-36-1.3.

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: 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 13-8-3.

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: 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 13-23-3.

5:02:08:45. Form for precinct committeeman or committeewoman statement of candidacy. The statement for precinct committeeman or committeewoman candidacy must be in the following form:

Precinct Committeeman or Committeewoman Statement

I, _____, of _____ County, declare myself a candidate for the position of _____ (insert party) Party Precinct _____ (insert committeeman or committeewoman) for Precinct No. _____. My mailing address is _____, _____, SD _____, my residence address is _____, _____, SD _____, my email address is _____, and my telephone number is _____.

I am a resident of the precinct, I am a registered voter of the political party specified above at the time I sign this statement, I desire to serve in the office of Precinct Committeeman or Committeewoman, and, if elected, will serve in the office.

I certify all of the above information to be true.

Print Name _____
Date _____
Signature _____
Telephone Number _____

Source: 36 SDR 209, effective June 30, 2010; 45 SDR 9, effective July 30, 2018; 50 SDR 12, effective August 8, 2023.

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

Law Implemented: SDCL 12-5-4, 12-6-3.2.

5:02:08:46. Form of petition for a school board to implement a school sentinel program.

The petition for implementing a school sentinel program shall be in the following form:

PETITION FOR IMPLEMENTING A SCHOOL BOARD SENTINEL PROGRAM

WE, THE UNDERSIGNED qualified voters of the _____ School District No. _____, petition that the question of implementing a school board sentinel program be submitted to the voters of this school district for their approval or rejection pursuant to SDCL 13-64-7.

(Add school board decision regarding the sentinel program and date of passage here)

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

Source: 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 13-64-7, 13-64-9.

CHAPTER 5:02:09 - AUTOMATIC TABULATING EQUIPMENT

| Section | |
|---------------|--|
| 5:02:09:01 | Repealed. |
| 5:02:09:01.01 | Notice of testing automatic tabulating equipment. |
| 5:02:09:01.02 | Test of tabulating equipment. |
| 5:02:09:01.03 | Repealed. |
| 5:02:09:01.04 | Sealing tabulating equipment. |
| 5:02:09:02 | Approval of automatic tabulating systems required before distribution. |
| 5:02:09:02.01 | Criteria for approving automatic tabulating systems. |
| 5:02:09:02.02 | Repealed. |
| 5:02:09:02.03 | Criteria for approving electronic ballot marking systems. |
| 5:02:09:03 | Number of voting booths. |
| 5:02:09:04 | Repealed. |
| 5:02:09:04.01 | Repealed. |
| 5:02:09:04.02 | Repealed. |
| 5:02:09:04.03 | Arrangements for and conduct of voting in precincts where automatic tabulating systems used. |
| 5:02:09:04.04 | Tabulation procedures. |
| 5:02:09:04.05 | Election day test of electronic ballot marking system. |
| 5:02:09:05 | Recount procedure. |
| 5:02:09:06 | Repealed. |
| 5:02:09:07 | Repealed. |
| 5:02:09:08 | Repealed. |
| 5:02:09:09 | Unnecessary items in the pollbook. |
| 5:02:09:10 | Repealed. |
| 5:02:09:11 | Official and unofficial election results. |
| 5:02:09:11.01 | Repealed. |
| 5:02:09:11.20 | Repealed. |
| 5:02:09:12 | Repealed. |
| 5:02:09:13 | Envelope for official returns. |
| 5:02:09:14 | Oath by tabulation center employees. |
| 5:02:09:15 | Repealed. |
| 5:02:09:16 | Recapitulation sheet. |
| 5:02:09:17 | Examination of voting booths. |
| 5:02:09:18 | Repealed. |
| 5:02:09:19 | Repealed. |
| 5:02:09:20 | Repealed. |
| 5:02:09:21 | Repealed. |
| 5:02:09:22 | Counting imperfectly marked optical scan ballots. |

5:02:09:01. Notice of use of electronic voting systems. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:01.01. Notice of testing automatic tabulating equipment. The notice of testing the automatic tabulating equipment shall be in the following form:

NOTICE OF TESTING AUTOMATIC TABULATING EQUIPMENT

(The person in charge of the election shall give notice of the testing of the automatic tabulating equipment at least one week before, but not more than ten days before the date of testing and shall post the notice in the same manner as a public meeting agenda, pursuant to SDCL [1-25-1.1](#).)

Notice is hereby given to the public, the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment, that the automatic tabulating equipment will be tested to ascertain that it will correctly count the votes for all offices and measures that are to be cast at the _____ election held on the _____ day of _____, _____.

The test will be conducted on the _____ day of _____, _____, at _____ o'clock (a.m.) (p.m.) at the following location:

_____.

Dated this _____ day of _____, _____.

Person in charge of election

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 27 SDR 146, effective July 9, 2001; 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(3).

Law Implemented: SDCL 12-17B-5.

5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL [12-17B-5](#) and [12-17B-12](#). The test must be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet must be created prior to the machine count to show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:

- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and

- (3) One or more ballots with an undervote;
- (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL [12-17B-13.1](#); and
- (5) One or more ballots that do not have a ballot stamp.

At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must be of sufficient size to prove the accuracy of the system. If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck must be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.

If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot which each machine will be used to count in the election.

In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Source: 8 SDR 81, effective January 10, 1982; 21 SDR 77, effective October 24, 1994; 23 SDR 236, effective July 17, 1997; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007; 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-17B-17(3).

Law Implemented: SDCL 12-17B-5, 12-17B-12.

5:02:09:01.03. Test of direct recording electronic voting machines. Repealed.

Source: 29 SDR 113, effective January 30, 2003; 47 SDR 37, effective October 6, 2020.

05:02:09:01.04. Sealing tabulating equipment. After the automatic tabulating equipment produces an errorless count during a test, the person in charge of the election must seal the equipment as follows, according to the type of machine used in the election:

(1) DS200:

- (a) Open the access door using your black barrel key and insert the election definition USB flash drive in the port labeled “B”. Secure the flash drive with a wire seal;



- (b) Close the access door and lock with a medium barrel key. Affix a label seal over the place where the access door meets the body of the machine;



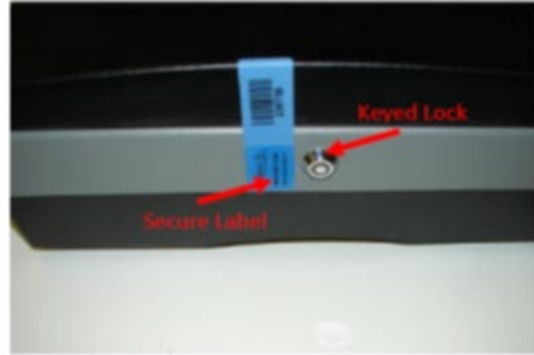
(c) Open up the rear compartment located on the top, back left area of the DS200 behind the screen. Place a backup USB flash drive in the available port. Thread a wire seal through both the backup USB flash drive and the loop provided to secure the flash drive;



(d) Ensure that the rear access door is locked with a medium barrel key and affix a label seal over the place where the rear access door meets the body of the machine. The rear access door covers the backup USB flash drive;



(e) Close the touch screen display and secure the lock with a medium barrel key. Affix a label seal vertically over the place where the main section of the unit meets the touch screen display; and



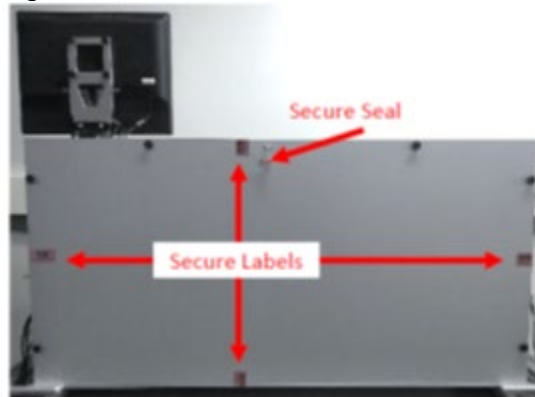
(f) Affix a second label seal over the seam where the top of the unit joins to the base;



(2) DS450:

(a) Open the access door using your black barrel key and insert the election definition USB flash drive in the port labeled "B". Secure the flash drive with a wire seal;

(b) The rear panel of the DS450 is secured with six thumbscrews. A location is provided for a wire or plastic seal which must be placed. Tamper-evident labels must also be applied across the DS450 housing and rear panel on the top, bottom, and both sides;



(c) On the right side of the DS450, a clear access door protects the USB ports. The access door must be secured using the integrated key lock, a label seal, and a wire or padlock seal; and



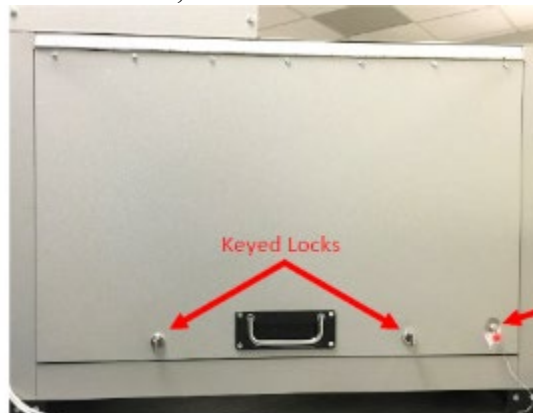
(d) On the left side of the DS450, a clear access door protects the power switch, power cord, network port, and USB port. The access door must be secured using the integrated key lock and a wire or padlock seal. A label seal must also be applied any time the access door is opened and closed again; and



(3) DS850:

(a) Open the access door using your black barrel key and insert the election definition USB flash drive in the port labeled "B". Secure the flash drive with a wire seal;

(b) Secure the rear of the tabulator by locking both door locks. Apply a wire seal through the opening provided in the lower right corner of the door;



(c) On the left side of the DS850, a clear access door protects the power switch, power cord, network port, and USB port. The access door must be secured using the integrated key lock and a wire or padlock seal; and



(d) On the right side of the DS850, three clear access doors protect the USB ports. The access doors must be secured using the integrated key locks and wire or padlock seals.

Source: 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(4), 12-17B-5.2.

Law Implemented: SDCL 12-17B-5.2.

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 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 or 5:02:09:02.03 and is certified as fulfilling the requirements of the Election Assistance Commission 2015 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 or electronic 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 system must have been certified as fulfilling the requirements of the Election Assistance Commission voting system 2015 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; 35 SDR 306, effective July 1, 2009; 46 SDR 42, effective September 30, 2019; 47 SDR 37, effective October 6, 2020.

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

Law Implemented: SDCL 12-17B-2.

5:02:09:02.01. Criteria for approving automatic tabulating systems. Before the State Board of Elections grants a certificate of approval, the following automatic tabulating equipment capabilities of an electronic voting system must be demonstrated to the board or its designee. The board shall deny a certificate of approval for automatic tabulating equipment which as demonstrated does not fulfill the following requirements:

- (1) It enables the voter to vote in absolute secrecy;
- (2) It enables the voter to vote a ticket selected from all the candidates;
- (3) It rejects all of a voter's votes for any office or on any measure if the voter has cast more votes for the office or the measure than the voter is entitled to;
- (4) It accommodates all measures to be submitted to the voters in the form provided by law;
- (5) It processes 3,000 ballots at a rate of 15 ballots a minute for a central counting unit;
- (6) It processes 750 ballots at a rate of 10 ballots a minute for a precinct counting unit;
- (7) It allows no more than one percent of ballots to be rejected by the machine because of ballot feeding errors during a demonstration; and
- (8) It accurately counts every ballot for each position voted.

The ballots for testing must contain at least ten contests. The ballots for processing must be at least 90 percent fully voted with the remainder containing overvoted and undervoted ballots. At least 2 percent of the ballots to be tested must be folded in the same manner as absentee ballots.

Source: 16 SDR 20, effective August 10, 1989; 21 SDR 77, effective October 24, 1994; 23 SDR 236, effective July 17, 1997.

General Authority: SDCL 12-17B-17.

Law Implemented: SDCL 12-17B-2.

5:02:09:02.02. Criteria for approving direct recording electronic voting machines.
Repealed.

Source: 29 SDR 113, effective January 30, 2003; 29 SDR 177, effective July 2, 2003; 46 SDR 42, effective September 30, 2019.

5:02:09:02.03. Criteria for approving electronic ballot marking systems. Before the State Board of Elections grants a certificate of approval, the following capabilities of the electronic ballot marking system must be demonstrated to the board or its designee. The board may grant a certificate of approval for a system, if the system fulfills the following requirements:

- (1) Accurately mark 250 ballots with at least 10 races on each ballot with no ballot jams;
- (2) If the system has the capability of marking a ballot on the back side, the races must be split between the front and back of the ballot;
- (3) Enables the voter to vote in absolute secrecy;
- (4) Presents the entire ballot to the voter in a series of sequential screens that include methods to ensure the voter sees all ballot options on all screens before completing the vote and allows the voter to review all ballot choices before casting a ballot;
- (5) Prevents any voter from selecting more than the allowable number of candidates for any office to prevent overvoting, alerts the voter on the screen if the voter attempts to overvote, and provides information on how to correct the overvote;
- (6) Alerts the voter to any undervote prior to marking the ballot;
- (7) Accurately marks a paper ballot for each vote for each position voted;
- (8) Is an electronic computer-controlled voting system that provides for marking of votes cast;
- (9) Has a battery back-up system that, at a minimum, allows voting to continue uninterrupted for two hours without external power;
- (10) Is designed to accommodate multiple ballot styles in each election precinct and have an option to handle multiple precincts;
- (11) Has a real-time clock capable of recording and documenting the total time polls are open in a precinct and capable of documenting the opening and closing of polls;
- (12) Complies with the disability voting requirements of the Help America Vote Act of 2002 as of January 1, 2005;
- (13) Has a color touch-screen that is at least fifteen inches in diagonal measure;
- (14) Has an option to accommodate a voter who uses a mobility device without intervention of the poll worker other than a minor adjustment such as the angle of the display, and the voter must be able to vote in a face-first position so that privacy is maintained with the ballot surface adjusted to a vertical position;

(15) Has wheels so that the system may be easily rolled by one person on rough pavement and rolled through a standard thirty-inch door frame if the net weight of the system, or aggregate of voting device parts, is over twenty pounds;

(16) Has a method to activate the system for each individual voter and which shall prevent any voter from voting more than once;

(17) Has internal operating system software or firmware, that:

- (a) Is specifically designed and engineered for the election application;
- (b) Is contained within each voting device;
- (c) Is stored in a nonvolatile memory within each terminal;
- (d) Includes internal quality checks such as purity or error detection and correction codes; and
- (e) Include comprehensive diagnostics to ensure that failures do not go undetected; and

(18) Marks ballots that can be accurately counted as provided in § 5:02:09:02.01 for each automatic tabulating system which will be counting ballots.

Source: 31 SDR 214, effective July 4, 2005; 42 SDR 15, effective August 11, 2015.

General Authority: SDCL 12-17B-17(1) (3).

Law Implemented: SDCL 12-17B-2.

5:02:09:03. Number of voting booths. In counties where automatic tabulating systems are used, the county auditor shall provide at least one voting booth for each 100 votes cast at the last comparable election.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994.

General Authority: SDCL 12-17B-17.

Law Implemented: SDCL 12-17B-2.

5:02:09:04. Test of preaudited ballots. Repealed.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:04.01. Instructions for voting. Repealed.

Source: 5 SDR 31, effective November 1, 1978; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:04.02. Instructions for absentee voting. Repealed.

Source: 5 SDR 31, effective November 1, 1978; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987; 20 SDR 4, effective July 19, 1993; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:04.03. Arrangements for and conduct of voting in precincts where automatic tabulating systems used. The following procedures apply to the arrangements for and conduct of voting in precincts where automatic tabulating systems are used:

(1) The precinct officials shall prepare the voting place before the opening of the polls with all the voting booths, instructions to voters, other voting equipment, and supplies as provided by the person in charge of the election. These preparations must be made according to the instructions received at the election school held for precinct officials pursuant to SDCL 12-15-7. If an electronic ballot marking system is being used, it must be operational and tested as provided in § 5:02:09:04.05;

(2) The precinct official charged with the duty of issuing the ballot to the voter shall mark the ballot with the official ballot stamp in the location designated by the person in charge of the election;

(3) The official shall issue the ballot along with any other system equipment required for marking the ballot. If requested by the voter, the official shall issue clear instructions or demonstrations for marking the ballot with only the instrument provided and according to the instructions on the ballot and those posted throughout the voting place. The official shall specifically inform the voter that marking the ballot with any instrument other than the one issued could result in the ballot not being counted. All instructions must be given prior to the voter entering the voting booth, except a voter may receive instruction on operating an electronic ballot marking system while using the system;

(4) A precinct official, in the course of instructing a voter, may not show partiality to any political party or any side of a measure being voted on;

(5) Precinct officials shall discharge the duties of instruction with each political party alternating a turn so as to ensure a nonpartisan presentation;

(6) In precincts using optical scan ballots, the official shall instruct the voter to return the voted ballot in the privacy sleeve so that the official ballot stamp is visible by the official before the ballot is placed in the box. The precinct official shall place any ballot without the official ballot stamp in a separate marked envelope not to be counted and give the voter a new ballot;

(7) Upon completion of the voting on election night, the precinct officials shall complete the recap sheet prescribed in § 5:02:09:16. If the ballot count does not agree with the number of voters in the pollbook, the precinct officials shall compare the voters in the pollbook and the registration list and correct any mistakes;

(8) The precinct officials shall securely seal the ballot box pursuant to § 5:02:16:37;

(9) The voted ballots and all spoiled and unvoted ballots are to be transported pursuant to SDCL 12-17B-9 to the person in charge of the election; and

(10) Precinct officials shall secure in the polling place the equipment and supplies that were issued for the purpose of voting or shall return the equipment and supplies to the person in charge of the election.

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 236, effective July 17, 1997; 30 SDR 171, effective May 10, 2004; 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-17B-17(4).

Law Implemented: SDCL 12-17B-6, 12-17B-7, 12-17B-9.

Cross-Reference: Recapitulation sheet, § 5:02:09:16.

5:02:09:04.04. Tabulation procedures. The procedures for receiving, preparing, and tabulating the ballots are as follows:

(1) The tabulation technicians shall compare the total number of ballots shown on the return printed by the equipment and the total number of ballots shown on the recap sheet from the precinct officials. If there is a discrepancy in the total number of ballots cast in any precinct, the tabulation technicians shall note the discrepancy on the recap sheet, the sheet shall be signed by a tabulation technician and notice given to the resolution board;

(2) If the total number of ballots exceed by five or more the number of names in the pollbook as found on the recap sheet, the ballots shall be examined by the resolution board for the official ballot stamp. Any unstamped ballots shall be removed and marked as "unstamped - not counted." If the total number of ballots still exceeds the number of names in the pollbook, the ballots shall be placed in a box and one of the resolution board shall publicly draw from the box the number of ballots that is equal to the excess and place these in an envelope labeled "ballots drawn by resolution board to justify totals". The remaining ballots shall then be counted by the tabulation equipment and the count shall be included with the other tabulations to constitute the compiled unofficial returns; and

(3) If a ballot is rejected by the automatic tabulating equipment, the resolution board shall review the ballot as follows:

(a) If the resolution board determines that the ballot is damaged or defective, a duplicate shall be made of the ballot. All duplicate ballots shall clearly be marked "duplicate," shall bear a serial number which is also recorded on the original ballot. This ballot shall then be counted by the automatic tabulating equipment in lieu of the original ballot; and

(b) If the resolution board determines that the tabulating equipment is not reading any mark which is a vote according to § 5:02:09:22, the board shall duplicate that ballot according to subdivision (3)(a) of this section.

If the resolution board cannot reach an agreement on the determination of any mark, the board shall duplicate that ballot according to subdivision (3)(a) without marking any oval in dispute.

If the resolution board cannot reach an agreement on the determination of all of the marks on any ballot, the board shall reject that ballot and label it, "no votes can be determined".

Source: 21 SDR 77, effective October 24, 1994; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-17B-17(4).

Law Implemented: SDCL 12-17B-13, 12-17B-14.

5:02:09:04.05. Election day test of electronic ballot marking system. Prior to the opening of the polls, the precinct superintendent must test the electronic ballot marking system for proper operation using the following procedure:

(1) Use only the test ballots provided by the person in charge of the election which are labeled "TEST BALLOTS";

(2) Mark at least two "TEST BALLOTS" using the electronic ballot marking system by selecting various candidates and ballot questions using the touchscreen, keypad, and headphones;

(3) You must successfully mark two "TEST BALLOTS" before allowing voters to use the electronic ballot marking system;

(4) If the test is not successfully completed, open the polls at 7:00 a.m. No voter may use the electronic ballot marking system until the test is successfully completed.

Source: 32 SDR 225, effective July 3, 2006.

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

Law Implemented: SDCL 12-18-1.6.

5:02:09:05. Recount procedure. The following procedure shall be used in recounting any election counted by an automatic tabulating system:

(1) If a discrepancy in the number of ballots for a precinct is discovered during ballot tabulation and is not resolved at that time, the county auditor shall make every effort to resolve the discrepancy following the official county canvass and prior to the convening of the recount board;

(2) The recount board shall first examine each ballot to determine if the official stamp has been placed on the ballot and may not count any vote on an unstamped ballot;

(3) If any discrepancy remains after subdivisions (1) and (2) have been completed and the total number of ballots in a precinct exceeds the number of names in the pollbook, the ballots shall be placed in a box and the recount board shall draw from the box the number of ballots that is equal to the excess and place these in an envelope labeled "ballots drawn by recount board to justify totals";

(4) The recount board shall review ballots for proper marking procedure according to the voting instructions. Each ballot marked in a manner other than as provided in the instructions to voter and which may not be counted by the machine shall be hand counted or duplicated in the manner used by a resolution board and the duplicate counted by machine. The recount board shall determine the voter's intent based on the standards found in ARSD 5:02:09:22;

(5) The recount board shall review each ballot to determine if there are any write-in votes. Any write-in vote may not be counted but all other votes for which the voter's intent can be determined shall be counted;

(6) The recount board shall examine the ballots reviewed by the resolution board to determine the correctness of the initial rejection or duplication. The recount board shall rule on whether each mark is to be counted or rejected according to § 5:02:09:22;

(7) The recount board shall test the automatic tabulating equipment according to § 5:02:09:01.02. The board may conduct additional tests of the equipment including a comparison with hand-counted results from a precinct;

(8) The recount board shall count the ballots with the automatic tabulating equipment. A hand count may be conducted to verify the accuracy of the count by the automatic tabulating equipment. If any discrepancy is found, the discrepancy shall be resolved before the recount is concluded. If any vote cannot be accurately counted by the automatic tabulating equipment but can be hand counted, the hand count tally of that vote shall be added to the count by the automatic tabulating equipment;

(9) The recount board shall complete the Certificate of Disputed Ballot as provided in § 5:02:19:09;

(10) Any question arising on the recount shall be determined by majority vote of the recount board; and

(11) The recount board shall certify the new returns as printed by the automatic tabulating equipment or as hand counted as the "Official Returns" for the election by completing the Certificate of Recount as provided in § 5:02:19:08. The Certificate of Recount shall be filed with the person in charge of the election and shall constitute the final returns for the election in that jurisdiction. If the recount involved an election canvassed by the State Board of Canvassers a duplicate original of the Certificate of Recount shall be forwarded to the secretary of state to be incorporated into the statewide totals as provided by SDCL 12-21-39.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 12-17B-7, 12-17B-17(4).

Law Implemented: SDCL 12-17B-7, 12-17B-16.

5:02:09:06. Program requirements. Repealed.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:07. Slip for recording number of voters and discrepancies noted at time of counting -- Primary election. Repealed.

Source: 3 SDR 69, effective April 10, 1977; 5 SDR 31, effective November 1, 1978; 6 SDR 123, effective July 2, 1980; 8 SDR 81, effective January 10, 1982; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:08. Slip for recording number of voters and discrepancies noted at time of counting -- General election. Repealed.

Source: 5 SDR 31, effective November 1, 1978; 8 SDR 81, effective January 10, 1982; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:09. Unnecessary items in the pollbook. Electronic voting precincts do not need tally sheets, official vote count sheet, or the oath or certificate of the counting board in the pollbook.

Source: 5 SDR 31, effective November 1, 1978; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-17B-17.

Law Implemented: SDCL 12-17B-13.

5:02:09:10. Immediate unofficial returns. Repealed.

Source: 5 SDR 31, effective November 1, 1978; repealed, 8 SDR 81, effective January 10, 1982.

5:02:09:11. Official and unofficial election results. The unofficial returns shall include the date and name of election, identification of the jurisdiction, precinct, names of candidates, offices sought, political party affiliation, ballot issues, and votes counted.

The unofficial returns are considered certified as the "Official Returns" upon completion of the review performed by the canvassing board designated for the election of the voting jurisdiction and signed and sealed by the person in charge of the election.

Source: 5 SDR 31, effective November 1, 1978; 8 SDR 81, effective January 10, 1982; 21 SDR 77, effective October 24, 1994.

General Authority: SDCL 12-17B-17.

Law Implemented: SDCL 12-17B-13.

5:02:09:11.01. Certification of the official returns. Repealed.

Source: 8 SDR 81, effective January 10, 1982; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:11.02. Unofficial election returns. Repealed.

Source: 8 SDR 81, effective January 10, 1982; repealed, 21 SDR 77, effective October 24, 1994.

5:02:09:12. Envelope for immediate unofficial return and pollbook. Repealed.

Source: 5 SDR 31, effective November 1, 1978; repealed, 8 SDR 81, effective January 10, 1982.

5:02:09:13. Envelope for official returns. The returns printed from the tabulating or accumulation equipment shall be sealed in a manila envelope clearly labeled "Final Unofficial Returns" and kept with the pollbook until the meeting of the county canvassing board.

Source: 5 SDR 31, effective November 1, 1978; 8 SDR 81, effective January 10, 1982; 20 SDR 4, effective July 19, 1993; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-1-9(4), 12-17B-17(2).

Law Implemented: SDCL 12-17B-13.

5:02:09:14. Oath by tabulation center employees. The oath that the tabulation center employees take and subscribe to shall be in the following form:

OATH BY TABULATION CENTER EMPLOYEES

I, _____, do solemnly swear that I will perform the duty of tabulating the ballots according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and abuse in tabulating the ballots I am about to count.

(Signed) _____

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

(Person in Charge of Election or Deputy)

Source: 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-17B-11.

5:02:09:16. Recapitulation sheet. A recapitulation sheet containing the following information must be filled out for each type of ballot style. Two columns may be used to separate optical scan and express vote ballots for each ballot style. The person in charge of the election can create this in a format that works for them as long as all the information listed below is included.

| (Date and Name of Election) | Ballot Type | Ballot Type | Ballot Type |
|--|---------------------|---------------------|---------------------|
| RECAP SHEET: PRECINCT | | | |
| 1. Official Ballots Received from Auditor | + | + | + |
| 2. Additional Ballots Received During the Day | + | + | + |
| 3. Absentee Ballots Received | + | + | + |
| 4. Total Ballots Received (add lines 1, 2 and 3) | = (Line 4 Total) | = (Line 4 Total) | = (Line 4 Total) |
| 5. Ballots Spoiled | + | + | + |
| 6. Ballots Unvoted at End of the Day | + | + | + |
| 7. Absentee Ballots not Opened | + | + | + |
| 8. Total (add lines 5, 6 and 7) | = (Line 8 Total) | = (Line 8 Total) | = (Line 8 Total) |
| 9. Ballots Voted (Line 4 minus Line 8) | (Line 9 Total) | (Line 9 Total) | (Line 9 Total) |
| 10. Provisional Ballots Voted | | | |
| 11. Ballots to Be Counted (Line 9 minus Line 10) | | | |
| 12. Enter Number of Voters from Pollbook for this Type of Ballot | | | |

If Line 9 and Line 12 are not the same, compare the voters in the pollbook and the registration list and correct any mistakes.

Signed: _____

Precinct Officials

PLACE INSIDE BALLOT BOX OR TRANSFER CASE WITH VOTED BALLOTS

| <u>(Date and Name of Election)</u> | <u>Ballot Type</u> | <u>Ballot Type</u> | <u>Ballot Type</u> |
|--|--------------------|--------------------|--------------------|
| RECAP SHEET: _____ PRECINCT _____ | | | |
| <u>13. Ballots to Be Counted</u> | | | |
| <u>14. Unstamped Ballots</u> | | | |
| <u>15. Other Discrepancies</u> | | | |
| <u>16. Total Ballots Cast (Line 13 minus Lines 14 and 15)</u> | | | |

Explanation of Discrepancies

Signed _____

Resolution Board

Tabulation center employees shall compare the number of ballots listed on the tabulation tape to the number of ballots listed on this recap sheet. These numbers need to match before the tabulation center employees can sign off on this form.

Signed _____

Tabulation Center Employees

Printer's note: In central count optical scan precincts, lines 10 and 11 may be completed by tabulation center employees. The printed form may be changed to reflect this option.

Source: 8 SDR 81, effective January 10, 1982; 12 SDR 43, effective September 23, 1985; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 30 SDR 171, effective May 10, 2004; 31 SDR 35, effective September 23, 2004; 45 SDR 9, effective July 30, 2018; 47 SDR 37, effective October 6, 2020; 49 SDR 47, effective November 21, 2022.

General Authority: SDCL 12-17B-17(2).

Law Implemented: SDCL 12-17B-6.1, 12-17B-9, 12-18-32.

5:02:09:17. Examination of voting booths. Before voting begins and periodically thereafter on election day, members of the election board shall examine all voting booths and remove campaign cards, political advertising, or other matter constituting an unauthorized attempt to influence voters.

Source: 8 SDR 81, effective January 10, 1982; 21 SDR 77, effective October 24, 1994; 30 SDR 171, effective May 10, 2004.

General Authority: SDCL 12-17B-17(4).

Law Implemented: SDCL 12-18-1.3.

5:02:09:18. Ballot comparison certification. Repealed.

Source: 16 SDR 20, effective August 10, 1989; 21 SDR 77, effective October 24, 1994; 25 SDR 167, effective July 6, 1999; repealed, 30 SDR 171, effective May 10, 2004.

5:02:09:19. Counting imperfectly marked punchcard ballots. Repealed.

Source: 28 SDR 99, effective January 17, 2002; repealed, 30 SDR 171, effective May 10, 2004.

5:02:09:20. Counting punchcard ballots with a hole next to an intact chad. Repealed.

Source: 28 SDR 99, effective January 17, 2002; repealed, 30 SDR 171, effective May 10, 2004.

5:02:09:21. Overvoted punchcard ballots. Repealed.

Source: 28 SDR 99, effective January 17, 2002; repealed, 30 SDR 171, effective May 10, 2004.

5:02:09:22. Counting imperfectly marked optical scan ballots. A mark that touches the oval on an optical scan ballot shall be counted as a vote; any mark that does not touch the oval and is not in the oval may not be counted as a vote.

Source: 28 SDR 99, effective January 17, 2002; 32 SDR 109, effective December 26, 2005; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-1-9(4).

CHAPTER 5:02:10 - ABSENTEE VOTING

Section

| | |
|---------------|---|
| 5:02:10:01 | Application for absentee ballot. |
| 5:02:10:01.01 | Receipt for absentee ballot. |
| 5:02:10:01.02 | Guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters. |
| 5:02:10:01.03 | Combined absentee ballot application/return envelope. |
| 5:02:10:01.04 | Repealed. |
| 5:02:10:02 | Repealed. |
| 5:02:10:03 | Envelope for sending ballots to voter. |
| 5:02:10:04 | Instructions to absentee voters. |
| 5:02:10:05 | Official return envelope for ballots used in voting. |
| 5:02:10:06 | Official record of absentee ballots delivered to voters. |
| 5:02:10:07 | Repealed. |
| 5:02:10:08 | Envelopes for use with voting service and overseas ballots. |
| 5:02:10:09 | Nursing facility, assisted living center, or hospital absentee voting. |

5:02:10:01. Application for absentee ballot. The application for an absentee ballot must be in the following form:



South Dakota
Absentee Ballot Application Form
_____ County

| | | | |
|---|---|--|---|
| Please print and return to your county auditor. A new application must be completed each calendar year. | | | |
| You may apply for an absentee ballot before 5:00 p.m. the day before the election for any or all general, primary, municipal, school, or any other elections conducted in this calendar year with one request. Additional information on absentee voting is available at sdsos.gov. | | | |
| 1 | Last Name | First Name | Middle Name(s)/Initial |
| | Suffix | | |
| 2 | Voter registration address | Apt. or Lot # | City, State |
| | Zip Code | | |
| 3 | Absentee ballot mailing address (if different from section #2) | | City, State |
| | Zip Code | | |
| SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR: | | | |
| All <input type="checkbox"/> General <input type="checkbox"/> Primary <input type="checkbox"/> Municipal <input type="checkbox"/> School <input type="checkbox"/> Any Other <input type="checkbox"/> 4 If you are registered as an independent and are requesting a Primary Election ballot, you may have a choice of the following: Democratic <input type="checkbox"/> Non-Political <input type="checkbox"/> | | | |
| 5 | Daytime telephone number | If request is for a municipal or school election: I have lived in that jurisdiction at least 30 days in the last year. Yes <input type="checkbox"/> No <input type="checkbox"/> I am a full-time student who resided in that jurisdiction prior to leaving. Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| MILITARY AND OVERSEAS CITIZENS ONLY: | | | |
| Are you in the Military or Uniformed Services, a spouse or dependent of the same or an Overseas Citizen? Yes <input type="checkbox"/> No <input type="checkbox"/> If you checked yes, complete this section. If you checked no, proceed to section #7. If you want your ballot sent electronically instead of first class mail, provide your e-mail address below: | | | |
| 6 | *Stateside military voters are required to submit a photocopy of their ID or have this application notarized. *The notarization of this application can be administered by any commissioned officer in the United States military. *Overseas military and overseas citizen voters are not required to submit a photocopy of their ID. *All military and overseas voters may submit your signed application for absentee ballot by fax or e-mail. | | |
| An acceptable ID is: A South Dakota driver's license or non-driver ID card, a passport or other picture ID issued by the United States government, a tribal photo ID, or a current student photo ID issued by a South Dakota high school or postsecondary education institution. | | | |
| 7 | <input type="checkbox"/> Copy of photo identification is attached OR <input type="checkbox"/> I hereby verify that I am the person named above and these statements made by me on this application are true and correct. Sworn to before me this _____ day of _____, 20____. | | _____ Voter's Signature Required |
| | (Seal) Notary signature _____ My commission expires _____ | Date: _____ / _____ / _____ Month / Day / Year | |
| AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY: The deadline to request is 3:00 p.m. on Election Day. | | | |
| As a registered voter, I authorize... | | | |
| | Last Name | First Name | Daytime telephone |
| | Address | Apt. or Lot # | City, State |
| | Zip Code | | |
| 8 | ...to serve as my authorized messenger to pick up my absentee ballot. I further certify under penalty of law that I am confined because of sickness or disability and for this reason alone am unable to vote at my polling place on Election Day. | | As the authorized messenger, I acknowledge receipt of the ballot for the above named voter on... Date: _____ Time: _____ Are you serving as an authorized messenger for any other voter? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | _____ Voter's Signature | | _____ Authorized Messenger's Signature |

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; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 112, effective January 11, 2010; 36 SDR 209, effective June 30, 2010; 40 SDR 40, effective September 9, 2013.

General Authority: SDCL 12-1-9(4), 12-19-2.

Law Implemented: SDCL 9-13-4.1, 12-18-6.1, 12-19-2, 12-19-2.1, 12-19-2.2, 13-7-4.2.

5:02:10:01.01. Receipt for absentee ballot. When anyone returns a voted ballot in person, the auditor's receipt for that absentee ballot shall be in the following form:

RECEIPT FOR ABSENTEE BALLOT

I acknowledge receipt of the absentee ballot voted by _____ whose voting precinct is _____ and whose permanent residence is _____. I received this absentee ballot from _____.

Signed on this _____ day of _____, 20____.

(Signature)

Person in Charge of the Election

Source: 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-9.

5:02:10:01.02. Guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters. The person in charge of the election shall upon request make a fax number or email address available to Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) voters for the purpose of sending a facsimile or emailed image of their signed absentee ballot application or request.

The facsimile or emailed image must be legible. If the facsimile or emailed image is from a UOCAVA voter located in the United States, the application or request must have a legible notary seal or copy of the voter's identification card as required by SDCL 12-19-2.

If the application or request is not legible, the person in charge of the election shall attempt to notify the voter as soon as possible by telephone or email if such contact information is provided.

Source: 31 SDR 214, effective July 4, 2005.

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

Law Implemented: SDCL 12-19-2.3.

5:02:10:01.03. Combined absentee ballot application/return envelope. The application for an in-office absentee ballot shall be printed in the following form on an envelope used for sealing the voted ballot:

APPLICATION FOR IN-OFFICE ABSENTEE BALLOT
_____ COUNTY, SOUTH DAKOTA

My printed name as it appears on the voter registration list

is: _____

My voter registration residence address is:

_____ (address) (city)

Check the election for which you are requesting an absentee ballot:

- Primary If you are registered as an independent and are requesting a primary ballot, you may have a choice of ballots. Please check one of the following: Non-political ballot or Democratic Party ballot
- General
- Municipal
- School
- Special _____ (specify jurisdiction)

If request is for a municipal or school election:

I have lived in that jurisdiction at least 30 days in the last year. Yes No

I am a full-time postsecondary student who resided in that jurisdiction immediately prior to leaving for postsecondary education. Yes No

I am on active duty military and my home of record is in that jurisdiction. Yes No

I, under penalty of impersonating a registered voter (5 years imprisonment and \$10,000 fine), state that I am the person named above, these statements made by me are true and correct, and that I will vote the ballot which will be enclosed in this envelope.

Voter Signature

Date

INSTRUCTIONS TO THE VOTER

- Mark your ballot privately.
- Do not fold your ballot.
- Place your ballot in this envelope and seal it securely.
- Return the envelope immediately to the person in charge of the election.

Auditor Office Use Only:

Voter Precinct: _____
Type of ID: _____

Printers Note: When this form is printed for primary, general, or other county elections, reference to municipal and school elections may be omitted. The instruction to "not fold your ballot" may be changed if the ballot is to be folded.

Source: 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 12-1-9(8), 12-19-2.5.

Law Implemented: SDCL 12-19-2, 12-19-2.1, 12-19-9.1, 12-19-2.5, 12-26-7, 22-6-1.

5:02:10:01.04. Military and overseas voters absentee ballot application for electronic access. Repealed.

Source: 36 SDR 209, effective June 30, 2010; repealed, 40 SDR 40, effective September 9, 2013.

5:02:10:02. Envelope for transmitting ballot application to superintendent of elections. Repealed.

Source: 2 SDR 46, effective December 30, 1975; 19 SDR 12, effective August 5, 1992; 46 SDR 42, effective September 30, 2019.

5:02:10:03. Envelope for sending ballots to voter. Prior to January 1, 2011, the envelope for sending ballots to voters may follow the specifications provided in this section that were in effect on 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) 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; 35 SDR 306, effective July 1, 2009.

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

Law Implemented: SDCL 12-19-3.

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.
- Fill in the oval next to the name or ballot question. Use only a blue or black ink pen. Do not use a felt tip pen or marker.
- (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 (voter must pay for postage to mail the ballot unless the voter is covered under the UOCAVA act), deliver it in person, or have someone deliver it for you to the person in charge of the election. (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 before the polls close on election day.
- Additional information on absentee voting is available at www.sdsos.gov.

Printers Note: Use correct return time designation in sixth bullet point.

Source: 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; 35 SDR 306, effective July 1, 2009; 36 SDR 112, effective January 11, 2010; 45 SDR 9, effective July 30, 2018; 50 SDR 66, effective December 5, 2023.

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

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

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 in effect on May 27, 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, "Place Stamp Here" are printed 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;

(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; 35 SDR 306, effective July 1, 2009.

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

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

5:02:10:06. Official record of absentee ballots delivered to voters. The official record of absentee ballots delivered to voters shall be in either a paper file or an electronic file. The county auditor may use a computer file that is linked to the master voter registration file. These records must contain the following information:

- (1) Date of election and party designation if primary ballot;
- (2) Name of voter;
- (3) Current mailing address of voter;

- (4) Voting precinct;
- (5) Regular or UOCAVA voter;
- (6) Date mailed to voter, given to authorized messenger, or voted in office;
- (7) Name of authorized messenger;
- (8) Date returned;
- (9) Date application received;
- (10) Email address if electronic transmission requested by UOCAVA voter (this is only for an election a county auditor runs, a local election does not have the option to transmit a ballot electronically through the state UOCAVA system); and
- (11) Voter registration address.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; transferred from § 5:02:05:16, 12 SDR 43, effective September 23, 1985; 32 SDR 109, effective December 26, 2005; 36 SDR 209, effective June 30, 2010; 42 SDR 178, effective July 1, 2016.

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

Law Implemented: SDCL 12-19-2, 12-19-2.1, 12-19-2.2, 12-19-2.3, 12-19-2.5.

5:02:10:07. Instructions for voting service and overseas ballots. Repealed.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; transferred from § 5:02:05:17, 12 SDR 43, effective September 23, 1985; 20 SDR 4, effective July 19, 1993; repealed, 25 SDR 8, effective August 3, 1998.

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 in 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

NAME AND COMPLETE ADDRESS

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

US POSTAGE PAID
39 USC 3406
PAR AVION

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

TO:

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

NAME AND COMPLETE ADDRESS

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

US POSTAGE PAID
39 USC 3406
PAR AVION

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

TO:

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.

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; 35 SDR 306, effective July 1, 2009.

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.

5:02:10:09. Nursing facility, assisted living center, or hospital absentee voting. When the county auditor or the county auditor's designee is at a facility to conduct absentee voting in accordance with SDCL 12-19-9.1, a resident who wishes to vote using an absentee ballot must be given an absentee ballot and the instructions for how to vote by absentee ballot pursuant to § 5:02:10:01.03. The resident shall complete the ballot alone, but must remain in the presence of the auditor or the auditor's designee. Any notified person listed in SDCL 12-19-9.1 may also be present.

The auditor or the auditor's designee must be present during the entire time the absentee voting is being conducted.

The receptacle used at a facility must be sealed at the auditor's office prior to transporting to a facility and may only be used for absentee voting at a facility.

While at the facility, the auditor or the auditor's designee shall place the completed absentee ballot into a sealed receptacle before leaving the facility. If the receptacle is used at more than one facility, the auditor must maintain a log of the facilities and the date of the voting.

The auditor or the auditor's designee shall transport the sealed receptacle to the auditor's office and secure the sealed receptacle in accordance with SDCL chapter 12-20 and § 5:02:16:37.

Upon return to the auditor's office, the ballots must be processed in the same manner as all in-person absentee ballots and stored in a secure storage area.

For purposes of this section, the term, facility, means a nursing facility, assisted living center, or hospital as defined in SDCL 34-12-1.1.

Source: 50 SDR 66, effective December 5, 2023

General Authority: DCL 12-1-9(4)(9), 12-19-9.1.

Law Implemented: SDCL 12-19-9.1, 12-19-9.3.

CHAPTER 5:02:11 - VOTING RIGHTS ACT

Section

| | |
|------------|----------------------------|
| 5:02:11:01 | Purpose. |
| 5:02:11:02 | Counties covered. |
| 5:02:11:03 | Language minority defined. |
| 5:02:11:04 | Exemption procedure. |
| 5:02:11:05 | Interpreter assistance. |

5:02:11:01. Purpose. The purpose of this chapter is to implement SDCL 12-3-6 to 12-3-13 and the Voting Rights Act Amendments of 1975, PL 94-73.

Source: 2 SDR 82, effective June 13, 1976; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-3-13.

Law Implemented: SDCL 12-3-6 to 12-3-13.

5:02:11:02. Counties covered. If the proper federal authorities add any counties, these rules shall apply without amendments. If the proper federal authorities remove counties from coverage, such counties need not comply.

Source: 2 SDR 82, effective June 13, 1976; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-3-13.

Law Implemented: SDCL 12-3-6 to 12-3-13.

5:02:11:03. Language minority defined. Language minority means persons who are American Indian, Asian American, Alaskan natives or of Spanish heritage.

Source: 2 SDR 82, effective June 13, 1976; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-3-13.

Law Implemented: SDCL 12-3-6 to 12-3-13.

5:02:11:04. Exemption procedure. Pursuant to SDCL 12-3-6 to 12-3-13, inclusive, the county auditor and state's attorney of a county determined to be covered by the Voting Rights Act Amendments of 1975 may proceed as follows in order to be exempt:

- (1) Certify that the most recent census figures show a precinct has less than five per cent Indian adult population;
- (2) Certify that a precinct's illiteracy rate is below the national average.

These facts may be shown by actual count. The facts shall be certified to the secretary of state by affidavit of the county auditor and state's attorney.

Source: 2 SDR 82, effective June 13, 1976; 10 SDR 27, effective September 26, 1983; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-3-13.

Law Implemented: SDCL 12-3-6 to 12-3-13.

5:02:11:05. Interpreter assistance. The county auditor shall appoint one interpreter for each precinct. This officially appointed interpreter shall subscribe to an oath which shall be in the same form as election precinct board members. Each political party or independent candidate or group proposing or opposing a measure may have interpreters present.

Source: 2 SDR 82, effective June 13, 1976; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-3-13.

Law Implemented: SDCL 12-3-6 to 12-3-13.

CHAPTER 5:02:12 - INTERPRETIVE RULES

Section

| | |
|------------|-------------------------------------|
| 5:02:12:01 | Poll watchers -- Primary election. |
| 5:02:12:02 | Poll watchers -- General election. |
| 5:02:12:03 | Additional poll watchers permitted. |

5:02:12:01. Poll watchers -- Primary election. At least one poll watcher for each candidate, one poll watcher for each slate of national convention delegates and alternates, and one poll watcher for each side of any ballot issue to be voted on may be present at each polling place for primary elections.

Source: 2 SDR 82, effective June 13, 1976; 6 SDR 123, effective July 2, 1980; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-18-8.1.

Law Implemented: SDCL 12-18-8.1.

5:02:12:02. Poll watchers -- General election. At least one poll watcher for each political party, one poll watcher for each independent candidate, one poll watcher for each slate of presidential electors, and one poll watcher for each side of any ballot issue to be voted on may be present at each polling place for general elections.

Source: 2 SDR 82, effective June 13, 1976; 6 SDR 123, effective July 2, 1980; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-18-8.1.

Law Implemented: SDCL 12-18-8.1.

5:02:12:03. Additional poll watchers permitted. If there is adequate space at the polling place, this chapter does not preclude increasing the number of poll watchers.

Source: 2 SDR 82, effective June 13, 1976; 25 SDR 8, effective August 3, 1998.

General Authority: SDCL 12-18-8.1.

Law Implemented: SDCL 12-18-8.1.

CHAPTER 5:02:13 - RESERVED

CHAPTER 5:02:14 - ABSENTEE BALLOT PRECINCTS

| | |
|------------|------------------|
| Section | |
| 5:02:14:01 | Official stamp. |
| 5:02:14:02 | Ballot wrappers. |
| 5:02:14:03 | Pollbooks. |
| 5:02:14:04 | Tally sheets. |
| 5:02:14:05 | Ballot boxes. |

5:02:14:01 Official stamp. The form of the official stamp shall read as follows:

OFFICIAL BALLOT
ABSENTEE BALLOT PRECINCT

COUNTY
(Date of Election)

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-30.

5:02:14:02. Ballot wrappers. Ballot wrappers in the absentee ballot precinct shall read as follows:

Absentee Ballot Precinct Wrapper for _____ Precinct of _____ County,
 State of South Dakota, _____ Election, _____ day of _____, 20____; Contains
 _____ Ballots.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-47.

5:02:14:03. Pollbooks. Pollbooks for absentee ballot precincts may be in loose-leaf form and in the general form and number as pollbooks in regular precincts except there shall be sufficient space in the pollbook for each election precinct which will be counted in the absentee ballot precinct.

Source: 3 SDR 69, effective April 10, 1977.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-50.

5:02:14:04. Tally sheets. The tally sheets for absentee ballot precincts shall be in the same form as tally sheets in regular precincts except there shall be provided enough space for all precincts which will be counted.

Source: 3 SDR 69, effective April 10, 1977.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-50.

5:02:14:05. Ballot boxes. One or more ballot boxes may be used in the absentee ballot precinct. Ballot boxes shall be constructed in the same manner as ballot boxes in regular precincts and the seals shall also be the same. After each precinct's ballots have been counted and the wrappers attached, all such ballots shall be sealed in the ballot boxes in the same manner as in regular precincts.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-47.

**CHAPTER 5:02:15 - CERTIFICATES OF ELECTION,
NOMINATION**

Section

- 5:02:15:01 County candidates not on ballot.
- 5:02:15:02 County candidates on ballot.
- 5:02:15:03 Repealed.
- 5:02:15:04 State legislative candidates on ballot.
- 5:02:15:05 Statewide offices.
- 5:02:15:06 Circuit court judge.
- 5:02:15:07 Supreme Court justice.
- 5:02:15:08 Municipal candidate not on the ballot.
- 5:02:15:09 Municipal candidate on the ballot.
- 5:02:15:10 School board candidate not on the ballot.
- 5:02:15:11 School board candidate on the ballot.
- 5:02:15:12 Precinct committeeman, committeewoman, state delegate, or alternate not on the ballot.
- 5:02:15:13 Precinct committeeman, committeewoman, state delegate, or alternate on the ballot.
- 5:02:15:14 Certificate of nomination at county primary election.
- 5:02:15:15 Certificate of nomination at county primary election without opposition.
- 5:02:15:16 Certificate of nomination for legislative candidate with no primary opposition.

5:02:15:01. County candidates not on ballot. The certificate of election for county candidates not appearing on the general election ballot shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY THAT

was duly nominated and having no opposition at the General Election is hereby declared elected to the office of _____ for _____ County for the term of ____ years, beginning _____.

IN WITNESS WHEREOF I have hereunto set my hand and seal this ____ day of _____, _____.

(Seal)

COUNTY AUDITOR

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-16-1.1.

5:02:15:02. County candidates on ballot. The certificate of election for county candidates appearing on the general election ballot shall be in the following form:

**STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the _____ day of November, 20____, at a general election,

was elected by the qualified voters of _____ County of the State of South Dakota to the office of _____ for the term of _____ years, beginning _____.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____ day of November, 20_____.

(Seal)

COUNTY AUDITOR

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 19 SDR 12, effective August 5, 1992.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-40.

5:02:15:03. State legislative candidates not on ballot. Repealed.

Source: 3 SDR 69, effective April 10, 1977; repealed, 6 SDR 25, effective September 24, 1979.

5:02:15:04. State legislative candidates on ballot. The certificate of election for state legislative candidates appearing on the general election ballot shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the _____ day of November, 20____, at a general election held throughout the State, _____ was duly elected by the qualified voters of the _____ Legislative District of the State of South Dakota to the office of State Senator (Representative) for the term of two years, beginning the _____ day of January, 20_____.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this _____ day of _____, 20_____.

Governor

Attested by:

(Seal)

Secretary of State

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-49.

5:02:15:05. Statewide offices. The certificate of election for statewide offices shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the _____ day of November, 20____, at a general election,

_____ was elected by the qualified voters of the State of South Dakota to the office of _____ for the term of _____ years, beginning on the _____ day of January, 20_____.

IN WITNESS we have signed this certificate and affixed the Seal of the State at Pierre, the capital, this _____ day of _____, 20_____.

Governor

Attested by:

(Seal)

Secretary of State

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-49.

5:02:15:06. Circuit court judge. The certificate of election for circuit court judge shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the _____ day of November, 20____, at a general election held throughout the State, _____ was duly elected by the qualified voters of the _____ Judicial Circuit of the State of South Dakota to the office of Circuit Court Judge for the term of eight years, beginning on the _____ day of January, 20_____.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this _____ day of _____, 20_____.

Governor

Attested by:

(Seal)

Secretary of State

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-49.

5:02:15:07. Supreme Court justice. The certificate of retention for Supreme Court justice shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF RETENTION**

THIS IS TO CERTIFY that on the _____ day of November, 20____, at a general election, was retained by the qualified voters of the State of South Dakota in the office of Supreme Court Justice for the term of eight years beginning on the _____ day of January, 20_____.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this _____ day of _____, 20_____.

Governor

Attested by:

(Seal)

Secretary of State

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983; 14 SDR 19, effective August 9, 1987.

General Authority: SDCL 12-1-9.
Law Implemented: SDCL 12-20-49.

5:02:15:08. Municipal candidate not on the ballot. The certificate of election for a municipal candidate not on the ballot shall be in the following form:

STATE OF SOUTH DAKOTA
COUNTY OF _____
MUNICIPALITY OF _____
CERTIFICATE OF ELECTION

THIS IS TO CERTIFY THAT

_____ was duly nominated and having no opposition at the Municipal Election is hereby declared elected to the office of _____ for a term of _____ years, beginning _____.

Dated at _____, South Dakota, this _____ day of _____, 20 ____.

(Clerk, Auditor or Finance Officer)

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979.
General Authority: SDCL 12-1-9.
Law Implemented: SDCL 9-13-5.

5:02:15:09. Municipal candidate on the ballot. The certificate of election for a municipal candidate on the ballot shall be in the following form:

STATE OF SOUTH DAKOTA
COUNTY OF _____
MUNICIPALITY OF _____
CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the _____ day of _____, 20____, at the municipal election held throughout the city of _____ was duly elected by the qualified voters of the city of _____ to the office of _____ for a term of _____ year(s) beginning _____.

Dated at _____, South Dakota, this _____ day of _____, 20____.

(Clerk, Auditor or Finance Officer)

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979.
General Authority: SDCL 12-1-9.

Law Implemented: SDCL 9-13-28.

5:02:15:10. School board candidate not on the ballot. The certificate of election for a school board candidate not on the ballot shall be in the following form:

STATE OF SOUTH DAKOTA
SCHOOL DISTRICT NO. _____
CERTIFICATE OF ELECTION

THIS IS TO CERTIFY THAT

_____ was duly nominated and having no opposition at the School Board Election is hereby declared elected to the School Board of _____ School District No. _____ for a term of _____ year(s), beginning _____.

Dated at _____, South Dakota, this _____ day of _____, 20____.

Business Manager

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-7-9.

5:02:15:11. School board candidate on the ballot. The certificate of election for a school board candidate on the ballot shall be as follows:

STATE OF SOUTH DAKOTA
SCHOOL DISTRICT NO. _____
CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the _____ day of _____, 20____, at the school district election held throughout the _____ School District No. _____

_____ was duly elected by the qualified voters of the district to the School Board for a term of _____ year(s) beginning _____.

Dated at _____, South Dakota, this _____ day of _____, 20____.

Business Manager

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 13-7-18.

5:02:15:12. Precinct committeeman, committeewoman, state delegate, or alternate not on the ballot. The certificate of election for a precinct committeeman, committeewoman, state delegate, or alternate not on the ballot shall be in the following form:

**STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY THAT

_____ having no opposition at the primary election is hereby declared elected by the _____ political party to the office of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the County of _____ to be affixed at _____, the county seat, on behalf of the _____ County canvassing board, this _____ day of _____, 20____.

(Seal)

County Auditor

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-5-2, 12-6-9.

5:02:15:13. Precinct committeeman, committeewoman, state delegate, or alternate on the ballot. The certificate of election for a precinct committeeman, committeewoman, state delegate, or alternate on the ballot shall be in the following form:

**STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the _____ day of June, 20____, at the primary election held throughout the county _____ was duly elected by the _____ political party to the office of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the County of _____ to be affixed at _____, the county seat, on behalf of the _____ County canvassing board, this _____ day of _____, 20____.

(Seal)

County Auditor

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-8-1.

5:02:15:14. Certificate of nomination at county primary election. The certificate of nomination at the county primary election shall be in the following form:

**STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF NOMINATION**

THIS IS TO CERTIFY that on the _____ day of June, 20____, at a primary election held throughout the county, _____ was duly chosen by the qualified voters as the nominee of the _____ party for the office of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the County of _____ to be affixed at _____, the county seat, on behalf of the _____ County canvassing board, this _____ day of _____, 20_____.

(Seal)

County Auditor

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

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-8-1.

5:02:15:15. Certificate of nomination at county primary election without opposition. The certificate of nomination at the county primary election for a candidate without opposition shall be in the following form:

**STATE OF SOUTH DAKOTA
COUNTY OF _____
CERTIFICATE OF NOMINATION**

THIS IS TO CERTIFY THAT

_____ having no opposition at the primary election is hereby nominated by the _____ Party for the office of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20_____.

(Seal)

County Auditor

Source: 8 SDR 24, effective September 16, 1981.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-6-9.

5:02:15:16. Certificate of nomination for legislative candidate with no primary opposition.

The certificate of nomination for a legislative candidate with no primary opposition shall be in the following form:

**UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF NOMINATION**

THIS IS TO CERTIFY THAT

having no opposition at the primary election is hereby nominated by the _____
Party to the office of _____.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the State to
be affixed at Pierre, the Capital, this _____ day of _____, 20____.

Governor

Attested by:

Secretary of State

Source: 11 SDR 120, effective March 11, 1985.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-49.

CHAPTER 5:02:16 - COUNTING AND CANVASSING OF BALLOTS

| | |
|----------------------|---|
| Section | |
| 5:02:16:00 | Definitions. |
| 5:02:16:01 | Delivery of supplies to counting board -- Signing of certificate. |
| 5:02:16:01:01 | Ballot box security |
| 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. |
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| 5:02:16:10 | Unstamped ballots. |
| 5:02:16:11 | Separation of ballots. |
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| 5:02:16:13 | Repealed. |
| 5:02:16:14 | Scrutiny of ballots by counting board. |
| 5:02:16:15 | Tally of ballots. |
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| 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 | Repealed. |
| 5:02:16:19 | Repealed. |
| 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 | Repealed. |
| 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 | Repealed. |
| 5:02:16:28 | Repealed. |
| 5:02:16:29 | Repealed. |
| 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 | Repealed. |
| 5:02:16:39 | Form of the paper seal. |
| 5:02:16:40 | Return and sealing of 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 and uncounted absentee ballot return envelope. |

5:02:16:00. Definitions. Terms used in this chapter mean:

- (1) "Counted ballot," a voted ballot counted by the election or counting board in at least one race;
- (2) "Duplicate ballots," two or more identical ballots stuck together given to one voter;
- (3) "Metal seal," a device to seal ballot boxes, such as a metal closure designed to be broken or a padlock;
- (4) "Over vote," a race in which more votes were cast on a ballot than allowed for that race;
- (5) "Rejected ballot," or "ballot voted but not counted," a voted ballot which was not counted for any reason, including an unstamped ballot or an excess ballot;
- (6) "Spoiled ballot," a ballot marked by a voter but never placed in the ballot box at any time. A voted ballot not counted by the board is not a spoiled ballot;
- (7) "Unused ballot," a ballot never stamped or marked by a voter;
- (8) "Unvoted ballot," a ballot never placed in the ballot box;
- (9) "Voted ballot," a ballot placed in the ballot box at any time;
- (10) "Write-in vote," a name written on a ballot in an attempt to indicate a vote for that person.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999; 26 SDR 168, effective June 25, 2000; 36 SDR 112, effective January 11, 2010.

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

Law Implemented: SDCL 12-20-1, 12-15-14, 12-15-14.1.

5:02:16:01. Delivery of supplies to counting board -- Signing of certificate. If a counting board has been appointed, the precinct election board shall immediately upon the close of the polls deliver the ballot boxes, registration books, pollbook, and other election supplies, including voided and unused ballots, to the counting board and sign the certificate required by § 5:02:05:01.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-1, 12-15-14, 12-15-14.1.

5:02:16:01. Ballot drop box security. The person in charge of the election may place a receptacle or container at the person's office for voters to return a voted absentee ballot. If a receptacle or container is used, the person in charge of the election, or the person's designated staff must ensure the receptacle or container is:

- (1) Visible to the public and staff at all times while in use, or is monitored by a security camera that is recording with the recording stored for at least twenty-two months;
- (2) Secured by a seal with a serial number or by a padlock. If a seal is used, the serial number must be recorded and compared at the time the receptacle or container is opened and ballots are removed from the receptacle or container for processing. If a padlock is used, the key must be secured so only the person in charge of the election or the person's designated staff have access to it;
- (3) Audited each business day, to verify that the number of ballots received match the number of ballots shown as received in Total Vote; and
- (4) Emptied at least daily during normal business hours, moving the absentee ballots to a secure location in the office of the person in charge of the election that is only accessible to the person and the person's designated staff.

Source: 50 SDR 66, effective December 5, 2023

General Authority: SDCL 12-1-9(4), 12-19-9.3.

Law Implemented: SDCL 12-19-9.3.

5:02:16:02. Signing of oaths. The counting board, before assuming its duties, shall execute the oath of office printed in the pollbook.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-1, 12-15-14, 12-15-14.1, 12-15-14.2.

5:02:16:03. Public vote count. In the presence of all persons desiring to attend the vote counting, the precinct election board or counting board shall immediately proceed to publicly count the votes received at the polls and shall continue without adjournment until the count is completed. The precinct election board or counting board may not exclude or prohibit any member of the public from witnessing any portion of the vote counting, so long as that person's conduct is not disruptive.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-14, 12-15-14.1, 12-20-1, 12-26-22.

5:02:16:04. Use of tally sheets. The precinct election board or the counting board shall use the tally sheets prescribed by § 5:02:17:07 in the vote counting.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-14, 12-15-14.1, 12-20-1.

5:02:16:05. Comparison of registration list and pollbook. The counting board shall begin the vote count by counting the ballots as prescribed in §§ 5:02:16:06 to 5:02:16:08, inclusive. If the ballot count does not agree with the number of voters in the pollbook, a comparison of the voters in the pollbook and the registration list shall be made and any mistakes corrected. If a mistake is made otherwise, the board by majority vote shall decide.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-2.

5:02:16:06. Opening ballot box. The ballot box shall then be opened and the ballots taken out, sorted so that all ballots on certain candidacies and issues are separately identified, and counted by the members of the counting board unopened, except to ascertain if each ballot is single.

Source: 4 SDR 26, effective October 27, 1977; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-2.

5:02:16:07. Folded ballots separated. If two or more ballots are found folded together presenting the appearance of a single ballot, the ballots shall be laid aside until the count of the ballots is completed. If, upon the comparison of the count of the pollbook and after considering the appearance of the ballots, a majority of the counting board is of the opinion that the folded ballots were voted by one voter, the ballots shall be stapled together and endorsed as "duplicate ballot of one voter not counted."

Source: 4 SDR 26, effective October 27, 1977; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-2.

5:02:16:08. Duplicate ballots. For the purpose of determining the proper number of ballots in the box, any ballots folded together determined to be duplicate ballots of one voter shall be counted as a single ballot. There are two types of duplicate ballots as follows:

(1) If a voter was given two or more identical ballots stuck together and voted only one of them, the voted ballot shall be counted. The election or counting board will find the

duplicate ballots folded together in the ballot box with the ballot stamp on the back copy and the votes marked on the top copy; and

(2) If a voter was given two or more identical ballots stuck together and voted more than one of them, none of the voted ballots may be counted.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-2.

5:02:16:09. Drawing of excess ballots. If the number of ballots in the ballot box shall be found to exceed in number the number of voters in the pollbook, as reconciled by §§ 5:02:16:05 and 5:02:16:08, the ballots shall be replaced in the box, after any ballots folded together are stapled and endorsed, and one of the counting board members shall publicly draw from the ballot box, as many ballots, unopened, as shall be equal to the excess.

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 12-20-3.

5:02:16:09.01. Endorsing of excess ballots. Any excess ballots drawn from the ballot box pursuant to § 5:02:16:09 shall be endorsed "Excess Ballots Not Counted."

Source: 4 SDR 26, effective October 27, 1977.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-3.

5:02:16:10. Unstamped ballots. In the counting of the official vote, any ballot not covered by § 5:02:16:07, 5:02:16:08, or 5:02:16:09.01 which is not endorsed by the official stamp is void and may not be counted. All such ballots shall be endorsed "unstamped ballot."

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-6.

5:02:16:11. Separation of ballots. The counting board shall next proceed to further separate the ballots.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-5.

5:02:16:12. Order of vote counting. The counting of votes for each candidate shall be in the same order as the candidates appear on the ballot.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-5.

5:02:16:13. Scrutiny of ballots by judges. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993; 23 SDR 236, effective July 17, 1997; repealed, 25 SDR 167, effective July 6, 1999.

5:02:16:14. Scrutiny of ballots by counting board. At least two precinct deputies of the counting board of opposite political parties shall scrutinize each ballot to determine the vote on that ballot. The precinct superintendent shall break any tie on a ballot.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-15-14, 12-15-14.1, 12-20-5.

5:02:16:15. Tally of ballots. As the vote is announced, one counting board member shall make the required mark on the tally sheet in the pollbook and another counting board member shall make the required mark on the duplicate tally sheet.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-5.

5:02:16:16. Voter's intent. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 25 SDR 167, effective July 6, 1999; repealed, 32 SDR 225, effective July 3, 2006.

5:02:16:17. Identifying marks. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 25 SDR 167, effective July 6, 1999; repealed, 26 SDR 168, effective June 25, 2000.

5:02:16:17.01. Write-in votes not counted. As each ballot is being examined to determine how the vote was cast for each office, the counting board shall determine if any write-in was placed on the ballot. The write-in may not be counted as a vote but all other valid marks shall be counted as votes.

Source: 26 SDR 168, effective June 25, 2000; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-20-21.2.

5:02:16:17.02. Counting imperfectly marked paper ballots. A mark that touches the circle or square on a paper ballot shall be counted as a vote; any mark that does not touch the circle or square and is not in the circle or square may not be counted as a vote.

Source: 28 SDR 99, effective January 17, 2002; 33 SDR 230, effective July 1, 2007.

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

Law Implemented: SDCL 12-1-9(4).

5:02:16:18. Marks to be construed as crosses or check marks. Repealed.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; repealed, 16 SDR 20, effective August 10, 1989.

5:02:16:19. Crossing out names. Repealed.

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

5:02:16:20. Failure to touch box. Repealed.

Source: 4 SDR 26, effective October 27, 1977; repealed, 4 SDR 85, effective June 14, 1978.

5:02:16:21. Voter's intent to be determined. If in accordance with this chapter it is impossible to determine the voter's intent on any ballot or part of a ballot, that portion of the ballot shall be void and shall not be counted as to those races for which the voter's intent cannot be determined.

Source: 4 SDR 26, effective October 27, 1977.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-7.

5:02:16:22. Abrogating of prior court decisions. Repealed.

Source: 4 SDR 26, effective October 27, 1977; repealed, 4 SDR 85, effective June 14, 1978.

5:02:16:22.01. Use of prior court decision. In using a court decision for construing a counting requirement, the election board or counting board shall determine which laws were in effect when the court decision was rendered and determine if these decisions are still applicable to present laws and rules.

Source: 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9.
Law Implemented: SDCL 12-20-52.

5:02:16:23. Automated tabulating system ballot markings. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; repealed, 26 SDR 168, effective June 25, 2000.

5:02:16:24. Crossing party lines. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 6 SDR 123, effective July 2, 1980; 8 SDR 24, effective September 16, 1981; 11 SDR 120, effective March 11, 1985; repealed, 23 SDR 236, effective July 17, 1997.

5:02:16:25. Unofficial returns of precinct vote. The election supplies provided to the counting board shall include a form for reporting the immediate unofficial returns of precinct vote, together with an envelope.

The form for reporting the immediate unofficial returns of precinct vote is as follows:

| | | |
|---|--------------------|-----------------|
| IMMEDIATE UNOFFICIAL RETURNS, | | PARTY |
| ELECTION HELD ON THE | DAY OF | PRECINCT |
| TITLE OF OFFICE | NAME OF CANDIDATE | NUMBER OF VOTES |
| | | |
| | | |
| NUMBER OF PROVISIONAL BALLOTS | | |
| The form of the envelope is as follows: | | |
| | UNOFFICIAL RETURNS | |
| | TO: COUNTY AUDITOR | |
| | | |
| | SOUTH DAKOTA | |
| IMMEDIATE | | |
| DO NOT PUT THIS IN BALLOT BOX | | |

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 30 SDR 171, effective May 10, 2004.

General Authority: SDCL 12-1-9(4), 2-20-52.

Law Implemented: SDCL 12-20-10.

5:02:16:26. Entry of precinct vote on unofficial return list. Upon the unofficial return as set forth in § 5:02:16:25, the counting board shall enter the vote cast in that precinct for each office or question which appears on the official ballot and shall enclose the unofficial returns in the envelope provided pursuant to § 5:02:16:25. The precinct superintendent may designate a precinct deputy to deliver the unofficial election returns to the officer in charge of the election. The precinct deputy designated shall deliver to the officer in charge of the election the unofficial returns, separate from any other envelope or wrapper.

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 12-20-11.

5:02:16:27. Official return sheets for voting machine precincts. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; repealed, 23 SDR 115, effective January 22, 1997.

5:02:16:28. Voting machine precinct printing and photographing of returns. Repealed.

Source: 4 SDR 26, effective October 27, 1977; repealed, 23 SDR 115, effective January 22, 1997.

5:02:16:29. Official returns for voting machine precincts. Repealed.

Source: 4 SDR 26, effective October 27, 1977; repealed, 23 SDR 115, effective January 22, 1997.

5:02:16:30. Official count of voting machine precincts. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; repealed, 23 SDR 115, effective January 22, 1997.

5:02:16:31. Signing of certificates. The precinct superintendent and precinct deputies of the precinct election board and county board shall complete and sign the certificates following the list of voters in the pollbook, the tally sheets, and the official vote count sheets.

Source: 4 SDR 26, effective October 27, 1977; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999.

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

Law Implemented: SDCL 12-20-1.

5:02:16:32. Deposit of counted ballots. Repealed.

Source: 4 SDR 26, effective October 27, 1977; repealed, 10 SDR 27, effective September 26, 1983.

5:02:16:33. Procedure for placing voted ballots in the ballot box. After the count has been completed, the election board or counting board shall place the voted ballots in the ballot box keeping them separated in wrappers or envelopes and sealed as provided in § 5:02:16:34.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-15-14, 12-15-14.1, 12-15-14.2, 12-20-20.

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

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-18-24, 12-18-32, 12-20-20.

5:02:16:34.01. Return of duplicate ballots of one voter not counted. Each type of duplicate ballots, as identified in § 5:02:16:08, shall be returned to the ballot box in a plain wrapper or envelope and sealed as provided in § 5:02:16:34. Those ballots which are described in subdivision § 5:02:16:08(1) shall have the following words added to the wrapper or envelope: "stapled duplicate ballots counted." Those which are described in subdivision (2) shall have the following words added to the wrapper or envelope: "stapled duplicate ballots not counted."

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

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-2, 12-20-20.

5:02:16:35. Ballots voted but not counted. Except as provided by § 5:02:16:34.01, all ballots voted but not counted shall be returned to the ballot box in a plain wrapper or envelope and sealed as provided in § 5:02:16:34 with the words "ballots voted but not counted" added to the wrapper or envelope.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979.
General Authority: SDCL 12-1-9, 12-20-52.
Law Implemented: SDCL 12-20-20.

5:02:16:36. Recapitulation sheet. In elections using hand-counted paper ballots, a recapitulation sheet in the following form must be filled out indicating the disposition of the ballots:

| | | |
|--|--|--|
| Ballots received from auditor | | |
| Ballots received after polls open | | |
| Absentee ballots received | | |
| Total ballots received | | |
| Regular voted ballots | | |
| Provisional ballots | | |
| Unused ballots | | |
| Spoiled ballots | | |
| Total ballots returned | | |
| Total ballots received and total ballots returned should be the same number. | | |

This recapitulation sheet, together with the spoiled and unused ballots, shall be returned to the person in charge of the election. It shall not be placed in the ballot box.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 30 SDR 171, effective May 10, 2004; 49 SDR 47, effective November 21, 2022.
General Authority: SDCL 12-1-9(4), 12-20-52.
Law Implemented: SDCL 12-18-32, 12-20-21.

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 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; 35 SDR 306, effective July 1, 2009.
General Authority: SDCL 12-1-9(4), 12-20-52.
Law Implemented: SDCL 12-17B-9, 12-20-20.

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

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; repealed, 35 SDR 306, effective July 1, 2009.

5:02:16:39. Form of the paper seal. The paper seal used pursuant to §§ 5:02:09:04.03(8) and 5:02:16:38 shall be in the following form:

BALLOT BOX SEAL

SIGNATURES OF COUNTING BOARD
OR PRECINCT BOARD

Where ballots are counted by hand, upon returning ballots to the box after counting the counting board shall sign these seals and affix the seals to the ballot box openings and upon all places where the box may be opened except where the openings are sealed with a metal seal. Where ballots are counted by machine, the precinct board shall sign these seals.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 25 SDR 167, effective July 6, 1999; 31 SDR 35, effective September 23, 2004.

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

Law Implemented: SDCL 12-20-20.

5:02:16:40. Return and sealing of pollbook. The pollbook shall be placed in a pollbook return envelope and the envelope sealed with the pollbook envelope seal prescribed in § 5:02:16:41. The sealed envelope and its contents shall not be placed in the ballot box and shall be returned to the person in charge of the election.

The pollbook envelope must be in the following form:

POLLBOOK

PRECINCT
TO: COUNTY AUDITOR

SOUTH DAKOTA

DO NOT PUT THIS IN BALLOT BOX

Source: 4 SDR 26, effective October 27, 1977; 5 SDR 31, effective November 1, 1978; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-21.

5:02:16:41. Pollbook envelope seal. The pollbook envelope seal shall be in the following form:

POLLBOOK ENVELOPE SEAL _____PRECINCT

Source: 4 SDR 26, effective October 27, 1977; 5 SDR 31, effective November 1, 1978.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-21.

5:02:16:41.01. Return of duplicate tally sheet. The duplicate tally sheet and official vote count shall be placed in a duplicate tally sheet envelope. The sealed envelope and its contents shall not be placed in the ballot box and shall be returned to the person in charge of the election.

The duplicate tally sheet envelope must be in the following form:

DUPLICATE TALLY SHEET AND OFFICIAL VOTE COUNT

_____PRECINCT

TO: COUNTY AUDITOR

SOUTH DAKOTA

DO NOT PUT THIS IN BALLOT BOX

Source: 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9, 12-20-52.

Law Implemented: SDCL 12-20-21.

5:02:16:42. Return of election material. The sealed ballot box together with the sealed pollbook, sealed duplicate tally sheet and official vote count, sealed provisional ballot return envelope, registration lists, and envelopes containing the unofficial returns and all supplies and returns required shall be returned by the precinct superintendent or a precinct deputy designated by the precinct superintendent to the officer in charge of the election immediately after completing the vote count. The person delivering the supplies may not deface, destroy, or remove any seals or the pollbook, duplicate tally sheet, and registration lists or otherwise tamper with them.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 167, effective July 6, 1999; 30 SDR 171, effective May 10, 2004.

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

Law Implemented: SDCL 12-20-21.

5:02:16:43. Purpose of this chapter. This chapter is designed to assist in the counting of ballots and is not to be construed to encourage voters to mark their ballots in any way other than (X) or (✓) in the box.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-20-52.

5:02:16:44. Provisional and uncounted absentee ballot return envelope. When ballots are counted at the precinct, provisional ballot envelopes containing provisional ballots and envelopes containing uncounted absentee ballots shall be cumulatively placed in a provisional and uncounted absentee ballot return envelope and sealed. Do not place the sealed envelope and its contents in the ballot box. The sealed envelope shall be returned to the person in charge of the election.

The provisional and uncounted absentee ballot return envelope must be in the following form:

PROVISIONAL AND UNCOUNTED ABSENTEE BALLOT RETURN ENVELOPE

_____ PRECINCT

TO: COUNTY AUDITOR

SOUTH DAKOTA

DO NOT PUT THIS IN BALLOT BOX

Source: 30 SDR171, effective May 10, 2004; 36 SDR 209, effective June 30, 2010.

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

Law Implemented: SDCL 12-18-40, 12-20-2.1.

CHAPTER 5:02:17 - POLLBOOKS AND TALLY SHEETS

Section

| | |
|---------------|--|
| 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 | Repealed. |
| 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. |

5:02:17:01. Size of pollbook. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 25 SDR 8, effective August 3, 1998; repealed, 30 SDR 171, effective May 10, 2004.

5:02:17:02. Pollbook binding. The cover and sheets of the pollbook must be securely bound.

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.

5:02:17:03. Contents of cover. The cover of the pollbook must be in the following form:

DO NOT PUT IN BALLOT BOX

_____ ELECTION

POLLBOOK AND OFFICIAL VOTE COUNT WITH TALLY SHEETS

_____ WARD _____ PRECINCT

CITY

TOWN _____, _____ COUNTY, SOUTH DAKOTA

TOWNSHIP

ELECTION HELD ON THE _____ DAY OF _____, _____.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-16-28.

5:02:17:03.01. Envelope for the pollbook. The pollbook must be placed in the envelope prescribed by § 5:02:16:40.

Source: 5 SDR 31, effective November 1, 1978; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-20-21.

5:02:17:04. Oath of precinct election board. Repealed.

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; repealed, 31 SDR 35, effective September 23, 2004.

5:02:17:05. Oath of counting board. Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; repealed, 31 SDR 35, effective September 23, 2004.

5:02:17:06. List of voters. The list of voters must consist of the following three columns.

- (1) Column one must be NUMBER OF PERSONS VOTING;
- (2) Column two must be NAME OF VOTER; and
- (3) Column three must be TYPE OF BALLOTS (small column).

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-16-28.

5:02:17:07. Tally sheets. The tally sheets must be ruled by horizontal and perpendicular lines to form squares of suitable size to contain five tally marks each, four of which may be upright and the fifth crossing the others at an oblique angle. Each fifth perpendicular line in the ruling must be red, so that five squares for tally marks are contained between each two red lines. In a perpendicular column at the left margin of each tally sheet sufficient space must be left to legibly print or write in ink the names of all candidates and all questions submitted to the electors at the election, in the same order as on the official ballots used in the election. At the extreme right margin of the tally sheet there must be a perpendicular column with sufficient space to label the column at the top of the tally sheet as follows: "Total Votes."

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-16-28, 12-16-34, 12-16-39.

5:02:17:08. Official vote count. The official vote count must consist of the following four columns:

- (1) Column one, TITLE OF OFFICE;
- (2) Column two, NAME OF CANDIDATE;
- (3) Column three, NUMBER OF VOTES RECEIVED IN FIGURES; and
- (4) Column four, NUMBER OF VOTES RECEIVED (write number of votes in words).

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979; 20 SDR 4, effective July 19, 1993; 25 SDR 8, effective August 3, 1998.

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

Law Implemented: SDCL 12-16-28.

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.

| | | | | | | | | | | | | |
|------------|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | |
| 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

Source: 16 SDR 20, effective August 10, 1989.
General Authority: SDCL 12-1-9.
Law Implemented: SDCL 9-13-24, 13-7-18.

5:02:17:12. Duties of official board of canvassers for local jurisdiction. The duties of the official board of canvassers for a local jurisdiction are as follows:

- (1) Open the returns from each precinct which are found in each poll book;
- (2) Satisfy itself that the returns are genuine and not forged;
- (3) Tabulate the returns from the precincts and the certification of provisional ballot count;
- (4) Declare the result; and

(5) Make an abstract 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.

Source: 16 SDR 203, effective May 28, 1990; 30 SDR 171, effective May 10, 2004.

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

Law Implemented: SDCL 9-13-24, 13-7-18, 12-20-13.2.

5:02:17:13. Certification of provisional ballot count. The certification of provisional ballot count shall be a table containing the following elements:

- (1) Precinct Name;
- (2) Name of candidate or ballot question;
- (3) Number of votes received in figures; and
- (4) Number of votes received in words.

The certification shall also contain the following:

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 the Election

Source: 29 SDR 177, effective July 2, 2003.

General Authority: SDCL 12-20-13.1.

Law Implemented: SDCL 12-20-13.1.

5:02:17:14. Electronic pollbook security. The file containing active and inactive registered voter names, numbers, ballot types and other voter information for an electronic pollbook must be located in the electronic pollbook. The electronic pollbook file may only be located on a network drive or removable drive if password protected. The electronic pollbook shall be connected to a secure internet or intranet connection.

An electronic pollbook file shall be password protected. The password shall be provided only to the precinct superintendent and person in charge of the election who may not divulge the password to any other person.

No person, other than the precinct election official 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 electronic pollbook file shall be immediately closed so that it is password protected.

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

Source: 35 SDR 306, effective July 1, 2009; 38 SDR 117, effective January 12, 2012.

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

Law Implemented: SDCL 12-16-28, 12-18-5.

CHAPTER 5:02:18 - CIRCUIT COURT ELECTIONS

(Repealed. 22 SDR 95, effective January 18, 1996)

CHAPTER 5:02:19 - RECOUNTS

Section

| | |
|------------|---|
| 5:02:19:01 | Reconvening of a recount. |
| 5:02:19:02 | Staff for recount board. |
| 5:02:19:03 | Precautions to insure against tampering. |
| 5:02:19:04 | Counting rules to apply. |
| 5:02:19:05 | Candidate's petition for recount. |
| 5:02:19:06 | Precinct voters' petition for recount. |
| 5:02:19:07 | Voters' petition for recount on questions submitted to the entire state. |
| 5:02:19:08 | Certificate of recount. |
| 5:02:19:09 | Certificate of disputed ballots. |
| 5:02:19:10 | Voters' petition for recount in close municipal or school ballot question election. |
| 5:02:19:11 | Oath of recount board. |

5:02:19:01. Reconvening of a recount. The recount board may recess from time to time, however, the recount shall not reconvene nor shall the ballots be handled until the appointed time for reconvening. Notice of time and place of meeting shall be given to all three members of the recount board.

Source: 5 SDR 31, effective November 1, 1978.

General Authority: SDCL 12-1-9, 12-21-6.1.

Law Implemented: SDCL 12-21-21, 12-21-25.

5:02:19:02. Staff for recount board. The county auditor shall be responsible for providing administrative support and staff for the recount board.

Source: 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979.

General Authority: SDCL 12-1-9, 12-21-6.1.

Law Implemented: SDCL 12-21-25.

5:02:19:03. Precautions to insure against tampering. The county auditor shall take precautions to insure against tampering with the ballots.

Source: 5 SDR 31, effective November 1, 1978.

General Authority: SDCL 12-1-9, 12-21-6.1.

Law Implemented: SDCL 12-21-24, 12-21-27, 12-21-28, 12-21-29, 12-21-30, 12-21-31, 12-21-33.

5:02:19:04. Counting rules to apply. The rules in chapters 5:02:09 and 5:02:16 regarding the counting of ballots also apply to recounts.

Source: 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 19 SDR 12, effective August 5, 1992; 23 SDR 236, effective July 17, 1997; 26 SDR 168, effective June 25, 2000; 29 SDR 113, effective January 30, 2003.

**VOTERS' PETITION FOR RECOUNT
ON QUESTIONS SUBMITTED TO THE ENTIRE STATE**

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, believe that a recount will change the result of the General Election held on the _____ day of November, 20____, for the following question:

and we petition for a recount of all votes cast for or against this question in every precinct which has not previously been recounted.

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

Source: 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-21-14.

5:02:19:08. Certificate of recount. The Certificate of Recount shall be in the following form:

STATE OF SOUTH DAKOTA)
) SS CERTIFICATE OF RECOUNT
COUNTY OF _____)

WE, THE UNDERSIGNED members of the _____ (insert jurisdiction) recount board, do hereby certify the results of the recount for the following specified candidates or question _____ for the election held on the ____ day of _____, _____. We completed the recount on the ____ day of _____, _____.

| <u>PRECINCT NAME</u> | <u>CANDIDATE NAME OR YES VOTES</u> | | <u>CANDIDATE NAME OR NO VOTES</u> | |
|----------------------|------------------------------------|----------------|-----------------------------------|----------------|
| | <u>OFFICIAL CANVASS</u> | <u>RECOUNT</u> | <u>OFFICIAL CANVASS</u> | <u>RECOUNT</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

TOTALS _____

The following is a brief description of the proceedings of this recount board:
The following is a list of candidates or representatives present during this recount:

Signed by at least two members of the recount board:

Referee or Member of Recount Board

This certificate will be filed with the person in charge of the election along with the disputed ballots and either the original or duplicate certificate of recount.

Source: 6 SDR 25, effective September 24, 1979; 28 SDR 99, effective January 17, 2002.

General Authority: SDCL 12-1-9(4), 12-21-6.1.

Law Implemented: SDCL 12-21-33, 12-21-34.

5:02:19:10. Voters' petition for recount in close municipal or school ballot question election. The voters' petition for recount in a close municipal or school ballot question election shall be filed with the person in charge of the election and shall be in the following form:

VOTERS' PETITION FOR RECOUNT IN MUNICIPAL OR SCHOOL BALLOT QUESTION ELECTION

WE, THE UNDERSIGNED qualified voters of the _____ School District or the municipality of _____, believe that a recount will change the outcome of the official returns for the following question, _____, and we petition for a recount of all votes cast for the question at the election held on the _____ day of _____, ____.

(Signed) _____

(Signed) _____

(Signed) _____

STATE OF SOUTH DAKOTA)

) ss. VERIFICATION

COUNTY OF _____)

We, under oath, state that we read and signed the foregoing petition and know its contents and that, to the best of our knowledge and belief, the statement is true.

(Signed) _____

(Signed) _____

(Signed) _____

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

(Seal)

Officer Administering Oath

My Commission Expires _____

Title of Officer Administering Oath

Source: 28 SDR 99, effective January 17, 2002.

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

Law Implemented: SDCL 9-13-27.4, 13-7-19.3.

5:02:19:11. Oath of recount board. Before performing any duty pertaining to the recount of an election, each recount board member shall make the following oath or affirmation:

I, name, do solemnly swear (or affirm) that I will, to the best of my ability, impartially perform the duties of recount board member in good faith according to law, and that I meet the qualifications to serve as a member of the recount board.

Source: 35 SDR 48, effective September 8, 2008; 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(10).

Law Implemented: SDCL 12-21-2.

**CHAPTER 5:02:20 - PRESIDENTIAL PREFERENCE
PRIMARY (REPEALED)**

(Repealed by SL 1980, ch 113, §§ 1 to 10, inclusive)

**CHAPTER 5:02:21 - REVOCATION OF VOTER
REGISTRAR AUTHORIZATION**

Section
5:02:21:01 Voter cancellation form.

5:02:21:01. Voter Cancellation form. A county auditor shall use the following form when a voter voluntarily cancels the voter's voter registration or when informed of the death of a voter:



**South Dakota
Voter Cancellation Form**

To cancel your voter record in South Dakota's Statewide Voter Registration System, or inform the County Auditor of a voter's death, complete and sign this form, and return it to your County Auditor.

County Auditor contact information: <https://vip.sdsos.gov/CountyAuditors.aspx>

Voter's Printed Name:
First _____ Middle _____ Last Name _____

Date of Birth: ____/____/____ Phone Number _____
MM DD YYYY

Residential Address: Street Address _____

City, State, and Zip Code _____

Last Four Digits of SSN: _____ AND Driver's License #/Non-Driver ID #: _____

I hereby request the above voter be removed from the South Dakota list of registered voters for **one** of the following reasons:

- I, the undersigned, have moved out of state (requires voter's signature or mark);
- I, the undersigned, request that my name be removed (requires voter's signature or mark);

CHAPTER 5:02:22 - VOTE CENTERS

- Section
 5:02:22:01 Repealed.
 5:02:22:02 Ballot form for vote centers.
 5:02:22:03 Repealed.

5:02:22:01. Submission of vote center plan. Repealed.

Source: 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016.

5:02:22:02. Ballot form for vote centers. The form of the ballot used in conjunction with vote centers shall comply with chapter 5:02:06 except that the ballot shall designate the ballot style. The designation shall be made in the top right corner on the front of the ballot, which is marked as, ballot style, in the form provided in this section.

| OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT | | (Ballot Stamp) |
|--|---|--|
| June , _____ | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | For Governor You may vote for one or leave it blank. | Ballot Style |
| For Presidential Delegates and Alternates You may vote for one slate or leave it blank. | | For States Attorney You may vote for one or leave it blank. |
| <input type="radio"/> Candidates preferring John Hall | <input type="radio"/> John Doe | |
| for President | <input type="radio"/> Jane Smith | <input type="radio"/> John Doe |
| Delegates: John Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Jane Smith |
| Jane Doe | For State Senator, District __ You may vote for one or leave it blank. | <input type="radio"/> Pat Jones |
| Pat Jones | <input type="radio"/> John Doe | For Sheriff You may vote for one or leave it blank. |
| Alternates: John Doe | <input type="radio"/> Jane Smith | <input type="radio"/> John Doe |
| Jane Doe | <input type="radio"/> Pat Jones | <input type="radio"/> Jane Smith |
| Pat Jones | | |
| <input type="radio"/> Candidates preferring | | |

| OFFICIAL GENERAL ELECTION BALLOT | | (Ballot Stamp) |
|--|---|---|
| November , _____ | County, South Dakota | |
| INSTRUCTIONS TO THE VOTER: Insert appropriate instructions from ARSD 5:02:06:01.02 | | Ballot Style |
| For Presidential Electors You may vote for one slate or leave it blank. | For Secretary of State You may vote for one or leave it blank. | For State Senator, District __ You may vote for one or leave it blank. |
| <input type="radio"/> Doe & Roe Electors Party Label | <input type="radio"/> John Doe Party Label | <input type="radio"/> John Doe Party Label |
| John Hall | <input type="radio"/> Jane Smith Party Label | <input type="radio"/> Jane Smith Party Label |
| Jane Smith | <input type="radio"/> Pat Jones Independent | <input type="radio"/> Pat Jones Independent |
| Pat Jones | | |
| <input type="radio"/> Lee & Jones Electors Party Label | | |

Source: 39 SDR 123, effective January 16, 2013.
General Authority: SDCL 12-1-9(2), 12-14-17(4).
Law Implemented: SDCL 12-1-9(2), 12-14-17(4).

5:02:22:03. Denied applications as contested cases. Repealed.

Source: 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016.

CHAPTER 5:02:23 - POST-ELECTION AUDITS

Section

| | |
|-------------|--|
| 5:02:23:01 | Oath of post-election audit board. |
| 05:02:23:02 | Definitions. |
| 05:02:23:03 | Notice of appointment of post-election auditing board. |
| 05:02:23:04 | Signing of oaths. |
| 05:02:23:05 | Staff for post-election auditing board. |
| 05:02:23:06 | Post-election auditing board receipt for official ballots. |
| 05:02:23:07 | Public vote count. |
| 05:02:23:08 | Opening receptacle or container. |
| 05:02:23:09 | Auditing procedures. |
| 05:02:23:10 | Tally of ballots. |
| 05:02:23:11 | Post-election audit tally sheets. |
| 05:02:23:12 | Certificate of post-election audit. |
| 05:02:23:13 | Reserved. |
| 05:02:23:14 | Reserved. |
| 05:02:23:15 | Reimbursement of post-election audit costs. |

5:02:23:01. Oath of post-election audit board. Before performing any duty pertaining to the post-election audit of an election, each post-election audit board member shall make the following oath or affirmation:

I, (name), do solemnly swear (or affirm) that I will, to the best of my ability, impartially perform the duties of post-election audit board member in good faith according to law, and that I meet the qualifications to serve as a member of the post-election audit board.

Source: 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(11), 12-17B-18.

Law Implemented: SDCL 12-17B-18.

5:02:23:02. Definitions. Terms used in this chapter mean:

(1) "Counted ballot," a voted ballot counted by the post-election auditing board in at least one contest;
 (2) "Seal," A security mechanism using strategically placed serialized or tamper-evident materials that alert officials if a device used in the elections process has potentially been altered or accessed without authorization;

(3) "Board member," A member of the post-election auditing board meeting the requirements of SDCL 12-17B-18;

(4) "Over vote," a race in which more votes were cast on a ballot than allowed for that race;

(5) "Voted ballot," a ballot placed in the ballot box at any time;

(6) "Write-in vote," a name written on a ballot in an attempt to indicate a vote for that person; and

(7) "Manual count," as defined by counting other than be electronic device.

Source: 50 SDR 63, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

5:02:23:03. Notice of appointment of post-election auditing board. The notice of appointment of a post-election auditing board must be in the following form:

STATE OF SOUTH DAKOTA)

) SS NOTICE OF APPOINTMENT

COUNTY OF _____)

TO _____

_____ Auditing Board Member, _____ party

_____ Auditing Board Member, _____ party

_____ Auditing Board Member, _____ party

_____ Auditing Board Member, _____ party

_____ Auditing Board Member, _____ party

_____ Auditing Board Member, _____ party

(add/remove lines as necessary)

You are appointed as a member of the post-election audit for the 20____ (primary or general) election in _____, _____ County, on (June or November) _____, 20____. Please report to _____ at _____ a.m./p.m. the day of the post-election audit. If you are unable to serve, please notify the county auditor immediately.

The post-election audit training will be held at _____ on the _____ day of _____, 20____, at _____ a.m./p.m.

Witness my hand and the seal of this county, this _____ day of _____, 20____.

County Auditor

Source: 50 SDR 63, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

5:02:23:04. Signing of oaths. A member of the post-election auditing board shall sign the oath or affirmation of office prescribed in § [5:02:23:01](#) before performing any duties of a member of the board.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

5:02:23:05. Staff for post-election auditing board. The county auditor shall provide administrative support and staff for the post-election auditing board.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18, 12-17B-22.

5:02:23:06. Post-election auditing board receipt for official ballots. The post-election auditing board's receipt for the official precinct ballots must be in the following form:

STATE OF SOUTH DAKOTA

_____ COUNTY

_____ PRECINCT

We, the Post-Election Auditing Board Members, do hereby certify that on the ____ day of _____, 20____, at the post-election audit for the (Primary or General) election held on _____, 20____, we received from _____, County Auditor, a sealed package containing the following official precinct ballots:

(Here list the official precinct ballots received)

for the purpose of conducting a post-election audit.

Dated this ____ day of _____, 20____.

Post-Election Auditing Board member
Post-Election Auditing Board member
Post-Election Auditing Board member
Post-Election Auditing Board member
Post-Election Auditing Board member

(add additional lines when necessary)

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

5:02:23:07. Public vote count. At the post-election audit, the post-election auditing board shall publicly manually count the votes and only adjourn after the count is completed and the certificate of post-election audit signed. The post-election auditing board may only exclude or prohibit a member of the public from witnessing any portion of the post-election audit if that person's conduct is disruptive.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

5:02:23:08. Opening receptacle or container. The sealed receptacle or container must be unsealed and the ballots taken out, and sorted by precinct.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18, 12-17B-20, 12-17B-25.

5:02:23:09. Auditing procedures. The following procedure must be used in auditing a precinct by manually counting the ballots:

(1) The post-election auditing board shall review ballots for proper marking procedure according to the voting instructions below. The post-election auditing board shall determine the votes to count as follows:

- (a) A mark that is inside the oval on an optical scan ballot is counted as a vote;
- (b) Any mark on an optical scan ballot that does not touch the oval and is not in the oval may not be counted as a vote;
- (c) A mark on an optical scan ballot that touches two or more ovals is an over-vote and not counted;
- (d) A write-in vote may not be counted; and
- (e) Express votes are to be counted as shown on the Express vote ballot;

(2) A majority vote of the post-election auditing board shall determine any question arising from the post-election audit; and

(3) The post-election auditing board shall certify the results as manually counted for the post-election audit by completing the certificate of post-election audit as provided in § [5:02:23:12](#). The board shall file the certificate of post-election audit with the county auditor.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18, 12-17B-20, 12-17B-22.

5:02:23:10. Tally of ballots. As the vote is announced by a post-election auditing board member, another board member must make the appropriate mark on the post-election audit tally sheet prescribed in § [5:02:23:11](#). Yet another board member shall make the appropriate mark on a duplicate post-election audit tally sheet.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-20.

5:02:23:11. Post-election audit tally sheets. As shown below, a post-election audit tally sheet must contain a series of horizontal and vertical grid lines to form boxes of suitable size to contain five tally marks each, four of which may be upright and the fifth crossing the others at an oblique

angle. Each fifth vertical grid line in the ruling must be red, so that five boxes for tally marks are contained between two red lines. Sufficient space must be provided in the left margin of each post-election audit tally sheet to legibly print or write in ink the name of the contest audited, with the name of the individual candidates or ballot question answers listed in the same order as on the official ballots used in the election. Sufficient space must be allowed in the right margin of the post-election audit tally sheet to legibly print or write in ink the total votes for each candidate or ballot question answer counted.

POST-ELECTION AUDITING TALLY SHEET

ELECTION: _____

AUDIT DATE: _____

COUNTY AND PRECINCT: _____ **# OF BALLOTS** _____
 Received from Auditor

CONTEST NAME: _____

| CANDIDATE NAME OR QUESTION | | | | | | TOTAL VOTES: | | | |
|----------------------------------|--|--|--|--|--|--------------|--|--|--|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

| CANDIDATE NAME OR QUESTION | | | | | | TOTAL VOTES: | | | |
|----------------------------------|--|--|--|--|--|--------------|--|--|--|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

(add as many candidate names and tally boxes as necessary)

AUDITING BOARD MEMBER: _____
 (PRINT)

 (SIGN)

AUDITING BOARD MEMBER: _____
 (PRINT)

 (SIGN)

(add as many lines as necessary)

Source: 50 SDR 66, effective December 5, 2023.
General Authority: SDCL 12-1-9(4)(11).
Law Implemented: SDCL 12-17B-20.

5:02:23:12. Certificate of post-election audit. The certificate of post-election audit must be in the following form:

STATE OF SOUTH DAKOTA)
) SS CERTIFICATE OF POST-ELECTION AUDIT
 COUNTY OF _____)
 WE, THE UNDERSIGNED members of the post-election auditing board, do hereby certify the results of the audit for the following specified candidates or questions _____ for the election held on the _____ day of _____, _____. We completed the audit on the _____ day of _____, _____.

| | | | |
|----------------------|-------------|-----------|----------|
| Precinct _____ | | | |
| | Total Votes | Total Yes | Total No |
| Candidate Name | _____ | | |
| Candidate Name | _____ | | |
| Ballot Question Name | | _____ | _____ |

The following is a brief description of the proceedings of this post-election audit:
 Signed by a majority of the post-election auditing board:

 Post-Election Auditing Board Member

 Post-Election Auditing Board Member

 Post-Election Auditing Board Member
 (add more board member lines as necessary)
 Attested under SEAL by the _____ County Auditor:

Source: 50 SDR 66, effective December 5, 2023.
General Authority: SDCL 12-1-9(4)(11).
Law Implemented: SDCL 12-17B-18, 12-17B-20, 12-17B-22.

05:02:23:13. Reserved.

05:02:23:14. Reserved.

5:02:23:15. Reimbursement of post-election audit costs. The county auditor shall submit expenses from the post-election audit to the secretary of state for reimbursement. The auditor shall use the forms designated by the secretary of state for this purpose.

Reimbursable expenses for the audit, are:

- (1) Board member pay for conducting the audit and for training prior to the audit, not to exceed twenty-five dollars per hour worked but no less than minimum wage;
- (2) Supplies, including postage, no more than two hundred dollars;
- (3) Rental costs for the location to conduct the audit, no more than two hundred fifty dollars per day;
- (4) Publication costs, no more than one hundred seventy-five dollars;
- (5) Ballot storage costs, no more than seventy-five dollars;
- (6) Travel (mileage) costs at the state per diem rate for every mile traveled;
- (7) Meal reimbursement at state per diem meal rates; and
- (8) Auditor and auditor's staff actual wages for hours spent training and assisting the post-election audit board.

Expenses related to or associated with the primary or general election are not reimbursable post-election expenses. To avoid confusion, expenses that are not covered are costs related to media programming, ballot printing, ballot shipping, equipment maintenance, statewide ballot question publications, purchasing of election equipment (express votes, tabulators), polling place signage, testing costs, election day workers, postage, and insurance on voting equipment.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-9.

CHAPTER 5:04:06 - STATEWIDE VOTER REGISTRATION FILE

Section

| | |
|------------|---|
| 5:04:06:01 | Repealed. |
| 5:04:06:02 | Repealed. |
| 5:04:06:03 | Repealed. |
| 5:04:06:04 | Duplicate voter registration check. |
| 5:04:06:05 | Potential duplicate voter registration check. |
| 5:04:06:06 | Voter registration list request form. |
| 5:04:06:07 | Charges for information from the statewide voter registration file. |
| 5:04:06:08 | Absentee voter registration list request form. |
| 5:04:06:09 | Charges for information regarding absentee voting from the statewide voter registration file. |
| 5:04:06:10 | Voter registration file security. |

5:04:06:01. File export format. Repealed.

5:04:06:02. File standardization. Repealed.

5:04:06:03. County voter file export. Repealed.

5:04:06:04. Duplicate voter registration check. The Secretary of State shall at least annually conduct a check of the statewide voter registration database to determine if there are duplicate registrations. If the following fields in the registration file match for two or more records, the records are considered duplicates:

- (1) First name, last name, and social security/driver's license number;
- (2) First name, date of birth, and social security/driver's license number; or
- (3) Last name, date of birth, and social security/driver's license number.

The newest duplicate shall be retained as a registered voter. Information on the older duplicates must be sent to the registered voter's county of registration for deletion from the voter registration file.

Source: 28 SDR 54, effective October 22, 2001.

General Authority: SDCL 12-4-39(3).

Law Implemented: SDCL 12-4-39(3).

5:04:06:05. Potential duplicate voter registration check. The Secretary of State shall at least annually conduct a check of the statewide voter registration database to determine if there are potential duplicate registrations. If the following fields in the registration file match two or more records, the records must be considered potential duplicates:

- (1) First name, middle initial, and date of birth;
- (2) First initial, last name, and date of birth;
- (3) First name, last name, and date of birth; or
- (4) Social security/driver's license number.

The Secretary of State may send a notice to each duplicate person except the newest potential duplicate. The notice shall be treated like a confirmation notice as prescribed in § 5:02:03:16 and shall indicate the reason for the notice. For each notice sent, the Secretary of State shall notify the county auditor in the addressee's county of registration.

Source: 28 SDR 54, effective October 22, 2001.

General Authority: SDCL 12-4-39(3).

Law Implemented: SDCL 12-4-39(3).

5:04:06:06. Voter registration list request form. Any person requesting a printed voter registration list or file from the statewide voter registration system must complete a form which contains the following:

- (1) Type of report;
- (2) Selection criteria for the report;
- (3) Name and address of the requestor; and
- (4) Signature of the requestor below the statement, "In accordance with SDCL 12-4-41,

I understand that the voter registration data obtained from the statewide voter registration database may not be used or sold for any commercial purpose and may not be placed for unrestricted access on the internet."

Source: 28 SDR 54, effective October 22, 2001; 30 SDR 189, effective June 9, 2004.

General Authority: SDCL 12-4-39(4).

Law Implemented: SDCL 12-4-39(4).

5:04:06:07. Charges for information from the statewide voter registration file. The fees for an electronic file with voter registration information are as follows:

- (1) Statewide is \$2,500;
- (2) Legislative district is \$100;
- (3) County or any other district is \$15 for 1,000 names or less;
- (4) County or any other district is \$50 for 1,001 to 10,000 names;
- (5) County or any other district is \$100 for 10,001 to 25,000 names; and
- (6) County or any other district is \$250 for more than 25,000 names.

The fee for any updated partial file containing only changes made within a year after the purchase of a complete file is \$250 for a statewide file and \$25 for a legislative district, any other district, or county file.

The fees for a paper list with voter registration information are as follows:

- (1) Statewide is \$5,500;
- (2) Legislative district is \$200;
- (3) County or any other district is \$20 for 1,000 names or less;
- (4) County or any other district is \$75 for 1,001 names to 10,000 names;
- (5) County or any other district is \$200 for 10,001 to 25,000 names; and
- (6) County or any other district is \$600 for more than 25,000 names.

The fee for any updated partial list containing only changes made within a year after the purchase of a complete list is \$550 for a statewide list and \$60 for a legislative district, any other district, or county list.

Source: 28 SDR 54, effective October 22, 2001; 40 SDR 39, effective September 9, 2013.

General Authority: SDCL 12-4-39(5).

Law Implemented: SDCL 12-4-39(5).

5:04:06:08. Absentee voter registration list request form. Any person requesting a daily electronic file from the statewide voter registration containing absentee voter registration information for an election must complete a form which contains the following:

- (1) Name and address of the requestor;
- (2) Election requested;
- (3) Selection criteria of the request; and
- (4) Signature of the requestor below the statement, "In accordance with SDCL 12-4-41,

I understand that the voter registration data obtained from the statewide voter registration database may not be used or sold for any commercial purpose and may not be placed for unrestricted access on the internet."

Source: 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 12-4-39(4).

Law Implemented: SDCL 12-4-39(4), 12-4-41.

5:04:06:09. Charges for information regarding absentee voting from the statewide voter registration file. The fees for a daily electronic file with absentee voter registration information per election are as follows:

- (1) Statewide is \$3,000;
- (2) Legislative district is \$150;
- (3) County is \$65 for 1,000 names or less;
- (4) County is \$100 for 1,001 names to 10,000 names;
- (5) County is \$150 for 10,001 to 25,000 names; and
- (6) County is \$300 for more than 25,000 names.

Source: 40 SDR 121, effective January 6, 2014; 42 SDR 177, effective June 30, 2016.

General Authority: SDCL 12-4-39(5).

Law Implemented: SDCL 12-4-39(5).

5:04:06:10. Voter registration file security. The secretary of state is responsible for maintaining the security system for the computerized voter registration file and shall implement:

(1) A stateful layer 3 and 7 firewall at the perimeter to block malicious traffic and experienced personnel to operate and maintain the rules and underlying software and firmware on which the firewall system operates;

(2) Anti-malware solutions that ensure that any underlying operating system maintains its intended function and integrity. Exclusive ownership of the anti-malware solutions remains with the governing body that maintains the anti-malware solutions;

(3) Continuous vulnerability evaluation of the software code, libraries, and included packages throughout the software development lifecycle using automated, trusted tools to ensure erroneous code, unauthenticated access, or potential privilege escalation vehicles are not introduced;

(4) Trusted white hat vulnerability analysis for protected systems to evaluate, identify, and document risks within the application which are then provided to development and management personnel to appropriately mitigate any potential findings on a scheduled and reoccurring basis; and

(5) Personnel background checks to ensure that only personnel dedicated to a secure election process, who act in good faith to deliver quality, well-guarded code and application infrastructure, have access to restricted systems within the application development lifecycle.

Source: 50 SDR 12, effective August 8, 2023.

General Authority: SDCL 12-1-9(1), 12-4-37.

Law Implemented: SDCL 12-4-37.
