

## ABSENTEE VOTING PROCESS FOR MUNICIPAL ELECTIONS

**DO NOT** send a ballot to someone who is **NOT** a REGISTERED VOTER.

**IMPORTANT:** *if a voter has an **INACTIVE** status they need to update their voter registration information prior to returning the absentee ballot. Send them a voter registration (VR) form and explain that this would need to be completed and returned in a separate envelope to their county auditor (you don't have to but it would be a good idea to give them the contact information for the county auditor). If they return the ballot but have not submitted an updated VR form then the ballot will not be able to be processed on Election Day. You will need to track the voters that you send a VR form to and check back with the auditor to see if those voters submitted the form.*

### **IN-PERSON** (at your office) **absentee voting**

All voters who want to vote absentee in your office must use the following form for in-person absentee voting [5:02:10:01.03](#). This includes an absentee ballot envelope with the absentee ballot application printed on the envelope.

If a voter comes to your office to vote absentee in-person, you will have them complete the application on the envelope and then show you his/her photo id (see forms of acceptable ID's below). If the voter does not have a photo id with them, then you will have that voter complete a personal ID affidavit [5:02:05:25](#). This affidavit is only used for in-person absentee voting in your office and at the polls on Election Day. Voters voting by mail or using an authorized messenger do not have the option of using the affidavit.

Then you give the voter the ballot (the same ballot you use on election day), the voter will mark the ballot and insert the marked ballot into the absentee ballot/application envelope.

### **Absentee voting by MAIL**

All voters who vote absentee by mail or want to take their ballot with them from your office to vote at home will have to submit to you the absentee ballot application [5:02:10:01](#). The voter may print this application from our website at <https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>

This application must include a copy of the voters ID **OR** the voter's signature on the application must be notarized. You must have the original signature of the voter on this application and the application cannot be faxed or emailed to you unless that voter is a Uniformed and Overseas Voter covered under the UOCAVA act (see UOCAVA section below).

You will check to see that the person is a registered voter and mail the following items to the voter or the voter may carry these out and vote the ballot and return it to you. Be sure to include/give the voter the following information:

- The absentee ballot is the regular ballot you will also use on election day (if you have multiple styles of ballots – one with a mayor race and a ward race and the other ballot with only a mayor race – be sure to provide the correct ballot style to that voter). **DO NOT put the official ballot stamp on the ballot before sending it.**
- Envelope for sending the ballot to the voter [5:02:10:03](#)
- Instructions to absentee voters [5:02:10:04](#)
- Official return envelope for ballots used in voting [5:02:10:05](#) (you are not required to put postage on this).
  - If you are sending to a **UOCAVA voter** you use this envelope [5:02:10:08](#) (this is postage paid).

**Note:** A voter voting by absentee may return the voted ballot back to you however he/she chooses – mail, drop off in-person, have another person drop it off, etc.

## **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)**

**UOCAVA voters** consist of military or uniformed services personnel, their spouse or dependent(s) and overseas citizens and their spouse or dependent(s). Absentee ballot application requirements for anyone covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) are as follows:

- All voters covered under UOCAVA may submit their absentee ballot application to you by mail, fax or email. These are the **ONLY** individuals who can submit their absentee ballot application to you by fax or email.
- Voters covered under UOCAVA – **DO NOT** need to submit their application with a copy of their photo ID or have it notarized. That requirement is waived only for those covered under UOCAVA.
- All voters **NOT** covered by UOCAVA **CANNOT** fax or email their application and they **MUST** include a copy of their photo ID or have it notarized.

## **Acceptable photo ID's**

SDCL 12-18-6.1. Voters required to provide identification before voting. When the voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) A current student identification card, including a picture, issued by a high school or an accredited

institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

Remember, when a voter votes absentee in-person and the voter does not have one of these forms of ID, that voter must be allowed to sign the personal ID affidavit. A voter is not allowed to submit the Personal ID affidavit if they are voting absentee by mail.

SDCL 12-18-6.2. Affidavit in lieu of personal identification. If a voter is not able to present a form of personal identification as required by § 12-18-6.1, the voter may complete an affidavit in lieu of the personal identification. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form of the affidavit. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury. [Personal ID Affidavit](#)

## **Authorized Messenger**

12-19-2.1. Application in person or by authorized messenger--Delivery of ballot to messenger or by mail. At any time prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. on the day before the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope ([5:02:10:01.03](#)) and show the person in charge of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2. ***Only In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter.*** The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If the application designating an authorized messenger also indicates a request for an absentee ballot for any future election, such absentee ballot shall be mailed to the address provided on the application. If no address is provided, the ballot shall be mailed to the person's voter registration address.

Notes:

- Remember the only voters who can use an authorized messenger are those who are **confined due to sickness or disability**. (confinement does not include college students away from home, voters who tell you their employer won't let them off work to vote, etc.)
- You or a deputy can only take a ballot out to an individual if you or the deputy is listed as the authorized messenger on that voter's absentee ballot application.

**Nursing facility, assisted living center or hospital**

- **Only County Auditors** may go to one of these facilities to conduct absentee voting for a General Election ONLY.

**Absentee Log**

The person in charge of the election is required by law to maintain an absentee ballot log. Here is the format for the absentee log:

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.

**Election Board processing absentee ballots at the polling place on Election Day**

If you don't use an absentee ballot precinct board (defined in the next section) you will send all absentee ballots and the applications to the polling places to be processed during the day on Election Day. At any time during the day when the election board has time or immediately after the polls are closed, the board shall compare the signature on the statement on the ballot return envelope with the signature on the written absentee application received by the person in charge of the election (city finance officer or school business manager). This signature comparison is done before opening or breaking the seal on the envelope.

If a voter voted absentee in the office of the person in charge of the election, the election board will not have two signatures to compare. The in-person absentee voter is only required to complete an absentee envelope which contains the application information and a single signature (this voter had to show the person in charge of the election their photo ID or they signed a personal ID affidavit).

If the election board is satisfied that:

1. The ballot received was voted by the voter whose name appears on the statement;

2. The voter is registered in that precinct and has not already voted at that precinct in this election; and
3. The written application and statement were both signed by the voter or the in-person absentee application/envelope was signed by the voter (no signature to compare on this absentee application/envelope since it was voted in-person), the voter's name shall then be entered in the pollbook and the registration list shall be marked.

The ballots are then removed from the envelope without unfolding or examining them, **stamped with the official ballot stamp**, and deposited into the ballot box (still folded). [SDCL 12-19-10](#)

Any absentee ballots that are determined by the election board to not meet the requirements of the law shall be returned unopened to the person in charge of the election with the other election supplies. A precinct worker shall indicate on the envelope the reason for rejection. See below for reasons to reject the absentee ballot:

- If an absentee voter passes away before Election Day, the ballot cannot be counted. The envelope will be returned unopened to the person in charge of the election and a precinct worker will indicate on the envelope "Unopened by reason of death of voter ." [SDCL 12-19-49](#)
- If an absentee ballot is delivered to the polls after the polls have been officially closed, it shall be marked "Delivered after closing of the polls" and returned unopened to the person in charge of the election. [SDCL 12-19-12](#)
- If the absentee ballot envelope does not contain the signature of the voter, that ballot cannot be opened and will be returned unopened to the person in charge of the election. A precinct worker shall indicate on the envelope the reason for rejection.