

ABSENTEE VOTING PROCESS FOR SCHOOL DISTRICT AND MUNICIPAL ELECTIONS

DO NOT send a ballot to someone who is **NOT** a **REGISTERED VOTER**. Always verify beforehand!

DO NOT put the **ballot stamp on the absentee ballot**. Your election workers will do this when they process the ballots on election day.

Make sure the county auditor has your contact information, so they are able to send you absentee requests. Check this at the beginning of each year, especially if there has been turnover within the city/school. Let the auditor know about your election day and deadlines!

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.*

Nursing facility, assisted living center or hospital:

- **ONLY County Auditors** may go to one of these facilities to conduct absentee voting for Primary and General Elections.

Prefilled absentee ballot application prohibited. ([SDCL 12-19-1.3](#))

- No person may distribute an absentee ballot application to a voter that is prefilled with the voter's name and registration address.
 - This provision does not apply to a person who is authorized to request an absentee ballot for a voter or a person assisting a voter who requires assistance for reason of an inability to read or write, blindness, or other physical disability.
- The person in charge of the election or their appointed designee may prefill an absentee ballot application for a voter who requests an application.

IN-PERSON (at your office) absentee voting

- Voter's may apply for an absentee ballot during regular office hours or up to 5:00 pm on the day before the election, whichever is later. [SDCL 12-19-2.1](#)
- Voter's who need to obtain an absentee ballot via **authorized messenger** (see page 3) have until **3:00 pm the day of the election to apply**.
- ALWAYS ask a voter if they want to vote in-person or take the ballot home with them. This will determine the steps you take.

STEP 1: All voters who want to vote absentee in your office must use the absentee ballot envelope with the absentee ballot application printed on the envelope (combined application). [5:02:10:01.03](#).

STEP 2: Have the voter complete the combined application on the envelope and then show you his/her photo ID (see forms of acceptable ID's on page 4). 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.

*A voter would still be eligible to receive a ballot even if the two questions related to receiving a municipal or school ballot are not answered. The answers to these questions may be used if a voter is challenged.

<u>If request is for a municipal or school election:</u>		
I have lived in that jurisdiction at least 30 days in the last year.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
I am a full-time student who resided in that jurisdiction prior to leaving.	<input type="checkbox"/> YES	<input type="checkbox"/> NO

STEP 3: Verify that the voter is registered to vote within your jurisdiction. If the voter is registered with an “inactive status,” you **must** give them a voter registration application. They need to complete that and return it to you before you go to Step 4.

STEP 4: Enter the required information into the Absentee Log [5:02:10:06](#). Contents of the log can be found on page 5.

STEP 5: If the voter is registered to vote in your jurisdiction, then you give the voter the **unstamped** ballot (the same ballot you use on election day), explain to the voter to mark the ballot and then insert the marked ballot into the absentee ballot/application envelope and return the envelope to you.

STEP 6: The voter places the envelope in the ballot box. **DO NOT let the voter take the envelope with voted ballot in it home.** If they want to vote the ballot at home, then follow the Voting by Mail steps on the next page.

Absentee voting by MAIL

STEP 1: All voters who vote absentee by mail or want to take their ballot with them from your office to vote it at home, will have to submit to you the **absentee ballot application** [5:02:10:01](#).

STEP 2: This application* must include a copy of the voter’s 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 on page3).

*A voter would still be eligible to receive a ballot even if the two questions related to receiving a municipal or school ballot are not answered. The answers to these questions may be used if a voter is challenged.

<u>If request is for a municipal or school election:</u>		
I have lived in that jurisdiction at least 30 days in the last year.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
I am a full-time student who resided in that jurisdiction prior to leaving.	<input type="checkbox"/> YES	<input type="checkbox"/> NO

STEP 3: Verify that the voter is registered to vote within your jurisdiction. If the voter is registered with an “inactive status,” you **must** give them a voter registration application. They need to complete that and return it to you in a separate envelope from the absentee ballot.

STEP 4: Enter the required information into the Absentee Log [5:02:10:06](#). Contents of the log can be found on page 5.

STEP 5: Mail the following items to the voter or the voter may carry these out and vote the ballot and return it to you.

- The absentee ballot is the regular ballot you will also use on Election Day. **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).
- The official return envelope for UOCAVA voters is also found in [5:02:10:08](#) (this is postage paid).

NOTES:

- 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.
- You are not required to pay for the postage for a voter to mail his/her absentee ballot back to you.
- A power of attorney is not allowed for absentee voting or for voter registration.

ADDITIONAL ABSENTEE VOTING INFORMATION

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

UOCAVA voters are:

1. **Military Service Members:** active-duty members of the Uniformed Services, Merchant Marine, or commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration
2. **Spouses or Dependents:** eligible spouse or dependent of Military Service Members as defined above
3. **Overseas Citizens:** U.S. citizens who reside outside of the United States

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 may 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**. These **requirements** are **waived** only for those covered under **UOCAVA**.

Authorized Messenger

[SDCL 12-19-2.1](#). ...**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. [SDCL 12-3-5](#))
- You or a deputy may 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.
- You do not have to agree to be an authorized messenger. Keep in mind that if you are the authorized messenger for one you will need to be the authorized messenger for all that ask.
- If a person is an authorized messenger for more than one voter, the person must notify the person in charge of the election of all voters for whom that person is a messenger. The person in charge of the election shall keep a

record of the authorized messenger requesting an absentee ballot to be delivered to another voter.

[SDCL 12-19-2.2](#)

Processing absentee ballots at the POLLING PLACE on Election Day

STEP 1: Send all absentee ballots and the applications to the polling place(s) to be processed during the day on Election Day. You **DO NOT** need to send copies of photo ID's with the applications.

STEP 2: 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 *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-person**, 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 so there will be no signature to compare to (this voter had to show the person in charge of the election their photo ID or they signed a personal ID affidavit before they were given a ballot).

If the election board is satisfied that:

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

STEP 3: The ballot is then removed from the envelope without unfolding or examining it, **stamped with the official ballot stamp**, and deposited into the ballot box (still folded). [SDCL 12-19-10](#)

STEP 4: Any **absentee ballots** that are determined by the election board to **not meet the requirements of the law** shall be returned unopened, with the other election supplies, to the person in charge of the election. A precinct worker shall indicate on the envelope the reason for rejection. See below for reasons to reject the absentee ballot:

1. [SDCL 12-19-9.2](#): If, prior to the casting of absentee ballots, it is made to appear by due proof to the county auditor or election board that any voter who has marked and forwarded an absentee ballot is no longer eligible to vote due to death, felony conviction, or mental incompetence prior to the opening of the polls on the date of the election, the ballot of the voter must be returned in the sealed return envelope with the evidence of the disqualifying factor listed in this section attached and the envelope marked accordingly with one of the following statements:
 - (1) Unopened by reason of death of voter;
 - (2) Unopened by reason of felony conviction of voter; or
 - (3) Unopened by reason of mental incompetence of voter.
2. The marked envelope must be returned to the officer in charge of the conduct of the election. A returned absentee ballot deemed ineligible may not be opened or counted. The casting of any such ballot shall not invalidate the election.
3. If an absentee ballot is delivered to a polling place, absentee counting board, or the office of the person in charge of the election after the polls are closed in the county or local jurisdiction, the absentee ballot may not be counted or opened. [SDCL 12-19-12](#)

4. If the **absentee ballot envelope does not contain the signature of the voter**, the ballot cannot be counted. The envelope will be returned unopened to the person in charge of the election and a precinct worker shall indicate on the envelope “Unopened- No signature.”

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 or by using an authorized messenger.

[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 [05:02:05:25](#)

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.

Instructions to Absentee Voters

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.

Return Envelope for Ballots used in Absentee Voting

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.

Envelopes for Sending Ballots to the Voter

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.

Envelopes for Sending Ballots to UOCAVA Voters

5:02:10:08. Envelopes for use with voting service and overseas ballots. 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 (Use Black Ink)

Suggested Max: Height 6 1/8 inches; Length 11 ½ inches

Suggested Min: Height 3 ½ inches; Length 5 ½ inches

Printer Note: If an auditor needs to exceed the suggested maximum height and length, that is allowed.

NAME AND COMPLETE ADDRESS

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**)

Suggested Max: Height 6 1/8 inches; Length 11 1/2 inches

Suggested Min: Height 3 1/2 inches; Length 5 1/2 inches

Use Black Ink

Printer Note: If an auditor needs to exceed the suggested maximum height and length, that is allowed.

NAME AND COMPLETE ADDRESS

US POSTAGE PAID
39 USC 3406
PAR AVION

OFFICIAL ELECTION MAIL
Approved by the U.S. Postal Service

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 and that I have voted the enclosed ballot.

Signature of Voter

Counting Process Open

The process of sorting, validating, and counting absentee ballots must be open to poll watchers for the purpose of observing the process. A poll watcher shall keep a reasonable distance from ballots and identification information to protect the privacy of absentee voters. No record associating an individual voter with a ballot may be created. A violation of this section is a Class 2 misdemeanor. [SDCL 12-19-44](#)

Payment for assisting voters

- No person may employ, reward, or compensate any person to assist voters based on the number of voters assisted. Nothing in this section prohibits any person from hiring a person paid on an hourly or salaried basis to assist voters. Any violation of this section is a Class 1 misdemeanor. [SDCL 12-19-54](#)
- No person may receive any wages, reward, or compensation for assisting voters based on the number of voters assisted. Nothing in this section prohibits any person from being employed on an hourly or salaried basis to assist voters. Any violation of this section is a Class 1 misdemeanor. [SDCL 12-19-55](#)