

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL
500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



June 16, 2017

Mr. Drey Samuelson
1711 S. Phillips Ave.
Sioux Falls, SD 57105

Dear Mr. Samuelson:

Pursuant to SDCL 12-13-25, this office is required to review each initiated measure, this office is required by SDCL 12-13-24 to determine if each initiated measure is "written in a clear and coherent manner in the style and form of other legislation" and that it is "worded so that the effect of the measure is not misleading or likely to cause confusion among voters." You are under no obligation to accept any of the suggestions contained in this letter, but please keep in mind the legal standards established in SDCL 12-13-24.

It appears that proposed laws were borrowed from another state and minimal effort was made to revise the document to the form and style used by the State of South Dakota. If you are borrowing language from other states, it is requested that you follow the form and style for draft legislation used in this state. The drafting manual may be found on the website for the Legislative Research Council. If you need assistance in locating the manual, please contact our office. You could also review bills introduced in previous sessions to provide examples for form and style.

Short titles are discouraged in the drafting of legislation. A short title is only used in drafting of uniform state laws to indicate that courts in other states may have already construed the provisions. Findings should provide the foundation of facts to support the legislation and the statement of purpose, if any, should be short and concise. The proposed findings and declaration of purpose appear to provide a list of reasons on why the sponsors support the proposed measure and the outcome that is hoped to be achieved with its passage. We recommend that you delete both sections.

It is inappropriate for you to prepare catchlines or assign chapter or section numbers for codification. The catchlines are prepared by the publisher in cooperation with the Code Counsel and the Code Counsel is responsible for the codification of laws enacted by the Legislature and passed by the people. The body of the bill should be divided into sections of convenient length and facilitate reference to a provision. Each distinctive proposition should be in a separate section.

The terms, "county auditor" and "person in charge of the election", at times appear to be used interchangeably. Occasionally, the term "county clerk" is used. The terms "ballot" and "official ballot" are also used interchangeably, please use the term "ballot". The consistent use of terms is imperative in the construction of legislation. Inconsistent use of terms may lead to confusion and unintended consequences.

There are several proposed sections that mirror the current laws pertaining to elections. Section 13 corresponds to the provisions found in SDCL 12-18-25. Also, SDCL chapter 12-19 provides for an authorized messenger and establishes certain procedures and qualifications for the messenger. SDCL chapter 12-19 also provides the current procedure for absentee voting. The proposed measure does not revise or repeal those laws. If this measure is

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approved by the people, the Legislature would have to enact legislation to address the provisions that may duplicate or conflict.

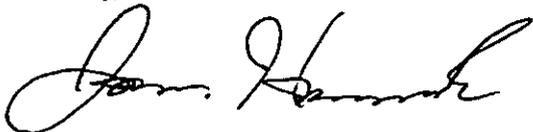
Please review the definitions and procedures provided in Title 12. SDCL 12-1-3 defines an elector to be a person who is qualified to register as a voter whether or not the person is registered and a voter is a person who is duly registered to vote or one who is performing the act of voting. The draft often used the term "elector", and correct term is "voter". Any deviation from the usage of those terms as currently defined requires a substantial rewrite of Title 12.

It has been determined during this review that this initiated measure requires a prison or jail population cost estimate. As the sponsor of the initiated measure you should submit a request for a cost estimate to the Legislative Research Council at the time your initiated measure is filed with the Attorney General.

Attached is a copy of your proposed initiated measure with all our suggested style and form changes.

This letter constitutes neither an endorsement of your initiated measure nor a guarantee of its statutory sufficiency. It does constitute fulfillment of your responsibility pursuant to SDCL 12-13-25 to submit your draft to this office for review and comment. If you proceed with your initiated measure, please take care to ensure that your statements or advertising do not imply that this office endorses or approves your proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Hancock", written in a cursive style.

Jason Hancock
Director

JH:FB:ct

Enclosures

cc: The Honorable Shantel Krebs, Secretary of State
The Honorable Marty Jackley, Attorney General

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA

Petition: South Dakota Voter Accessibility, Integrity, and Efficiency Act

Text: *Short titles are inconsistent with the practice of codification in South Dakota. Short titles are discouraged*

Delete

~~Section 1. This Act may be referred to as the "South Dakota Voter Accessibility, Integrity, and Efficiency Act."~~

A declaration of purpose is strongly discouraged

Delete

~~Section 2. The people find and declare that the accessibility, integrity, and efficiency of the voting system are of the utmost importance in South Dakota's political system. Statewide vote at home models have been established in other states with no evidence of fraud and abuse and have been deemed highly popular by the general public in those states. Vote at home models decrease the cost of elections, which are currently borne largely by local taxpayers, allowing scarce tax dollars to be reallocated for other pressing needs of county budgets. Increasing voter participation and making voting more accessible among all age and ethnic groups, including seniors and South Dakota's proud Native American citizens, could inspire South Dakotans to feel greater attachment to their home state. Finally, voter participation is too often reduced due to factors of weather, modern work schedules, family obligations, health issues, mobility challenges, and vast geographic distances. Therefore, the purpose of this Act is to increase accessibility for the people of South Dakota in electoral politics, increase the completeness and accuracy of the voter registration list, and to ensure the integrity and efficiency of the system.~~

~~Section 3. SDCL Title 12 is amended by adding the following as Chapter 29, entitled "Conducting Elections by Mail."~~

~~12-29-1. Authorization and procedure for conducting elections by mail.~~

- *Codification of legislation is the responsibility of the Code Counsel.*
- *Catchlines are prepared by the publisher and Code Counsel and should not be included in any bill draft or initiated measure.*

Section 1. ^{The} (1) ~~With express authorization from the~~ board of county commissioners ^{may, by resolution, require} or ~~by an affirmative vote~~ of the citizens of a county, the county auditor ^{to} may conduct all primary, special, and general elections entirely by mail ballot, ~~according to the process specified in subsection(s) (4) through~~ (12) of this section. The board of county commissioners ^{shall} ~~must~~ give notice ^{notice to} to the county auditor at least ninety days ~~notice~~ before the first election to be conducted entirely by mail ballot. If the board of county commissioners ~~and the county auditor~~ decide to return to a polling place election environment, the board of county commissioners ^{shall} ~~must~~ give notice ^{notice to} to the county auditor at least one hundred eighty days ~~notice~~ before the first election to be conducted using polling places.

Any ^{made pursuant to} Authorization ^{applies to each} under this section shall apply to all primary, special, and general elections ~~conducted by the county auditor.~~

Section 2. (2) The county auditor may designate any precinct ^{that has less} ~~having fewer~~ than two hundred ~~active~~ registered voters at the time ~~of closing of~~ voter registration ^{is closed} as a mail ballot precinct.

Authorization from the board of county commissioners is not required to designate a precinct as a mail ballot precinct ^{pursuant to this section} ~~under this subsection~~. A mail ballot precinct ^{means} ~~is defined as~~ a precinct in which ^{each} ~~all~~ registered voters ^{shall} ~~will~~ receive a ballot ^{by mail before each} ~~prior to every~~ election as ^{by mail} ~~per the process set out~~ in subsection(s) (4) through (12) of this section.

Section 3. (3) ^{After} Upon making a determination under ^{sections 1 and 2 of this Act that each} ~~subsection(s) (1) or (2) of this section~~ that all future elections ^{or mail ballot precinct} in the county shall be conducted entirely by mail, the county auditor shall notify each registered voter by mail that ~~for all future primaries and elections~~ the voting ^{shall} ~~will~~ be by mail ballot ~~only~~. If the board of county commissioners ~~and county auditor~~ determine ^{pursuant to section 1 of this Act} under subsection (1) of this section, or ^{pursuant to section 2 of this Act} if the county auditor determines ~~under subsection (2) of this~~ ^{make a determination} section, to return to a polling place election environment, the auditor shall notify each registered voter, ^{decision and the county auditor} by mail, of this ~~and~~ and shall provide the address of the polling place to be used.

Section 4.

this section

(4) (a) Except as provided in paragraphs (b) and (c) of this subsection, the person in charge of the

election shall mail by nonforwardable mail an ~~official~~ ballot with a return identification envelope

and a secrecy envelope not sooner than the 20th day before the date of an election and not later

less than fourteen days preceding

than the 14th day before the date of the election, to each ~~active elector~~ voter of the election precinct as

of the 21st day before the date of the election. ~~The person in charge of the election shall use the registration list as updated twenty-one days preceding the election.~~

(b) If the person in charge of the election determines that ~~an active elector~~ any voter of the election

precinct ~~as of the 21st day before the date of the election~~ does not receive daily mail service from

the United States Postal Service, the person in charge of the election shall mail by

nonforwardable mail an ~~official~~ ballot with a return identification envelope and a secrecy

envelope to the ~~elector~~ voter not more than twenty days preceding the date of an election and not later

less than eighteen days preceding the than the 18th day before the date of the election.

(c) ~~In the case of ballots to be mailed to addresses outside this state to electors who are not~~ If the ballot is an any voter who is not in the

military or overseas ~~electors~~, the person in charge of the election may mail the ballots ~~not sooner~~

more than twenty-nine days preceding than the 29th day before the date of the election. ~~An elector~~ A voter who wishes to receive a ballot at a

temporary address that is outside of the state ~~must~~ shall apply to the person in charge of the election

not less than fifty days preceding no later than the 50th day before an election. The application ~~must state~~ shall provide the applicant's voter

registration address, the temporary out-of-state address, and an oath verifying the validity of the

information contained in the application. The oath does not need to be administered by a notary

public. A copy of the ~~elector's voter identification card~~ voter's personal identification as required by SDCL § 12-18-6.1 ~~must~~ shall

accompany the application.

Section 5.

(5) For ~~each elector~~ any voter who updates a voter registration after the voter registration deadline, the

person in charge of the election shall make the ~~official~~ ballot, the return identification envelope,

and the secrecy envelope available either by mail or at the ~~precinct superintendent's office~~ or another place designated by the person in charge of the election. ~~An elector~~ to whom this subsection applies ~~must~~ ^{shall} request a ballot from the person in charge of the election.

of the person in charge of the election

The voter

Section 6. The

identification

~~(6) Both the outside envelope and the return envelope for ballots shall contain the following warning: ANY PERSON WHO FORGES ANOTHER VOTER'S SIGNATURE, OR BY USE OF FORCE OR OTHER MEANS, UNDULY INFLUENCES AN ELECTOR TO VOTE IN ANY PARTICULAR MANNER OR REFRAIN FROM VOTING, IS GUILTY OF A CLASS 6 FELONY PUNISHABLE BY UP TO TWO YEARS IN PRISON OR A FINE OF FORTY THOUSAND DOLLARS, OR BOTH.~~

A VOTER

four

Note: Class 6 felony fine is provided in 22-6-1

Section 7

a

received pursuant to this Act, the voter

~~(7) (a) To cast any received ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot.~~

~~(b) The elector may return the marked ballot to the person in charge of the election by United States mail or by returning the ballot to an officially designated ballot dropoff facility in any county or any county courthouse.~~

voter

return

a

the

the

~~(c) The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage.~~

shall

voter shall

voter

~~(d) Subject to paragraph (e) of this subsection, if an authorized messenger returns a ballot for an elector, the person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later than two days after receiving the ballot.~~

a voter

I

designated ballot dropoff facility in the county

on the county courthouse within

Section 8. ^{shall}

(e) A ballot ~~must~~ be received by the person in charge of the election via the United States Postal Service, ^{or} be received at any ballot dropoff facility or county courthouse by a county election official not later than ^{8:00} 8 p.m. on the date of an election.

(8) A ballot ~~shall~~ be counted ^{only} if: ^{(1) The ballot} (a) It is returned in the ^{return} identification envelope; ⁽²⁾ (b) The envelope is signed by the ^{voter} elector to whom the ballot ^{was} issued; and ^{(3) voter's} (c) The signature is verified ^{as} provided in subsection (9) of this section.

Note: shows subdivisions like section 14

Section 9.

(9) The person in charge of the election shall verify the signature of each ^{voter} elector on the return identification envelope with the signature on the ^{voter's} elector's registration record, according to the procedure provided by rules adopted by the State Board of Elections. ^{The} If the county auditor determines that ^{a voter} an elector to whom a replacement ballot has been issued has voted more than once, the person in charge of the election ^{may only} shall count ^{only} one ballot cast by that ^{voter.} elector.

chapter 1-26, establishing the procedure to use to verify voter signature

Section 10.

(10) At 8 p.m. on election day, ^{Any voter who is} electors who are at the county courthouse or a ballot dropoff facility ^{is} designated under subsection (12) of this section and who are in line waiting to vote or deposit a ^{completed} ~~voted~~ ballot ^{is} shall be considered to have ^{started} begun the act of voting.

Section 11.

(11) An ^{A voter} elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the ^{voter A} elector. Replacement ballots shall be issued and processed as described in this ^{request} section. To ^{voter shall} vote a replacement ballot, the elector must complete and sign a replacement ballot request form. The request for a replacement ballot may be made electronically, ^{promulgated pursuant to chapter 1-26} by telephone, in writing, in person or by other means designated by the State Board of Elections by rule. The county auditor shall keep a record of each replacement ballot provided under this ^{section} subsection. Notwithstanding any deadline for mailing ballots in ⁱⁿ subsection (7) of this section, a replacement

Act

ballot may be mailed, or made available in the office of the county auditor. ~~A~~ replacement ballot ~~may~~ need not be mailed after the fifth day before the date of the election.

section 12.

~~(12)(a)~~ At least two secure and accessible ballot dropoff facilities shall be provided within each county where an election under subsections (1) or (2) of this section is held. For each county that has more than ~~15,000~~ ^{a population of} ~~citizens~~ ^{fifteen thousand persons}, there ~~must~~ ^{shall} be at least one additional ballot dropoff facility provided for ~~every~~ ^{each} additional 5,000 ~~citizens~~ ^{five thousand persons}.

~~(b)~~ A ballot dropoff facility ~~provided for under this section~~ ^{shall} consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive ~~voted~~ ^{completed} ballots twenty-four hours a day. At each ballot dropoff facility ~~designated under this section~~, the person in charge of the election shall prominently display a sign stating that the location is an official ballot drop site.

~~12-29-2. Assistance in marking ballot - Vote by mail impacts on voters with disabilities - Mitigation - Advisory committee, plan.~~

~~(1) Given the potential barriers resulting from the elimination of polling places and transition to vote by mail that restrict the ability of some voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required under the Help America Vote Act, counties shall take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.~~

Section 13.

~~(2) If an elector is within a voting precinct and, because of a physical disability or an inability to read or write, is unable to mark a ballot, the elector may request and shall receive the assistance~~ ^{any voter who, by reason} ~~of a physical disability or an inability to read or write, is unable to mark a ballot, the elector may request and shall receive the assistance~~ ^{write, is unable to} ~~the assistance~~ ^{voter may}

from
of an authorized messenger in marking the ballot. The authorized messenger assisting the *voter* ~~elector~~
shall ascertain the wishes of the *voter* ~~elector~~ and assist the *voter* ~~elector~~ in voting the ballot accordingly. ⁽¹⁾
~~No authorized messenger may solicit any votes on~~ *A voter*
~~and thereafter may give no~~ information regarding the vote. ~~An elector~~ wishing to use an
authorized messenger ~~under this section must~~ *shall* request an authorized messenger from the person
~~in charge of the election by 3 p.m. on the day of the election.~~ *before 3:00*

Section 14.

~~(3) An authorized messenger may not assist an elector under subsection (1) of this section if the~~ *a voter pursuant to this Act*
~~person:~~ *authorized messenger is:*

(1) An
~~(a) Is an~~ employer of the *voter* ~~elector~~ or an agent of the employer;

(2) An
~~(b) Is an~~ officer or agent of the union of which the *voter* ~~elector~~ is a member; or

(3) A
~~(c) Is a~~ candidate for office in the election or an agent of a candidate for office in the election.

~~(3) In preparing the ballot, an elector may use or copy a sample ballot, which may be marked in
advance to assist the elector in marking the official ballot.~~

~~12-29-3. Special procedure for ballots challenged due to failure to sign return envelope or
nonmatching signature.~~

Section 15.

~~(1) If a ballot is challenged because it is returned in an unsigned return identification envelope or
because the signature of an elector on a return identification envelope is determined to not match
the signature in the voter registration record for the elector, the person in charge of the election
shall mail to the elector a notice to that effect. The State Board of Elections shall design a
standard form to be used in all notifications sent by persons in charge of elections under this
subsection.~~ *to provide notification to the voter, that the ballot
was denied or challenged.*

(2) (a) In order for the vote of the ~~elector~~ ^{voter} to be counted, the ~~elector~~ ^{voter shall} must provide evidence ~~sufficient~~ to disprove the challenge, or provide an updated voter registration card with a signature that is determined to be a match, no later than ~~the 14th calendar day~~ ^{fourteen days} after the date of the election.

(b) If the ~~elector~~ ^{voter} does not provide evidence ~~sufficient~~ to disprove a challenge alleging that the signature of the elector on a return identification envelope does not match the signature in the voter registration record for the ~~elector~~ by the ~~14th calendar day~~ ^{voter within fourteen days after} after the date of the election, the registration of the ~~elector~~ ^{voter} shall be ~~considered~~ ^{moved to the} inactive. ^{→ registration file}

Section 16.

(3) (a) The filing officer may not release as a public record any information that could be used to identify ~~an elector~~ ^{a voter} whose ballot has been challenged ~~under this section~~ ^{pursuant to section 15 of this Act} until the eighth ~~calendar~~ day after the date of an election.

(b) Following the ~~seventh calendar day~~ ^{Eight days after} after the date of an election, the filing officer may disclose as a public record the following information about each ~~elector~~ ^{voter} whose ballot was challenged ~~under this section~~ ^{pursuant to section 15 of this Act}:

- (1) ~~(a)~~ The name of the ~~elector~~ ^{voter};
- (2) ~~(b)~~ The ~~residence addresses of the elector~~ ^{residential address of the voter}; and
- (3) ~~(c)~~ The reason ~~the elector's ballot is being challenged~~ ^{for the challenge of voters}.

(4) As used in this section, "filing officer" means:

~~For the purpose of this section, the term, filing officer, means~~
 (a) The ~~Secretary of State, for any federal or statewide elections, and for elections to the office of state Senator or Representative or~~ ^{any election; any} ~~or any election for the Legislature; or the~~

~~(b) The precinct superintendent~~ ^{the} for ~~county, city, or district elections.~~ ^{any municipal}

~~12-29-4. Extension of deadline for returning ballots in case of emergency.~~

Section 17.

(1) The Governor by written proclamation may extend the deadline for returning ballots in any state, county, ~~city~~ ^{municipal,} or district election if the Governor receives a written request for the extension from the ~~Secretary of State.~~ ^{of state} The secretary ^{of state} may request the Governor to extend the deadline for returning ballots under this section if, after consultation with affected county ~~clerk,~~ ^{auditors} the secretary ^{of state} determines that it would be impossible or impracticable for ~~electors~~ ^{the voters} to return ballots or for election ~~officials~~ to tally ballots due to an emergency as defined in SDCL § 34-48A-1.

(2) The Governor may not extend the deadline for returning ballots in any state, county, ~~city~~ ^{municipal,} or district election under ~~subsection (1) of~~ this section for more than seven ~~calendar~~ days after the date of an election.

(3) The written proclamation ~~required under subsection (1) of this section~~ shall state:

(1)

~~(a) The determination of the Governor;~~

(2)

~~(b) The reason the deadline for returning ballots was extended; and~~

(3)

~~(c) The date and time by which ballots ~~must~~ be returned in the election.~~ ^{shall}

(4) Notwithstanding any other provision of this ~~chapter,~~ ^{Act} if the Governor extends the deadline for returning ballots under ~~subsection (1) of~~ this section, the person in charge of an election in any voting precinct may not order a tally report from any vote tally machine in the election until the date and time set by the Governor by which ballots ~~must~~ ^{shall} be returned in the election.

~~12-29-5. Preparation for counting ballots - Record of voters issued a ballot and voters who returned a ballot - Public access.~~

Section 18.

(1) All received return envelopes ~~must~~ ^{identification shall a} be placed in secure locations from the time of delivery by the ~~elector~~ ^{voter} until ~~their subsequent~~ ^{the} opening. ~~of the envelopes~~

(2) Not ~~sooner than the seventh day~~ ^{more than seven days} before the date of an election, the person in charge of an election may begin opening return identification ^{envelopes} and secrecy envelopes of ballots delivered by mail and received by the person in charge of the election for the purpose of preparing the ballots for counting, ~~which can begin no sooner than 8 am on Election Day.~~ ^{. However, no ballots may be counted before 8:00 a.m. on the election day.}

(3) ~~The person in charge of an election may take any other actions that are necessary to count ballots delivered by mail.~~

Section 19.

(4) Each person in charge of an election shall maintain ^{a record} in his or her office, open for public inspection, ~~a record of all voters~~ ^{of each} issued a ballot and ~~all voters~~ ^{each} who returned a ballot. For each primary, special election, or general election, not ~~earlier than the seventh day~~ ^{more than seven days} before the date of an election, any ^{political} political party, committee, or person may request a list of ~~all~~ ^{each} registered voters who ~~have or have~~ ^{has or has} not voted.

Section 20.

(5) Any person who ~~prior to the counting of the votes,~~ ^{before} opens, unfolds, or examines any ballot, or makes any communication to any person concerning the markings or contents of ~~the~~ ^{any} ballot, is guilty of a Class 2 misdemeanor.

~~12-29-6. Penalties:~~

before the counting of the votes

~~(1) Any person who forges another voter's signature, or by use of force or other means, unduly influences an elector to vote in any particular manner or refrain from voting is guilty of a Class 6 felony.~~

a voter

Class 6

~~(2) Any person who, having procured an official ballot, intentionally disposes of a ballot in any manner other than provided in this chapter is guilty of a Class 2 misdemeanor.~~

Act

~~(3) Any person who, having procured an official ballot or ballots for another, intentionally fails to deliver the ballots to the voter or who intentionally fails to deliver the return identification and secrecy envelopes with ballots contained therein to the proper officer, or who tampers with the envelope or ballots is guilty of a Class 6 felony.~~

after procuring a

for another voter who

envelope

the to the person in charge of the election

~~Section 4. SDCL § 12-19-4 is amended by adding the following section:~~

~~12-4-54. Voter registration update in mail ballot counties.~~

Section 21.

~~(1) Notwithstanding existing voter registration update procedures under this Chapter, a county auditor shall update the registration of an elector in a county that has opted to conduct elections entirely by mail under SDCL § 12-29-1 upon receiving evidence from the United States Postal Service indicating a residence address that is different from the residence for the elector as contained in the records of the county clerk.~~

provided by this Act

any a voter

if

is received

residential

residential address

voter

auditor

~~(2) When a county auditor updates the registration of an elector under subsection (1) of this section, the clerk shall send a new confirmation mailing by nonforwardable mail as provided in~~

If a

a voter pursuant to

county auditor

~~SDCL § 12-4-19.~~

~~No voter may be~~

made pursuant to this section

~~(3) An elector is not disqualified from voting due to any error relating to an update of registration made under this section.~~

relating

the voter

Section 22. That § 12-19-2 be amended to read
~~Section 5. SDCL § 12-19-2 is amended as follows:~~

~~12-19-2. Application for absentee ballot - Contents - Permanent status.~~

An absentee voter desiring to vote by mail may apply to the person in charge of the election for an absentee ballot. The application or request shall be made in writing and be signed by the applicant and shall state the applicant's voter registration address. *Remove the overstrikes* ~~The application or request shall contain an oath verifying the validity of the information contained in the application or request. The oath shall be administered by a notary public or other officer authorized by statute to administer an oath. If the application or request does not contain an oath,~~ *A/* the application or request shall be accompanied by a copy of the voter's identification card as required by § 12-18-6.1. The copy of the voter's identification card shall be maintained by the person in charge of the election. However, the voter's identification card is not available for public inspection. ~~The application or request may be used to obtain an absentee ballot for all elections in that calendar year conducted by the jurisdiction receiving the application or request if so indicated. The application or request shall give the applicant permanent absentee status, and the person in charge of the election shall send ballots to that elector for all future elections, unless the county has decided to conduct all elections by mail pursuant to § 12-29-1.~~ *Remove overstrikes* *the ballot to the voter for each* *each* *sections 1 or 2 of this Act* ~~The ballot shall be sent to the voter's residence, as shown in the voter registration file or any temporary residence address designated in writing by the voter, at the time of applying for the absentee ballot. If the application or request is from a voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2010, the voter may designate on the application for the ballot to be sent electronically pursuant to this section through the system provided by the Office of the Secretary of State. The person in charge of the election shall stamp the application with the date it was received. The person in charge of the~~

election shall preserve a record of the name, mailing address, and voting precinct of each applicant and, except as provided by § 12-19-45, deliver a copy of the record to the superintendent of the election board of the home precinct of the applicant.