



# 2015 MUNICIPAL and SCHOOL ELECTION WORKSHOP

*Sponsored by*

Secretary of State Shantel Krebs

South Dakota Municipal League

Associated School Boards of South Dakota

# Morning Agenda

- Election Code and Precinct Manual
  - currently being updated
- Election Types and Dates
- Public Notices
- Voter Registration and Residency
- Eligibility Requirements
- Petitions
- No Candidates, Vacancies
- Ballot Preparation
- Election Worker Training



# Election Types and Dates

Municipalities have *four* options: *set your date by January 14 if choosing date other than second Tuesday in April (SDCL 9-13-1).*

1. Second Tuesday in April (SDCL 9-13-1).
2. First Tuesday after the first Monday in June (SDCL 9-13-40).
3. Combine with the school on the second Tuesday in April, first Tuesday after the first Monday in June (*Primary date in 2016*) or the third Tuesday in June (SDCL 9-13-1.1).
4. If the school election is combined with a municipal election on a date other than the second Tuesday in April, all dates follow SDCL 13-7.

## Election Types and Dates

**Schools have *many* options:** school board sets election date no later than first regular meeting in January (SDCL 13-7-10). Dates listed below are the most common.

1. Anytime from the second Tuesday in April through the third Tuesday in June (SDCL 13-7-10).
2. Combine with municipality on the second Tuesday in April, first Tuesday after the first Monday in June (*Primary date in 2016*), or on the third Tuesday in June (SDCL 13-7-10.1).
3. On even numbered years, you may combine with the Primary Election on the first Tuesday after the first Monday in June (SDCL 13-7-10.3).

# Combining Elections

- Any election may be combined if deadlines permit ([SDCL 12-2-6](#))
- Have a written agreement with contingencies if one jurisdiction doesn't have an election, how you will handle absentee voting, will you combine notices, do you print in the same paper etc.
- Pay attention to the deadlines with Primary and General Elections



# Benefits of Combining Elections

- Popular option
- Increase voter turnout
- Fewer trips to the polls
- Shared election board workers
- Time and money saver



Notify the Secretary of State's office of your election date.

*12-2-7: If any political subdivision of the state sets a date and time for conducting a public election, within 15 days the person in charge of the election shall notify the Secretary of State in writing or by telephone or by e-mail.*

# Public Notices

## **All notices are listed on the Election Calendar!**

- All public notices required by law by jurisdiction, shall include an inscription listing the approximate cost of the newspaper publication
- This inscription shall be printed in the same type size as the body of the notice and located at the top or bottom of the public notice (SDCL 17-2-28).

## PUBLIC NOTICES

### ○ **Notice of Vacancy**

- School Board (ARSD 5:02:04:14)

- Municipalities (ARSD 5:02:04:06)

### ○ **Notices of Deadline for Voter Registration** (ARSD 5:02:04:04)

### ○ **Notices of Election**

- School Board (ARSD 5:02:04:15)

- Municipalities (ARSD 5:02:04:08)

- Publish **facsimile ballot** in the calendar week prior to the election (SDCL 12-16-16).



## PUBLIC NOTICES

# What if I Missed a Notice?

- Do not panic!
- Be sure to inform your attorney and follow his/her advice.
- Have the paper publish the missed notice if there is still time before the deadline.
- Post the notice in areas within your jurisdiction.
- Mail notice to all residents or registered voters.
- The election may be challenged due to the missed or incorrect notices.

# Questions?

# Who Can VOTE?

Voter registration and residency



# Voter Registration Locations

- County auditor's office
- **City finance office – you are an official voter registration location**
- Driver's license station
- Public assistance agencies providing food stamps, TANF or WIC
- Department of Human Services offices which provide assistance to the disabled
- Military recruitment offices
- Secretary of State's Office
- Mail-in registration with cards from the county auditor's office
- Download registration card from internet ([www.sdsos.gov](http://www.sdsos.gov))



## **SDCL 12-4-5.** Entry of applicants on registration lists

The county auditor shall enter in the master registration file the names of all eligible persons who have had their completed applications for registration and mail registration cards received by any county auditor or any local, state, or federal agency responsible for conducting voter registration under this chapter not later than **5:00 p.m. fifteen days preceding the election.** However, any completed mail registration card mailed to the appropriate county auditor and postmarked not less than thirty days preceding an election shall be added to the registration file. **Voter registrations completed at any local, state, or federal agency during any given week commencing on Tuesday through the following Monday shall be sent to the appropriate county auditors no later than the following Wednesday.** The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the alternative transmission of voter registration information by computer from the agency to the secretary of state. The name of any voter who has registered to vote by 5:00 p.m. fifteen days preceding the secondary election shall be added to the file used for the secondary election.

# Active vs. Inactive Voters

**Active voter:** any voter who has voted or updated his/her voter registration information in the last four years.

**Inactive voter:** Any voter who has not voted or updated his/her voter registration information in the last four years.

- Active and Inactive voters can sign petitions
- Inactive voters can vote but are required to fill out a new voter registration card prior to voting
- When you calculate the number of signatures required on a petition – you only calculate that against active voters only
- When you calculate voter turnout for the election - you only calculate that against active voters only
- SDCL 12-4-34. Registered voters referred to in other statutes. If a statute refers to registered voters, it does not include those in the inactive registration file unless specifically included. However, any voter in the inactive registration file may sign a petition.

# VOTER REGISTRATION AND RESIDENCY



## Municipal Requirements

- Registration and residence required to vote in municipal election (SDCL 9-13-4.1).
  - No person may vote at any municipal election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the municipality at the time of the election.
  - A person resides in the municipality if the person actually lives in the municipality for at least thirty days each year, is a full-time postsecondary education student who resided in the municipality immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the municipality.
    - The residency requirement only applies to city and school elections.



# VOTER REGISTRATION AND RESIDENCY

## School Requirements

- Registration and residence required to vote in school election. (SDCL 13-7-4.2)
  - No person may vote at any school election unless the person is registered to vote pursuant to Chapter 12-4 and resides in the school district at the time of the election.
  - A person resides in the school district if the person actually lives in the school district for at least thirty days each year, is a full-time postsecondary education student who resided in the school district immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the school district.
    - The residency requirement only applies to city and school elections.



## Important Reminders

- Voter registration deadline is 5:00 p.m. fifteen days preceding the election (SDCL 12-4-5).
- It shall be the duty of officials in charge of local elections to notify the county auditor at least thirty days preceding their local elections, of the precinct boundary changes if any have been made (SDCL 12-14-1.1).
- When the boundaries of any election precinct shall be changed, the county auditor shall immediately change the registration list (SDCL 12-4-11).

# Questions?



# Candidate Eligibility Requirements



# CANDIDATE ELIGIBILITY REQUIREMENTS



## Municipalities

- Must have resided in the municipality for three months immediately prior to the election (SDCL 9-14-2).
- May not be a defaulter to the municipality (SDCL 9-14-2).
  - See SDML Handbook for Municipal Officials for definition and supporting Attorney General Opinions.
- Reside in the Ward they are seeking election to.
- A nominating petition must be filed or a vacancy is created (SDCL 9-13-14.3)



# CANDIDATE ELIGIBILITY REQUIREMENTS

## Schools

- Cannot be a teacher in the district they are seeking election to (SDCL 13-43-1).
- If representation areas exist, a school board member candidate must reside within the school board member representation area (SDCL 13-8-7.1).
- Must be a **resident voter** of the school district they are seeking nomination to (SDCL 13-7-6).
- Candidate should review SDCL 13-7-3 and determine if any other duties or offices they hold would be incompatible with a school board membership.

# Questions?

# Petitions

Prescribed by the State Board of Elections and are found in ARSD 5:02:08.

- Nominating petition for **school board** member (ARSD 5:02:08:11).
- Nominating petition for **municipal election** (ARSD 5:02:08:13).
- **CANDIDATES** plan ahead on who will notarize your declaration of candidacy. *Snow birds have limited options on who is able to notarize their petition when they are in another state. SDCL 18-3-1 outlines who is authorized.*

# PETITIONS

## Signature Requirements

- **1<sup>st</sup> and 2<sup>nd</sup> class municipalities** (SDCL 9-13-9):
  - 15 registered voters per 1,000 population (*based off of most recent census*).
  - Ward: 5% of registered voters based on the last general election (*get this number from the County Auditor; calculated from active voters, SDCL 12-4-34*).
  - No petition needs to be signed by more than 50 voters.
- **3<sup>rd</sup> class municipalities** (SDCL 9-13-9):
  - 10 registered voters for citywide and 5 for a ward.
- **School** (SDCL 13-7-6):
  - 20 registered voters.
- Inactive and Active voters can sign petitions (SDCL 12-4-36).



## Filing Procedure

- Date stamp and time stamp received petitions.
- Verify signatures pursuant to ARSD 5:02:08:00 and 5:02:08:00.01.
- **Check voter registration status of signers for school board member petitions.**
  - Cities are not required to check voter registration status.
- File completed petitions.
  - Date and time stamp each petition.



## Guidelines for Acceptance

- ARSD 5:02:08:00
- The petition is in the form required by this chapter;
- 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 section do not disallow other valid signatures on the section;
- Each section 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;

## PETITIONS

# Guidelines for Acceptance

- The declaration of candidacy contains the original signature of the candidate. Additional sections may have an original or photocopied signature of the candidate;
- 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 secretary of state;
- The governing board or person authorized by statute 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 his or her petition provided the filing deadline has not passed; and
- 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, 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 the excess signatures will be disregarded.
- Except for petitions to nominate candidates for school boards, 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 the excess signatures will be disregarded.



## City and School Lookup Site

### ● URL:

[cityandschoollookup.sdsos.gov](http://cityandschoollookup.sdsos.gov)

- We will be resetting all usernames and passwords before the end of the year. We will send you notification via email as soon as we've done the reset. The generic city/city and school/school is no longer valid.
- Notification will go to the Finance Officer and the School Business Manager. Should you want additional usernames and passwords for staff we will be able to do that.

## Guidelines for Counting Signatures

- ARSD 5:02:08:00.01
- The form of the petition does not meet the requirements of this chapter;
- 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 5:02:08:00.01(2)(c), and complete date; or
- The declaration of candidacy has not been completed on or after the first date authorized by statute to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in South Dakota; or
- The circulator's verification was signed by more than one circulator; and

# Guidelines for Counting Signatures

- 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;
- It was signed after the circulator completed the verification;
- 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;
- The date of signing, including month and day, is not indicated;
- The signer's name is not printed and legible; or
- The signer's county of voter registration is not provided.

# NOMINATING PETITION FOR PARTISAN ELECTION REPUBLICAN 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 Legislative District 10 of South Dakota and members of the Republican Party, nominate Gene G. Abdallah, of Lincoln County, South Dakota, whose mailing address is 4908 S Glenview Road, Sioux Falls, SD 57108, as a candidate for the office of State Senate, District 10 at the Primary Election to be held June 4, 2002.

**RECEIVED**

MAR 12 2002

## DECLARATION OF CANDIDATE

I, Gene G. Abdallah (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 Republican 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.

(Signed) Gene G. Abdallah

Sworn to before me this 5th day of February, 2002.

(Seal)

My Commission Expires September 17, 2007.

Ken B. Warner  
Signature of Officer Administering Oath  
Notary Public  
Title of Officer Administering Oath

### 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 of 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 of 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.

SIGN	NAME	RESIDENCE	DATE/COUNTY
9	<u>Gene G. Abdallah</u>	<u>Harrisburg 501 57032</u>	<u>Lincoln</u>
10	<u>Norman P. [unclear]</u>	<u>26969 480th Ave</u>	<u>2-16-02</u>
11	<u>Norman [unclear]</u>	<u>Sioux Falls SD</u>	<u>Lincoln</u>
12	<u>Jack [unclear]</u>	<u>116 W. Park Ave</u>	<u>Lincoln</u>
13	<u>Jack Phillippe</u>	<u>Sioux Falls SD 57108</u>	<u>Lincoln</u>
14	<u>Asa [unclear]</u>	<u>5050 Southview Pl</u>	<u>2/28/02</u>
15	<u>Red Sorell</u>	<u>Sioux Falls S.D</u>	<u>Lincoln</u>
16	<u>A Russell [unclear]</u>	<u>4821 Sunflower Trail</u>	<u>2-28-02</u>
17	<u>A. Russell [unclear]</u>	<u>Sioux Falls, S.D. 57108</u>	<u>Lincoln</u>
18	<u>Ken Bertness</u>	<u>101 Dakota</u>	<u>2/25/02</u>
19	<u>Ken Bertness</u>	<u>Valley Springs, SD</u>	<u>Lincoln</u>

Filed this 12th day of March 2002

29

NAME	RESIDENCE	DATE/COUNTY
SIGN: <i>[Signature]</i> 14 PRINT: Les Kause	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 1716 S Aberdeen Cir CITY OR TOWN: SIOUX FALLS SD 57106	DATE OF SIGNING: 4/27/09 COUNTY OF REGISTRATION: Minnehaha
SIGN: <i>[Signature]</i> PRINT: Brian Bissel	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 2126 S Dakota CITY OR TOWN: SIOUX FALLS SD 57105	DATE OF SIGNING: 4/28/09 COUNTY OF REGISTRATION: Minnehaha
SIGN: <i>[Signature]</i> 16 PRINT: Carey Boynton	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER: 304 N. Hiwanis Ave CITY OR TOWN: AUSTIN SD 57001	DATE OF SIGNING: 4-28-09 COUNTY OF REGISTRATION: Minnehaha

**VERIFICATION BY PERSON CIRCULATING PETITION**

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

Print name of the circulator: Dustin Wastell Residence Address: 314 Birch Ave City: Brookings State: SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, 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.

Dustin Wastell; ID - Drivers License *[Signature]*  
Signature of Circulator

Sworn to before me this 16 day of June 2009.  
(Seal)

My Commission Expires 1-31-12

Form Revised 2007 - 5:02:08:08



*[Signature]*  
Signature of Officer Administering Oath  
Pamela M. Rice  
NOTARY PUBLIC - MINNESOTA  
Title of Office: Administering Oath  
My Commission Expires 01-31-2012

3	SIGN KRISTIN MATTSON PRINT Kristin Mattson	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 3440 Carroll CITY OR TOWN Rapid City SD	DATE OF SIGNING 4/11/09 COUNTY OF REGISTRATION Pennington
4	SIGN CRAIG E. MATTSON PRINT Craig E. Mattson	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER DITTO CITY OR TOWN Rapid City SD	DATE OF SIGNING 4/11/09 COUNTY OF REGISTRATION Pennington
5	SIGN Chris Siska PRINT Chris Siska	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 3721 Seward Pity Lane CITY OR TOWN Rapid City SD	DATE OF SIGNING 4-11-09 COUNTY OF REGISTRATION PENN

**VERIFICATION BY PERSON CIRCULATING PETITION**

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

Print name of the circulator Peggy Clarke Residence Address 1010 East Pet #71 City Republic State SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, 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.



Peggy Clarke  
Signature of Circulator

Sworn to before me this 28<sup>th</sup> day of MAY, 09.

[Signature]  
Signature of Officer Administering Oath  
[Signature]  
Title of Officer Administering Oath

My Commission Expires February 12, 2015  
Form Revised 2007 - 5:02:08:08

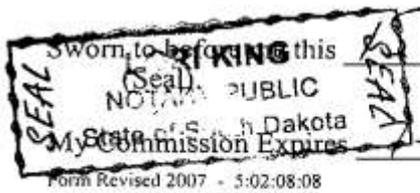
**VERIFICATION BY PERSON CIRCULATING PETITION**

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

Kelle Cotton 2802 W. RAPIDS ST. RAPIDS CITY SD 57702  
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 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.

Kelle Cotton  
Signature of Circulator



day of June,  
12-13

[Signature]  
Signature of Officer Administering Oath  
PBO  
Title of Officer Administering Oath



**VERIFICATION BY PERSON CIRCULATING PETITION**

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

BOYO GELLEGAN 507 STATE AVE L Estelline SD  
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 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.

[Signature]  
Signature of Circulator

Sworn to before me this 4 day of May, 2009.  
(Seal)

Kim Ulla  
Signature of Officer Administering Oath

My Commission Expires \_\_\_\_\_  
Form Revised 2007 - 5:02:08:08

\_\_\_\_\_  
Title of Officer Administering Oath



SIGN 7 PRINT Orville Roberts	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 615 6th St NE	DATE OF SIGNING 4-15-09
CITY OR TOWN Watertown, SD	COUNTY OF REGISTRATION Codington	
SIGN 8 PRINT Audrey Luker	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr, #312	DATE OF SIGNING 4-14-09
CITY OR TOWN Watertown, SD	COUNTY OF REGISTRATION Codington	
SIGN 9 PRINT VERN LUKEN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1625 Northridge Dr #312	DATE OF SIGNING 4-14-09
CITY OR TOWN WATERTOWN, SD	COUNTY OF REGISTRATION CODINGTON	
SIGN 10 PRINT M. D. H.	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING

### VERIFICATION BY PERSON CIRCULATING PETITION

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

Print name of the circulator: Paul Luker, Residence Address: 550 Summit Ave NW, City: Watertown, State: SD

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, 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.

Paul Luker  
Signature of Circulator

Sworn to before me this 16 day of April, 2009.  
(Seal)

Audrey Luker  
Signature of Officer Administering Oath

My Commission Expires 8/13/09

Notary  
Title of Officer Administering Oath



**VERIFICATION BY PERSON CIRCULATING PETITION**

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

BARBARA J EDWARDS 12170 Camp Rd Custer SD  
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 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.

\_\_\_\_\_  
Signature of Circulator

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
(Seal)

\_\_\_\_\_  
Signature of Officer Administering Oath

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Title of Officer Administering Oath



	NAME	RESIDENCE	DATE/COUNTY
14	SIGN <i>Jennifer Slate</i> PRINT Jennifer Slate	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 118 Currie St CITY OR TOWN Yankton, SD 57078	DATE OF SIGNING 7/27/15 COUNTY OF REGISTRATION Yankton
15	SIGN <i>Tom &amp; Lucy Leano</i> PRINT Tom Lucy Leano	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 101 Winter St. CITY OR TOWN Yankton SD.	DATE OF SIGNING 27 July 15 COUNTY OF REGISTRATION Yankton
16	SIGN <i>Sandra Jensen</i> PRINT Sandra Jensen	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 158 Hidden Hollows CITY OR TOWN Yankton SD 57078	DATE OF SIGNING 7/27/15 COUNTY OF REGISTRATION Yankton
17	SIGN <i>Jeanne Devine</i> PRINT Jeanne Devine	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 909 EAST 10 <sup>th</sup> ST CITY OR TOWN Yankton SD 57078	DATE OF SIGNING 8/5/15 COUNTY OF REGISTRATION Yankton
18	SIGN <i>Kyle Lichty</i> PRINT Kyle Lichty	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 110 Currie St. CITY OR TOWN Yankton, SD 57078	DATE OF SIGNING 8/8/15 COUNTY OF REGISTRATION Yankton
19	SIGN <i>Loryn Lichty</i> PRINT Loryn Lichty	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 110 Currie St. CITY OR TOWN Yankton SD 57078	DATE OF SIGNING 8/8/15 COUNTY OF REGISTRATION Yankton
20	SIGN <i>Douglas E Kortan</i> PRINT Douglas E Kortan	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 30029 437th CITY OR TOWN Utica SD 57067	DATE OF SIGNING 8-9-15 COUNTY OF REGISTRATION Yankton
	SIGN <i>Douglas E Kortan</i> PRINT Douglas E Kortan	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 30029 437th CITY OR TOWN Utica SD 57067	DATE OF SIGNING 8-9-15 COUNTY OF REGISTRATION Yankton

## Important Reminders

- Give petition processing top priority.
- Check registration and residency of candidate.
  - Not required for cities to do this but if you do, do it for all signers on all petitions.
- Candidate cannot notarize their own petition but they can circulate and sign their own petition.
- Notify candidate that petition was filed.



## PETITIONS

# Petition Challenge Law

- SDCL 12-1-13
- Any person may challenge within 5 working days after any type of petition is filed.
- Must file affidavit stating deficiencies.
- Person in charge of the election verifies information provided in affidavit.
  - Work with your attorney.
- Notify petitioner if petition is rejected based on the challenge.
- Does not prevent any other legal remedy (SDCL 12-1-16)

# Questions?

# Vacancies

## How are Vacancies Created on City Councils?

- SDCL 3-4-1
  - RESIGNATION
  - Change of residence
  - Death
  - Removal from office
  - Failure to qualify
  - Criminal conviction involving violation of oath
  - Judgment against incumbent for breach of bond
- Military call up (SDCL 3-4-8)
- Incapacitation- *by illness or accident* (SDCL 3-4-9)



# How are Municipal Vacancies Filled?

- Appointment SDCL 9-13-14.1
- Special Election SDCL 9-13-14.2
- Temporary Replacement SDCL 3-4-8, 3-4-9

# VACANCIES

## Filling Municipal Vacancy by Appointment

- SDCL 9-13-14.1
- Appointment
  - Remember in Aldermanic form the appointment must be from the same ward
  - Easier, faster process and less costly
- Remaining members shall appoint a replacement to serve until the next annual municipal election
  - Keep track of the terms when there has been an appointment
  - The Mayor can make a recommendation but the remaining members vote
  - There are no advertising rules
  - Discourage councils from waiting until the next annual election to fill the position

## VACANCIES

# Filling Municipal Vacancy by Special Election



- Governing body creates an ordinance requiring that any vacancy on the governing body or in the office of the Mayor is to be filled by special election.
- The ordinance must be enacted prior to the vacancy.
- Election not to be held less than 90 days before the annual municipal election.
- Finance Officer will publish a notice that a vacancy exists and will be filled by special election, the date of election, time and place where nominating petitions may be filed for the office. Nominating petitions prepared and filed as usual according to [SDCL 9-13-7](#), and filed at least 30 days before the date of the elections.
- Notice of special election published as usual according to SDCL [9-13-13](#) and [9-13-14](#).

## Filling Municipal Vacancy by Temporary Replacement

- In the cases of Military call-up (SDCL 3-4-8) or Incapacitation (SDCL 3-4-9):
  - The member temporarily resigns
  - A temporary replacement is made by appointment
    - The replacement serves until the original member returns or the member's term expires, which ever comes first.
    - If the replacement serves until the original members term expires and no one files for the position, then a vacancy is created. The temporary replacement would then need to be re-appointed if they wanted to continue to serve.

# WHAT IF NO ONE FILES a Municipal Nominating Petition?

- NEW LAW PASSED DURING the 2014 LEGISLATIVE SESSION SDCL 9-13-14.3
  - If for any reason a municipality fails to elect any person to succeed an elected official whose term has expired or an elected official fails to file a nominating petition or qualify, the office is deemed vacant.
  - The elected official whose term has expired shall continue to act in an official capacity until the vacancy is filled by election or appointment pursuant to 9-13-14.1 or 9-13-14.2.

## VACANCIES

# How are Vacancies Created on School Boards? *SDCL 13-8-23*

- Death
- Removal from the board
- Failure to qualify as provided by law
- Ceases to be a **resident**\* of the school district or representation area where elected
- Conviction of any infamous crime or of any offense involving a violation of the member's official oath
- Has a judgment obtained against the member for breach of the member's official bond
- Is incapacitated and is unable to attend to the duties of the position
- Assumes the duties of an office incompatible with the duties of a school board member
- Resignation

\***Note:** this says "resident" not "resident voter" which is the language for a candidate to qualify for office.

## VACANCIES

# How are School Vacancies Filled?

- Any vacancy occurring on a school board shall be **filled by appointment** by the remaining school board members.
  - In the case of a resignation the member resigning could be involved in selection of his successor (SDCL 13-8-25(3))
  - A resignation shall not be effective until the successor is appointed and qualified as prescribed by law (SDCL 13-8-24).
- In the cases of Military call-up (SDCL 3-4-8) or Incapacitation (SDCL 3-4-9):
  - The member temporarily resigns
  - A temporary replacement is made by appointment
    - The replacement serves until the original member returns or the member's term expires, which ever comes first.
    - If the replacement serves until the original members term expires and no one files for the position, then a vacancy is created. The temporary replacement would then need to be re-appointed if they wanted to continue to serve.
- The appointee will serve until the next succeeding election at which time a successor shall be elected to serve the unexpired term (SDCL 13-8-25).

Questions?



# Ballot Preparation

- Types of ballots:
  - Paper Ballots – make your own or have them professionally printed.
  - Automated Tabulating System Ballots (optical scan).
- Candidate order:
  - Schools – draw by lot (SDCL 13-7-13).
  - Municipalities – draw by lot (SDCL 9-13-21).
- Spell names exactly as they appear on the petition.
- Do not include titles or political party affiliation.



## Ballot Form:

- Municipality (ARSD 5:02:06:12)
- School (ARSD 5:02:06:15)
- Special Election (ARSD 5:02:06)
- If a combined election:
  - One of the ballots will be white.
  - Contrasting colors for the other ballots.
- Indicate type of position being voted for and length of term.
- Neat and not confusing!



IMPORTANT RECOMMENDATION

**PROOFREAD the  
BALLOT!**



OFFICIAL MUNICIPAL ELECTION BALLOT  
\_\_\_\_\_, 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 Mayor, you may vote for one or leave it blank.



- John Doe
- Richard Roe

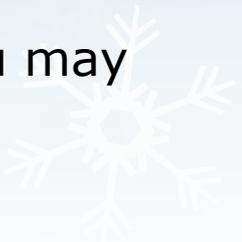
For (City Commission, Alderman, Trustee), \_\_\_\_\_ year term, you may vote for up to \_\_\_\_\_ or leave it blank



- John Doe
- Richard Roe
- John Smith



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



- John Doe
- Richard Roe
- John Smith

OFFICIAL SCHOOL BOARD ELECTION BALLOT

\_\_\_\_\_ SCHOOL DISTRICT NO. \_\_\_\_\_ , 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 School Board Member \_\_\_\_\_ year term, you may vote for up to \_\_\_\_\_ or leave it blank.

- John Doe
- Richard Roe
- John Smith

## 5:02:06:01.02. Optical scan ballot instructions

The instructions to voters found on optical scan ballots shall be enclosed in a box and placed at the top of the first column and at the beginning of the portion containing other candidates and the portion containing ballot questions. The instructions for all elections must be in either of the following forms:

3. To vote for a person **FILL IN** (Bold) the oval (●) next to the name.
4. To vote on a ballot question **FILL IN** (Bold) the oval (●) next to "yes" or "no".
5. Use only a pencil or pen.
6. If you make a mistake, give the ballot back and get a new one.
7. **DO NOT** (Bold) cast more votes than are allowed in each race.

Printers note: Subdivisions 5 and 6 shall be included in the first instruction box only. For subdivision 5, specify "pencil or pen", "pencil" or "pen" as appropriate for your system. If the ballot has columns, the words "Go to the 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 on the lower right corner.

Questions?



# 2015 Election School





# “Welcome to the Election School!”

“Let me first offer my thanks to you for being a precinct worker. Without you it would be impossible to conduct free and fair elections in our state. Your responsibility is great.”

# Poll Worker Conduct



**Professional** - You are conducting the most essential element of our democracy. Work and act accordingly.

**On time** - Arrive at the polling place at the time provided.



**Leave “partisan” leanings at the door** - All of us have our favorite candidate or position on a ballot question. That’s OK. When you are an election official, however, none of your personal preferences can show while you are working.



**Treat every voter fairly and with respect** - Nothing shakes a voter’s confidence in the integrity of the election more than when a precinct worker treats them or their ballot unfairly.



**Work as a team** - Your work will be more enjoyable and the voters will be better served.



# Poll Hours

- All elections: 7:00am to 7:00pm legal time
- Be sure the polling place clock is set to the correct time!
- No earlier than twenty-four hours before the polls open, the person in charge of the election may call a special emergency meeting, pursuant to SDCL 1-25-1 and 1-25-1.1, of the local governing board to postpone any election, except a primary or general election, for one week if the weather conditions put into question the opening of a polling place. The polling place shall then remain open for the same number of hours as it would normally have been open. Absentee voting shall continue pursuant to chapter 12-19. (SDCL 12-2-8)
- Voters waiting in line at 7:00pm are allowed to vote.
- Precinct workers may not leave polling place while polls are open.

# Poll Hours Continued

- Notwithstanding § 12-2-3, the county auditor may, upon request of the superintendent of an election precinct, if an emergency exists by reason of mechanical failure of a voting machine or an unanticipated shortage of ballots or like unforeseen event warrants it, extend the polling hours for that precinct until the emergency situation has been resolved. If the emergency situation is not resolved within two hours, except for a primary or general election, the polling place shall remain closed for one week and reopen at the time of the closure of the polling place.(SDCL 12-2-4)
- Voters waiting in line at 7:00pm are allowed to vote.
- Precinct workers may not leave polling place while polls are open.

# Poll Worker Responsibilities



## Precinct Superintendent

- In charge of the polling place
- Designates election board duties to each election worker
- Duties would include:
  - Registration list
  - Poll book
  - Stamping ballots
  - Handing out ballots
  - Observing returned ballots for a ballot stamp before they are placed in the ballot box
- If you are using the AutoMARK voter assist terminal, refer to slides 19-22 for the AutoMARK procedures.



# Poll Worker Responsibilities

## Precinct Deputies

- Perform duties assigned by the superintendent
- Duties may rotate throughout election day if directed by the precinct superintendent
- Precinct worker in charge of the pollbook must be of a different political party than worker in charge of registration list

# No Campaigning



- The importance of keeping the polling place free from advertising cannot be stressed enough.
- No campaign advertising, signs, buttons, articles of clothing or any other type of campaigning may be in the polling place or within 100 feet of the entrance to the polling place.
- Periodically view each polling booth (when empty) to make sure that no campaign materials are left there.
- Before the opening of the polls and throughout election day the 100 foot area surrounding the entrance to the polling place must be checked to be sure it is free of campaign materials.
- If any campaign materials are found they should be removed. If some person is campaigning or wearing campaign advertising they must be stopped or asked to exit the area.



- A candidate who is on the ballot in your precinct may only be present long enough to cast their vote.
- If anyone persists with campaign activities within the prohibited area, law enforcement should be called to deal with the situation.



# Poll Watchers



- Poll watchers work for a candidate or campaign to monitor activity at the polling place.
- Election board workers may not be poll watchers.
- Poll watchers must be allowed to be positioned close enough to the election worker's table so that they can see and hear what is going on but not so that they interfere in any way.
- Poll watchers **may** converse with the election board and look at the pollbook if it doesn't interfere with the voting process.
- Poll watchers **may not** campaign in any way within the polling place, touch any election supplies or control the legal actions of the election board!
- Provide each poll watcher with a copy of the *South Dakota Poll Watcher and Observer Guidelines* as shown on the next screen.



# South Dakota Secretary of State

## SHANTEL KREBS

### **SOUTH DAKOTA POLL WATCHER AND OBSERVER GUIDELINES**

South Dakota law allows poll watchers and observers to be present to observe the voting and counting activity at polling places and provides guidelines for poll watchers and observers. (SDCL 12-18-8.1, 12-18-9, 12-18-9.1)

Any person present at a polling place to observe who does not declare themselves to represent one of the categories below is not a poll watcher but is an observer. ARSD 05.02:12 establishes the number of poll watchers allowed at each polling place for the following elections:

- **Primary**\*- ONE for each candidate, ONE for each slate of national convention delegates, ONE for each side of any ballot issue
- **General**\*- ONE for each party, ONE for each independent candidate, ONE for each slate of presidential electors, ONE for each side of any ballot issue  
*\*additional poll watchers are allowed if "adequate space" permits*

Those **NOT** allowed as Poll Watchers:

- Election Board Workers
- Candidates on the ballot (*cannot be an Observer either*)

Poll watchers must be positioned in a location where they can plainly see and hear what is done within the polling place but may not interfere in any way (SDCL 12-18-9). Poll watchers and observers may converse with the election board and look at the pollbook only if it doesn't interfere with the voting process.

Within 100 feet of a polling place (*includes absentee voting polling places*), poll watchers and observers **MAY NOT** do any of the following (SDCL 12-18-3, 12-18-9.1, 12-26-21, 12-26-22):

- Campaign or wear buttons or clothing containing campaign information
- Solicit votes for or against any person, political part or ballot question position
- Maintain an "office or public address system"
- Interfere with a voter's free access to the polling place
- Interfere with the officials actions of the election board
- Disrupt the administration of the polling place
- Use any communication or photographic device in any manner which repeatedly distracts, interrupts or intimidates any voter or election worker
- See into voting booths, read identifying numbers on a photo identification cards or interfere with voters in the act of voting or with the official action of the election board
- Disobey a lawful command of any election worker
- Cause a disturbance or breach of peace
- Engage in disorderly conduct such as threatening behavior or making unreasonable noise
- Gather petition signatures
- Use the polling place telephone designated for the election board
- Take any unilateral steps to change any action, inaction or activity occurring at the polling place
- Advocate for or against a voter as the voter interacts with the election board

If a poll watcher or observer has a concern or question about any action occurring in the polling place, that person should bring this concern to the attention of the precinct superintendent. It is then the superintendent's responsibility to respond to that question or concern.



# Election Day Procedures



The following pages will show you each of the activities that you will perform throughout election day. We will begin by looking at those things that must be done before the polls open, continue through election day and finish with the counting of the votes and election supply cleanup.



# Before the Polls Open

- Count ballots and verify number of ballots against ballot receipt.
- Display American flag inside or outside polling place.
- Display a “Vote Here” or similar sign outside the polling place.
- Prepare voting booths & supplies.

Poll workers will all take the oath of office found inside the pollbook.

### OATH OF JUDGES AND CLERKS OF ELECTION

STATE OF SOUTH DAKOTA }  
County } ss. I, \_\_\_\_\_ do solemnly swear (or affirm), that I will perform the duties of Judge according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election about to be held.

Subscribed and sworn to before me, \_\_\_\_\_  
\_\_\_\_\_ 19. \_\_\_\_\_

STATE OF SOUTH DAKOTA }  
County } ss. I, \_\_\_\_\_ do solemnly swear (or affirm), that I will perform the duties of Judge according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election about to be held.

Subscribed and sworn to before me, \_\_\_\_\_  
\_\_\_\_\_ 19. \_\_\_\_\_

STATE OF SOUTH DAKOTA }  
County } ss. I, \_\_\_\_\_ do solemnly swear (or affirm), that I will perform the duties of Judge according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election about to be held.

Subscribed and sworn to before me, \_\_\_\_\_  
\_\_\_\_\_ 19. \_\_\_\_\_

STATE OF SOUTH DAKOTA }  
County } ss. I, \_\_\_\_\_ do solemnly swear (or affirm), that I will perform the duties of Clerk according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election about to be held.

Subscribed and sworn to before me, \_\_\_\_\_  
\_\_\_\_\_ 19. \_\_\_\_\_

STATE OF SOUTH DAKOTA }  
County } ss. I, \_\_\_\_\_ do solemnly swear (or affirm), that I will perform the duties of Clerk according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election about to be held.

# Before the Polls Open



Precinct superintendent will sign receipt for official ballots and election supplies. ARSD 5:02:07:08



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



# Before the Polls Open



Precinct election board will sign receipt for official ballots.  
ARSD 5:02:07:06

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\_\_\_\_.

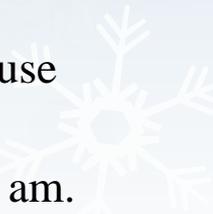
\_\_\_\_\_ Precinct Superintendent  
\_\_\_\_\_ Precinct Deputy  
\_\_\_\_\_ Precinct Deputy  
\_\_\_\_\_ Precinct Deputy  
\_\_\_\_\_ Precinct Deputy



# Election Morning AutoMARK Test



Prior to the opening of the polls, the Precinct Superintendent must test the AutoMARK 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**”. These will be provided in your AutoMARK Election Day Polling Place Kit.
  2. Mark at least two “**TEST BALLOTS**” using the AutoMARK by selecting various candidates and ballot questions using the touchscreen, keypad and headphones.
  3. When two “**TEST BALLOTS**” print properly, the AutoMARK is ready for use by voters. Store the “**TEST BALLOTS**” with your AutoMARK Election Day Polling Place Kit. **DO NOT** place the “**TEST BALLOTS**” in the ballot box.
  4. If the AutoMARK does not properly mark the ballots, use the troubleshooting section found on page 89 to resolve the problem. If your troubleshooting is unsuccessful, call your County Auditor.
  5. You must successfully mark two “**TEST BALLOTS**” before allowing voters to use the AutoMARK™.
  6. Even if the AutoMARK test is not successfully completed, open the polls at 7:00 am. Do not allow voters to use the AutoMARK until the test is successfully completed.
- 
- 
- 
- 

# AutoMARK Election Day Checklist



## Before Polls Open

- The AutoMARK is in place on the special AutoMARK table, with the INSTRUCTIONS TO THE VOTERS label below the AutoMARK. The AutoMARK is in a location that both encourages accessibility and maintains privacy. The AutoMARK is plugged in for power.
- A print cartridge is installed.
- The touch screen is out and ready.
- The ballot feed tray is out and ready.
- The headphones are not plugged into the audio slot but are next to the AutoMARK on the table.
- The privacy shield that comes with the special table is in place over the AutoMARK.
- Insert the gold Mode Switch Key and turn to ON. Be Patient 😊 (The screen will remain black for about 1 minute and then finally show boot progress.)
- Verify that the light above the key is green to confirm that the AutoMARK is receiving AC power. (If the light is yellow, the machine is on battery power, which will only last 2 hours.)

# AutoMARK Election Day Checklist



## Before Polls Open *cont'd*

- Perform the required voting test with at least the 2 special ballots marked TEST BALLOT by inserting, viewing, listening to, moving through, and marking the 2 ballots. (Use the touch screen and the keypad to communicate with the AutoMARK.) If the system does not properly mark the test ballots, the precinct superintendent shall work on the system until a successful test is conducted. The precinct superintendent shall maintain custody of the key to activate the system at all times. Call your County Auditor if you need help.
- Return all ballots used to test the AutoMARK to the Election Day Polling Place Kit.
- Turn the Mode Switch Key to TEST.
- From the information displayed at the bottom of the TEST MODE screen, record the number after LIFETIME PRINT COUNTER on the AutoMARK Election Day Polling Place Recording Sheet.
- Record also the serial number of the AutoMARK, which is also displayed at the bottom of the TEST MODE screen.
- Record the number of the seal that is securing the door that contains the election definition.
- Turn the Mode Switch Key back to the ON position, remove the key, and keep it secure. The AutoMARK is ready for voters.



# AutoMARK Election Day Checklist



## After Polls Close

- Insert the Mode Switch Key and turn to TEST.
- Record again the number after LIFETIME PRINT COUNTER.
- Record again the number of the seal that is still securing the door that contains the election definition.
- Sign the completed Election Day Polling Place Recording Sheet.
- Turn the Mode Switch Key to OFF and remove the key. Return the key and the AutoMARK Election Day Polling Place Recording Sheet to the AutoMARK Election Day Polling Place Kit.
- Remove the print cartridge from the AutoMARK and seal it in the ziplock bag in the Kit.
- Return the AutoMARK Election Day Polling Place Kit to your County Auditor apart from the AutoMARK case on election night.



# AutoMARK Election Day Polling Place Recording Sheet



## **Before Polls Open**

LIFETIME PRINT COUNTER: \_\_\_\_\_

Serial Number: AM0105\_\_\_\_\_

Number of the Seal: \_\_\_\_\_

## **After Polls Close**

LIFETIME PRINT COUNTER: \_\_\_\_\_

Number of the Seal: \_\_\_\_\_

Name of County: \_\_\_\_\_

Name of Polling Place: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Precinct Superintendent in charge of the AutoMARK

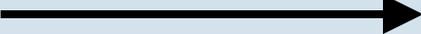
If you have time, please offer any comments below:

Did you have any problems with the AutoMARK during Election Day? If so, please describe:

Describe any ideas or concerns on how the AutoMARK functioned or was received by voters throughout Election Day.



Post **regular**  
size  
“*Instructions  
to the Voters*”  
in each  
voting booth.



## INSTRUCTIONS TO THE VOTER

PAPER BALLOT

### TO MARK THE BALLOT

Use a cross (X) or 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.

Two **large** “*Instructions to the Voters*” posters must also be posted in the polling place.



Post **regular**  
size  
“*Instructions*  
*to the Voters*”  
in each  
voting booth.



INSTRUCTIONS TO THE VOTERS:

Optical Scan Ballot

TO MARK THE BALLOT

Completely fill in the oval ( ) next to the name or ballot question. Use only the pencil or marker given to you! Do not make any marks other than filling the oval.



WRONG



WRONG



WRONG



RIGHT

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 to the ballot box.

IF YOU NEED HELP, ASK

Two **large** “*Instructions to the Voters*” posters must also be  
posted in the polling place.

Post the following notice on each entrance to the polling place and one inside the polling place.

### **Please Read**

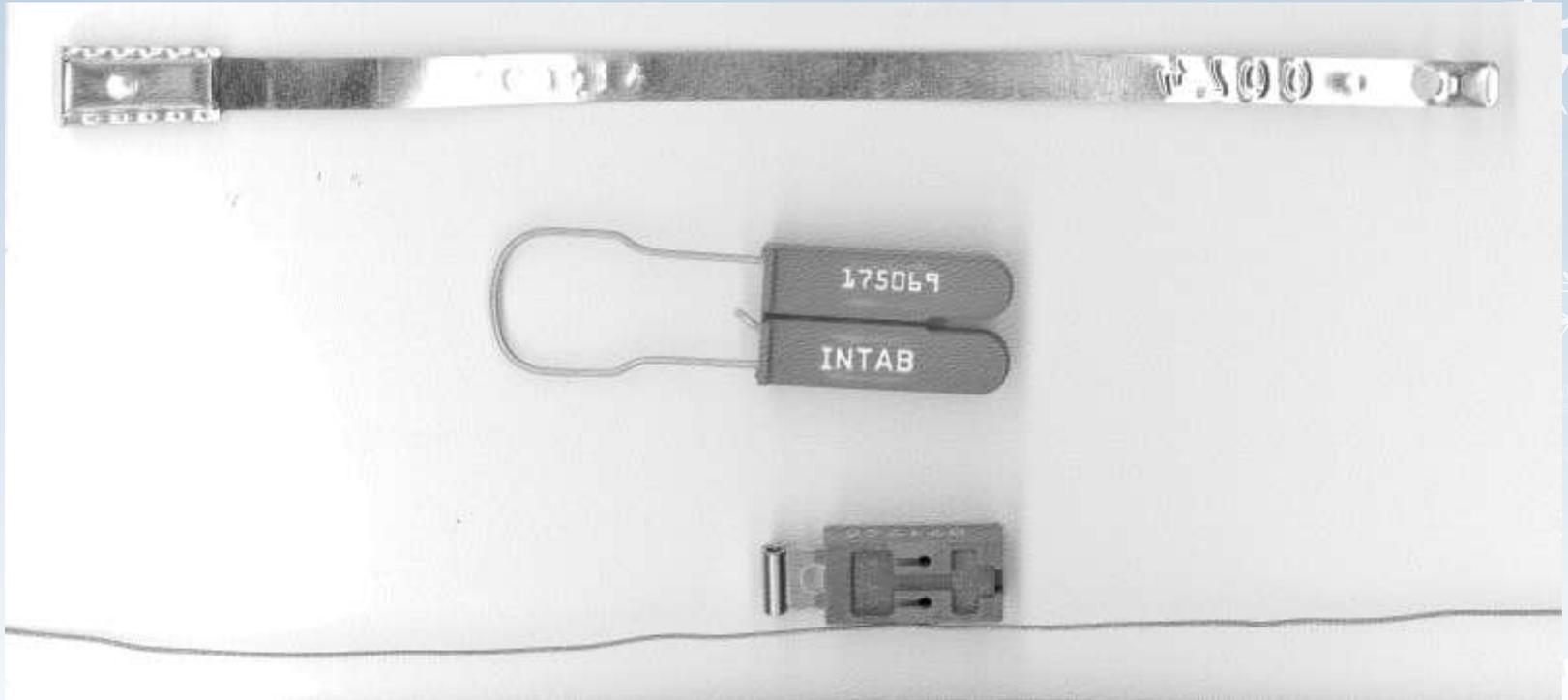
To vote, you must either:

- 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.

Remove everything from the ballot box and seal the ballot box with a metal or plastic seal in preparation for voting. The ballot box cannot be unsealed until it is time to count the ballots.



Declare the polls open at the legal starting hour.

# Procedure when Voter Presents Themselves to Vote

The following screens detail the process for each voter who presents themselves to vote.

Any person who has voted and returned an absentee ballot may not vote again at the polling place.

If there is any question regarding the steps to verify the voter's identity or whether the voter receives a regular or provisional ballot, please consult the *South Dakota Polling Place Voter Key* as shown on the next screen.

The back side of the *South Dakota Polling Place Voter Key* contains suggested responses to voters for each of the situations presented on the *Voter Key*.





### South Dakota Polling Place Voter Key

Box Number	Code Cite	Suggested Response
1	12-18-6.3	"Your name, please."
2, 3 and 3B	12-18-7.1	
4	12-18-6.3	"Do you have a photo ID?"
5	12-18-6.1	Check to see if the ID is on this list of acceptable IDs. (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) An 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.
6	12-18-6.3	Check to see that the photo matches the voter and that the name on the ID matches the name on the voter registration list.
7	12-18-12	Stamp ballot and hand to voter
8	12-18-14	"Thank you for voting today!"
9	12-18-7.4	"Your name is on the inactive voter registration list."
10	12-18-7.4	"Because you are on the inactive registration list, you must complete a new voter registration card before voting. Here is that card to complete."
11	12-18-7.4	"Thank you for completing your voter registration card."
12	12-18-7.4	"You have provided an out-of-state residence address. You will not be able to cast a regular ballot. You may choose to not vote or you may cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify that your name should not be on the inactive list. Your provisional ballot may not be secret. It is your choice whether to vote."
13		
14		"Because you are not able to present an acceptable photo ID, you now have an option. You may leave the polling place to retrieve an acceptable ID or you may sign this personal identification affidavit."
15		
16	12-18-6.2	Observe voter complete affidavit. Be sure that it is fully completed and legible.
17	12-18-7.1 12-18-7.2	"I'm sorry, your name does not appear on the voter registration list. I will contact the county auditor to determine if you are registered at some other location or been mistakenly left off this list. Please wait while I make that call."
18	12-18-7.2	Auditor will tell you how to proceed with this voter.
19		"You are registered to vote in precinct 'X'. That polling place is located at _____. You may go to that polling place and cast a regular ballot which will be counted <b>or</b> if you are willing to swear that you registered to vote in this precinct you may cast a provisional ballot at this precinct. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can find your voter registration card for this precinct. Your provisional ballot may not be secret. It is your choice which ballot to vote."
20		
21	12-18-7.2	"The auditor has no record of your being registered to vote. You may choose to not vote <b>or</b> if you are willing to swear that you registered to vote in this precinct you may cast a provisional ballot at this precinct. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can find your voter registration card for this precinct. Your provisional ballot may not be secret. It is your choice whether to vote."

22	12-18-39	
23		
24	12-18-7.2	"An error has been made and your name should have been on the voter registration list."
25	12-18-7.2	"Please complete this emergency voting card and you will be able to vote."
26	12-18-6.3	"Do you have a photo ID?"
27	12-18-6.2	"Because you are not able to present an acceptable photo ID, you now have an option. You may leave the polling place to retrieve an acceptable ID <b>or</b> you may sign this personal identification affidavit <b>or</b> you may choose to not vote."
28	12-18-6.2	
29		
30	12-18-6.2	"Please complete this personal identification affidavit." Observe voter complete affidavit. Be sure that it is fully completed and legible.
31	12-18-6.1	Check to see if the ID is on the list of acceptable IDs.
32	12-18-6.3	Check to see that the photo matches the voter and that the name on the ID matches the name on the voter registration list.
33	12-18-39	Have voter complete the provisional ballot envelope and provide the voter with the "Notice to Provisional Voter."
34	12-18-6.3	"The ID you have presented does not appear to be you and/or the name on the ID does not match the name on the voter registration list."
35	12-18-6.3	"You may explain why the photo and/or name does not match and you may present other forms of identification to assist us in confirming your identity."
36	12-18-6.3	"Based on the identification you have presented and your explanation of why this identification does not appear to be you, you will not be allowed to cast a regular ballot. You may, however, cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify your identity. Your provisional ballot may not be secret. It is your choice whether to vote."
37	12-18-10	Election worker or poll watcher challenges the voter as to the voter's identity not being who they claim or that the voter has been convicted of a felony or declared mentally incompetent in the last 15 days. The challenger would present whatever evidence they have to the election board to support their claim that the person is ineligible to vote. "Your identity (or other cause) has been challenged. What explanation or evidence can you provide to rebut this challenge and prove your identity."
38	12-18-10	"By majority vote, this election board has determined that the challenge is accepted and that you are not who you claim to be. You may, however, cast a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify your identity. Your provisional ballot may not be secret. It is your choice whether to vote."
39	12-18-10	"By majority vote, this election board has rejected the challenge. You may vote."
40		
41		"The registration list shows you have voted absentee."
42		"I will contact the county auditor to determine if your absentee ballot has been voted and returned."
43		"Your absentee ballot has not been returned. You may vote in person today."
44	12-26-8	"Your absentee ballot has been voted and returned. You may not vote a second time."
45	12-18-39	"If you insist that you have not voted and returned your absentee ballot, you may choose to vote a provisional ballot. It is a crime to vote an absentee ballot and then vote a provisional ballot. The provisional ballot will be kept separate from the regular ballots and will only be counted if the auditor can later verify that you have not voted an absentee ballot. Your provisional ballot may not be secret."

# Voter Identification at the Polls



Voter presents themselves to the precinct worker in charge of the registration list. The voter must announce their name and show a valid photo identification. Valid identification is:

- A South Dakota driver's license or non-driver identification card;
  - A passport or an identification card, including a picture, issued by an agency of the United States government;
  - A tribal identification card, including a picture; or
  - 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.
- 
- 
- 
- 

## Voter Identification at the Polls *cont'd*

- A member of the election board must verify that the picture on the ID matches the voter. The name on the ID must also match the name on the voter registration list.
- If the election board worker cannot make this verification, the worker may consider:
  - Other forms of identification;
  - Personal knowledge; and
  - The voter's explanation.
- If the voter's identity can't be proven to the satisfaction of the election board, the voter may vote a provisional ballot.

- If the voter does not have in their possession a valid identification, the voter may retrieve an ID or complete a *Personal Identification Affidavit*. **Every voter without a valid ID in their possession must be given this option!**

ARSD 5:02:05:25

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 \_\_\_\_\_

# Understanding the Voter Registration List



A precinct voter registration list is shown below:

**Election**  
Type: Primary  
Date: 06/03/2014

**County:**  
Moody

**PollingPlace:** Egan Senior Citizens Building

**Precinct-4**

A

Voter ID	Absentee Status	Name	DOB	Address	Precinct	Ballot Name
291039		Albee, Jason J (IND)	1979	23495 474th Ave, Egan	Precinct-4	Democratic Ballot-Non-Partisan Ballot
404782		Amdahl, Ellen Anna (REP)	1989	23788 482nd Ave, Flandreau	Precinct-4	Republican Ballot
413100		Amdahl, Ethan C (REP)	1991	23788 482nd Ave, Flandreau	Precinct-4	Republican Ballot
145988		Amdahl, Matthew M (REP)	1951	23788 482nd Ave, Flandreau	Precinct-4	Republican Ballot
147885		Amdahl, Sharon M (REP)	1958	23788 482nd Ave, Flandreau	Precinct-4	Republican Ballot
147884		Anderson, Denise R (REP)	1958	47558 237th St, Trent	Precinct-4	Republican Ballot
146156	INACTIVE	Anderson, Jean (REP)		47679 Sd Highway 32, Flandreau	Precinct-4	Republican Ballot
135072		Anderson, Jeremy Allen (IND)	1983	23526 482nd Ave, Flandreau	Precinct-4	Democratic Ballot-Non-Partisan Ballot
341837		Anderson, Jesse W (IND)	1982	23526 482nd Ave, Flandreau	Precinct-4	Democratic Ballot-Non-Partisan Ballot
448770	BALLOT SENT 04/18/2014	Anderson, Kari L (IND)	1986	23526 482nd Ave, Flandreau	Precinct-4	Democratic Ballot-Non-Partisan Ballot
147886		Anderson, Terry L (DEM)	1959	47558 237th St, Trent	Precinct-4	Democratic Ballot



## ☰ There are three possibilities:

### 1. Voter is listed as “active”

- Voter is allowed to vote.

### 2. Voter is listed as “inactive”

- “Inactive” may be indicated on the list by an “I” next to the voter’s name. See the example of Allen Braumbaugh on the previous page.
- Voter must complete a new voter registration card as shown on the next page.
- If the registration card shows a residence address within South Dakota, the voter is allowed to vote.
- If the registration card shows a residence address outside of South Dakota, the voter is not allowed to vote.



**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.

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](http://www.sdsos.gov).

Are you a citizen of the United States of America?  Yes  No  
 Will you be 18 years of age on or before the next election?  Yes  No  
 If you checked 'No' in response to either of these questions, do not complete this form.

1	Last Name	First Name	Middle Name(s)/Initial	Suffix	
2	Residence Address	Apt. or Lot #	City	State	Zip Code
3	Mailing Address (if different)		City	State	Zip Code
3a	If Residence Address is a PO Box, rural box, or general delivery, you must give the location of your residence:				
4	Date of Birth (Required)  ____ / ____ / ____ Month / Day / Year	5	Telephone Number	6	South Dakota Driver License Number (Required)  _____ If you do not have a SD Driver License, provide the last 4 digits of Social Security Number
7	Choice of Party	8	Email Address		

**Previous Voter Registration Information Required, if applicable:**

9	Previous Last Name	First Name	Middle Name(s)	Suffix	
10	Previous Address		City	State	Zip Code
11	Previous Driver License Number and State		Previous County		

Would you like to be a precinct election worker on election day?  Yes  No

<p>12 I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:</p> <ul style="list-style-type: none"> <li>*I am a citizen of the United States of America;</li> <li>*I actually live at and have no present intention of leaving the above address;</li> <li>*I will be 18 on or before the next election;</li> <li>*I have not been judged mentally incompetent;</li> <li>*I am not currently serving a sentence for a felony conviction; and</li> <li>*I authorize cancellation of my previous registration, if applicable.</li> </ul>	<div style="border: 1px solid black; width: 100%; height: 60px; margin-bottom: 5px;"></div> <p>Signature Required</p> <p>Date: ____ / ____ / ____ Month / Day / Year</p>
--	--

### 3 . Voter's name is not on the registration list

- Ask the voter if they are registered to vote in this precinct. If the answer is “no”, they are not allowed to vote. Have them fill out a new voter registration card so that they will be able to vote in the **next** election.

- If the answer is “yes”, contact the county auditor to verify if the voter's name was mistakenly left off the registration list. The auditor will provide one of three responses:

- There is no record of that person registering in that precinct. The voter will not be allowed to vote a regular ballot but must be given the opportunity to vote a **provisional** ballot. Have the voter fill out a registration card so that they will be able to vote a regular ballot in the **next** election.

- The voter is registered in another precinct in this county. Send the voter to that precinct.
- We made a mistake in preparing the registration list. The voter will be allowed to vote a **regular** ballot. Before voting, the voter and precinct workers **must** complete and sign the *Emergency Voting Card*. ARSD 5:02:05:20

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

# Provisional Ballot



Who may vote a provisional ballot?

- Person who:
  - Is not on the registration list; and
  - Claims to be registered in that precinct; and
  - Is not eligible to vote a regular ballot using an emergency voting card.
- Person who is successfully challenged as described in the next slide “*Challenging a Voter*”.
- Person whose identity can’t be proven as described in an earlier slide “*Voter Identification at the Polls*”.



The procedure for voting a provisional ballot is:

- Voter must complete affirmation on the blue provisional ballot envelope.



Form 12-18-40 (5.02.05:22) – Provisional Ballot Envelope (Rev. 7-5-05)

PRINTED BY BROWN & SAENGER, SIOUX FALLS, SD

## 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 daytime telephone number is \_\_\_\_\_ and my evening telephone number is \_\_\_\_\_

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 swear or affirm under penalty of perjury that I registered and am eligible to vote in this precinct.

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Date

**To be completed by a precinct election worker:**

Precinct number \_\_\_\_\_

Type of ballot provided to voter \_\_\_\_\_

\_\_\_\_\_  
Signature of precinct worker

Source: 29 SDRD 177. General Authority: SDCL 12-18-40. Law Implemented: SDCL 12-18-40

- ✓ Write voter's name in pollbook and designate as a provisional voter.
- ✓ Provide the voter the correct ballot and stamp with official ballot stamp.
- ✓ Voter votes the ballot and seals it in the provisional ballot envelope.
- ✓ Envelope is placed in the ballot box.
- ✓ Give the voter a "Notice to Provisional Voter" sheet with the following language:

### **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.

ARSD 05:02:05:23

# Challenging a Voter

- A person's right to vote may be challenged for the following reasons:

- The person's identity is not that of the registered voter;
- The person has been convicted of a felony or declared mentally incompetent since the registration list was prepared; or



# ■ Challenging a Voter *cont'd*

- In school and municipal elections, the person is not a resident of the school district or municipality. Resident is defined as:
  - Live within the school district or municipality at least 30 days within the past year; or
  - Full-time postsecondary student who resided in the school district or municipality immediately prior to leaving for school; or
  - On active duty as a member of the armed forces whose home of record is within the school district or municipality.

- A challenge to a voter's qualifications as a resident can only be made in municipal and school elections. (SDCL 9-13-4.1 and 13-7-4.2)
- Any person can challenge a voter based on the person's identity as the person registered whom the person claims to be or on the grounds that within fifteen days preceding the election the person has been convicted of a felony or declared mentally incompetent. (SDCL 12-18-10)
- The challenger will present evidence to the precinct election board. The voter would be allowed to offer evidence supporting their right to vote.
- Based on the evidence presented and any personal knowledge the precinct election board will impartially determine if the person is eligible to vote.
- Note to school business managers and municipal finance officers: In order to facilitate contact between your precinct election board and the county auditor, be sure that your polling place has phone service. Also, at least a week before the election request that the county auditor be available for calls before 8:00am or after 5:00pm while your polls are open.

# Once it has been determined that the voter may cast a ballot:

- Mark the voter's name on the registration list in the manner you have been instructed.
- Announce the voters name (and party if in a primary).
- Write the voter's name in the pollbook.
- If all of the voters in your precinct do not receive the same ballot, mark in the pollbook which ballot the voter is given.
- The pollbook cover and pages for the listing of voter names are shown on the following pages.

ELECTION

# POLL BOOK

WARD \_\_\_\_\_ PRECINCT \_\_\_\_\_

CITY \_\_\_\_\_  
TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY

**SOUTH DAKOTA**

Election held on the \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 19\_\_\_\_

---



**Brown & Sænger**

711 West Russell

Sioux Falls, South Dakota 57104

OFFICE SUPPLIES • PRINTING • OFFICE FURNITURE



# LIST OF VOTERS

General Authority: SDCL 12-1-9, 12-16-28. Law Implemented: SDCL 12-16-28

Sample Page of  
a Pollbook

No.	NAME OF VOTER	No.	NAME OF VOTER
1		49	
2		50	
3		51	
4		52	
5		53	
6		54	
7		55	
8		56	
9		57	
10		58	
11		59	
12		60	
13		61	
14		62	
15		63	
16		64	
17		65	
18		66	
19		67	
20		68	
21		69	
22		70	
23		71	
24		72	
25		73	
26		74	
27		75	
28		76	
29		77	
30		78	
31		79	
32		80	
33		81	
		82	
35		83	
36		84	
37		85	
38		86	



- Provide the voter with the correct ballot. The ballot must have an official ballot stamp (shown below).
- For hand counted paper ballots, place the ballot stamp on the back near the top of the ballot before being given to the voter.
- For optical scan ballots, place the stamp where indicated by the person in charge of the election.
- If there is more than one type of ballot at your polling place, **be sure the voter gets the correct ballot!**

**OFFICIAL BALLOT**  
**Tuesday, June 7, 1994**  
**Pierre #23**  
**Hughes County, S. D.**

## Other election day items:

- It is critical that you place the official stamp on the ballot **before** giving the ballot to the voter.
- Voters must vote alone in the voting booth.
- If the voter is disabled or illiterate they may have someone assist them in voting their ballot.
- Voters have ten minutes to cast their ballot.
- If a voter makes a mistake on their ballot (spoiled ballot), they can return it to the election board and receive a new ballot. A voter may have up to three ballots. A record is made of the spoiled ballot as shown on the following page.
- In optical scan precincts a voter may request instruction before entering the voting booth on how to mark their ballot so that it will be properly counted. You should provide that instruction publicly and without suggesting who to vote for.



# Return of spoiled and unused ballots



**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



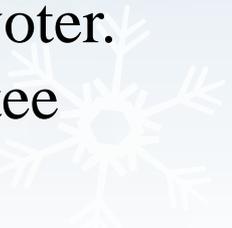
- The voter returns the voted ballot to the precinct worker in charge of the ballot box. The voter must show the precinct worker the official ballot stamp on the back of the ballot. The voter may then place the ballot in the box or give it to the precinct worker to place in the box.

**OFFICIAL BALLOT**  
**Tuesday, June 7, 1994**  
**Pierre #23**  
**Hughes County, S. D.**

# Absentee Ballot Processing



- Process absentee ballots whenever you have time during election day or immediately after the polls close.
- The person in charge of the election will provide you with all of the applications for absentee ballots and all of the returned absentee ballots sealed in their individual envelopes. No absentee ballot may be accepted after the close of the polls.
- Compare the signature on the ballot envelope with the signature on the application.
- In-person voted absentee ballots are in a combined application/envelope with only one signature from the voter. You will have no signatures to compare for these absentee ballots since these were voted in person at the election official's office.



# Absentee Ballot Processing *cont'd*

If you are satisfied that:

- The ballots were voted by the voter whose name appears on the ballot envelope; and
- The voter is registered in your precinct (if the voter is registered as “inactive”, a completed voter registration card must accompany the absentee ballot); and
- The application and ballot envelope or the in-person combined application/envelope were signed by the voter; then...
- Mark the registration list and enter the name in the pollbook.
- Remove the ballots from the envelope without unfolding them.

# Absentee Ballot Processing *cont'd*

- Place the official ballot stamp on the ballot.
- Place the ballot in the ballot box.
- If an absentee voter dies before election day, the ballot is not processed.
- If you determine that an absentee ballot cannot be counted, the envelope should not be opened and the reason for not counting should be indicated on the envelope.

# Closing the polls in optical scan ballot precincts

- If you use hand-counted paper ballots, these instructions are not for you. Skip this slide and the next four slides.
- The poll closing process must be open to the public. No one may be excluded from watching the closing process provided there is no interference with the process.
- Complete the recap sheet as shown on the next screen. **This DOES NOT require opening the ballot box.**

RECAP SHEET: PRECINCT \_\_\_\_\_  
(date and name of election)

Type of ballot: \_\_\_\_\_

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)
  
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)
  
9. Ballots Voted (Line 4 minus Line 8) \_\_\_\_\_ (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**

Discrepancies noted by resolution board: \_\_\_\_\_  
(fill in only if there is a different total than above)

Signed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Resolution Board

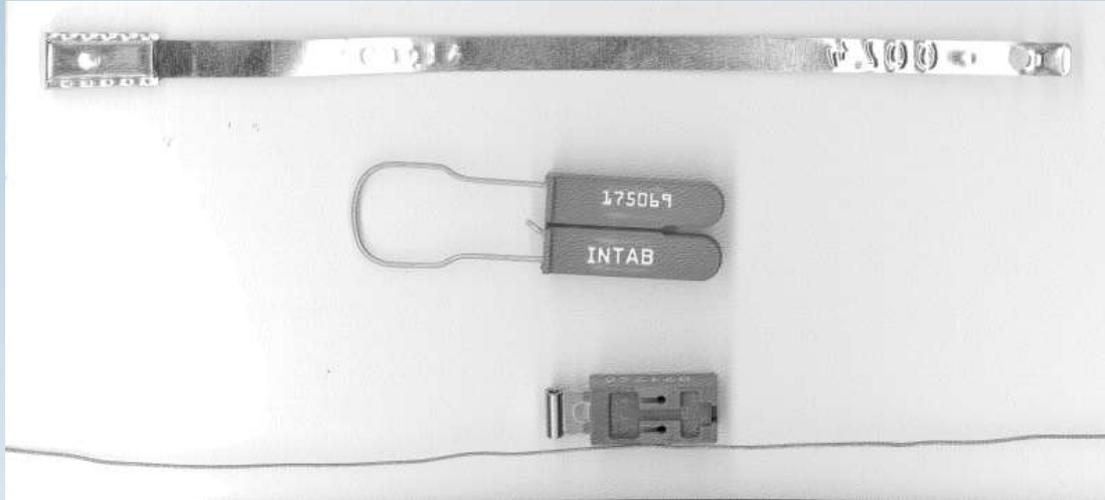
Printer's note: In central count optical scan precincts, lines 10 and 11 may be completed by tabulation center employees. The printed form may be changed to reflect this option.

Use this  
for  
Optical  
Scan  
Ballots

Following completion of the recap sheet, compare the:

- Number of voters from the pollbook (line 12); and
- Number of ballots voted (line 9)
- These numbers should be equal.
- If these numbers are not equal, compare the pollbook names with the names marked on the voter registration list. Correct any errors.
- If any corrections are made to the pollbook, the number of voters on line 12 should also be corrected.

- Seal the ballot box hasps with a metal or plastic seal. Seal any remaining slots with a paper seal.



**BALLOT BOX SEAL**

Judges of Election or  
Canvassing Board  
Sign Here  
(SDCL 12-20-20)

---

---

---

---

---

---

---

---

✓ Transport the sealed ballot box, unvoted ballots, spoiled ballots and all other election supplies to the counting location by the most direct route.

✓ The ballot box **MUST** be transported by:

- Two members of the precinct board, one of each major political party; or
- A sheriff's deputy and two deputy county auditors, one of each major political party; or
- Two deputy county auditors, one of each major political party.

# Closing the polls and counting the votes in hand-counted ballot precincts

- Paper ballot counting instructions are on pages 13-17.
- The vote counting process must be open to the public. No one may be excluded from watching the vote counting as long as there is no interference with the vote count process.
- Open the ballot box and remove the ballots.
- Place any Provisional Ballot and Uncounted Absentee Ballot envelopes in the large Provisional and Uncounted Absentee Ballot Return Envelope:

PROVISIONAL AND UNCOUNTED ABSENTEE BALLOT RETURN ENVELOPE

\_\_\_\_\_PRECINCT

TO: COUNTY AUDITOR

\_\_\_\_\_  
SOUTH DAKOTA  
DO NOT PUT THIS IN BALLOT BOX



- Place the ballot box seal in the envelope provided.

12-30-21B PRINTED BY BROWN & BAENGER, SIOUX FALLS, SD

Rule 5#2.05.09

THIS ENVELOPE FOR RETURN OF

**METAL BALLOT BOX SEALS**

used at the \_\_\_\_\_ Election held the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_ Precinct \_\_\_\_\_ County, S. D.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judges of Election.

To be returned to the Auditor or person in charge of election with Metal Ballot Box Seals inside, sealed and with signatures of Judges affixed.

**DO NOT**  
**PUT IN POLL BOOK**  
**ENVELOPE**

- Sort according to ballot type if you have more than one type.
- Count the number of ballots in each ballot type.
- Check your ballot count against the number of voters in the pollbook who voted that type of ballot.
  - If the numbers are the same, proceed with vote counting.
  - If there are more ballots than voters voting that type of ballot, place those ballots back in the box, mix them up and withdraw (unopened) the number of excess ballots. These excess ballots are not counted and are marked as “Excess ballot not counted”.
  - If the number of voters exceeds the number of ballots, proceed with vote counting.
- Examine each ballot for the official ballot stamp. Remove any ballots without the stamp and mark “Unstamped Ballot”.

- At least two precinct deputies shall examine each ballot to determine how each vote is cast. If the election is a primary or general election the precinct deputies must be of opposite political parties. If there is a dispute, the precinct superintendent will break the dispute.
- A voting mark that is in or touches the circle or square shall be counted. A mark that does not touch the circle or square and is not on or in the circle or square, may not be counted.
- If a write-in vote is found on the ballot, that vote is not counted but all other votes on the ballot for which the voter's intent can be determined shall be counted.
- Two tally sheets are used for vote tabulating. One is in the pollbook and the other is a separate sheet called the duplicate tally sheet. A sample is shown on the following page.
- The names of the candidates will be written in the proper place in the pollbook tally sheet and the duplicate tally sheet.







- Place the vote totals for each candidate and question on the *Immediate Unofficial Returns of Precinct Vote* form.
- Complete the ballot recapitulation sheet shown below.

Use this for  
hand counted  
paper ballots

12-18-320 — STATEMENT OF BALLOTS

PRINTED BY GROWN & BERNARD, BISMARCK, S.D.

Ballots Received from Auditor					
Ballots Received after Polls Open					
Absentee Ballots Received					
TOTAL Ballots Received					
Regular Voted Ballots					
Provisional Voted 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.

\_\_\_\_\_  
Precinct \_\_\_\_\_ County, South Dakota.

Witness our hands this 1st day of June, 2004.

\_\_\_\_\_  
Superintendent of Election

\_\_\_\_\_  
Precinct Deputy

\_\_\_\_\_  
Precinct Deputy

\_\_\_\_\_  
Precinct Deputy

\_\_\_\_\_  
Precinct Deputy

Rule 5.02.18.3B

- Seal the pollbook and duplicate tally sheet in the envelope provided.



## ELECTION POLL BOOKS

FROM

Precinct No. \_\_\_\_\_

Held at \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

SDCL—12-20-20. The Judges of election shall immediately after the canvass of the votes and the sealing of the ballot boxes and poll list, depose one of their number, if they can agree; or if not, such judge shall be determined by lot to deliver the poll books and key to the County Auditor, sealed as provided for in this Chapter, \_\_\_\_\_.

SDCL—12-20-21. The key to each ballot box so sealed shall be enclosed in the envelope returned to the Auditor, together with the poll books, and such envelope shall be securely sealed, and any person delivering such envelope shall not deface or destroy or remove any seals and such envelope containing such key and poll books shall be delivered in the same shape and condition as received.

 Put BOTH POLL BOOKS and BALLOT BOX KEYS in this Envelope — Nothing Else. SEAL with POLL BOOK SEAL. Place Seal Over Opening — Sign By All Three Judges

### DO NOT PUT IN BALLOT BOX

---

AUDITOR

---

South Dakota

- Place the pollbook and tally sheet envelope seal on the pollbook and tally sheet envelopes.



# **POLL BOOK & TALLY SHEET ENVELOPE SEAL**

**(SDCL 12-20-21) — Rule 5:02:16:41**

---

\_\_\_\_\_ **Precinct**

**DO NOT PLACE IN BALLOT BOX**

- Place the voted ballots in the envelope provided and then place in the ballot box. Place any voted but not counted in envelopes marked with the reason for not counting. These are also placed in the ballot box. Nothing else goes in the ballot box.

PRINTED BY BROWN & BARNHILL, 1904 ST. PAUL, MINN.—12-20-20A

RETURN ENVELOPE

# OFFICIAL BALLOTS

VOTED

---

To the City Auditor or Clerk, \_\_\_\_\_, South Dakota.

This Envelope Contains the voted Official Ballots of the \_\_\_\_\_ Ward \_\_\_\_\_

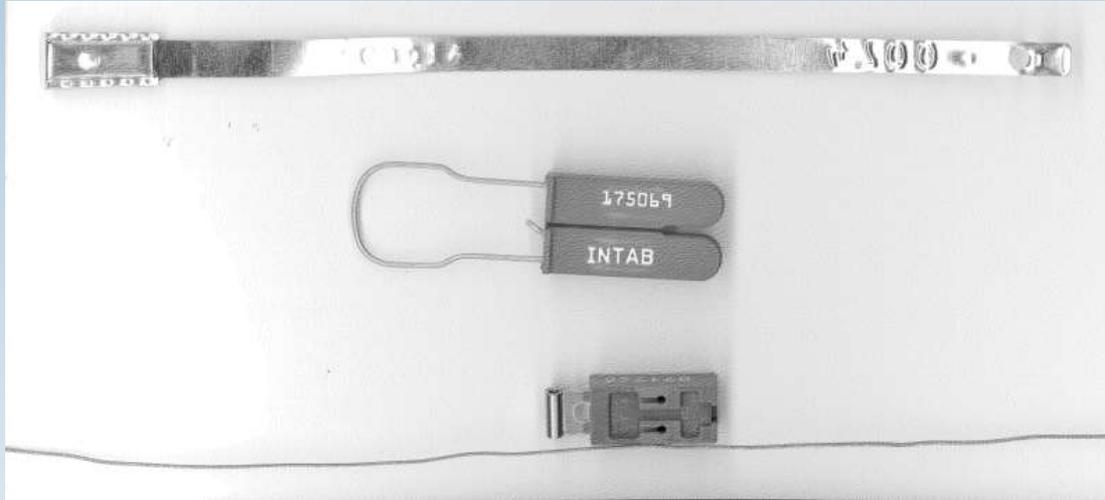
Precinct \_\_\_\_\_ South Dakota, at the Election held on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judges of Election

**NOTICE:—Judges of Election must place all Official Ballots voted in the wrapper and seal and place in the Ballot Box.**

- Seal the ballot box hasps with a metal or plastic seal. Seal any remaining slots with a paper seal.



**BALLOT BOX SEAL**

Judges of Election or  
Canvassing Board  
Sign Here  
(SDCL 12-20-20)

---

---

---

---

---

---

- Return the:
  - Sealed ballot box
  - Unvoted ballots
  - Provisional and Uncounted Absentee Ballot Return Envelope (hand-counted precincts only). In optical scan precincts these ballots are still in the ballot box.
  - Sealed pollbook and duplicate tally sheets
  - Voter registration list
  - *Immediate Unofficial Returns of Precinct Vote* form
  - Absentee voting materials; and
  - All other election supplies to the person in charge of your election.

**Congratulations!** You have successfully completed the “Election School”. You are now ready to serve the voters of South Dakota. If you have additional questions about your responsibilities on election day, please consult the person in charge of your election.



# Afternoon agenda

- Absentee Voting
- Precincts and Election Boards
  - Precinct Manual and Polling Place Voter Key
- Counting, Canvassing and Recounting
- Recalls
- Special Elections
- Financial Interest Statements
- Campaign Finance
- Automatic Tabulating Systems



# Absentee Voting

- Any registered voter may vote by absentee ballot.
- Voters do not need to provide a reason in order to absentee vote.
- Absentee ballots must be made available no later than fifteen days prior to the election.
- If you combine with a Primary or General Election, the ballots must be available 46 days prior to the election.  
(SDCL 9-13-21, 13-17-13 and 12-19-1.2)



# Absentee Ballot Application

- Prescribed form (ARSD 5:02:10:01) can be found at [www.sdsos.gov](http://www.sdsos.gov).
- Federal Post Card Application (FPCA).
- Letter.
- Must be signed, dated and complete.
- Check registration list before sending an application or ballot.
  - If they aren't registered include a Voter Registration form with the application.
  - If they aren't registered but have submitted the application, they need to complete a voter registration form prior to sending the ballot.
- Give these top priority since there are only 15 days of absentee voting.





**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
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
<b>SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR:</b>			
4	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"/> 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"/>	
<b>MILITARY AND OVERSEAS CITIZENS ONLY:</b>			
6	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:		
	*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.		
7	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. <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____.		
	(Seal)	Notary signature _____ My commission expires _____	
		Date: _____ / _____ / _____ Month / Day / Year	
		_____ Voter's Signature Required	
<b>AUTHORIZED MESSENGER REQUEST DUE TO SICKNESS OR DISABILITY ONLY: The deadline to request is 3:00 p.m. on Election Day.</b>			
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

# FPCA

## Federal Post Card Application

### Voter Registration and Absentee Ballot Request Federal Post Card Application (FPCA)

For any questions about this form, consult the Voting Assistance Guide available in hard copy or on [FVAP.gov](http://FVAP.gov) or your Voting Assistance Officer.

For absent Uniformed Service members, their families, and citizens residing outside the U.S.

Please print in black ink.

<p><b>Classification</b> Make only 1 selection.</p> <p>(In most States, you must be absent from your voting district to use this form).</p>	<p>1</p> <p>I request an absentee ballot for all elections in which I am eligible to vote AND:</p> <p><input type="checkbox"/> I am a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> I am an eligible spouse or dependent.</p> <p><input type="checkbox"/> I am an activated National Guard member on State orders.</p> <p><input type="checkbox"/> I am a U.S. citizen residing outside the United States, and I intend to return.</p> <p><input type="checkbox"/> I am a U.S. citizen residing outside the United States, and my return is not certain.</p> <p><input type="checkbox"/> I am a U.S. citizen and have never resided in the United States.</p>
<p><b>Political party</b></p>	<p>2</p> <p>Your State may require you to specify a political party to vote in primary elections: _____</p>
<p><b>Legal name</b></p>	<p>3</p> <p>Last name _____ Suffix _____</p> <p>First name _____ Middle name _____</p> <p>Previous name (if applicable) _____</p>
<p><b>Identification</b> Some States require your full SSN. Check your State's pages in the Voting Assistance Guide on <a href="http://FVAP.gov">FVAP.gov</a>.</p>	<p>4</p> <p>State Driver's License or ID _____</p> <p>OR Social Security Number _____</p> <p>Birth date _____ Sex <input type="checkbox"/> M <input type="checkbox"/> F Race _____</p> <p style="text-align: right;"><small>See instructions</small></p>
<p><b>Contact information</b> Include international prefixes. No DSN numbers.</p>	<p>5</p> <p>Telephone _____</p> <p>Fax _____</p> <p>Email _____</p>
<p><b>Ballot receipt</b></p>	<p>6</p> <p>Rank from 1-3 in order of preference; be sure appropriate contact information is provided above.</p> <p>I prefer to receive my ballot, as permitted by my State, by: <input type="checkbox"/> Email/Online <input type="checkbox"/> Mail <input type="checkbox"/> Fax</p>
<p><b>Voting residence address</b> Usually your last U.S. residence or your legal U.S. residence. See instructions.</p>	<p>7</p> <p>Street Address (not P.O. Box) _____ Apt. # _____</p> <p>City/Town/Village _____</p> <p>County _____ State _____ Zip Code _____ - _____</p>
<p><b>Where to send my ballot</b>  This is your current mailing address and should be different from above. If required, place a forwarding address in Box 9.</p>	<p>8</p> <p>_____</p>
<p><b>Additional requirements for your State</b>  Such as: mail forwarding address, additional email address/phone number, or other State required information. See Voting Assistance Guide.</p>	<p>9</p> <p>_____</p>

**Affirmation (REQUIRED):** I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

**Signature** **X** \_\_\_\_\_

You must sign and send in.

**Today's date** \_\_\_\_\_

Witness signature / date if required by your State.

Signature \_\_\_\_\_

Date \_\_\_\_\_

# Mail-In Absentee Voting

- This process is used for any voter who wants to vote absentee through the mail.
- Application process:
  - Check voter registration list.
  - Is the application signed and completed?
  - Is the application notarized, or signed by an official authorized to administer oaths, or accompanied by a copy of a photo ID? This step may be waived for overseas military or overseas citizen voters.
- Send the voter the correct ballot, instructions (ARSD 5:02:10:04), and return envelope (ARSD 5:02:10:05).
- Update absentee voter log (ARSD 05:02:10:06).

# Absentee Ballot Packet

- Correct ballot
- Instructions to the voter ([ARSD 5:02:10:04](#))
- Return envelope ([ARSD 5:02:10:05](#))



# UOCAVA VOTERS

- Return envelope for those military and citizen voters residing outside of the U.S. must be in this format [\(5:02:10:08\)](#) which provides free postage for those voters to return their voted absentee ballot to you.

NAME AND COMPLETE ADDRESS

OFFICIAL ELECTION MAIL

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:

- If the Uniformed Services voter is residing in the U.S., that voter must pay the postage to return the ballot to you and you will use the envelope prescribed in [5:02:10:05](#)

# Absentee Ballot Log

- Keep an absentee ballot log – (SDCL 12-19-2)
- This is a public record
- Contents prescribed in 5:02:10:06
  - (1) Date of election;
  - (2) Name of applicant;
  - (3) Current address of applicant and voting address if applicable;
  - (4) Voting precinct;
  - (5) Civilian or military;
  - (6) Date mailed to applicant, given to authorized messenger or voted in office;
  - (7) Name of authorized messenger;
  - (8) Date returned.



# Other Absentee Provisions

- Application must be received by 5:00 p.m. the day before the election.
- One application may apply to all elections per calendar year.
  - If you receive an application for other elections make sure to share that with the other jurisdictions.
- The application is only good for the calendar year the application is signed in.
- Power of Attorney does not apply.
- If an absentee voter dies before Election Day, the ballot is not processed.
- Inactive voters must complete new registration form.
  - Have the voter fill out the form and mail it back separately from their ballot or else the ballot may not be counted.



# Authorized Messenger

- Who can use an authorized messenger?
  - A qualified voter who is confined because of sickness or disability.
  - Work is not considered confinement.
- Voter designates on the application someone to bring them a ballot.
- You as an election official can take a ballot out to someone **ONLY** if they've designated you, on the form, as their authorized messenger.
- A Candidate for any elective office cannot be an authorized messenger (SDCL 12-19-7.1).
- No authorized messenger may, in the presence of the voter at or before the time of voting, display campaign posters, signs or other campaign materials or by any like means solicit any votes for or against any person, political party or position on a question submitted. A violation of this section is a Class 2 misdemeanor (SDCL 12-19-7.2).



# Absentee Voting – ID Requirements

- In-person absentee
  - Voter must show photo ID or complete personal affidavit.
- Absentee by mail
  - Absentee Ballot Application Form must be notarized or accompanied with a copy of their photo ID.
- UOCAVA
  - Stateside – Form must be notarized or accompanied with a copy of their photo ID.
  - Overseas – ID requirements are waived.
  - Only UOCAVA voters can submit their absentee request by email or fax.



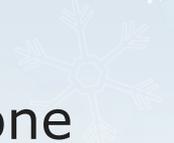
Questions?



# Precincts and Election Boards



## Municipal

- SDCL 9-13-16
  - Each ward is a precinct and does not have to be the same as for county elections.
  - If precinct had over 500 voters at last election, then you may split into two precincts.
  - If you have two contiguous wards with less than 350 voters, then you may combine.
  - If all wards use the same polling place, they may use one board (SDCL 9-13-36).
  - If all wards are voting on an identical ballot, then a single ballot box and pollbook may be used (SDCL 9-13-36).
  - Must notify county auditor of precinct changes at least 45 days before election (SDCL 12-14-1.1).
- 
- 
- 
- 
- 

## Precincts and Election Boards

### School

- Polling places are determined by school board, need not be the same as county elections (SDCL 13-7-11).
- SDCL 12-14-1.1
- Must notify county auditor of precinct changes at least 45 days before election (SDCL 12-14-1.1).



# Election Boards

- SDCL 9-13-16.1 and 13-7-12
  - Chosen by governing body.
  - Superintendent and two precinct deputies.
  - Choose election board members whom you trust and who will do a good job. If possible, use board members who work for other elections and are experienced.
- SDCL 12-15-2
  - Must be a registered voter and resident of the precinct.
- SDCL 12-15-14.3
  - May not be related within the second degree to a candidate on the ballot.
- SDCL 12-15-2.1
  - Election board members may not be poll watchers.

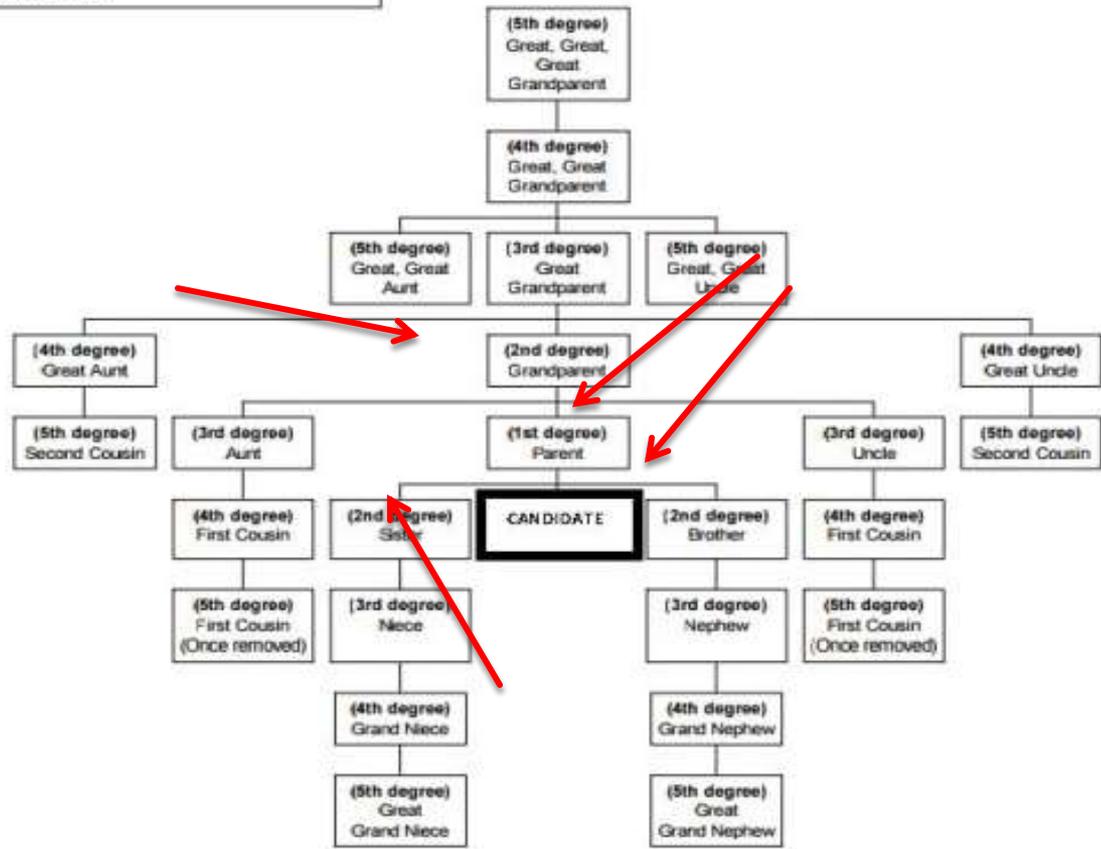


# Degree of Kinship Chart



## DEGREE OF KINSHIP CHART

SDCL 12-15-14.3. No person may serve on an election or counting board who is a candidate or related by blood or marriage within the second degree to a candidate who is on the ballot in that precinct.



# Questions?



# Counting, Canvassing and Recounting



## Provisional Ballots



- Provisional ballots ARE NOT opened or counted on election night.
- If your ballots are counted at the polling place, all the provisional ballot envelopes must be placed unopened in the Provisional and Uncounted Absentee Ballot Return Envelope (ARSD 5:02:16:44) and returned to you. Keep them secure!
- The day after the election you must “diligently investigate” to determine if the voter was legally entitled to cast a ballot in that precinct.
- Use the information provided by the voter on the affirmation to begin your investigation. You may want to ask the county auditor to assist you with this determination.



# PROVISIONAL BALLOT ENVELOPE



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



Form 12-18-40 (5:02:05:22) – Provisional Ballot Envelope (Rev. 7-5-05)

PRINTED BY BROWN & SAENGER, SIOUX FALLS, SD

## 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 daytime telephone number is \_\_\_\_\_ and my evening telephone number is \_\_\_\_\_

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 swear or affirm under penalty of perjury that I registered and am eligible to vote in this precinct.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

To be completed by a precinct election worker:

Precinct number \_\_\_\_\_

Type of ballot provided to voter \_\_\_\_\_

Signature of precinct worker \_\_\_\_\_

Source: 29 SDRD 177. General Authority: SDCL 12-18-40. Law Implemented: SDCL 12-18-40

## Counting, Canvassing and Recounting

# Provisional Ballots *cont'd*

- Which ballots should be counted.
  - Registered in that precinct by deadline.
  - Identity verified.
  - Not been removed from the voter list.
  - Resident.
- If you determine that there are provisional ballots which must be counted, a provisional ballot counting board is appointed.
- Provisional ballot counting board meets one hour prior to the official canvass.
- Provisional ballot counting board shall count the provisional ballots which you have certified as countable. The board will complete a Certification of Provisional Ballot Count (ARSD 5:02:17:13).
- Your canvassing board will add the tally from this certification to the tallies from the pollbooks.



## Provisional Ballot Notification

- Within ten days after the official canvass, you must send each provisional voter a Notice of Provisional Ballot Determination. (ARSD 5:02:05:24)
- The notice sent to the mailing address of a person who has cast a provisional ballot shall contain:
  - Voter's name;
  - Voter's mailing address;
  - Election at which the ballot was cast;
  - Whether the ballot was counted;
  - If the ballot was not counted, the reason why it was not counted; and
  - A telephone number for further information.

Questions?



## Official Canvass

- Conducted by the governing body.
- Schools:
  - At the next board meeting.
  - Certify results to the county auditor.
- Municipalities:
  - Within seven days of election.
  - Certify results to the county auditor.



# Board of Canvassers

- The duties of the official board of canvassers for a local jurisdiction are as follows:
  - Open the returns from each precinct which are found in each poll book;
  - Satisfy itself that the returns are genuine and not forged;
  - Tabulate the returns from the precincts and the certification of provisional ballot count;
  - Declare the result; and
  - 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.
- They **DO NOT** open the ballot box or recount ballots.

# OFFICIAL CANVASS SHEET

Date of Election: \_\_\_\_\_

Type of Election: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

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

STATE OF SOUTH DAKOTA )

) SS

COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Person in Charge of the Election

Questions?



# CANDIDATE RECOUNTS

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

- Purpose:
  - Used to recount the results for a specific municipal or school board candidate's race.
- Deadline to request a recount:
  - Within five days after official canvass for that office.
- Who requests:
  - A tied or losing candidate.
- A recount can be requested for the following reasons:
  - Municipal- if a race is tied, defeated by five votes or less or defeated by a margin not exceeding two percent.
  - School- if a race is tied or defeated by a margin not exceeding two percent
- File with:
  - Municipal finance officer or school business manager.



## Candidate Recount Board

- Appointed by the person in charge of the election.
- One person chosen by each candidate declared elected.
- One person chosen by each candidate who is eligible to request a recount.
- If the board consists of an even number of persons, one additional recount board member shall be appointed who is mutually agreeable to each candidate involved in the recount.
- The person in charge of the election sets the time and place for the recount.



# Ballot Question Recounts

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

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



# Ballot Question Recount Board

- Appointed by the person in charge of the election and consists of one person on each side of the question and one person mutually agreed upon by the other two appointed.
- Person in charge of the election shall set the time and place for the recount.



Questions?



# Recalls

## Who can be Recalled?

- Only applies to Municipalities
- SDCL 9-13-29
- In any municipality, with or without a city manager
  - Mayor
  - Commissioner
  - Alderman
  - Any member of the board of trustees



# Grounds for Recall (SDCL 9-13-30)

- Misconduct
- Malfeasance
- Nonfeasance
- Crimes in office
- Drunkenness
- Gross incompetency
- Corruption
- Theft
- Oppression
- Gross partiality



# Petition for Recall

- Signed by 15% of the registered voters of the municipality, based upon the total number of registered voters at the last preceding general election.
- Petition shall contain a specific statement of the grounds on which removal is sought.
- Form (ARSD 5:02:08:17)
- No signature is valid if signed more than 60 days prior to the filing of the petitions.

# Questions?



# Special Elections



## Municipalities:

- Initiative
- Referendum
- Recall
- Bond – 60% to pass
- Change in form of government

## Schools:

- School start date
- School consolidation/reorganization
- Bond – 60% to pass
- Tax levy opt out – held on or before October 1<sup>st</sup>
- Discontinue attendance center
- Some Capitol Outlay Certificates



# Special Elections

- If the petition meets the requirements of ARSD 5:02:08:00 and 5:02:08:00.01 the governing body needs to move forward and set the election date.
- Notices and Publications for Special Elections
  - Notice of Voter Registration Deadline.
  - Publication of facsimile ballot.
  - Notice of Election.
- Notices of Vacancy (for special municipal elections to fill vacancy).
- One year waiting period after election on form of city government to vote on the question again (SDCL 9-11-8).
- Tax levy opt out elections require a "NOTICE TO TAXPAYERS" publication (SDCL 10-13-35 and 10-12-43).
- Municipality required to publish the entire initiated or referred measure once a week for two successive weeks (SDCL 9-20-4 and 9-20-12).

Questions?



# Financial Interest Statements

- There are two types:
  - Candidate (SDCL 12-25-28)
    - Filed within 15 days after filing nominating petition.
  - Elected Official (SDCL 3-1A-4)
    - Filed within 15 days of being elected.
- Required for 1<sup>st</sup> Class Municipalities and Schools with greater than 2,000 average daily membership (ADM)
- Sample forms can be found at [www.sdsos.gov](http://www.sdsos.gov)



## CANDIDATE Statement of Financial Interest

**Who files:** All candidates for *State and Federal office* (US Senate and House of Representatives, Governor, circuit court judge, the State Legislature and a Supreme Court Justice; SDCL 12-25-28); *Convention nominees* (Lieutenant Governor, State Treasurer, Attorney General, Secretary of State, State Auditor, Public Utilities Commissioner and Commissioner of School and Public Lands; SDCL 12-25-29); and candidates for *Local Office* (County Commissioner, School Board Member in a school district with a total enrollment of more than 2,000 students or Commissioner, Council Member or Mayor in 1<sup>st</sup> Class Municipalities; SDCL 12-25-30).

**Deadline to file:** Within 15 days after filing nominating petitions (Supreme Court Justice files within 15 days of notifying Secretary of State of his intention to place his name on the retention ballot) or certification of convention nomination.

**File with:** The Secretary of State except local candidates file with the office where they file their nominating petition.

**Please print:**

Full Name \_\_\_\_\_

Complete Address \_\_\_\_\_

Office Sought (*list District number if applicable*) \_\_\_\_\_

What is your occupation/profession? \_\_\_\_\_

List any **enterprise** which accounted for more than 10% of or contributed more than \$2,000 to your family's (*includes spouse, minor children living at home*) gross income in the preceding calendar year or an enterprise in which you or an immediate family member(s) controls more than 10% of the capital or stock. Identify who receives the income from each enterprise but do not include the value. (SDCL 12-25-27)

Name of Candidate or Family Member	Name of Enterprise	Enterprise Relationship (Ex: employee, officer, director, associate, shareholder, member, partner, proprietor, etc.)

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



## ELECTED OFFICIAL Statement of Financial Interest

**Who files:** All Elected Officials for *State office* (Governor, Lieutenant Governor, State Treasurer, Attorney General, Secretary of State, State Auditor, Public Utilities Commissioner and Commissioner of School and Public Lands, Supreme Court Justice, circuit court judge and State Legislator; SDCL 3-1A-2); *Gubernatorial appointee* (for whom Senate confirmation is required; SDCL 3-1A-3); and Elected officials in *Local Office* (County Commissioner, School Board Member in a school district with a total enrollment of more than 2,000 students or Commissioner, Council Member or Mayor in 1<sup>st</sup> Class Municipalities; SDCL 3-1A-4).

**Deadline to file:** Within 15 days after assuming office.

**File with:** The Secretary of State except local candidates file with the office where they file their oath of office.

Please print:

Full Name \_\_\_\_\_

Complete Address \_\_\_\_\_

Office Sought (list District number if applicable) \_\_\_\_\_

What is your occupation/profession? \_\_\_\_\_

**\*\*If there are no changes from your previously filed CANDIDATE Financial Interest Statement check the box and sign below.**

**NO Changes**

List any enterprise which accounted for more than 10% of or contributed more than \$2,000 to your family's (includes spouse, minor children living at home) gross income in the preceding calendar year or an enterprise in which you or an immediate family member(s) controls more than 10% of the capital or stock. Identify who receives the income from each enterprise but do not include the value. (SDCL 3-1A-1)

Name of Candidate or Family Member	Name of Enterprise	Enterprise Relationship (Ex: employee, officer, director, associate, shareholder, member, partner, proprietor, etc.)

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Questions?



# Campaign Finance

SDCL 12-27

## Who is required to file?

- Ballot Question Committees in 1<sup>st</sup> Class Municipalities
- School district offices and ballot questions in school districts with ADM great than 2,000.
- Any municipality or school *that chooses* to be.
- Any other school or municipality has no requirements for campaign finance disclosure.
- Sample forms and FAQs can be found at [www.sdsos.gov](http://www.sdsos.gov)
  - Statement of Organization
  - Disclosure Statement

## Advertising Disclaimer

- Only Cities and Schools that have to comply with Campaign finance have to use a disclaimer
- Printed material or communication made by a political committee or political party.
- "Paid for by (Name of candidate, political committee, or political party)."
- Small impractical items are exempt.
  - Buttons, balloons, pins, pens, matchbooks, clothing, etc.



# Government Restrictions

- A city or school may not spend public funds for the purpose of influencing an election (SDCL 12-27-20).
- No candidate, political committee, or political party may accept any contribution from any state, state agency, political subdivision of the state, foreign government, Indian tribe, federal agency, or the federal government (SDCL 12-27-21).

## Who is Responsible for Enforcing these laws?

- State's Attorney (SDCL 12-27-40)

Questions?



# Automated Tabulating Systems



- Have a backup plan!
- ARSD 5:02:09:01.02
  - Requires testing of the system twice.
  - Notice before each test.
- Create your own “prior” tally sheet and test deck.

## When the Polls Close:

- Do not open ballot box.
- Complete recap sheet. (ARSD 5:02:09:15)
  - If ballot count from recap does not match voters in the pollbook, justify pollbook and registration list.
- Two precinct board members transport ballot box.



RECAP SHEET: PRECINCT \_\_\_\_\_  
(date and name of election)

Type of ballot: \_\_\_\_\_

- |  |                        |
|--|------------------------|
| 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) |
| 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) |
| 9. Ballots Voted (Line 4 minus Line 8)                           | _____ (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**

Discrepancies noted by resolution board: \_\_\_\_\_  
(fill in only if there is a different total than above)

Signed \_\_\_\_\_  
\_\_\_\_\_

Resolution Board

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.

## Tabulation Center

- Procedures can be found in SDCL 12-17B-10 through 12-17B-13 and in ARSD 5:02:09:04.04.
- Counter set to SORT OUT blank ballots.
- Counter set to NOT SORT overvoted ballots.



## Ballots

- Ballot count:
  - Compare number of ballots from machine count with number of ballots on recap sheet.
  - If discrepancy, note on recap sheet, signed by tabulation technician and notify resolution board.
  - If there are five or more ballots than names in the pollbook, the resolution board shall examine each ballot for the official ballot stamp.
  - Unstamped ballots are removed and marked “unstamped – not counted”.
  - If the total number of ballots still exceeds the number of names in the pollbook, ballots equal to the excess number shall be randomly pulled and not counted.
  - Retabulate the ballots.



# Automated Tabulating Systems

## Resolution Board

- For Primary and General election – one Republican and one Democrat.
- For other elections – two persons who are not employees of your jurisdiction.
- Duties:
  - Any ballot which cannot be counted by the machine shall be examined by the Board – this would include “blank” ballots which are out sorted.
  - If any of these ballots are actual blank ballots, reset the machine to accept the blank ballots and run them through.
  - If the board cannot agree on the voter’s intent, the ballot is rejected and so marked.
  - If the Board agrees on the voter’s intent, a duplicate ballot shall be made by the Board.
  - Duplicate shall be marked “Duplicate” and “Official Resolution Ballot”.
  - Identical serial numbers shall be place on the duplicate and on the original.
  - Duplicate shall be counted by the tabulating equipment.

## Voter Intent

- “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.”
- (ARSD 5:02:09:22)
- After the vote count:
  - Place ballots in boxes and reseal.
  - Remove program boards and store sealed.
- Recounts are conducted according to ARSD 5:02:09:05.

# Questions?