

FORM 13

See SDCL subdivision 1-26-6(5)

**(NOTE: This certificate must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules.)**

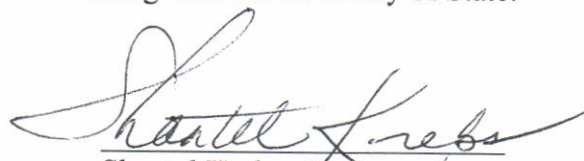
IN THE MATTER OF THE  
PROMULGATION OF  
ADMINISTRATIVE RULES

CERTIFICATE

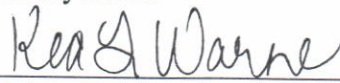
I, Shantel Krebs, hereby certify that I am a duly appointed member and the duly elected chair of the State Board of Elections and that the attached instruments are full, true, and correct copies of the following rules adopted by the State Board of Elections on June 18, 2018:

§§ 5:02:03:19; 5:02:04:17; 5:02:06:10.03; 5:02:08:00; ~~5:02:08:00.01~~; 5:02:08:00.05; 5:02:08:07; ~~5:02:08:07.01~~; 5:02:08:08; 5:02:08:09; 5:02:08:45; 5:02:09:16; and 5:02:10:04; inclusive.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.

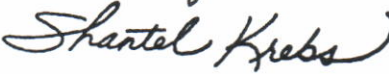
  
Shantel Krebs, Chair  
State Board of Elections

Subscribed and sworn to  
before me this 9th day  
of July 2018.

  
Notary Public - South Dakota

(Seal)

My Commission expires  
Jan. 21, 2021.

Filed this 9th day of  
July 2018  
  
SECRETARY OF STATE

# **Administrative Rule Changes for the State Board of Elections**

## **ARTICLE 5:02**

### **STATE BOARD OF ELECTIONS**

#### **Chapter**

- 5:02:03 Forms for registration.
- 5:02:04 Forms of notices.
- 5:02:06 Ballot forms and color.
- 5:02:08 Petitions.
- 5:02:09 Automatic tabulating equipment.
- 5:02:10 Absentee voting.

#### **CHAPTER 5:02:03**

##### **FORMS FOR REGISTRATION**

- 5:02:03:00 Repealed.
- 5:02:03:01 Voter registration form.
- 5:02:03:01.01 Repealed.
- 5:02:03:02 Repealed.
- 5:02:03:03 Repealed.
- 5:02:03:04 Repealed.
- 5:02:03:05 Repealed.
- 5:02:03:06 Repealed.
- 5:02:03:07 Repealed.
- 5:02:03:08 Repealed.

- 5:02:03:09 Repealed.
- 5:02:03:10 Repealed.
- 5:02:03:11 Repealed.
- 5:02:03:12 Agency voter registration instructions.
- 5:02:03:13 Voter registration instructions.
- 5:02:03:14 Acknowledgement notice for invalid or incomplete voter registration applications.
- 5:02:03:15 Acknowledgement notice for valid voter registrations.
- 5:02:03:16 Confirmation mailing notice.
- 5:02:03:17 Retention of confirmation mailing notice records.
- 5:02:03:18 Voter registration statistics.
- 5:02:03:19 Voter registration address verification notice.
- 5:02:03:20 Potential duplicate notice.
- 5:02:03:21 Statement by person registering without a driver license or social security number.
- 5:02:03:22 Parameters for voter registration verification with driver license records.
- 5:02:03:23 Parameters for voter registration verification with social security administration records.
- 5:02:03:24 Notice to removed felons.
- 5:02:03:25 Repealed.
- 5:02:03:26 National Change of Address Notice.
- 5:02:03:27 Voter Registration List Maintenance Confirmation Notice.

**5:02:03:19. Voter registration address verification notice.** The verification notice sent by nonforwardable, return-if-undeliverable mail to the mailing address of registered voters as required by SDCL 12-4-19 must contain the following:

- (1) Heading: **Voter Registration Address Verification Notice;**

(2) First instruction: (bold) **If this person no longer lives at this address, write check the box "No longer here" on the front of this card and place in a mailbox. Do not throw away.** (unbold);

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

(4) Second instruction: Please review the information on this card. If any of the information is not correct and you wish to change it, please call \_\_\_\_\_ to request a new voter registration form; and

(5) Postal endorsement: Return Service Requested.

**Source:** 25 SDR 8, effective August 3, 1998; 35 SDR 306, effective July 1, 2009.

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

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

## CHAPTER 5:02:04

### FORMS OF NOTICES

#### Section

- 5:02:04:01 Repealed.
- 5:02:04:02 Repealed.
- 5:02:04:03 Repealed.
- 5:02:04:04 Notice of deadline for voter registration.
- 5:02:04:05 Notice of general election.
- 5:02:04:06 Notice of vacancy for municipal election.
- 5:02:04:07 Repealed.
- 5:02:04:08 Notice of municipal election.
- 5:02:04:09 Notice of special election.

- 5:02:04:10 Notice of vacancy which may occur due to filing of recall petitions.
- 5:02:04:11 Notice of special recall election and of filing of nominating petitions for special recall election.
- 5:02:04:12 Repealed.
- 5:02:04:13 Notice of runoff election.
- 5:02:04:14 Notice of vacancy on school board.
- 5:02:04:15 Notice of school board election.
- 5:02:04:16 Notice of primary election.
- 5:02:04:17 Notice of deadline for filing primary nominating petitions.
- 5:02:04:18 Notice of statewide runoff election.
- 5:02:04:19 Publication of ballot for runoff election.
- 5:02:04:20 Repealed.
- 5:02:04:21 Repealed.
- 5:02:04:22 Notice of election for special district formation.
- 5:02:04:23 Notice of vacancy for newly incorporated municipal election.
- 5:02:04:24 Notice of vacancy for conservation district supervisor nominating petitions.

**5:02:04:17. Notice of deadline for filing primary nominating petitions.** Not less than ten nor more than fifteen days before the deadline for filing primary nominating petitions, the person in charge of the local election shall publish a notice in the following form:

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

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

The deadline for filing nominating petitions to run as an independent candidate in the general election is \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail

by \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. (mountain or central) time, it shall be considered filed. For the offices of (here list county offices) shall be filed in the office of the (insert name of county) county auditor and nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) shall be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501.

The deadline for filing nominating petitions to run as an independent candidate for president in the general election is \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. central time. If a petition is mailed by registered mail by \_\_\_\_\_, \_\_\_\_\_, at 5:00 p.m. central time, it shall be considered filed. (Only include this deadline in addition to the independent deadline above if it is a presidential election year.)

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

---

(County Auditor or County Finance Officer)

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

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

**Law Implemented:** SDCL 12-12-1.

**CHAPTER 5:02:06**

**BALLOT FORMS AND COLOR**

**Section**

- 5:02:06:01 General election.
- 5:02:06:01.01 Constitutional amendments.
- 5:02:06:01.02 Optical scan ballot instructions.
- 5:02:06:01.03 Optical scan ballot political party notation.
- 5:02:06:02 Repealed.
- 5:02:06:02.01 Repealed.
- 5:02:06:02.02 Repealed.

- 5:02:06:02.03 Repealed.
- 5:02:06:03 Judiciary.
- 5:02:06:03.01 Repealed.
- 5:02:06:03.02 Deadline for request to be on retention ballot.
- 5:02:06:04 Repealed.
- 5:02:06:04.01 Initiated measures and referred laws.
- 5:02:06:05 Repealed.
- 5:02:06:05.01 Repealed.
- 5:02:06:06 Repealed.
- 5:02:06:06.01 Repealed.
- 5:02:06:07 Transferred.
- 5:02:06:07.01 Transferred.
- 5:02:06:08 Sample ballots.
- 5:02:06:09 Party precinct committeeman and committeewoman.
- 5:02:06:10 Primary ballot.
- 5:02:06:10.01 Repealed.
- 5:02:06:10.02 Repealed.
- 5:02:06:11 Repealed.
- 5:02:06:12 Municipal election.
- 5:02:06:13 Municipal questions election.
- 5:02:06:14 Municipal bond election.
- 5:02:06:15 School board election.
- 5:02:06:16 Ballot for increasing or decreasing number of school board members.
- 5:02:06:17 Ballot for statewide runoff election.

- 5:02:06:18 Colors of ballots for combined elections.
- 5:02:06:19 Nonpolitical consumers power district election.
- 5:02:06:20 County, municipal, or school district tax levy opt-out ballot.
- 5:02:06:21 Special district formation ballot.
- 5:02:06:22 School district reorganization ballot.
- 5:02:06:23 Sanitary district election ballot.
- 5:02:06:24 Alternate optical scan ballot.
- 5:02:06:25 County questions election.
- 5:02:06:26 School district capital outlay certificates ballot.
- 5:02:06:27 School sentinel program ballot.
- 5:02:06:28 County annual tax levy for maintaining, repairing, constructing, and reconstructing roads and bridges ballot.

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

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

111111111111111111111111111111  
00000001

-----  
OFFICIAL \_\_\_\_\_ PARTY PRIMARY ELECTION BALLOT  
JUNE \_\_\_\_\_,  
\_\_\_\_\_ COUNTY, SOUTH DAKOTA  
PRECINCT \_\_\_\_\_  
-----

PRESIDENTIAL DELEGATES AND ALTERNATES-----  
CANDIDATES PREFERRING CANDIDATE A FOR PRESIDENT  
DELEGATE A, DELEGATE B, DELEGATE C,  
ALTERNATE A, ALTERNATE B, ALTERNATE C  
DELEGATES TO SUPPORT A PRESIDENTIAL CANDIDATE-----