

2026 Legislative Session – Bills:

- 1. An Act to modify provisions pertaining to absentee voting and to declare an emergency.**
 - a. This bill will establish that the 46-day absentee voting period only applies to statewide elections. Other elections will have at least 15 days of absentee voting when a specific absentee voting period is not defined.
 - b. This bill will allow county auditors to begin processing absentee ballots during regular office hours on the day before an election. Processing includes reviewing and validating signatures on absentee ballot envelopes, opening absentee ballot envelopes, stamping absentee ballots, and placing absentee ballots in ballot boxes.
 - c. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.
- 2. An Act to provide for the use of ballot on demand systems and to declare an emergency.**
 - a. This bill will allow county auditors to use ballot on demand systems as needed. Other political subdivisions may authorize the use of ballot on demand systems, with the only exception being that any political subdivision that has a combined election with a county must use any ballot on demand system authorized by the county auditor.
 - b. This bill exempts ballots produced by a ballot on demand system from any pre-printing or color requirements established by the State Board of Elections.
 - c. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.
- 3. An Act to provide for the release of a cast vote record and ballot image at the discretion of the county commission and to declare an emergency.**
 - a. This bill will allow county commissions to authorize the release of cast vote records and ballot images to the public. Provisions are included to ensure that county commissions cannot authorize the release of cast vote records and ballot images in situations where the secrecy of an individual's ballot may be jeopardized. All expenses associated with producing, storing, archiving, and releasing cast vote records and ballot images are the county's responsibility.
 - b. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.
- 4. An Act to allow an individual's right to vote to be challenged on the grounds that the individual is not a citizen of the United States and to declare an emergency.**
 - a. This bill will add citizenship as an allowable basis for a voter registration challenge, as introduced by SB 81.
 - b. This bill may be needed to allow South Dakota to use SAVE.
 - c. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.

5. **An Act to allow the secretary of state to utilize the Systematic Alien Verification for Entitlements Program to verify the citizenship status of an individual who applies to register as a voter of this state and to declare an emergency.**
 - a. This bill will allow the Secretary of State to utilize SAVE to verify the citizenship status of individuals who apply to register to vote in South Dakota.
 - b. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.
6. **An Act to clarify voter registration processes for individuals applying for a South Dakota driver license or nondriver identification card.**
 - a. Since DPS is adding an additional signature line to the voter registration section of their forms, this bill will clarify what should happen if that line is left blank.
 - b. A currently registered voter would not have anything changed, while a person registering to vote for the first time will have their registration processed as invalid/incomplete.
7. **An Act to provide for the use of a letter for voter list maintenance.**
 - a. This bill will allow county auditors to use letters when sending out notices as part of the list maintenance process.
 - b. This has been discussed with the State Board of Elections in the past, and the flexibility is something that auditors have been asking for.
8. **An Act to allow a candidate to run for a partisan public office and a nonpartisan public office at the same election and to declare an emergency.**
 - a. With city and school candidates being added to the primary and/or general election ballot, provisions limiting an individual's ability to run for different offices (e.g., Legislature and school board) would apply in cases where they previously did not.
 - b. This bill will allow individuals to run for nonpartisan offices (e.g., school board and city council) and partisan offices (e.g., Legislature) at the same time, as they have done been able to in the past.
 - c. An emergency clause is on this bill to ensure that it will be in effect during the 2026 statewide primary election.
9. **An Act to allow a candidate to qualify to have the candidate's name on the ballot through the payment of a fee.**
 - a. This bill will allow an individual to have their name placed on the primary election ballot (or the general election ballot for independents) through the payment of a fee instead of through the petition process. The petition process will remain an option.
 - b. Any money collected through this bill would go to the state general fund.
10. **An Act to provide uniformity for petition signature addresses.**
 - a. With the passage of HB 1256, an individual signing a statewide ballot question petition or a county/state candidate petition must provide their voter registration address. This requirement was not updated for other petitions, including county ballot question petitions, municipal petitions, school district petitions, etc.

- b. This bill will require an individual signing any type of petition to provide their voter registration address and specify that the address provided must be substantially the same as the address at which the individual is registered to vote on order for the signature to count.

11. An Act to update references to certain voter registration materials.

- a. This bill will update statutes in Title 12 that refer to “voter registration cards” to reflect the current use of a “voter registration form”.

12. An Act to designate a school district business manager as an official in charge of voter registration.

- a. This bill will allow school district business managers to receive voter registration forms, much like city finance officers are currently allowed to. This change will help facilitate the registration of younger voters.

13. An Act to modify and repeal separate ballot requirements for certain elections.

- a. This bill builds on SB 89, which repealed the requirement that judges be listed on a separate nonpolitical ballot. This bill will remove all of the separate ballot requirements that are still present in Title 12, including for precinct committeemen and committee women, constitutional amendments and initiated measures, and judicial primary elections.

14. An Act to modify signature requirements based on the number of votes received at the most recent gubernatorial election.

- a. This bill will simplify signature requirements based on the number of votes received at the most recent gubernatorial election by replacing them with new signature requirements based on the number of registered voters recorded on the second Tuesday of December.
- b. Partisan Statewide Candidates – 1% of the number of voters registered with their party or two thousand, whichever is less.
- c. Partisan Legislative or County Candidates – 1% of the number of voters registered with their party in the county or district or fifty, whichever is less.
- d. Independent Statewide Candidates – 0.5% of the total number of voters registered in the state or three thousand five hundred, whichever is less.
- e. Independent Legislative or County Candidates – 0.5% of the total number of voters registered in the county or district or one hundred fifty, whichever is less.
- f. Formation of a New Political Party – 1% of the total number of voters registered in the state or three thousand five hundred, whichever is less.

15. An Act to modify and repeal provisions relating to single-subject determinations for ballot questions.

- a. This bill will remove the requirement that the Secretary of State certify whether a proposed ballot question addresses only a single subject. Currently, both the Director of the Legislative Research Council and the Secretary of State are required to determine whether a proposed ballot question addresses only a single subject.

16. An Act to clarify certain provisions pertaining to municipal and school elections.

- a. This bill will define the term “combined election” to mean “an election that includes contests from at least two governmental subdivisions that are voted on at the same time, in the same polling location, and on the same ballot.”
- b. This bill will define the term “In conjunction with” to mean “an election that includes contests from at least two governmental subdivisions that are voted on at the same time, and in the same polling location.”
- c. This bill will give cities and schools the option to hold an election that is either combined with a county election or held in conjunction with a county election, clearing up some of the confusion surrounding whether cities and schools must place their contests on the county ballot while still giving them some flexibility.

17. An Act to amend certain dates pertaining to municipal and school elections.

- a. This bill amends election dates established in Title 9 and Title 13 to ensure that they are both reasonable and more closely aligned with the dates used for county elections.
- b. This bill will generally make it easier to calculate election dates and will also fix issues like the requirement that cities and schools publish vacancy notices in December, prior to the deadline for them to set their election dates.