

## **ARTICLE 5:02**

### **STATE BOARD OF ELECTIONS**

#### Chapter

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**5:02:03:01. (Effective through December 31, 2025) Voter registration form.** The voter registration form must be legibly printed, and a county may create a large print version. The voter registration form must be printed on one or more pages that are eight-and-a-half-inch-wide by eleven-inch-tall paper containing the following information:

- (1) The deadline for voter registration;
- (2) Whether the applicant is a U.S. citizen;
- (3) Whether the applicant has ~~been a resident of South Dakota~~ had, in this state, an actual fixed permanent dwelling, establishment, or any other abode where the applicant lives and usually sleeps for at least thirty consecutive days at the time of the election;
- (4) Whether the applicant is a resident of only one place;
- (5) Whether the applicant is or will be eighteen years of age at the next election;
- (6) The applicant's name;
- (7) The applicant's residence or voting address in South Dakota;
- (8) The applicant's mailing address if different than the applicant's residence or voting address;
- (9) "If you live in a rural area and do not have a street address; if your residence address is a PO Box, rural box, or general delivery; or if you have no address, please describe the physical location of your residence in writing in the space below, which may include writing the names of the streets or intersections nearest to where you live and listing any landmarks (e.g., schools, churches, stores) near where you live. If you run out of room, or if you want to draw a map to pinpoint your residence and you do not have enough room in the space provided, use the back of this form";
- (10) The applicant's date of birth;
- (11) The applicant's telephone number (optional);

(12) The applicant's email address (optional);

(13) The applicant's current South Dakota driver license number or South Dakota nondriver identification number;

(14) If the applicant does not have a current South Dakota driver license number or a nondriver identification number, the last four numbers of the applicant's SSN;

(15) The applicant's choice of party (optional);

(16) The following as depicted on the applicant's previous voter registration if the applicant seeks to cancel the applicant's prior voter registration:

(a) Name;

(b) Address;

(c) Driver license or nondriver identification number and state, or last four numbers of SSN;

and

(d) County; and

(17) A signed statement declaring under the penalty of perjury that the applicant:

(a) Is a citizen of the United States of America;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a resident of the state of South Dakota;

(d) Has not been judged mentally incompetent;

(e) Is not currently serving a sentence for a felony conviction;

(f) Has complied with South Dakota law regarding registration of voters, pursuant to SDCL

chapter 12-4; and

(g) Authorizes the cancellation of a previous registration, if applicable.

Secretary of State's Office shall create and produce a voter registration form containing the above information and distribute it to the county auditors.

**Source:** 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 31 SDR 214, effective July 4, 2005; 32 SDR 225, effective July 3, 2006; 35 SDR 48, effective September 8, 2008; 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016; 46 SDR 42, effective September 30, 2019; 49 SDR 47, effective November 21, 2022; 49 SDR 89, effective May 1, 2023; 50 SDR 12, effective August 8, 2023; 51 SDR 141, effective July 1, 2025.

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

**Law Implemented:** SDCL 12-3-1, 12-4-1.2, 12-4-1.3, 12-4-3, 12-4-5.4, 12-4-6, 12-4-8, 12-4-15, 12-20-1.1.

**5:02:03:01. (Effective January 1, 2026) Voter registration form.** The voter registration form must be legibly printed, ~~and a county may create a large print version. The voter registration form must be printed~~ on one or more pages that are eight-and-a-half-inch-wide by eleven-inch-tall paper ~~containing the following information and contain:~~

- (1) The deadline for voter registration;
- (2) Whether the applicant is a U.S. citizen;
- (3) Whether the applicant has ~~been a resident of South Dakota~~ had, in this state, an actual fixed permanent dwelling, establishment, or any other abode where the applicant lives and usually sleeps for at least thirty consecutive days at the time of the election;
- (4) Whether the applicant is a resident of only one place;
- (5) Whether the applicant ~~is or~~ will be at least eighteen years of age at the time of the next election;
- (6) The applicant's name;
- (7) The applicant's residence or voting address in South Dakota;
- (8) The applicant's mailing address if different than the applicant's residence or voting address;
- (9) "If you live in a rural area and do not have a street address; if your residence address is a PO Box, rural box, or general delivery; or if you have no address, please describe the physical location of your residence in writing in the space ~~below~~ provided, which may include writing the names of the streets or intersections nearest to where you live and listing any landmarks (e.g., schools, churches, stores) near where you live. If you run out of room, or if you want to draw a map to pinpoint your residence and you do not have enough room in the space provided, use the back of this form";

(10) "If you use a commercial mail receiving agency, mail forwarding service, or other post office box as your residence or voting address without a description of the location of your habitation, you may be registered only as a federal voter":

~~(10)~~(11) The applicant's date of birth;

~~(11)~~(12) The applicant's telephone number (optional);

~~(12)~~(13) The applicant's email address (optional);

~~(13)~~(14) The applicant's current South Dakota driver license number or South Dakota nondriver identification card number;

~~(14)~~(15) If the applicant does not have a current South Dakota driver license number or ~~a~~ South Dakota nondriver identification card number, the last four numbers of the applicant's SSN;

~~(15)~~(16) The applicant's choice of party (optional);

~~(16)~~(17) The following as depicted on the applicant's previous voter registration if the applicant seeks to cancel the applicant's prior voter registration:

(a) Name;

(b) Address;

(c) Driver license or nondriver identification card number and state, or last four numbers of SSN; and

(d) County; and

~~(17)~~(18) A signed statement declaring under the penalty of perjury that the applicant:

(a) Is a citizen of the United States of America;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a resident of the state of South Dakota;

(d) Has not been judged mentally incompetent;

- (e) Is not currently serving a sentence for a felony conviction;
- (f) Has complied with South Dakota law regarding registration of voters, pursuant to SDCL chapter 12-4; and
- (g) Authorizes the cancellation of a previous registration, if applicable.

The Secretary of State's Office shall ~~create and~~ produce a voter registration form containing the above information and distribute ~~it~~ the form to the county auditors. A county auditor may create a large print version of the voter registration form.

**Source:** 2 SDR 5, effective July 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 23 SDR 115, effective January 22, 1997; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 31 SDR 214, effective July 4, 2005; 32 SDR 225, effective July 3, 2006; 35 SDR 48, effective September 8, 2008; 39 SDR 123, effective January 16, 2013; 42 SDR 178, effective July 1, 2016; 46 SDR 42, effective September 30, 2019; 49 SDR 47, effective November 21, 2022; 49 SDR 89, effective May 1, 2023; 50 SDR 12, effective August 8, 2023; 51 SDR 141, effective July 1, 2025.

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

**Law Implemented:** SDCL 12-3-1, 12-4-1.2, 12-4-1.3, 12-4-3, 12-4-5.4, 12-4-6, 12-4-8, 12-4-15, 12-20-1.1.



## CHAPTER 5:02:08

### PETITIONS

#### Section

- 5:02:08:00 Guidelines for acceptance of petitions.
- 5:02:08:00.01 Requirements for counting signatures on petitions.
- 5:02:08:00.02 Petitions.
- 5:02:08:00.03 Form of petition.
- 5:02:08:00.04 Validity of petition signature when signer has signed more petitions than offices to be nominated.
- 5:02:08:00.05 Methodology for conducting the random sample for a statewide candidate, initiative petition, referred law petition, or initiated constitutional amendment petition.
- 5:02:08:01 Form of nominating petition -- Partisan election.
- 5:02:08:01.01 Certification of partisan candidate for lieutenant governor.
- 5:02:08:02 Form of petition for circuit court judge -- Nonpartisan election.
- 5:02:08:03 Repealed.
- 5:02:08:04 Repealed.
- 5:02:08:05 Certificate of nomination for Independent candidate.
- 5:02:08:05.01 Independent candidate declaration of candidacy and certification of running mate.
- 5:02:08:06 Form of declaration for new political party.
- 5:02:08:07 Form of initiative petition.

- 5:02:08:07.01 Affidavit to be filed with completed initiative, referendum, or initiated constitutional amendment petition.
- 5:02:08:07.02 Affidavit to be submitted with initiative, referendum, or initiated constitutional amendment petition to be circulated.
- 5:02:08:08 Form of referendum petition.
- 5:02:08:09 Form of initiated constitutional amendment petition or initiated petition for repeal of constitutional provision.
- 5:02:08:10 Repealed.
- 5:02:08:11 Nominating petition for school board member.
- 5:02:08:12 Reserved.
- 5:02:08:13 Nominating petition for municipal election.
- 5:02:08:14 Repealed.
- 5:02:08:15 Municipal initiative petition.
- 5:02:08:16 Municipal referendum petition.
- 5:02:08:17 Municipal petition for recall.
- 5:02:08:18 County initiative petition.
- 5:02:08:19 County referendum petition.
- 5:02:08:20 Certificate of nomination for Independent presidential electors.
- 5:02:08:21 Form of petition to increase or decrease number of county commissioners.
- 5:02:08:22 Form of petition to increase or decrease number of members of school board.
- 5:02:08:23 Form of petition for change in municipal government.
- 5:02:08:24 Form of petition for water development district director.
- 5:02:08:25 Form of petition for irrigation district director by division.

5:02:08:26 Form of petition for irrigation district director at large.

5:02:08:27 Form of petition for water project district director by division.

5:02:08:28 Form of petition for water project district director at large.

5:02:08:29 Form of petition for school district reorganization through dissolution.

5:02:08:30 Form of petition for multiple school district reorganization to create a new district.

5:02:08:31 Form of petition for reconsideration of rejected school district reorganization plan.

5:02:08:32 Form of petition for combining county offices.

5:02:08:33 Form of petition for combining a county office with the same office in other counties.

5:02:08:34 Form of nominating petition for township election.

5:02:08:35 Form of nominating petition for special district trustee.

5:02:08:36 Form of petition for conservation district supervisor -- Nonpartisan election.

5:02:08:37 Repealed.

5:02:08:38 Repealed.

5:02:08:39 Form of petition for organization of a county road, ambulance, rural fire protection, sanitary, watershed, or water project district.

5:02:08:40 Form of petition for a resolution of cooperation or consolidation.

5:02:08:41 Form of petition for referring a tax levy opt-out.

5:02:08:42 Form of petition for consumers power district director.

5:02:08:43 Form of petition for establishing or eliminating school board representation areas.

- 5:02:08:44 Form of petition for referring the discontinuance of an attendance center.
- 5:02:08:45 Form for precinct committeeman or committeewoman statement of candidacy.
- 5:02:08:46 Form of petition for a school board to implement a school sentinel program.

**5:02:08:00.01. Requirements for counting signatures on petitions.**~~Requirements for counting signatures on a petition sheet are as follows:~~

~~—(1) No signature on a petition sheet may be counted if one of the following conditions is present:~~

~~—(a) The form of the petition does not meet the requirements of this chapter;~~

~~—(b) The petition sheet is not a self-contained sheet of paper printed front and back;~~

~~—(c) 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 (2)(c) of this section, and the complete date;~~

~~—(d) The declaration of candidacy has not been completed on or after the first date authorized by law to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in this state; or~~

~~—(e) The circulator's verification was signed by more than one circulator;~~

~~—(f) A petition for a legislative candidate must include the district number and whether the candidate is running for senate or house; and~~

~~—(2) An individual signature on a petition sheet may not be counted if one of the following conditions is present:~~

~~—(a) 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;~~

~~—(b) It was signed after the circulator completed the verification;~~

~~—(c) 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;~~

~~—(d) The date of signing, including month and day, is not indicated;~~

~~—(e) The signer's name is not printed and legible; or~~

~~—(f) The signer's county of voter registration is not provided. A signature on a petition sheet may not be counted if:~~

~~(1) The form of the petition does not meet the requirements of this chapter;~~

~~(2) The petition sheet is not a self-contained sheet of paper printed front and back;~~

~~(3) The circulator's verification, as described in § 5:02:08:00, is not completed or is improperly completed, 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, and the complete date;~~

~~(4) The declaration of candidacy was not:~~

~~(a) Completed on or after the first date authorized by law to circulate the petition; or~~

~~(b) Signed by the candidate or the signature was not witnessed by an official empowered to administer oaths in this state;~~

~~(5) The circulator's verification was signed by more than one circulator;~~

- (6) On a petition for a legislative candidate, the petition does not include:
- (a) The number of the district for which the candidate is running; or
- (b) Whether the candidate is running for senate or house;
- (7) The individual signed the petition prior to when, as applicable:
- (a) The candidate signed the candidate's declaration of candidacy; or
- (b) A copy of the text of a statewide ballot question was filed with the secretary of state;
- (8) The signature was applied after the circulator completed the verification;
- (9) The residence address of the individual signing the petition does not include:
- (a) A street address and house number or a rural route and box number and the town where the individual is resident, or if the individual is a resident of a second- or third-class municipality, a post office box number; or
- (b) A description of the individual's residence location, if the individual does not have a residence address or post office box number;
- (10) On a petition for a statewide ballot question, the address provided by the individual is not substantially the same as the address at which the individual is currently registered to vote;
- (11) The date of signing, including month and day, is not indicated;
- (12) The signer's name is not printed or is not legible; or
- (13) The signer's county of voter registration is not provided.

**Source:** 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 33

SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008; 44 SDR 94, effective December 4, 2017; 46 SDR 42, effective September 30, 2019.

**General Authority:** SDCL 12-1-9(6).

**Law Implemented:** SDCL 2-1-15, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 13-7-6.



**5:02:08:01.01. Certification of partisan candidate for lieutenant governor.** The certification of a partisan candidate for lieutenant governor must be in the following form:

**PARTY CANDIDATE FOR GOVERNOR**

**CERTIFICATION OF CANDIDATE FOR LIEUTENANT GOVERNOR**

I, \_\_\_\_\_, under oath, declare that I have been duly nominated as a candidate for Governor by the \_\_\_\_\_ Party. I certify that I have nominated \_\_\_\_\_ as my candidate for lieutenant governor.

\_\_\_\_\_  
Governor Candidate Signature

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

(Seal) \_\_\_\_\_

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

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

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

I, \_\_\_\_\_, under oath, declare that I am eligible to seek the office of lieutenant governor, and agree to serve as a candidate for this office.

\_\_\_\_\_  
Lieutenant Governor Candidate Signature

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

(Seal) \_\_\_\_\_

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

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

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


**Source:**

**General Authority:** SDCL 12-1-9(7), 12-5-21.1

**Law Implemented:** 12-5-21.1

**5:02:10:01. (Effective through December 31, 2025) Application for absentee ballot. The**

application for an absentee ballot must be in the following form:


 <b>South Dakota Absentee Ballot Application Form</b> _____ County			
<b>Please print and return to the county auditor in the county you are registered. A new application must be completed EACH calendar year.</b>			
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		City, State
3	Absentee ballot mailing address (if different from Section #2)		City, State
4	SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR: <i>If your address changes after this is submitted, you must submit a new form.</i> <input type="checkbox"/> All <input type="checkbox"/> General <input type="checkbox"/> Primary <input type="checkbox"/> Municipal <input type="checkbox"/> School <input type="checkbox"/> Any Other You will receive the Primary Election ballot of your party registration, if one is available. If you are registered as an independent/no party affiliation and are requesting a Primary Election ballot, you may have a choice of the following: <input type="checkbox"/> Democratic <input type="checkbox"/> Libertarian <input type="checkbox"/> Non-Political <b>(You can only mark one selection.)</b>		
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. <input type="checkbox"/> YES <input type="checkbox"/> NO I am a full-time student who resided in that jurisdiction prior to leaving. <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>MILITARY AND OVERSEAS CITIZENS ONLY:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am an eligible spouse or dependent of a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a U.S. citizen residing outside the United States If you checked no for all questions, proceed to section #7. If you would like your ballot sent electronically (for Primary and General Elections ONLY) instead of first class mail, provide your e-mail address: E-mail address <b>(MILITARY AND OVERSEAS CITIZENS ONLY):</b> *An overseas military, overseas citizen, or stateside military, a spouse or dependent of the same, voter is not required to submit a photocopy of the voter's ID. *Any military and overseas voter may submit a signed application for absentee ballot by fax or e-mail.			
6	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 <b>OR</b> <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 me before this _____ day of _____, 20_____. (Seal) Notary Signature _____ My commission expires _____		
7	Voter's Signature (required) _____ Voter's Date of Signing (required): ____/____/____ Month / Day / Year		
<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...			
8	Last Name	First Name	Daytime telephone
	Address	Apt. or Lot #	City, State
			Zip Code
...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? <input type="checkbox"/> YES <input type="checkbox"/> NO	
_____ Voter's Signature		_____ Authorized Messenger's Signature	

**Source:** 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 112, effective January 11, 2010; 36 SDR 209, effective June 30, 2010; 40 SDR 40, effective September 9, 2013; 44 SDR 94, December 4, 2017; 47 SDR 37, effective October 6, 2020 (effective December 1, 2020).

**General Authority:** SDCL 12-1-9(4), 12-19-2.

**Law Implemented:** SDCL 9-13-4.1, 12-18-6.1, 12-19-2, 12-19-2.1, 12-19-2.2, 13-7-4.2.

5:02:10:01. (Effective January 1, 2026) Application for absentee ballot. ~~The application for an absentee ballot must be in the following form.~~

 <b>South Dakota Absentee Ballot Application Form</b> _____ County			
<b>Please print and return to the county auditor in the county you are registered. A new application must be completed EACH calendar year.</b> 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 <a href="http://sdsos.gov">sdsos.gov</a> .			
1	Last Name	First Name	Middle Name(s)/Initial
2	Voter Registration Address		City, State
3	Apt. or Lot #		Zip Code
3	Absentee ballot mailing address (if different from Section #2)		City, State
3			Zip Code
<b>SELECT THE ELECTION(S) YOU ARE REQUESTING AN ABSENTEE BALLOT FOR:</b> <i>If your address changes after this is submitted, you must submit a new form.</i> <input type="checkbox"/> All <input type="checkbox"/> General <input type="checkbox"/> Primary <input type="checkbox"/> Municipal <input type="checkbox"/> School <input type="checkbox"/> Any Other You will receive the Primary Election ballot of your party registration, if one is available. If you are registered as an independent/no party affiliation and are requesting a Primary Election ballot, you may have a choice of the following: <input type="checkbox"/> Democratic <input type="checkbox"/> Libertarian <input type="checkbox"/> Non-Political (You can only mark one selection.)			
4	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. <input type="checkbox"/> YES <input type="checkbox"/> NO I am a full-time student who resided in that jurisdiction prior to leaving. <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>MILITARY AND OVERSEAS CITIZENS ONLY:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am an eligible spouse or dependent of a member of the Uniformed Services or Merchant Marine on active duty <input type="checkbox"/> YES <input type="checkbox"/> NO - I am a U.S. citizen residing outside the United States If you checked no for all questions, proceed to section #7. If you would like your ballot sent electronically (for Primary and General Elections ONLY) instead of first class mail, provide your e-mail address:			
6	E-mail address (MILITARY AND OVERSEAS CITIZENS ONLY): _____ *An overseas military, overseas citizen, or stateside military, a spouse or dependent of the same, voter is not required to submit a photocopy of the voter's ID. *Any military and overseas voter may submit a 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 me before this _____ day of _____, 20____. (Seal) Notary Signature _____ My commission expires _____		
Voter's Signature (required) _____ Voter's Date of Signing (required): _____ / _____ / _____ Month / Day / Year			
<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...			
8	Last Name	First Name	Daytime telephone
8	Address		City, State
8	Apt. or Lot #		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.		
8	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? <input type="checkbox"/> YES <input type="checkbox"/> NO		
_____ Voter's Signature		_____ Authorized Messenger's Signature	

The Secretary of State's Office shall produce an absentee ballot application form and distribute the form to the county auditors. The absentee ballot application form must contain the deadline for an applicant to request an absentee ballot, instructions for an applicant to request an absentee ballot, and space where the applicant may provide:

(1) The applicant's name;

(2) The applicant's voter registration address;

(3) If the applicant's voter registration address is a commercial mail receiving agency, mail forwarding service, or other post office box, a description of the location of the applicant's residence in accordance with the following instructions:

(a) "If you live in a rural area and do not have a street address; if your residence address is a commercial mail receiving agency, mail forwarding service, or other post office box; or if you have no address, please describe the physical location of your residence in writing or by drawing a map, which may include writing the names of the streets or intersections nearest to where you live and listing any landmarks (e.g., schools, churches, stores) near where you live, in the space provided"; and

(b) "Failure to provide a description of the location of your residence will give rise to the presumption that you are not a resident of this state for the purposes of SDCL 12-1-4 and will result in you being designated a federal voter";

(4) The applicant's mailing address, if different from the applicant's voter registration address;

(5) The applicant's telephone number;

(6) The applicant's email address;

(7) The election or elections for which the applicant intends to request a ballot;

(8) For an applicant who is registered as an independent or no party affiliation voter and intends to request a ballot for a primary election, the type of ballot that the applicant intends to request;

(9) For an applicant who intends to request a ballot for a municipal or school election, an affirmation that the applicant:

(a) Has lived in the jurisdiction for at least thirty days in the last year;

(b) Is a full-time postsecondary education student who resided in the jurisdiction immediately prior to leaving for the postsecondary education; or

(c) Is on active duty as a member of the armed forces whose home of record is within the jurisdiction;

(10) Whether the applicant is:

(a) A member of the Uniformed Services or Merchant Marine on active duty;

(b) An eligible spouse or dependent of a member of the Uniformed Services or Merchant Marine on active duty; or

(c) A United States citizen residing outside the United States;

(11) For an applicant in a class listed in subdivision (10) of this section, whether the applicant intends to have a ballot sent electronically;

(12) Verification of the applicant's identity through:

(a) An oath affirming the validity of the information in the application, administered by a notary public or other officer authorized by this state to administer an oath or administered by an out-of-state notary public; or

(b) A copy of a valid form of personal identification, including a South Dakota driver license or South Dakota nondriver identification card; a passport or 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 South Dakota high school or postsecondary education institution;

(13) The applicant's signature;

(14) The date on which the applicant signed the absentee ballot application form;

(15) Authorization for an individual to serve as an authorized messenger on behalf of the applicant and:

(a) The individual's name;

(b) The individual's address; and

(c) The individual's telephone number;

(16) Acknowledgement by the individual designated to serve as an authorized messenger that the applicant's ballot was received, including the date and time of receipt;

(17) Whether the individual designated to serve as an authorized messenger is serving as an authorized messenger for any other voter; and

(18) The signature of the individual serving as an authorized messenger.

**Source:** 2 SDR 46, effective December 30, 1975; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 19 SDR 12, effective August 5, 1992; 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 23 SDR 236, effective July 17, 1997; 25 SDR 8, effective August 3, 1998; 25 SDR 167, effective July 6, 1999; 29 SDR 177, effective July 2, 2003; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 112, effective January 11, 2010; 36 SDR 209, effective June



30, 2010; 40 SDR 40, effective September 9, 2013; 44 SDR 94, December 4, 2017; 47 SDR 37, effective October 6, 2020 (effective December 1, 2020).

**General Authority:** SDCL 12-1-9(4), 12-19-2.

**Law Implemented:** SDCL 9-13-4.1, 12-4-1.3, 12-18-6.1, 12-19-2, 12-19-2.1, 12-19-2.2, 13-7-4.2.

**5:02:10:01.03. (Effective through December 31, 2025) Combined absentee ballot application/return envelope.** The application for an in-office absentee ballot shall be printed in the following form on an envelope used for sealing the voted ballot:

**APPLICATION FOR IN-OFFICE ABSENTEE BALLOT**

\_\_\_\_\_ **COUNTY, SOUTH DAKOTA**

My printed name as it appears on the voter registration list is: \_\_\_\_\_

My voter registration residence address is: \_\_\_\_\_

(address)

(city)

Check the election for which you are requesting an absentee ballot:

☐ Primary    If you are registered as an independent and are requesting a primary ballot, you may

have a choice of ballots. Please check one of the following: ☐ Non-political ballot

or ☐ Democratic Party ballot

☐ General

☐ Municipal

☐ School

☐ Special \_\_\_\_\_(specify jurisdiction)

If request is for a municipal or school election:

I have lived in that jurisdiction at least 30 days in the last year.    Yes ☐    No ☐

I am a full-time postsecondary student who resided in that jurisdiction immediately prior to leaving  
for postsecondary education.    Yes ☐    No ☐

I am on active duty military and my home of record is in that jurisdiction.    Yes ☐    No ☐

I, under penalty of impersonating a registered voter (5 years imprisonment and \$10,000 fine), state  
that I am the person named above, these statements made by me are true and correct, and that I  
will vote the ballot which will be enclosed in this envelope.

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

\_\_\_\_\_  
Date

## **INSTRUCTIONS TO THE VOTER**

- Mark your ballot privately.
- Do not fold your ballot.
- Place your ballot in this envelope and seal it securely.
- Return the envelope immediately to the person in charge of the election.

### **Auditor Office Use Only:**

Voter Precinct: \_\_\_\_\_

Type of ID: \_\_\_\_\_

Printers Note: When this form is printed for primary, general, or other county elections, reference to municipal and school elections may be omitted. The instruction to "not fold your ballot" may be changed if the ballot is to be folded.

**Source:** 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

**General Authority:** SDCL 12-1-9(8), 12-19-2.5.

**Law Implemented:** SDCL 12-19-2, 12-19-2.1, 12-19-9.1, 12-19-2.5, 12-26-7, 22-6-1.

**5:02:10:01.03. (Effective January 1, 2026) Combined absentee ballot application/return envelope.** The application for an in-office absentee ballot ~~shall~~ must be printed in the following form on an envelope used for sealing the voted ballot:

**APPLICATION FOR IN-OFFICE ABSENTEE BALLOT**

\_\_\_\_\_ **COUNTY, SOUTH DAKOTA**

My printed name as it appears on the voter registration list is: \_\_\_\_\_

My voter registration residence address is: \_\_\_\_\_

(address)

(city)

If your voter registration address is a commercial mail receiving agency, mail forwarding service, or other post office box, please provide a description of the location of your residence in the space provided: \_\_\_\_\_

Check the election for which you are requesting an absentee ballot:

☐ Primary    If you are registered as an independent or no party affiliation voter and are requesting a primary ballot, you may have a choice of ballots. Please ~~check~~ choose one of the following: ~~☐ Non-political ballot or ☐ Democratic Party ballot~~ (Here list ballot choices.)

☐ General

☐ Municipal

☐ School

☐ Special \_\_\_\_\_ (specify jurisdiction)

If request is for a municipal or school election:

       I have lived in that jurisdiction at least 30 days in the last year.    Yes ☐    No ☐

       I am a full-time postsecondary student who resided in that jurisdiction immediately prior to  
leaving for postsecondary education.    Yes ☐    No ☐

       I am on active duty ~~military~~ as a member of the armed forces and my home of record is in that  
jurisdiction.    Yes ☐    No ☐

I, under penalty of impersonating a registered voter (~~5 years imprisonment and \$10,000 fine~~ 2 years imprisonment and \$4,000 fine), state that I am the person named above, these statements made by me are true and correct, and that I will vote the ballot which will be enclosed in this envelope.

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

\_\_\_\_\_  
Date

## INSTRUCTIONS TO THE VOTER

- Mark your ballot privately.
- Do not fold your ballot.
- Place your ballot in this envelope and seal it securely.
- Return the envelope immediately to the person in charge of the election.

**Auditor Office Use Only:**

Voter Precinct: \_\_\_\_\_

Type of ID: \_\_\_\_\_

~~Printers-Printer's~~ Note: When this form is printed for primary, general, or other county elections, reference to municipal and school elections may be omitted. The instruction to "not fold your ballot" may be changed if the ballot is to be folded.

**Source:** 32 SDR 225, effective July 3, 2006; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

**General Authority:** SDCL 12-1-9(8), 12-19-2.5.

**Law Implemented:** SDCL 12-4-1.3, 12-19-2, 12-19-2.1, ~~12-19-9.1~~, 12-19-2.5, 12-19-9.1, 12-26-7, 22-6-1.

**5:02:19:05. Candidate's petition for recount.** ~~A petition for recount on a race that involves any candidate whose nominating petition was submitted in a county auditor's office to be placed on a primary or general election ballot shall be submitted with the applicable county auditor(s). A statewide candidate or candidate voted on in more than one county (not including municipal, school, or legislative candidates) shall file the petition with the secretary of state.~~ A candidate's petition for recount ~~shall~~ must be in the following form:

### CANDIDATE'S PETITION FOR RECOUNT

I, \_\_\_\_\_, candidate for the office of \_\_\_\_\_, believe that a recount will change the result of the election held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and I petition for a recount of all votes cast for this office in every precinct which has not previously been recounted.

(Signed)\_\_\_\_\_

STATE OF SOUTH DAKOTA     )

)   SS     VERIFICATION

COUNTY OF \_\_\_\_\_     )

I, \_\_\_\_\_, under oath, state that I read and signed the foregoing petition and know its contents and that, to the best of my knowledge and belief, the statement is true.



(Signed)\_\_\_\_\_

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

(Seal)

\_\_\_\_\_

Officer Administering Oath

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

\_\_\_\_\_

Title of Officer Administering Oath

**Source:** 6 SDR 25, effective September 24, 1979; 16 SDR 20, effective August 10, 1989; 42 SDR 15, effective August 11, 2015; 44 SDR 94, effective December 4, 2017.

**General Authority:** SDCL 12-1-9.

**Law Implemented:** SDCL 12-21-10, 12-21-11, 12-21-12.

## **CHAPTER 5:02:24**

### **VOTER REGISTRATION CHALLENGES**

#### **Section**

**5:02:24:01 Combined application form and affidavit.**

**5:02:24:02 Documentation required for challenge.**

**5:02:24:03 Documentation required to rebut challenge.**

**5:02:24:04 Process to establish validity of challenge.**

**5:02:24:05 Challenged voter qualification hearing.**

**5:02:24:06 Resolution of challenge.**

**5:02:24:01. Combined application form and affidavit.** The Secretary of State's Office shall produce a combined application form and affidavit to challenge the right to vote of any registered voter and distribute the form to the county auditors. The combined application form and affidavit must contain:

(1) The following information about the individual filing the challenge:

(a) Name;

(b) Voter registration address;

(c) Telephone number; and

(d) Email address;

(2) The name of the challenged voter;

(3) One or more of the following regarding the challenged voter:

(a) Voter identification number;

(b) Social security number;

(c) South Dakota driver license or South Dakota nondriver identification card number;

(d) Passport number; or

(e) Year of birth;

(4) The voter registration address of the challenged voter;

(5) One or more of the following reasons for the challenge:

(a) The challenged voter is disqualified from voting, pursuant to SDCL 12-4-18;

(b) The challenged voter is deceased;

(c) The challenged voter has voted or registered to vote in another state; or

(d) The challenged voter is not a resident of South Dakota, as defined in SDCL 12-1-4;

(6) A list of the documentation provided with the combined application form and affidavit to demonstrate the insufficiency of the challenged voter's qualifications;

(7) The following oath, which must be administered by a notary public or another official authorized by this state to administer an oath: "I, \_\_\_\_\_, under oath, attest that, to the best of my personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter described herein is not qualified to vote and should be removed from the master registration file, pursuant to SDCL 12-4-58 to 12-4-63, inclusive. I attest that this application is not based on an unsupported allegation or the allegation of an anonymous third party. I understand that this application and the attached documentation may be provided to the challenged voter, and that the challenged voter may request a hearing to demonstrate their qualifications as a registered voter";

(8) The date the application was filed with the county auditor, and indicate:

(a) If the voter is challenged for the reasons listed in subsection (5)(a) or (5)(b) of this section, whether the application was filed at least thirty days before an election; or

(b) If the voter is challenged for the reasons listed in subsection (5)(c) or (5)(d) of this section, whether the application was filed at least ninety days before an election; and

(9) The county in which the individual filing the challenge is registered to vote, and indicate:

(a) Whether the individual filing the challenge is registered to vote in South Dakota, and is thereby eligible to file a challenge based on subsection (5)(a) or (5)(b) of this section; or

(b) Whether the individual filing the challenge is registered to vote in the same county as the challenged voter, and is thereby eligible to file a challenge based on subsection (5)(c) or (5)(d) of this section.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-60.

**Law Implemented:** SDCL 12-4-58 to 12-4-61, inclusive.

**5:02:24:02. Documentation required for challenge.** If an individual files a combined application form and affidavit, the individual shall provide the county auditor with an original or a photocopy of at least one of the following documents to demonstrate the insufficiency of the challenged voter's qualifications:

(1) If the combined application form and affidavit asserts that the challenged voter is disqualified from voting, pursuant to SDCL 12-4-18:

(a) A court order declaring the challenged voter to be mentally incompetent; or

(b) A record of a felony conviction in a state or federal court;

(2) If the combined application form and affidavit asserts that the challenged voter is deceased:

(a) An obituary; or

(b) A death certificate;

(3) If the combined application form and affidavit asserts that the challenged voter has voted or registered to vote in another state:

(a) A voter file obtained from an election official in another state indicating that the challenged voter is registered to vote in the state; or

(b) A voter history file obtained from an election official in another state indicating that the challenged voter has voted or offered to vote at any election held in the state; or

(4) If the combined application form and affidavit asserts that the challenged voter is not a resident of South Dakota, as defined in SDCL 12-1-4:

(a) A driver license or nondriver identification card issued by another state;

(b) A resident hunting, fishing, or trapping license issued by another state;

(c) A national change of address with the United States Post Office indicating that the challenged voter has moved to another state;

(d) State or county records for a property owned by the challenged voter in another state indicating that the property is subject to a homestead exemption;

(e) Tax documents indicating that the challenged voter is a resident of another state for the purpose of taxation; or

(f) A completed residency affidavit or certificate from another state.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-60.

**Law Implemented:** SDCL 12-4-58 to 12-4-61, inclusive.

**5:02:24:03. Documentation required to rebut challenge.** For a challenged voter to demonstrate the sufficiency of the voter's qualifications, the voter must provide the county auditor with an original or a photocopy of the voter's South Dakota driver license or South Dakota nondriver identification card, Social Security Administration account number card, passport or identification card issued by an agency of the United States Government, or tribal identification card issued by a federally recognized Indian tribe located wholly or partially within South Dakota and:

(1) If the combined application form and affidavit asserts that the challenged voter was declared mentally incompetent, pursuant to SDCL 12-4-18, a court order declaring that the challenged voter has been restored to competency;

(2) If the combined application form and affidavit asserts that the challenged voter was convicted of a felony in a state or federal court, pursuant to SDCL 12-4-18, records from the Unified Judicial System, the Department of Corrections, or the federal court or penitentiary system indicating that the challenged voter has completed the entire sentence imposed on the voter for a felony conviction;

(3) If the combined application form and affidavit asserts that the voter is deceased, an affidavit signed by the challenged voter affirming that the voter is not deceased;

(4) If the combined application form and affidavit asserts that the challenged voter has voted or registered to vote in another state:

(a) A record or statement from an election official in the state indicating that the challenged voter is not registered to vote in the state;

(b) A record or statement from an election official in the state indicating that the challenged voter's registration was canceled; or



(c) A record or statement from an election official in the state indicating that the challenged voter has not voted or offered to vote at any election in the state; or

(5) If the combined application form and affidavit asserts that the challenged voter is not a resident of South Dakota, as defined in SDCL 12-1-4, and the challenged voter demonstrated the voter's identity by providing a Social Security Administration account number card, United States passport, or identification card issued by an agency of the United States government:

(a) A South Dakota driver license or South Dakota nondriver identification card;

(b) A tribal identification card issued by a federally recognized Indian tribe located wholly or partially within South Dakota;

(c) A South Dakota resident hunting, fishing, or trapping license issued by the Department of Game, Fish and Parks;

(d) County records for a property owned by the challenged voter in South Dakota which indicate that the property is owner-occupied or subject to a homestead exemption;

(e) Tax documents indicating that the challenged voter is a resident of South Dakota for the purpose of taxation;

(f) A consent for use of South Dakota address form; or

(g) A completed South Dakota residency affidavit or certificate.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-60.

**Law Implemented:** SDCL 12-4-58 to 12-4-61, inclusive.

**5:02:24:04. Process to establish validity of challenge.** Upon receipt of a combined application form and affidavit, the county auditor shall scan the form into the computerized voter registration system maintained by the secretary of state. The county auditor shall evaluate the information provided in the combined application form and affidavit and the documentation provided with the form.

If the county auditor determines that the information provided in the combined application form and affidavit and the documentation provided with the form, taken at face value, is sufficient to establish a case against the challenged voter, the county auditor must make a reasonable effort to determine whether the documentation is authentic. If the county auditor determines that the documentation is authentic, the auditor must send a verification request to the challenged voter pursuant to SDCL 12-4-61.

If the county auditor determines that the information provided in the combined application form and affidavit and the documentation provided with the form is insufficient to establish a case against the challenged voter, or if the auditor is not able to determine the authenticity of the documentation, the auditor must deem the voter registration challenge invalid, state in writing the factual basis supporting the determination, and notify the individual who filed the challenge of the determination. The county auditor shall scan the written statement into the computerized voter registration system maintained by the secretary of state.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-61.

**Law Implemented:** SDCL 12-4-58 to 12-4-61, inclusive.

**5:02:24:05. Challenged voter qualification hearing.** Upon receipt of the verification request described in § 5:02:24:04, a challenged voter may, within thirty days of the postmark date, request a hearing with the county auditor to demonstrate the sufficiency of the voter's qualifications. The county auditor shall determine the conduct of the hearing, provided that the auditor ensures that:

(1) The challenged voter may rebut the evidence provided against the voter's qualifications in the combined application form and affidavit and the documentation provided with the form; and

(2) The challenged voter may provide documentation from the list of approved documentation in § 5:02:24:03 to demonstrate the sufficiency of the voter's qualifications.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-61.

**Law Implemented:** SDCL 12-4-58 to 12-4-61, inclusive.

**5:02:24:06. Resolution of challenge.** Upon receipt of the challenged voter's documentation or upon the conclusion of the challenged voter qualification hearing held pursuant to § 5:02:24:05, the county auditor shall review the evidence presented and determine the sufficiency of the challenged voter's qualifications.

If the county auditor determines that the challenged voter's qualifications are sufficient, the auditor must maintain the voter's registration.

If the challenged voter does not provide the documentation listed in § 5:02:24:03 within the timeframe specified in SDCL 12-4-61, or the county auditor determines that the challenged voter's qualifications are insufficient, the auditor must cancel the voter's registration, pursuant to SDCL 12-4-61.

The county auditor shall, in writing:

(1) State the factual basis supporting the determination;

(2) Notify the individual who filed the challenge of the determination;

(3) Notify the challenged voter:

(a) Of the determination; and

(b) That the voter's registration has either been maintained or canceled; and

(4) If the voter's registration has been canceled, inform the challenged voter that the voter may appeal the decision to either the board of county commissioners or the circuit court, pursuant to SDCL 12-4-62.

The county auditor shall scan the documentation provided by the challenged voter and the documentation required under subdivisions (1) to (4), inclusive, of this section into the computerized voter registration system maintained by the secretary of state.

**Source:**

**General Authority:** SDCL 12-1-9(4), 12-4-61.

**Law Implemented:** 12-4-58 to 12-4-62, inclusive.