

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 **in the following format** containing the following information:



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.					
<p>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 of submission 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.</p>					
1	Are you a citizen of the United States of America?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Will you be 18 years of age on or before the next election?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If you checked 'No' in response to either of these questions, do not complete this form.					
2	Last Name		First Name	Middle Name(s)/Initial	Suffix
3	Residence Address	Apt. or Lot #		City	State Zip Code
4	Mailing Address (if different)			City	State Zip Code
4a	<p>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:</p>				
5	Date of Birth (Required): Month / Day / Year	6	Telephone Number (voluntary):	7	SD Driver License (DL) # or SD Non-Driver ID # (Required) <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div>
8	Choice of Party – See information in the box below:	9	Email Address (voluntary):	If you do not have a current SD DL or SD Non-Driver ID, provide the last 4 digits of Social Security Number <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div>	
<p>Choice of Party Information: If you are currently registered to vote in South Dakota and you leave the choice of party field blank, you will remain registered with your current party affiliation. If you are not currently registered in South Dakota to vote and you leave the choice of party field blank, you will be entered as a no party affiliation voter.</p>					
<p>Previous Voter Registration Information Required Below. Use this section to cancel your previous voter registration:</p>					

10	Previous Last Name	First Name	Middle Name(s)	Suffix
11	Previous Address	City	State	Zip Code
12	Previous Driver License Number and State	Previous County		
13	Would you like to be a precinct election worker on election day?		Yes	No
14	<p>I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:</p> <p>*I am a citizen of the United States of America;</p> <p>*I will be 18 years or older on or before the next election;</p> <p>*I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;</p> <p>*I have not been judged mentally incompetent;</p> <p>*I am not currently serving a sentence for a felony conviction; and</p> <p>*I authorize cancellation of my previous registration, if applicable.</p> <div style="border: 1px solid black; width: 280px; height: 70px; margin: 10px auto;"></div> <p style="text-align: center;">Signature Required</p> <p>Date: ____/____/____</p> <p style="text-align: center;">Month Day Year</p>			

Auditor use only. Agency code:

2022

- (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 for at least thirty consecutive days at the time of the election:
- (4) Whether the applicant 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.

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.

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 ~~in the following format~~ containing the following information:



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.					
<p>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 of submission 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.</p>					
1	Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before the next election? <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked 'No' in response to either of these questions, do not complete this form.				
2	Last Name		First Name	Middle Name(s)/Initial	Suffix
3	Residence Address	Apt. or Lot #		City	State Zip Code
4	Mailing Address (if different)			City	State Zip Code
4a	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:				
5	Date of Birth (Required): Month / Day / Year		6	Telephone Number (voluntary):	7
				SD Driver License (DL) # or SD Non-Driver ID # (Required) <div style="border: 1px solid black; width: 100px; height: 20px;"></div>	
8	Choice of Party – See information in the box below:		9	Email Address (voluntary):	If you do not have a current SD DL or SD Non-Driver ID, provide the last 4 digits of Social Security Number <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
Choice of Party Information: If you are currently registered to vote in South Dakota and you leave the choice of party field blank, you will remain registered with your current party affiliation. If you are not currently registered in South Dakota to vote and you leave the choice of party field blank, you will be entered as a no party affiliation voter.					
Previous Voter Registration Information Required Below. Use this section to cancel your previous voter registration:					

10	Previous Last Name	First Name	Middle Name(s)	Suffix
11	Previous Address	City	State	Zip Code
12	Previous Driver License Number and State	Previous County		
13	Would you like to be a precinct election worker on election day?		Yes	No
14	<p>I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:</p> <p>*I am a citizen of the United States of America;</p> <p>*I will be 18 years or older on or before the next election;</p> <p>*I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;</p> <p>*I have not been judged mentally incompetent;</p> <p>*I am not currently serving a sentence for a felony conviction; and</p> <p>*I authorize cancellation of my previous registration, if applicable.</p> <div style="border: 1px solid black; width: 280px; height: 70px; margin: 10px auto;"></div> <p style="text-align: center;">Signature Required</p> <p>Date: ____/____/____</p> <p style="text-align: center;">Month Day Year</p>			

Auditor use only. Agency code:

2022

- (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 for at least thirty consecutive days at the time of the election;
- (4) Whether the applicant a resident of only one place;
- (5) Whether the applicant is or will be eighteen years of age at the next election;
- (6) The applicants name;
- (7) The applicant's residence or voting address in South Dakota;
- (8) If the applicant uses a commercial mail receiving agency, mail forwarding service, or other post office box as the individual's residence address without a description of the location of the individual's habitation, the applicant may be registered only as a federal voter.

- (9) The applicant's mailing address if different than the applicant's residence or voting address;
- (10) 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::
- (11) The applicant's date of birth;
- (12) The applicant's telephone number (optional);
- (13) The applicant's email address (optional)
- (14) The applicant's current South Dakota driver license number or South Dakota nondriver identification number;
- (15) 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;
- (16) The applicant's choice of party (optional);
- (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 number and state, or last four numbers of SSN; and

- (d) County; and
- (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.

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.

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.

5:02:03:13. Voter registration instructions. The instructions attached to each voter registration form other than those used in the county auditor's office, the alternative form provided in § 5:02:03:01, or those used by agencies listed in § 5:02:03:12 must be in the following form:

South Dakota Voter Registration Form

Please follow these instructions carefully to ensure that your voter registration is properly completed.

You can use this form to:

- * Register to vote in South Dakota
- * Change your registration name or address
- * Change your party affiliation

To register to vote in South Dakota, you must:

- * Be a United States citizen
- * Be a resident of South Dakota for thirty consecutive days as defined by §12-1-4
- * Be at least 18 years old on or before the next election
- * Not be currently serving a sentence for a felony conviction
- * Not be judged mentally incompetent by a court of law

To register, please complete the entire registration form by printing the requested information. If you are currently registered to vote, please also fill out the attached cancellation form. Return the registration/cancellation form to the county auditor in your county of residence. Any private person or entity registering voters is required to provide you with their contact information.

(bold) **The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election.** (unbold)

~~Within 15 days you~~ You will ~~should~~ receive a notice of your registration within 15 days after your voter registration form is received by the county auditor. If you do not, contact your county auditor.

Source: 21 SDR 77, effective October 24, 1994; 23 SDR 115, effective January 22, 1997; 29 SDR 177, effective July 2, 2003; 31 SDR 214, effective July 4, 2005; 39 SDR 123, effective January 16, 2013.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-1-4; 12-3-1; 12-4-2, 12-4-3.

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 described below no longer lives at this address, 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; 45 SDR 9, effective July 30, 2018.

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

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

05:02:03:27. Voter registration list maintenance confirmation notice. The form of the voter registration list maintenance confirmation mailing notice ~~shall be a double postcard stating that the voter's registration may be canceled if the card is not returned by the voter registration deadline for the next primary election must comply with SDCL 12-4-19.7. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card by the voter registration deadline for the next primary election or the voter's registration shall be designated as inactive.~~

The confirmation mailing postcard must be sent by forwardable mail to any voter in the active registration file who:

(1) Has failed to vote and has not updated the voter's registration information in two general election cycles: or

(2) Has ~~failed to vote and has not updated the voter's registration information in two general election cycles and has~~ filed a National Change of Address form with the United States Post office for an address outside the jurisdiction ~~with the United States Post Office.~~

The confirmation mailing postcard must contain the following information:

Voter Registration Information

(List voter's name, complete mailing address, complete residence address, political party, ward, precinct, school _____ County Auditor district, county commission district, _____ legislative district, water district, _____, SD _____ township, and location of precinct polling place)

If this information is correct and you wish to remain registered to vote, please check the first box, sign below, tear off this preaddressed and prepaid card and mail.

Forwarding Service Requested
or Address Service Requested

If this is not correct, please see reverse side for instructions.

(bold) **You must check one:** (unbold)

☐ I certify that the above information is

correct or has been corrected; or

☐ I certify that I have registered elsewhere

(Voter's Name)

and/or please cancel my registration.

(Voter's Address)

(Voter's City, State, Zip)

Date _____ Voter Signature _____

The reverse side ~~shall~~ must be in the following form:

Voter Registration List Maintenance Confirmation Notice

1. If the information on the reverse side is correct and you wish to remain registered to vote, please check the first box, sign, tear off, and return the attached card.

2. If any of this information is not correct, please check the first box, make the appropriate changes, sign, tear off, and return the attached card. Your voter registration will be changed

(Postage Prepaid)

to reflect the information ~~which you provide~~ provided.

If you indicate a residence address outside of your registration county, your voter registration will be canceled; and we encourage you to register to vote in your new county or state.

(County Auditor's Address)

3. If this card is not returned by the voter registration
deadline for the next primary election

your voter registration will become inactive.

With an inactive registration you will be able
to vote by signing an affirmation of current
address at your polling place.

4. If this card is not returned by the voter registration
deadline for the next primary election

and you do not vote by the second general
election from today, your registration will
be canceled.

5. If you have registered to vote elsewhere,
please check the second box, sign, and return.

If a county auditor sends a letter instead of a postcard, they need to use this verbiage in their
letter: the letter must be as follows:

Voter Registration Information

(List voter's name, complete mailing address, complete residence address, political party, ward,
precinct, district, county commission district, legislative district, water district, township, and
location of precinct polling place)

1. If the information above is correct and you wish to remain registered to vote, please
check the first box, sign, and return in the enclosed envelope.

2. If any of this information is not correct, please check the first box, make the appropriate changes, sign, and return in the enclosed envelope. Your voter registration will be changed to reflect the information which you provide provided. If you indicate a residence address outside of your registration county, your voter registration will be canceled; and we encourage you to register to vote in your new county or state.
3. If this letter is not returned by the voter registration deadline for the next primary election your voter registration will become inactive. With an inactive registration you will be able to vote by signing an affirmation of current address at your polling place.
4. If this letter is not returned by the voter registration deadline for the next primary election and you do not vote by the second general election from today, your registration will be canceled.
5. If you have registered to vote elsewhere, please check the second box, sign, and return in the enclosed envelope.

(bold) You must check one: (unbold)

- ☐ I certify that the above information is correct or has been corrected; or
- ☐ I certify that I have registered elsewhere and/or please cancel my registration.

Date _____ Voter Signature _____

~~Auditor will need to~~ The county auditor shall enclose a prepaid return envelope with their mailing address listed on the return envelope with postage paid addressed to the auditor.

Source: 44 SDR 94, effective December 4, 2017.

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

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

UNITED STATES REPRESENTATIVE-----

CANDIDATE NAME

GOVERNOR-----

CANDIDATE NAME

STATE SENATOR, DISTRICT ____-----

CANDIDATE NAME

STATE REPRESENTATIVE, DISTRICT ____-----

CANDIDATE NAME

STATE REPRESENTATIVE, DISTRICT ____ (A or B) -----

CANDIDATE NAME

(COUNTY TREASURER) or (COUNTY FINANCE OFFICER)-----

CANDIDATE NAME

(COUNTY AUDITOR) or (COUNTY FINANCE OFFICER)-----

CANDIDATE NAME

STATES ATTORNEY-----

CANDIDATE NAME

SHERIFF-----

CANDIDATE NAME

REGISTER OF DEEDS-----

CANDIDATE NAME

CORONER -----

CANDIDATE NAME

COUNTY COMMISSIONER, DISTRICT ____-----

CANDIDATE NAME

COUNTY COMMISSIONER AT LARGE-----

CANDIDATE NAME

DELEGATES TO STATE CONVENTION-----

CANDIDATE NAME

PRECINCT COMMITTEEMAN-----

CANDIDATE NAME

PRECINCT COMMITTEEWOMAN-----

CANDIDATE NAME

JUDGE OF THE CIRCUIT COURT ____ CIRCUIT, POSITION ____-----

CANDIDATE NAME

NAME WATER DEVELOPMENT DISTRICT DIRECTOR, AREA ____

CANDIDATE NAME

HEARTLAND CONSUMERS POWER DISTRICT,

SUBDIVISION # ____ DIRECTOR-----

CANDIDATE NAME

SCHOOL BOARD MEMBER, ____ YEAR TERM-----

CANDIDATE NAME

MAYOR-----

CANDIDATE NAME

CITY COMMISSION, ____ YEAR TERM-----

CANDIDATE NAME

COUNTY INITIATED MEASURE 1-----

YES OR NO

COUNTY REFERRED LAW 2-----

YES OR NO

OFFICIAL _____ PARTY PRIMARY ELECTION BALLOT

_____ COUNTY, SOUTH DAKOTA

JUNE __, ____

PRECINCT ____

Printing note: The top right corner of the front side of each ballot must be cut off approximately ~~one-half~~ one-half inch from the right and top of the ballot. The person in charge of the election shall instruct the election worker to place the ballot stamp on the reverse side of the ballot.

The ~~ballot style specific~~ ballot-style-specific activation bar code and associated number must be preprinted at the top left of the ballot and the official election name, date of the election, county, state, precinct name/number or ballot style name, and party color indicator (as prescribed in § 5:02:06:10) must be printed at the bottom of the ballot on 4.25" wide, white thermal ballot paper prior to being distributed to the polling location.

County Auditor/County Finance Officer Notes: The pre-printing language requirements above are only waived for a county that uses the ExpressVote and the ExpressLink ballot printer for in-person absentee voting in the county auditor's office. The county auditor ~~will~~ shall purchase blank white thermal ballot paper with the party color indicator (as prescribed in

§ 5:02:06:10). The auditor or auditor's staff shall use the ExpressLink ballot printer to print ~~the following on the blank white thermal ballot paper prior to distributing a ballot to a voter during absentee voting:~~ the activation barcode and ballot style number, the words Official Party Primary Election Ballot, date of the election, county, state, and precinct name/number or ballot style name on the blank white thermal ballot paper prior to distributing a ballot to a voter during absentee voting. This information must be printed on the top left of the ballot.

Source: 44 SDR 17, effective August 8, 2017; 45 SDR 9, effective July 30, 2018.

General Authority: SDCL 12-1-9(2).

Law Implemented: SDCL [12-5-3.11](#), 12-6-4, 12-16-2.1.

5:02:09:05. Recount procedure. The following procedure in the order provided ~~shall~~ must be used in recounting any election counted by an automatic tabulating system:

(1) If a discrepancy in the number of ballots for a precinct is discovered during ballot tabulation and is not resolved at that time, the county auditor ~~shall~~ must make every effort to resolve the discrepancy following in the time between the official county canvass and prior to the convening of the recount board;

(2) The recount board shall ~~first~~ examine each ballot to determine if the official stamp has been placed on the ballot ~~and~~ The recount board may not count any vote on an unstamped ballot;

(3) If any discrepancy remains after subdivisions (1) and (2) have been completed and the total number of ballots in a precinct exceeds the number of names in the pollbook, the ballots ~~shall~~ must be placed in a box and the recount board ~~shall~~ must draw from the box the number of

ballots ~~that is~~ equal to the excess ~~and~~. The recount board shall place ~~these~~ the excess ballots in an envelope labeled "ballots drawn by recount board to justify totals";

(4) The recount board shall review ballots for proper marking procedure according to the voting instructions. Each ballot that is marked in a manner other than as provided in the instructions to voter and ~~which may not~~ cannot be counted by the machine ~~shall must~~ be ~~hand~~ manually counted or duplicated in the manner used by a resolution board and the duplicate counted by machine. The recount board shall determine the voter's intent based on the standards found in ~~ARSD~~ § 5:02:09:22;

(5) The recount board shall review each ballot to determine if there are any write-in votes. Any write-in vote may not be counted but all other votes for which the voter's intent can be determined ~~shall must~~ be counted;

(6) The recount board shall examine the ballots reviewed by the resolution board to determine the correctness of the initial rejection or duplication. The recount board shall rule on whether each mark is to be counted or rejected according to § 5:02:09:22;

(7) The recount board shall supervise the test of the automatic tabulating equipment according to § 5:02:09:01.02. The board may conduct additional tests of the equipment including a comparison with ~~hand-counted~~ manual counted results from a precinct;

(8) The recount board shall supervise the count of the ballots with the automatic tabulating equipment. A ~~hand~~ manual count may be conducted to verify the accuracy of the count by the automatic tabulating equipment. If any discrepancy is found, the discrepancy ~~shall~~ must be resolved before the recount is concluded. If any vote cannot be accurately counted by

the automatic tabulating equipment but can be ~~hand~~ manually counted, the ~~hand~~ manual count tally of that vote shall be added to the count by the automatic tabulating equipment;

(9) The recount board shall complete the Certificate of Disputed Ballot as provided in § 5:02:19:09;

(10) Any question arising on the recount ~~shall~~ must be determined by majority vote of the recount board; and

(11) The recount board shall certify the new returns as printed by the automatic tabulating equipment or as ~~hand~~ manually counted as the "Official Returns" for the election by completing the Certificate of Recount as provided in § 5:02:19:08. The Certificate of Recount ~~shall~~ must be filed with the person in charge of the election and ~~shall constitute~~ constitutes the final returns for the election in that jurisdiction. If the recount involved an election canvassed by the State Board of Canvassers, a duplicate original of the Certificate of Recount ~~shall~~ must be forwarded to the secretary of state to be incorporated into the statewide totals as provided by SDCL 12-21-39.

Source: 3 SDR 69, effective April 10, 1977; 6 SDR 25, effective September 24, 1979; 21 SDR 77, effective October 24, 1994; 26 SDR 168, effective June 25, 2000; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 33 SDR 230, effective July 1, 2007; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL ~~12-17B-7~~, 12-17B-17(4).

Law Implemented: SDCL 12-17B-7, 12-17B-16.

CHAPTER 5:02:10

ABSENTEE VOTING

Section

5:02:10:01 Application for absentee ballot.

5:02:10:01.01 Receipt for absentee ballot returned by authorized messenger.

5:02:10:01.02 Guidelines for acceptance of facsimile absentee ballot applications from

UOCAVA voters.

5:02:10:01.03 Combined absentee ballot application/return envelope.

5:02:10:01.04 Repealed.

5:02:10:02 Repealed.

5:02:10:03 Envelope for sending ballots to voter.

5:02:10:04 Instructions to absentee voters.

5:02:10:05 Official return envelope for ballots used in voting.

5:02:10:06 Official record of absentee ballots delivered to voters.

5:02:10:07 Repealed.

5:02:10:08 Envelopes for use with voting service and overseas ballots.

5:02:10:09 Nursing facility, assisted living center, or hospital absentee voting.

5:02:10:01.01. Receipt for absentee ballot returned by authorized messenger. When ~~anyone returns~~ a voted ballot ~~in person~~ is returned to the county auditor by an authorized messenger, the auditor's receipt for that absentee ballot ~~shall~~ must be in the following form:

RECEIPT FOR ABSENTEE BALLOT RETURNED BY AUTHORIZED MESSENGER

I acknowledge receipt of the absentee ballot voted by _____ whose voting precinct is _____ and whose permanent residence is

_____. I received this absentee ballot from

_____ (authorized messenger).

Signed on this _____ day of _____, 20____.

(Signature)

Person in Charge of the Election

Source: 6 SDR 25, effective September 24, 1979; 10 SDR 27, effective September 26, 1983.

General Authority: SDCL 12-1-9.

Law Implemented: SDCL 12-19-9.

5:02:10:04. **Instructions to absentee voters.** ~~All ballots~~ Any ballot mailed or delivered to absentee voters ~~shall~~ must include the following instructions ~~that read as follows:~~

TO THE VOTER:

- Mark your ballot privately.
- Fill in the oval next to the name or ballot question. Use only a blue or black ink pen. Do not use a felt tip pen or marker.

- (~~insert~~ Insert a statement ~~regarding whether and indicating~~ how many times the ballot should be folded).
- Place your ballot in the return envelope and seal ~~it~~ the envelope securely.
- Complete the statement on the back of the return envelope ~~and (bold) SIGN IT (unbold)~~.
- Mail the ballot (voter must pay for postage to mail the ballot unless the voter is covered under the UOCAVA act), deliver ~~it~~ the ballot in person, or have ~~someone an absentee ballot messenger deliver it~~ for you by an authorized messenger to the person in charge of the election. (bold) **Do not return absentee ballot to your polling place** (unbold).
- The ballot must be received by the person in charge of the election in time to transmit it to your precinct polling place before the polls close on election day.
- Additional information on absentee voting is available at www.sdsos.gov.

~~Printers Note: Use correct return time designation in sixth bullet point.~~

Source: 2 SDR 46, effective December 30, 1975; 5 SDR 31, effective November 1, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 10 SDR 27, effective September 26, 1983; 12 SDR 43, effective September 23, 1985; 19 SDR 12, effective August 5, 1992; 31 SDR 35, effective September 23, 2004; 32 SDR 225, effective July 3, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 112, effective January 11, 2010; 45 SDR 9, effective July 30, 2018; 50 SDR 66, effective December 5, 2023.

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

Law Implemented: SDCL 12-19-4, 12-19-7, 12-19-5, ~~12-19-41~~.

