

5:02:03:01. Voter registration form. The voter registration form shall be legibly printed. The voter registration form shall be printed on an 8.5 inch wide by 11 inch tall paper, or a county may create a large print version of this form in the following format and contain 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 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>						
<p>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.</p>						
1	Last Name		First Name		Middle Name(s)/Initial	Suffix
2	Residence Address		Apt. or Lot #	City	State	Zip Code
3	Mailing Address (if different)			City	State	Zip Code
3a	If Residence Address is a PO Box, rural box, or general delivery, you must give the location of your residence:					
4	Date of Birth (Required): Month / Day / Year		5 Telephone Number		6 South Dakota Driver License Number (Required)	
	Month / Day / Year					
7	Choice of Party – See information in the box below:		8 Email Address		If you do not have a current SD Driver License, provide the last 4 digits of Social Security Number	
<p>Choice of Party Information: If you are currently registered to vote and you leave the choice of party field blank, you will remain registered with your current party affiliation. If you are not currently registered to vote and you leave the choice of party field blank, you will be entered as an independent/no party affiliation voter, which is not a political party in South Dakota.</p>						
Use this section to cancel your previous voter registration. Previous Voter Registration Information Required Below, if applicable. Use this section to cancel your previous voter registration:						
9	Previous Last Name		First Name		Middle Name(s)	Suffix
10	Previous Address			City	State	Zip Code
11	Previous Driver License Number and State			Previous County	Date of Birth (Required)	
<p>Would you like to be a precinct election worker on election day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
12	<p>I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that: *I am a citizen of the United States of America; *I actually live at and have no present intention of leaving the above address; *I will be 18 on or before the next election; *I have not been judged mentally incompetent; *I am not currently serving a sentence for a felony conviction; and *I authorize cancellation of my previous registration, if applicable.</p>				<div style="border: 1px solid black; width: 100%; height: 100%; margin-bottom: 5px;"></div> Signature Required	
<p>Date: _____ / _____ / _____ Month / Day / Year</p>						

Auditor use only. Agency code:

2019

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.

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

Law Implemented: SDCL 12-4-3, 12-4-5.4, 12-4-6, 12-4-8.

5:02:04:17. Notice of deadline for filing primary nominating petitions. ~~Not less than ten nor more than fifteen days before the deadline for filing primary nominating petitions~~ Between the fifteenth and thirtieth day of January in an even-numbered year, the person in charge of the local election shall publish a notice in the following form:

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

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

The deadline for filing nominating petitions to run as an independent candidate in the general election is _____, _____, at 5:00 p.m. (mountain or central) time. If a petition is mailed by registered mail by _____, _____, at 5:00 p.m. (mountain or central) time, it is ~~shall~~ be considered filed. For the offices of (here list county offices) ~~shall~~ nominating petitions must be filed in the office of the (insert name of county) county auditor, and nominating petitions for the offices of (here list legislative, state, judicial, and federal offices) ~~shall~~ must be filed in the Office of the Secretary of State, State Capitol Building, Pierre, SD 57501.

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

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

(County Auditor or County Finance Officer)

Source: 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 30 SDR 171, effective May 10, 2004; 42 SDR 178, effective July 1, 2016; 44 SDR 94, effective December 4, 2017; 45 SDR 9, effective July 30, 2018.

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

Law Implemented: SDCL 12-12-1.

5:02:07:04. Certificate of election returns -- School districts. ~~Upon completion of the canvass by the school board and the issuing of certificates of election, the business manager shall certify the election results to the county auditor of the counties in which the school district is located. The certificate shall be in the following form:~~

~~CERTIFICATE OF ELECTION RETURNS~~

~~_____ SCHOOL DISTRICT NO. _____~~

~~This is to certify that the results of the School District Election held on the _____ day of _____, 20____, were as follows:~~

~~(Here the business manager shall list the votes tallied for each office, candidate and question.)~~

~~_____

_____~~

~~Business Manager~~

Repealed.

Source: 4 SDR 26, effective October 27, 1977; 6 SDR 25, effective September 24, 1979.

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

~~_____ **Law Implemented:** SDCL 13-7-18.~~

5:02:08:00. Guidelines for acceptance of petitions. When a petition is presented for filing, the person or governing board authorized to accept the petition ~~for filing~~ shall determine if it meets the following requirements ~~for acceptance~~:

(1) The petition is in the form required by this chapter;

(2) The petition contains the minimum number of valid signatures, counted according to § 5:02:08:00.01. One or more invalid signatures on a petition ~~section~~ do not disallow other valid signatures ~~on the section~~;

(3) Each sheet of the petition contains an identical heading and is verified by the circulator. The circulator may add the addresses of the petitioners and the dates of signing before completing the verification. The circulator may also add the printed name of the signer and the county of voter registration. Residence addresses may be abbreviated. The verification was completed and signed before an officer authorized to administer oaths;

(4) The declaration of candidacy contains the original signature of the candidate. Additional sheets may have an original or photocopied signature of the candidate;

(5) If a petition is for a ballot question to be voted on statewide, the signatures were obtained after a copy of the text of the petition was filed with the ~~secretary of state~~ Office of the Secretary of State;

(6) If a petition is for a ballot question to be voted on statewide, the sponsor(s) must submit the affidavit of completed petition along with the information required for each petition circulator when the petition sheets are submitted to the ~~secretary of state~~ Office of the Secretary of State;

~~(67)~~ The governing board or person authorized ~~by statute~~ to accept the petition shall, if requested, allow a petition circulator the opportunity to add missing information on the signature lines or circulator's verification on ~~his or her~~ the petition provided the filing deadline has not passed; and

~~(78)~~ Following the presentation of the petition for filing, names may not be removed from the petition;

~~(8)~~ ~~The declaration of candidacy on a candidate petition cannot include a professional title with the candidate's name.~~

Except for petitions to nominate candidates for school boards and statewide campaigns, the person who is authorized to accept petitions for filing need not check for voter registration of the signers. **Petitions containing signatures in excess of the minimum number may be filed, but the any excess signatures will be disregarded,** unless there is a challenge to that petition. ~~But the excess~~ Excess signatures will not be considered by the filing office unless the ~~excess~~ signatures are needed to validate the petition.

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; 14 SDR 19, effective August 9, 1987; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 28 SDR 99, effective January 17, 2002; 35 SDR 48, effective September 8, 2008; 42 SDR 178, effective July 1, 2016; 45 SDR 9, effective July 30, 2018.

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

Law Implemented: SDCL 2-1-1.1, 2-1-1.2, 2-1-3.1, 9-13-11, 12-1-1, 12-1-1.1, 12-1-2, 12-6-7.1, 12-6-8, 12-7-1, 13-7-6, ~~2-1-1.4~~, 12-1-3, 12-6-4.

Cross-Reference: Sections of petition, § 5:02:08:00.02.

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 ~~5:02:08:00.01(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 ~~statute law~~ to circulate the petition, and signed by the candidate and the signature witnessed by an official empowered to administer oaths in ~~South Dakota~~ 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.

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.

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

Law Implemented: SDCL ~~2-1-2, 2-1-2.1, 2-1-4~~, 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. Form of nominating petition -- Partisan election. Nominating petitions for a partisan election must be in the following form:

NOMINATING PETITION FOR PARTISAN ELECTION
_____ **Party**

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district, or "state") of South Dakota and members of the _____ Party, nominate _____ of _____ County, South Dakota, whose mailing address is _____, _____, SD _____, and whose principal residence address is _____, _____, SD _____, as a candidate for the office of (if a legislative candidate insert "State House of Representatives" or "State Senate") _____ at the primary election to be held June _____, 20__.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate, that I am registered to vote as a member of the _____ party, and that if I am a legislative or county commission candidate I reside in the district from which I am a candidate. If nominated and elected, I will qualify and serve in that office.

(Signed) _____

Sworn to before me this _____ day of _____, 20____.

(Seal)
My commission expires _____.

Signature of Officer Administering Oath

Title of Officer Administering Oath

The balance of this petition form is prescribed in § 5:02:08:00.03.

Source: 2 SDR 5, effective July 30, 1975; 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; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 25 SDR 8, effective August 3, 1998; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-1-9(7).

Law Implemented: SDCL 12-6-5, 12-6-7.1, 12-6-8.

5:02:08:05. Certificate of nomination for Independent candidate. The certificate of nomination for an Independent candidate shall be in the following form:

CERTIFICATE OF NOMINATION FOR INDEPENDENT CANDIDATE

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of _____ (here insert the jurisdiction in which the office is sought: name of county, number of legislative district or "state") of South Dakota, nominate _____ of _____ County, whose mailing address is _____, SD _____, and whose principal residence address is _____, _____, SD _____, as an Independent candidate for the office of (if a legislative candidate insert "State House of Representatives" or "State Senate") _____ at the general election to be held November ____, 20____.

DECLARATION OF CANDIDATE

I, _____ (print name here exactly as you want it on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate and that if I am a legislative or county commission candidate I reside in the district from which I am a candidate. If elected, I will qualify and serve in that office.

(Signed) _____

Sworn to before me this ____ day of _____, 20____.

(Seal)

Signature of Officer Administering Oath

My commission expires _____.

The balance of this petition form is prescribed in § 5:02:08:00.03.

Source: 2 SDR 46, effective December 30, 1975; 4 SDR 85, effective June 14, 1978; 6 SDR 25, effective September 24, 1979; 8 SDR 24, effective September 16, 1981; 16 SDR 20, effective August 10, 1989; 16 SDR 203, effective May 28, 1990; 33 SDR 230, effective July 1, 2007; 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-1-9(7).

Law Implemented: SDCL 12-6-5, 12-6-8, 12-6-7.1, 12-7-1.

5:02:09:02. Approval of automatic tabulating systems required before distribution. Prior to distribution in South Dakota, a company or corporation dealing in automatic tabulating, direct recording electronic, or electronic ballot marking systems shall give written notice to the state board of elections and demonstrate that its system complies with SDCL 12-17B-2 and § 5:02:09:02.01, ~~5:02:09:02.02~~, or 5:02:09:02.03 and is certified as fulfilling the requirements of the Election Assistance Commission 2002 voting system standards by an independent test authority accredited by the Election Assistance Commission. If the State Board of Elections approves the system, it shall issue a certificate of approval.

Any changes or modifications in an approved automatic tabulating, direct recording electronic, or electronic ballot marking system may be certified by the State Board of Elections with or without the demonstration described in this section for initial approval. The modification for the already approved system must have been certified as fulfilling the requirements of the

Election Assistance Commission voting system 2002 standards by an independent test authority accredited by the Election Assistance Commission or been certified to meet the national standard by another state. Any change or modification determined to be de minimis by the independent test authority does not need state board of elections certification.

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 16 SDR 203, effective May 28, 1990; 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 29 SDR 113, effective January 30, 2003; 32 SDR 109, effective December 26, 2005; 33 SDR 230, effective July 1, 2007; 35 SDR 306, effective July 1, 2009.

General Authority: SDCL 12-17B-17(1).

Law Implemented: SDCL 12-17B-2.

5:02:09:02.02. Criteria for approving direct recording electronic voting machines.

~~Before the State Board of Elections grants a certificate of approval, the following capabilities of the direct recording electronic voting machine must be demonstrated to the board or its designee. As used in this section the term, system, means direct recording electronic voting machine. The board may grant a certificate of approval for a system, if the system fulfills the following requirements:~~

~~—— (1) Enables the voter to vote in absolute secrecy;~~

~~—— (2) Presents the entire ballot to the voter in a series of sequential screens that include methods to ensure the voter sees all ballot options on all screens before completing the vote and allows the voter to review all ballot choices before casting a ballot;~~

~~—— (3) Prevents any voter from selecting more than the allowable number of candidates for any office to prevent overvoting, alerts the voter on the screen if the voter attempts to overvote, and provides information on how to correct the overvote;~~

~~—— (4) Accurately counts each vote for each position voted;~~

~~—— (5) Is an electronic computer controlled voting system that provides for direct recording and tabulating of votes cast;~~

~~—— (6) Has a battery back up system that, at a minimum, allows voting to continue uninterrupted for two hours without external power;~~

~~—— (7) Along with any activating and vote recording devices and components, has a unique embedded internal serial number for audit purposes;~~

~~—— (8) Is designed to accommodate multiple ballot styles in each election precinct and have an option to handle multiple precincts;~~

~~—— (9) Has a real time clock capable of recording and documenting the total time polls are open in a precinct and capable of documenting the opening and closing of polls;~~

~~—— (10) Complies with the disability voting requirements of the Help America Vote Act;~~

~~—— (11) For security purposes, along with each associated activating and recording device and component, employs a unique, electronically implanted election specific internal security code such that the absence of the security code prevents substitution of any unauthorized system or related component;~~

~~—— (12) Has a color touch screen that is at least fifteen inches in diagonal measure;~~

~~—— (13) Has an option to accommodate a wheelchair voter without intervention of the poll worker other than a minor adjustment such as the angle of the display, and the voter must be able to vote in a face first position so that privacy is maintained with the ballot surface adjusted to a vertical position;~~

~~—— (14) Has wheels so that the system may be easily rolled by one person on rough pavement and rolled through a standard thirty inch door frame if the net weight of the system, or aggregate of voting device parts, is over twenty pounds;~~

~~—— (15) Has a smart card type device to activate the system for each individual voter. The poll worker shall be able to activate the card at the poll table with an activation device and hand the card to the voter to use on any open voting system. The card shall be rendered unusable by the voting system after the voter has cast a ballot and after a period of time has expired. There shall be a manual solution available in the event the smart card activation device, or the smart card reading unit on the machine, fails;~~

~~—— (16) Prints an alphanumeric printout of the contest, candidates, position numbers, and vote totals when the polls are open so that the poll workers may verify that the counters for each candidate are on zero. These printouts shall contain the system serial number and the counter total. The poll worker must be able to request as many copies as needed. The system shall include a feature to allow reports to be sent to a printer or to an Excel compatible file;~~

~~—— (17) The system central processing unit is designed so that no executable code may be launched from random access memory. If the operating system is open or widely used, it must be an embedded system;~~

~~—— (18) Provides an electronic, redundant storage of both the vote totals and randomized individual ballot images. These randomized images must be able to be printed after the polls close;~~

~~—— (19) Allows a comparison of the multiple locations of totals and ballot images to detect any errors or discrepancies. In the event of a data discrepancy, an appropriate error message shall be displayed in a text format, in order to either correct the data error or prohibit voting from continuing;~~

~~—— (20) Has a programmable memory device that plugs into the system. This programmable memory device shall contain the ballot control information, the summary vote totals, maintenance log, operator log, and the randomized ballot images;~~

~~—— (21) Maintains all vote totals, counter totals, audit trail ballot images, and the internal clock time in both the main memory and the removable programmable memory devices in the event the main power and battery back-up power fail;~~

~~—— (22) Has a self-contained, internal back-up battery that powers all components of the system that are powered by alternating current power. In the event of a power outage in the precinct the self-contained, internal back-up battery power shall engage with no disruption of operation or loss of data. The system shall maintain all vote totals, counter totals, and audit trail ballot images, and the internal clock time in both the main memory and the removable programmable memory devices in the event the main power and battery back-up fail;~~

~~—— (23) Has software that is able to run in a networked or stand-alone environment and support absentee in-person voting;~~

~~—— (24) Has as a standard or as an option, software and hardware provisions for remote transmission of election results to a central location;~~

~~—— (25) Has internal operating system software or firmware, that:~~

~~—— (a) Is specifically designed and engineered for the election application;~~

~~—— (b) Is contained within each touch-screen voting device;~~

~~—— (c) Is stored in a nonvolatile memory within each terminal'~~

~~—— (d) Includes internal quality checks such as purity or error detection and correction codes; and~~

~~—— (e) Include comprehensive diagnostics to ensure that failures do not go undetected;~~

~~—— (26) Has a mandatory pre-election testing of the ballot control logic and accuracy. The logic and accuracy test results must be stored into the memory of the main processor (central processing unit) and into the same programmable memory device that is used on election day for future reference. The test results must be stored by vote total summaries and by each individual ballot image randomly. The system must be capable of printing a zero results printout prior to these tests and results printout after the test; and~~

~~—— (27) Stores tabulation of votes, ballot by ballot, in two or more memory locations on separate integrated circuit chips and shall be electronically compared throughout the election. Any differences between votes tabulated and votes stored in multiple storage locations shall be detected immediately and generate an error message defining required maintenance on the electronic voting system before the system continues to be used in the election. Repealed.~~

Source: 29 SDR 113, effective January 30, 2003; 29 SDR 177, effective July 2, 2003.

~~General Authority: SDCL 12-17B-17.~~

~~Law Implemented: SDCL 12-17B-2.~~

5:02:10:02. Envelope for transmitting ballot application to superintendent of elections.

~~The signed application for official ballots may be sent in an envelope which conforms to the following specifications:~~

~~(1) The envelope is the minimum practicable size and weight;~~

~~(2) The words, "This Envelope must be sent by Registered Mail, Certified Mail or Personal Delivery," are printed in the upper right corner of the face of the envelope;~~

~~(3) The return address of the person in charge of the election is printed in the upper left corner of the face of the envelope;~~

~~(4) The words, "This envelope contains the application for the Official Ballot of _____ and the signature on the voter's application should be compared with the signature on the voter's statement which appears on the back of the return envelope," are printed in the lower left corner of the face of the envelope; and~~

~~(5) The words, "To _____, Superintendent of the Election Board of _____ Precinct, _____, South Dakota," are printed in the center of the face of the envelope.~~

Repealed.

Source: 2 SDR 46, effective December 30, 1975; 19 SDR 12, effective August 5, 1992.

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

~~Law Implemented: SDCL 12-19-2.~~