

5:02:04:18. Notice of statewide runoff election. The notice of the statewide runoff election shall be in the following form:

**NOTICE OF RUNOFF ELECTION
STATE OF SOUTH DAKOTA**

Because no candidate for _____ received the required thirty-five percent of the vote in the primary election held on June _____, _____, a runoff election will be held on Tuesday, August _____, _____, in each county in the state. The polling places will be the same as those used in the primary election, and the polls will be open from seven a.m. to seven p.m. _____ local time.

The candidates for nomination for _____, as determined by the official state canvass, are

Secretary of State, South Dakota

Source: 12 SDR 43, effective September 23, 1985; 29 SDR 113, effective January 30, 2003; 40 SDR 40, effective September 9, 2013; 44 SDR 94, effective December 4, 2017.

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

Law Implemented: SDCL 12-6-51.1, 12-12-1.

5:02:19:11. Oath of recount board. Before performing recount duties, each recount board member shall take an oath in the following form:

I, A.B., do solemnly swear (or affirm) that I will perform the duties of recount board member according to law and the best of my ability and that I will act in an impartial manner in conducting the recount about to be held.

Source: 35 SDR 48, effective September 8, 2008.

General Authority: SDCL 12-1-9(10).

Law Implemented: SDCL 12-21-2.

5:02:09:01.01. Notice of testing automatic tabulating equipment. The notice of testing the automatic tabulating equipment shall be in the following form:

NOTICE OF TESTING AUTOMATIC TABULATING EQUIPMENT

(This notice must be given at least one week prior, but not more than ten days prior, to the date of testing and posted in the same manner as a public meeting agenda, pursuant to § 1-25-1.1)

Notice is hereby given to the public, the county chairs of the Republican Party, _____, Democrat Party _____, Libertarian Party _____, Independent Candidate(s) _____, candidates with no party affiliation _____, and Ballot Question Committees _____ that the automatic tabulating equipment will be tested to ascertain that it will correctly count the votes for all offices and measures that are to be cast at the _____ election held on the _____ day of _____, _____.

The test will be conducted on the _____ day of _____, _____, at _____ o'clock (a.m.) (p.m.) at the following location: _____.

Dated this _____ day of _____, _____.

Person in charge of election

Source: 2 SDR 5, effective July 30, 1975; 6 SDR 25, effective September 24, 1979; 27 SDR 146, effective July 9, 2001.

General Authority: SDCL [12-1-9\(3\)](#).

Law Implemented: SDCL [12-17B-5](#).

5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:

- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots which have votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots which contain an undervote.

At least twenty-five test ballots shall be included in the total of all test decks. Individual test decks for individual ballots shall be of sufficient size to prove the accuracy of the system. If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck shall be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. The test deck(s), tally sheet, and signed printout must be secured and retained with the official ballots.

The test procedure shall include the processing of at least one ballot completely blank to verify that the machine is correctly configured according to SDCL 12-17B-13.1.

If more than one tabulating machine is to be used in the election, each machine shall be fully tested according to the ballot(s) which each machine will be used to count in the election.

In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Source: 8 SDR 81, effective January 10, 1982; 21 SDR 77, effective October 24, 1994; 23 SDR 236, effective July 17, 1997; 29 SDR 113, effective January 30, 2003; 33 SDR 230, effective July 1, 2007.

General Authority: SDCL 12-17B-17(3).

Law Implemented: SDCL 12-17B-5, 12-17B-12.

5:02:09:02.02. Sealing tabulating equipment. After successfully testing tabulating equipment said equipment must be sealed in accordance with the following:

DS200

1. Insert the election definition USB flash drive and secure with a wire seal.



2. Close the access door and lock with a medium barrel key. Place a label seal.



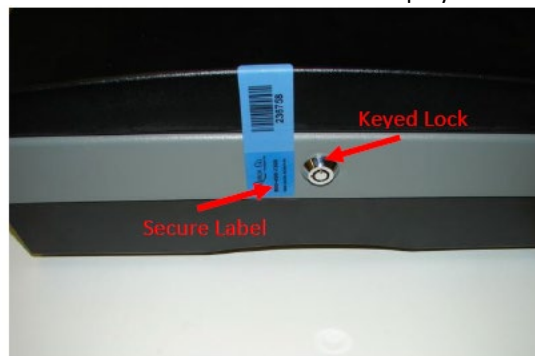
3. Insert a backup USB flash drive in the rear compartment. Thread the wire seal through both the backup USB flash drive and the loop provided in the rear compartment to secure the backup USB flash drive.



4. Ensure that the rear access door is locked with a medium barrel key and affix a label seal. The rear access door covers the backup USB flash drive.



5. Close the touch screen display and secure the lock with a medium barrel key. Place a label seal vertically from the main section of the unit to the display.

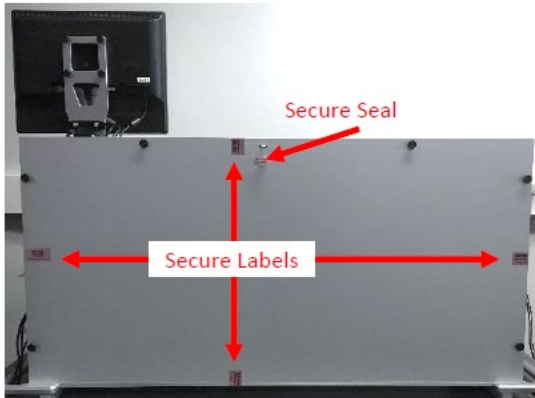


6. Place a second label seal on the seam where the top of the unit joins to the base.

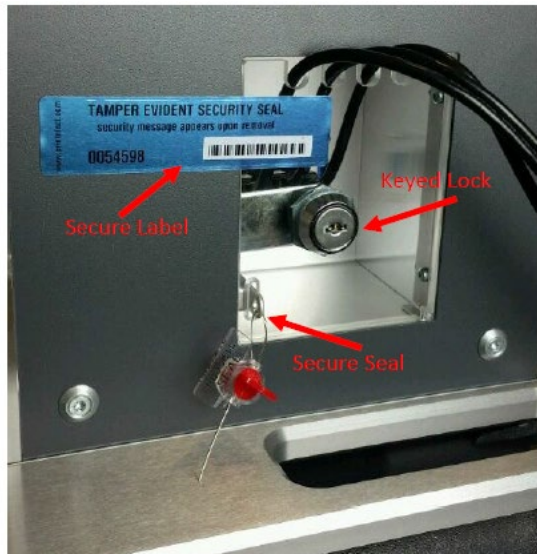


DS450

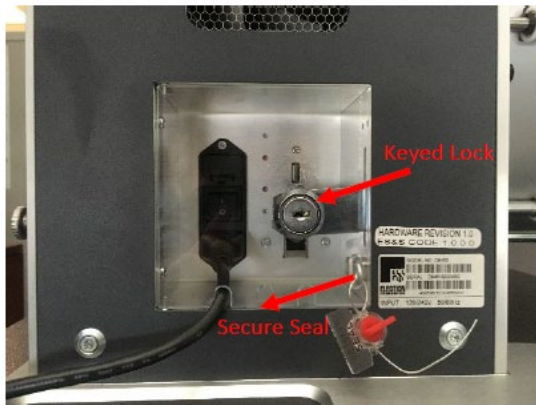
1. The rear panel of the DS450 is secured with six thumbscrews. A location is provided for a wire or plastic seal which must be placed. Tamper-evident labels must also be applied across the DS450 housing and rear panel on the top, bottom and both sides.



2. On the right side of the DS450, a clear access door protects the USB ports. The access door must be secured using the integrated key lock, a label seal and a wire or padlock seal.

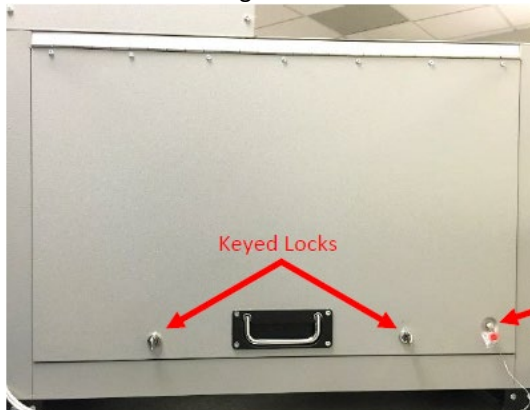


3. On the left side of the DS450, a clear access door protects the power switch, power cord, network port and USB port. The access door must be secured using the integrated key lock and a wire or padlock seal. A label seal must also be applied.



DS850

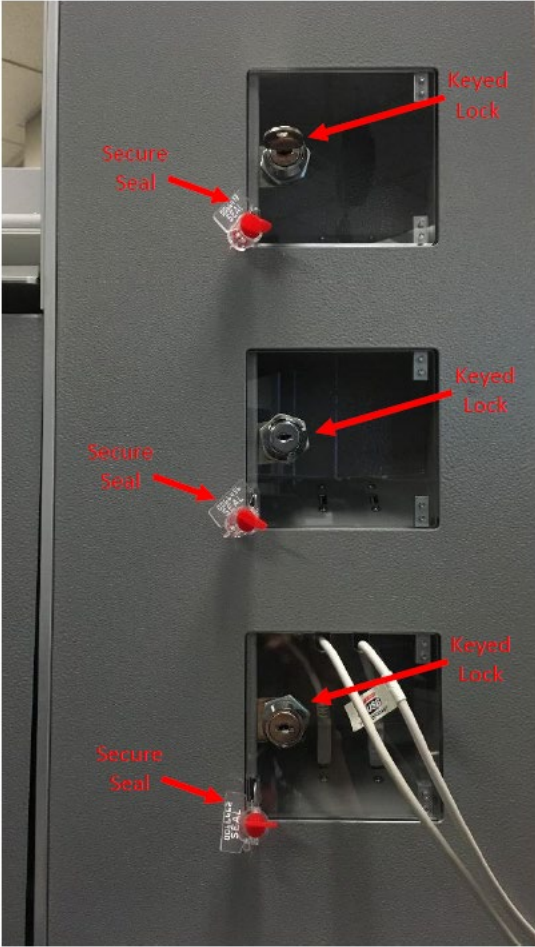
1. Secure the rear of the tabulator by locking both door locks. Apply a wire seal through the opening provided in the lower right corner of the door.



2. On the left side of the DS850, a clear access door protects the power switch, power cord, network port and USB port. The access door must be secured using the integrated key lock and a wire or padlock seal.



3. On the right side of the DS850, three clear access doors protect the USB ports. The access doors must be secured using the integrated key locks and wire or padlock seals.



Source:
General Authority: SDCL 12-1-9(4)
Law Implemented: SDCL 12-17B-5.2

5:02:16:01.01. Ballot box security.

Prior to the first ballot being placed into a ballot box, ballot boxes must be physically examined by the individual in charge of the election, or the individual's designee, to ensure the ballot box is empty. After the ballot box is physically examined and found to be empty, the ballot box must be sealed by a metal lock and key. Paper seals must be applied to each opening into the ballot box. The time, date, and individual who physically examined and sealed the ballot box shall be recorded on a piece of paper and signed by the individual who physically examined and sealed the ballot box. After the paper is signed by the individual who physically examined and sealed the ballot box, the signed paper must be placed into the ballot box by the individual who signed, examined, and sealed the ballot box.

The ballot box must remain unopened and the seal(s) intact until such time as the ballot box is presented for the counting of the vote. The individual in charge of the election shall examine the seal(s) for evidence of tampering and record that finding as to time and date in the logbook, then sign the logbook.

Ballot boxes located at the office of the individual in charge of the election must be stored in a locked enclosure with access limited to the individual in charge of the election or that individual's designees.

Every entry into the locked enclosure where the ballot box is stored shall be recorded in a logbook by the person making entry into the locked enclosure as to the name of the individual, the date, the time of entry, and the time of exit from the locked enclosure. The logbook must remain with the ballot box.

Ballot boxes may be removed from the locked enclosure and located in the office or office area of the individual in charge of the election if the individual in charge of the election, or the individual's designees, are physically present and at all times able to observe the ballot box.

Source:

General Authority: SDCL 12-1-9(4)

Law Implemented: SDCL 12-19-9.3

05:02:10:09. Nursing facility, assisted living center, or hospital absentee voting.

When the auditor or the auditor's designee is at a nursing facility, assisted living center, or hospital as defined in SDCL 34-12-1.1 (hereinafter facility) to conduct absentee voting, all residents who wish to vote absentee shall be given an absentee ballot. The ballot must be filled out in private, in the presence of the auditor or the auditor's designee. Any notified person listed in SDCL 12-9-9.1 may also be present.

The auditor or the auditor's designee shall be present during the entire time the absentee voting is being conducted.

A resident of the facility voting absentee shall be given instructions that read as follows:

- Mark your ballot privately.
- Place your ballot in the return envelope and seal it securely.
- Complete the statement on the back of the return envelope and (bold) **SIGN IT** (unbold).
- Give the ballot to the auditor or the auditor's designee.
- If you need assistance with any of the above, contact the auditor or the auditor's designee for assistance.

The ballot box used at a facility must be a ballot box secured at the auditor's office and used only for absentee voting at a facility.

While at the facility, the auditor or the auditor's designee shall place the completed absentee ballot into a ballot box labeled with the name of the facility, the date and time the absentee voting took place.

The ballot box may be used at more than one facility and a separate label attached for each facility.

The ballot box must be transported to the auditor's office by the auditor or the auditor's designee and secured in accordance with state law.

Source:

General Authority: SDCL 12-9-1(4)(9)

Law Implemented: SDCL 12-19-9.1

5:02:08:45. Form for precinct committeeman or committeewoman. The statement for precinct committeeman or committeewoman shall be in the following form:

Precinct Committeeman or Committeewoman Statement

I, _____, of _____ County, declare myself a candidate for the position of _____ (insert party) Party Precinct _____ (insert committeeman or committeewoman) for Precinct No. _____. My mailing address is _____, _____, SD _____ my residence address is _____, _____, SD _____, my email address is _____, and my telephone number is _____.

I understand that to be a Precinct Committeeman or Committeewoman, I am a resident of the precinct, I am a registered voter of the political party named above at the time I sign this statement, and if elected, will serve in the office.

I certify all of the above information to be true.

Print Name _____

Date _____

Signature _____

Telephone Number _____

Source: 36 SDR 209, effective June 30, 2010; 45 SDR 9, effective July 30, 2018.

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

Law Implemented: SDCL 12-5-4, 12-6-3.2, 12-5-4.

**If your registered name is different from your current name, please sign both last names.*

Please sign, date, and return this form to your [county election official](#) via mail.

Source:

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

Law Implemented: SDCL 12-4-8, 12-4-12, 12-4-18, 12-4-56.

5:02:03:01. Voter registration form. The voter registration form must be legibly printed. 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, or a county may create a large print version of this form, 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.

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.

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
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3	Residence Address	Apt. or Lot #	City	State	Zip Code
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4	Mailing Address (if different)	City	State	Zip Code
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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:
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5	Date of Birth (Required): Month / Day / Year	6	Telephone Number (voluntary)	7	SD Driver License (DL) # or SD Non-Driver ID # (Required)								
					<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>								
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 <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>								

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
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11	Previous Address	City	State	Zip Code
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12	Previous Driver License Number and State	Previous County
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13	Would you like to be a precinct election worker on election day?	Yes	No	
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14	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 will be 18 on or before the next election; *I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;	<table border="1" style="width: 100%; height: 50px; border-collapse: collapse;"> <tr> <td style="width: 100%;"></td> </tr> </table>	

*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.

Signature Required

Date: _____ / _____ / _____
Month / Day / Year

Auditor use only. Agency code:

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.

General Authority: SDCL [12-1-9\(1\)](#).

Law Implemented: SDCL [12-4-3](#), [12-4-5.4](#), [12-4-6](#), [12-4-8](#), [12-4-15](#), [12-4-1.2](#).

5:02:03:14. Acknowledgement notice for invalid or incomplete voter registration applications. The acknowledgement notice sent by nonforwardable mail to each person who submits a voter registration application to the county auditor that is invalid or incomplete and cannot be filed shall be in the following form:

Invalid or Incomplete Voter Registration Acknowledgement Notice

_____ Your voter registration is not valid because you are not eligible to be a registered voter.
Reason:

_____.

_____ Your voter registration has not been processed because your application is incomplete. Please call or visit our office to complete your registration. You will not be able to vote unless you have provided the needed information within 30 days from the date set forth on this acknowledgment notice which is _____.

To complete your voter registration or if you have further questions, please call our office at _____.

Thank You,

_____ County Auditor

Source: 21 SDR 77, effective October 24, 1994; 22 SDR 95, effective January 18, 1996; 28 SDR 99, effective January 17, 2002; 44 SDR 94, effective December 4, 2017.

General Authority: SDCL 12-4-35.

Law Implemented: SDCL 12-4-5.3.



South Dakota Voter Cancellation Form

To cancel your voter record in South Dakota's Statewide Voter Registration System, complete and sign this form, and return it to your County Auditor.

Contact information may be found here: <https://vip.sdsos.gov/CountyAuditors.aspx>

Voter's Printed Name: _____
First Middle Last

Date of Birth: ____/____/_____
MM DD YYYY

Residential Address: _____
Street Address

City, State, and Zip Code

I hereby request the above voter be removed from the South Dakota list of registered voters for **one** of the following reasons:

- I, the undersigned, have moved out of state (requires voter's signature or mark);
- I, the undersigned, request that my name be removed (requires voter's signature or mark);
- The voter is deceased (requires obituary or death certificate).

Signature*

____/____/_____
Date

Relationship to Voter

Phone / Email if County has Questions

05:04:06:10. Voter Registration File Security.

At a minimum, the computerized voter registration file must implement the following:

1. A stateful layer 3, and 7 firewall at the perimeter in order to block malicious traffic from known and unknown adversarial actors along with experienced personnel to operate and maintain the rules and underlying software and firmware on which the firewall system operates.
2. Anti-malware solutions that ensure the underlying operating system(s) maintains its intended function, integrity, and exclusive ownership of the governing maintaining body.
3. Software vulnerability analysis pre- deployment to production environments. Underlying code, libraries and included packages require continuous evaluation throughout the software development lifecycle through automated trusted tools to ensure erroneous code, unauthenticated access or potential privilege escalation vehicles shall not be introduced.
4. Trusted White hat vulnerability analysis for protected systems to evaluate, identify and document risks within the application which are then provided to development and management personnel to appropriately mitigate any potential findings on a scheduled and reoccurring basis.
5. Personnel background checks for those with access to restricted systems within the application development lifecycle ensure that only benevolent, patriots dedicated to a secure election process, act in good faith to deliver quality, well-guarded code and application infrastructure.

Source: SL 2001, ch 66, § 1; SL 2010, ch 74, § 10; SL 2011, ch 77, § 1.

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

Law Implemented: SDCL 12-4-37

05:02:23:01. Oath of post-election audit board. Before performing post-election audit duties, each post-election audit board member shall take an oath in the following form:

I, A.B., do solemnly swear (or affirm) that I will perform the duties of post-election audit board member in good faith, with impartiality, according to law, to the best of my ability in conducting the post-election audit about to be held, and that I meet the qualifications to serve as a member of the post-election audit board.

Source:

General Authority: SDCL 12-1-9(11).

Law Implemented: SDCL 12-17B-18.