

## FORM 6

### State Board of Elections Notice of Public Hearing to Adopt Rules

A public hearing will be held in South Dakota State Capitol Room Number 362; 500 E. Capitol Avenue, Pierre, SD 57501, on September 27, 2023, at 9:00 A.M. – 4:00 P.M. Central Daylight Time, to consider the adoption and amendment of proposed Administrative Rules of South Dakota numbered:

§§ 5:02:03:14; 5:02:05:02.01; 5:02:10:04; 5:02:10:09; 5:02:16:01.01; 5:02:23:02; 5:02:23:03; 5:02:23:04; 5:02:23:05; 5:02:23:06; 5:02:23:07; 5:02:23:08; 5:02:23:09; 5:02:23:10; 5:02:23:11; 5:02:23:12; 5:02:23:13; 5:02:23:14; 5:02:23:15; and 5:02:23:16.

The effect of the rules will be:

5:02:03:14; to clean up when to call the auditor for invalid or incomplete voter registration applications

5:02:05:02.01; to clean up instructions on marking optical scan ballots

5:02:10:04; to make consistent absentee instructions as to marking optical scan ballots

5:02:10:09; instructions on how to conduct absentee voting at a nursing facility, absentee living center, or hospital

5:02:16:01.01; standards for ballot box security

The Remaining Rules all concern Post-Election Audits

5:02:23:02; post-election audit definitions

5:02:23:03; notice of appointment of Post-Election Auditing board

5:02:23:04; signing post-election auditing board oaths

5:02:23:05; staffing post-election auditing board

5:02:23:06; post-election auditing board receipt for official ballots

5:02:23:07; public vote count

5:02:23:08; opening receptacle or container

5:02:23:09; post-election audit procedures

5:02:23:10; tally of post-election ballots

5:02:23:11; use of tally sheet

5:02:23:12; post-election audit tally sheets

5:02:23:13; certificate of post-election audit

5:02:23:14; procedure for placing post-election audit voted ballots in a receptacle or container

5:02:23:15; form of the seal

5:02:23:16; reimbursing counties for post-election audit costs

The reason for adopting the proposed rules is to clean up rules as requested by county auditors and to comply with SDCL 12-17B-18 through 25 inclusive statutory mandates to promulgate rules concerning post-election audits.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing, or mail or e-mail them to State Board of Elections; 500 E. Capitol Avenue, Pierre, SD 57501, [elections@state.sd.us](mailto:elections@state.sd.us). The deadline to submit any such written comments for consideration by this part-time board is seventy-two hours before the date of the public hearing.

After the written comment period, the State Board of Elections will consider all written and oral comments it receives on the proposed rules. The State Board of Elections may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact the State Board of Elections at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605)773-3537.

Copies of the proposed rules may be obtained without charge from:

State Board of Elections or [rules.sd.gov](http://rules.sd.gov) or [sdsos.gov](http://sdsos.gov)  
500 E. Capitol Avenue  
Pierre, SD 57501  
[elections@state.sd.us](mailto:elections@state.sd.us)  
(605)773-3537

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