

FORM 6

State of South Dakota Board of Elections Notice of Public Hearing to Adopt Rules

A public hearing will be held in South Dakota State Capitol Room #362; 500 E. Capitol Avenue, Pierre, SD 57501, on Thursday August 14, 2025, at 1:00 PM Central Daylight Time, to consider the adoption and amendment of proposed Administrative Rules of South Dakota numbered:

§§ 5:02:03:01 (Effective January 1, 2026) Voter registration form; 5:02:08:00.01 Requirements for counting signatures on petitions; 5:02:08:01.01 Certification of partisan candidate for lieutenant governor; 5:02:10:01 (Effective January 1, 2026) Application for absentee ballot; 5:02:10:01.03 (Effective January 1, 2026) Combined absentee ballot application/return envelope; 5:02:19:05 Candidate's petition for recount; 5:02:24 Voter Registration Challenges; 5:02:24:01 Voter registration challenge application; 5:02:24:02 Documentation required to support voter registration challenge; 5:02:24:03 Documentation required to rebut voter registration challenge; 5:02:24:04 Process to establish the validity of a voter registration challenge.

The effect of the rules will be:

5:02:03:01 The voter registration form will provide for the registration of a federal voter;
5:02:08:00.01 Guidelines for counting signatures on petitions will require that the signer's address on the petition and the signer's voter registration address be substantially the same;
5:02:08:01.01 Partisan candidates for Governor will be able to nominate a candidate for lieutenant governor;
5:02:10:01 Absentee ballot application form will require a description of the location of an applicant's residence and provide for the designation of a federal voter;
5:02:10:01.03 In-office absentee ballot application form will require a description of the location of an applicant's residence and include an updated list of political parties;
5:02:19:05 Instructions for a petition for recount will require that legislative candidates file a petition with the secretary of state;
5:02:24 The right to vote of any registered voter may be challenged;
5:02:24:01 The secretary of state will prepare an application to allow the right to vote of any registered voter to be challenged;
5:02:24:02 A list will be established to specify the documentation that must be provided as evidence for a voter registration challenge;
5:02:24:03 A list will be established to specify the documentation that must be provided to demonstrate a challenged voter's qualifications as a registered voter;
5:02:24:04 Guidelines will be established for county auditors to use when determining the validity of a voter registration challenge.

The reason for adopting the proposed rules is:

5:02:03:01 Due to statutory changes, voter registration form must be updated to allow for the registration of a federal-only voter;
5:02:08:00.01 Due to statutory changes, guidelines for counting signatures on petitions must specify that the signer's address on the petition and the signer's voter registration address should be substantially the same;
5:02:08:01.01 Due to statutory changes, partisan candidates for Governor must be allowed to nominate a candidate for lieutenant governor;
5:02:10:01 Due to statutory changes, the absentee ballot application form must provide for the designation of a federal voter;

- 5:02:10:01.03 Due to statutory changes, the in-office absentee ballot application form must include a space for the applicant to provide a description of the location of an applicant's residence;
- 5:02:19:05 Due to statutory changes, a legislative candidate must file a petition for recount with the secretary of state;
- 5:02:24 Due to statutory changes, the right to vote of any registered voter may be challenged;
- 5:02:24:01 Due to statutory changes, the State Board of Elections is responsible for establishing the form of the voter registration challenge affidavit;
- 5:02:24:02 Due to statutory changes, the State Board of Elections is responsible for designating the documentation that must be provided as evidence for a voter registration challenge;
- 5:02:24:03 Due to statutory changes, the State Board of Elections is responsible for designating the documentation that must be provided to demonstrate a challenged voter's qualifications as a registered voter;
- 5:02:24:04 Due to statutory changes, the State Board of Elections is responsible for establishing the process by which a county auditor determines the validity of a voter registration challenge.

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 South Dakota Board of Elections, Suite 204, 500 E. Capitol Avenue, Pierre, SD 57501, 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 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 Election or rules.sd.gov or sdsos.gov
500 E. Capitol Avenue, Pierre, SD 57501
elections@state.sd.us
(605) 773-3537

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