

**I-866-OUR-VOTE
(1-866-687-8683)****Disclaimer:**

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VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. The form can be downloaded from the Secretary of State website at <http://www.sdsos.gov/electionsvoteregistration/electvoterpdfs/VoterRegistrationForm.pdf>. The registrant is encouraged to download the voter registration form, complete it, sign it and then send it to the respective county auditor. The list of the auditor county addresses can be found at <http://www.sdsos.gov/electionsvoteregistration/auditorcontactinformation.shtm>.

Voter registration is available at:

- the secretary of state's office; and
- locations which provide driver licenses, food stamps, temporary assistance for needy families, women, infants, and children nutrition program, Medicaid, military recruitment, and assistance to the disabled as provided by the Department of Human Services.

2) Are there restrictions on registering to vote using a photocopied voter registration form?

South Dakota election laws do not expressly provide for restrictions on copying voter registration forms. The rules promulgated by the Board of Elections of the State of South Dakota set forth that the voter registration form shall be legibly printed. It is recommended that the form be printed on 90-pound index stock 5 inches wide by 10.5 inches tall and horizontally perforated seven inches from the top and scored for folding 3.5 inches from the top. An alternative voter registration form may be printed on an 8.5 inch wide by 11 inch tall paper. In either case, the voter registration form must contain the information required by the Board of Elections.

3) Are there restrictions on the use of the National Voter Registration Form?

No. The National Voter Registration Form can be used in South Dakota. If using the National Voter Registration Form in South Dakota, the race/ethnicity field may be left blank. The choice of party may be left blank, however the registrant must register with a party if he or she wants to take part in that party's primary election, caucus, or convention. The registrant's driver license number is required. If the registrant does not have a valid driver license, he or she must provide the last four digits of his or her social security number.

4) Are there restrictions regarding the use of registration form information?

Yes. The county auditor shall maintain and safeguard a “master registration file,” which shall be, at all times during office hours, open to public inspection. However, public access to social security numbers and driver license numbers contained in the master registration file shall be prohibited. The master registration file shall contain all information from each voter's registration card except the description of the location of the voter's residence.

No information obtained from the statewide voter registration file or any county voter registration file may be used or sold for any commercial purpose. The term “commercial purpose” does not include campaign or political polling activities. Any violation of this section is a Class 2 misdemeanor.

Likewise, whenever so requested, the county auditor shall furnish to the clerk of the United States District Court for the district of South Dakota the current precinct registration lists whenever such lists are required in furtherance of a plan for random jury selection in the federal courts.

5) Are there restrictions regarding pre-filling information on registration forms?

No.

COMPLETING VOTER REGISTRATION FORMS

6) How long must you live in a county before you are eligible to register to vote?

South Dakota election laws do not express a number of days of residence in any county for a person to be eligible to register to vote. In general, every person resident of the state of South Dakota shall be entitled to vote at any election.

“Residence” means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return. A person who has left home and gone into another state or territory or county of South Dakota for a temporary purpose only has not changed his or her residence. A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving. If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in South Dakota.

7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?

Yes. The voter registration form sets forth that if the registrant uses as an address a post office box, rural box, or general delivery, the registrant must give the location of his or her actual residence.

Use of a college address is permissible provided that you consider your college address to be your residence. See **Question No. 6** for a discussion on residence.

8) If I enter or leave the state for school or work, can I register to vote?

Yes. Every person who can establish residence in the state is eligible to vote. South Dakota election laws do not express a number of days of residence in any county for a person to be eligible to register to vote. In general, every person resident of the state of South Dakota shall be entitled to vote at any election. “Residence” means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return. A person who has left home and gone into another state or territory or county of South Dakota for a temporary purpose only has not changed his or her

residence. A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving. If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in South Dakota.

9) Are there any identification requirements to register to vote?

Yes. Any person registering to vote shall provide his or her South Dakota driver license number on the voter registration form. If a person does not have a South Dakota driver license, the person shall provide the last four digits of his or her social security number on the voter registration form. If a person does not have a South Dakota driver license or social security number, the person may only register at the county auditor's office and shall sign a sworn statement verifying the fact that he or she has neither a South Dakota driver license nor social security number.

10) Are there any identification requirements in order to vote?

Yes. Voters are required to provide identification before voting. When the voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

A member of the precinct election board shall verify that the picture on the personal identification presented by the voter matches such person and that the name on the personal identification appears on the voter registration list. If the member cannot determine from the personal identification presented that the person making an application for ballots is the person listed on the voter registration list, the member may consider other forms of identification, personal knowledge and an explanation from the person making an application for ballots to match that person's name to a name on the registration list. If identity cannot be proven to the satisfaction of the member of the precinct election board or if the person making an application for ballots is challenged on the basis of identity by a member or a poll watcher, the person may vote a provisional ballot.

If a voter is not able to present a form of personal identification, the voter may complete an affidavit (in a form provided by the Board of Elections) in lieu of the personal identification.

11) What are the rules regarding missing or illegible information on registration forms?

When sufficient information to complete the card cannot be obtained from the applicant, the applicant shall be sent an acknowledgment notice indicating why the registration was not filed. In case such acknowledgment notice is returned undeliverable, a confirmation mailing shall be sent immediately to the applicant.

Said confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card within thirty days or the voter's registration will become inactive. The card shall also state that if the information on the return card is not correct, the

voter shall send the correct information to update the voter's registration or the voter's registration will become inactive. If the card is returned indicating a new address in another county in South Dakota or another state, the card shall serve as a cancellation authorization. The card shall also give information on reregistering if the voter has moved to another county or state. The card shall give the information about the voter as it appears in the registration records.

12) Can a person whose name has changed since registering vote on Election Day?

Yes. Any person desiring to designate or change party affiliation, name, or address may do so by completing a new registration card. This process can be done by filing a new voter registration form.

REGISTERING OTHERS TO VOTE

13) What are the laws regarding third-party registration?

The county auditor shall provide mail registration cards along with instructions on how to properly register voters to private entities and individuals. Each private entity or individual shall provide information to the voter being registered on how the voter may contact such private entity or individual to determine the status of the voter's registration.

Any private entity or individual registering a person to vote shall file the completed registration form with the county auditor within ten days or by the voter registration deadline, whichever occurs first. A violation of this section is a Class 2 misdemeanor.

The registration cards shall be returned to the county auditor, who shall enter in the master registration file the names of all eligible persons who have had their completed applications for registration and mail registration cards received by any county auditor or any local, state, or federal agency responsible for conducting voter registration not later than 5:00 p.m., fifteen days preceding the election.

Every registration card shall be received by the county auditor by that deadline. If a card is not returned by that deadline the voter will be disenfranchised for that election and the entity or individual conducting the registration, as the person responsible for returning the completed card, may be held legally responsible.

The National Voter Registration Act provides penalties for obstructing the registration process:
Sec. 12 Criminal Penalties.

A person, including an election official, who in any election for Federal office:

1. knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for--

A. registering to vote, or voting, or attempting to register or vote;

B. urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

C. exercising any right under this Act; or

2. knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by:

A. the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

B. the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

For more instructions regarding third-party registration, visit the following address:

http://www.sdsos.gov/electionsvoteregistration/electionprocess_voterregistrationdriveinstructions.shtm.

14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

Yes. In general, the law prohibits any compensation based on number of voters registered but allows compensation based on hours worked.

No person may employ, reward, or compensate any person to register voters based on the number of voters registered. Nothing in this section prohibits any person from hiring a person paid on an hourly or salaried basis to register voters. Any violation of this section is a Class 2 misdemeanor.

No person may receive any wages, reward, or compensation for registering voters based on the number of voters registered. Nothing in this section prohibits any person from being employed on an hourly or salaried basis to register voters. Any violation of this section is a Class 2 misdemeanor.

15) Is training required for voter registration drives?

No. There are no express requirements with respect to training.

The Secretary of State, however, suggests some points to keep in mind when assisting in registering voters:

1. Be sure that the voter is indeed eligible to register to vote. The qualifications are listed in the instructions on the registration form and in the oath which is signed by the voter.

2. Make sure that the registration form is fully completed. It is very important to have a complete residence address or physical description of where the voter lives for the county auditor to place the voter in the correct voting precinct.

3. If the person completing the registration form is currently registered to vote, they must complete the cancellation portion of the form also.

For more information, visit

http://www.sdsos.gov/electionsvoteregistration/electionprocess_voterregistrationdriveinstructions.shtm.

16) Are volunteers or staff of voter registration drives required to be county or state residents?

No. There are no express requirements in this regard.

REGISTRATION DEADLINES

17) What is the deadline to register to vote?

The registration card must be received by the county auditor 15 days before the election if the registrant is to vote in said election. For the 2008 general election, the deadline is 5:00 p.m., Monday, October 20.

A voter registration shall be considered to be effective on the date which the card is received by the county auditor. However, if the card was completed at one of the agencies listed in the following paragraph, is received by the auditor within five days following any registration deadline and is dated by the deadline, the card shall be considered to be effective on the date which it was signed at the agency. If a card does not contain all of the information required by the form or if the card contains information which is not correct, it shall be considered to be effective on the date all of the correct, required information is supplied to the county auditor.

Voter registration is available at the Secretary of State's Office and at those locations which provide driver licenses; food stamps; temporary assistance for needy families; women, infants, and children nutrition program; Medicaid; military recruitment; and assistance to the disabled as provided by the Department of Human Services.

18) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?

Any private entity or individual registering a person to vote shall file the completed registration form with the county auditor within ten days or by the voter registration deadline, whichever occurs first. A violation of this section is a Class 2 misdemeanor.

19) Is Election Day registration allowed?

No.

20) Does state election law allow for early or absentee voting?

Yes. In general, a registered voter who is not otherwise disqualified by law from voting in the election may vote by absentee ballot.

To receive a ballot by mail, a registered voter must file a written application for an absentee ballot with the person in charge of the election. The application must be mailed or hand delivered to the person in charge of the election. The application cannot be submitted by fax. The application form can be downloaded from the Secretary of State website at <http://www.sdsos.gov/electionsvoteregistration/electvoterpdfs/AbsenteeBallotApplication.pdf>. The application can be filed anytime during the calendar year of the election. The application deadline is 3:00pm on Election Day. Absentee ballots are available for primary and general elections six weeks prior to the election.

The voter's signature on the application must be notarized or witnessed by an official who can administer an oath (in general, notary publics and public officials). An alternative to notarization would be to send a photocopy of a valid form of identification with the application (Please see **Question No. 10** for valid forms of identification). The ballot shall be sent to the voter's residence, as shown in the

voter registration file or any temporary residence address designated in writing by the voter, at the time of applying for the absentee ballot.

At anytime prior to an election, a voter may apply in person to the person in charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. on the day of the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter's identification card or complete the affidavit.

In the event of confinement because of sickness or disability, a qualified voter may apply in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election.

Citizens who are members of the Uniformed Services and overseas citizens may submit an application or request for absentee ballot by fax or emailed image to the person in charge of the election.

Uniformed Services are defined as the U.S. Armed Forces (Navy, Army, Air Force, Marine Corps and Coast Guard), Merchant Marine, commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration and family members of all of the above.

An overseas citizen is any person residing outside the territory of the United States of America including its territories and possessions, and who is a citizen of the United States.

Absentee ballot requests from overseas citizens need not be notarized.

Any overseas citizen shall have the right to register and vote in any federal, state, county or local election held within South Dakota under the following conditions:

(1) The overseas citizen or the spouse of the overseas citizen was last domiciled in South Dakota immediately prior to departure from the United States.

(2) The overseas citizen does not maintain a domicile, is not registered to vote and is not voting in any other state.

(3) The overseas citizen is otherwise qualified to vote according to law.

The overseas citizen shall be allowed to register and vote absentee in the same county and election precinct in which the overseas citizen or spouse of the overseas citizen resided immediately prior to leaving the United States.

VOTER REGISTRATION LEGISLATION

21) Is there any pending legislation that effects voter registration? If so, where is it in the legislative process?

We are unaware of any pending legislation.

22) What applicable statutes are possibly affected?

If you would like to read the statutes that generally apply to voter registration, they are under Title 12 of South Dakota Codified Laws, specifically:

- § 12.1 on General Provisions and State Board;
- § 12.4 on Registration of Voters; and
- § 24.19 on Absentee Voting.

23) Are there any helpful elections official contacts?

For more information, contact the South Dakota Secretary of State at:

Secretary of State
Capitol Building
500 East Capitol Avenue Ste 204
Pierre SD 57501-5070
Department of Election Information
Telephone: (605) 773-3537
Fax: (605) 773-6580
E-mail: elections@state.sd.us

24) What web resources are available?

The South Dakota Secretary of State has a website dedicated to providing information on elections in general and the voter registration process in particular:

http://www.sdsos.gov/electionsvoteregistration/electionsvoteregistration_overview.shtm

This site includes resources such as frequently asked questions, instructions and applications in PDF format.

To search for election legislation in the South Dakota Codified Laws please go to:

<http://legis.state.sd.us/statutes/TitleList.aspx>

The National Campaign for Fair Elections is another resource:

http://nationalcampaignforfairelections.org/pages/south_dakota