**5:02:09:22.  Counting imperfectly marked optical scan ballots.** A mark that touches the oval on an optical scan ballot shall be counted as a vote; any mark that does not touch the oval and is not in the oval may not be counted as a vote.

**Source:** 28 SDR 99, effective January 17, 2002; 32 SDR 109, effective December 26, 2005; 33 SDR 230, effective July 1, 2007.

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

**Law Implemented:** SDCL 12-1-9(4).