

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

555B0191

HOUSE BILL NO. 1008

Introduced by: The Committee on Local Government at the request of the State Board of
Elections

1 FOR AN ACT ENTITLED, An Act to revise the requirements for using an absentee ballot.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 12-19-1 be amended to read as follows:

4 12-19-1. A registered voter ~~who expects to be or may be absent outside the county, state or~~
5 ~~the United States on the day an election is held or who may be within the county on the day of~~
6 ~~an election but, because of permanent and total disability, illness or temporary physical disability,~~
7 ~~the observance of a religious holiday pursuant to the tenets of his religion, resident attendance~~
8 ~~at a school, college or university or because of the nature and hours of his employment, will be~~
9 ~~unable to cast his ballot at the polling place in his election district on the day of the election and~~
10 ~~is not otherwise disqualified by law from voting in the election may vote by absentee ballot. A~~
11 ~~member of the armed forces or of the merchant marine of the United States, and citizens of this~~
12 ~~state temporarily residing outside the territorial limits of the United States and the District of~~
13 ~~Columbia, and the spouses and dependents of any such persons, when residing with or~~
14 ~~accompanying them, as those terms are defined by the Uniformed and Overseas Citizens~~
15 ~~Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff-6), hereinafter referred to as a federal~~

1 ~~service voter, if registered as a voter pursuant to chapter 12-4, are entitled to vote by absentee~~
2 ~~ballot.~~

3 Section 2. That § 12-19-2 be amended to read as follows:

4 12-19-2. An absentee voter desiring to vote by mail may apply to the person in charge of the
5 election for an absentee ballot. The application or request shall be made in writing ~~and~~ be signed
6 by the applicant ~~and~~ state ~~his~~ the absentee voter's voting precinct, and place of voting residence
7 ~~and the reason for which the ballot is requested.~~ The application or request may be used to obtain
8 an absentee ballot for all primary and general elections in that calendar year if so indicated. The
9 ballot shall be sent to the voter's residence, as shown on the voter registration list or any
10 temporary residence address designated in writing by the voter, at the time of applying for the
11 absentee ballot. The State Board of Elections shall promulgate rules pursuant to chapter 1-26
12 to prescribe a the form ~~which delineates the reasons for an absentee ballot request and allows the~~
13 ~~voter to indicate the proper reason for the request.~~ The person in charge of the election shall
14 stamp the application with the date it was received ~~in his office.~~ The application may be made
15 by letter or upon blanks furnished by the person in charge of the election or upon any form
16 prescribed by the State Board of Elections or the postcard form referred to in § 12-4-8.1,
17 executed by ~~persons~~ any person authorized in accordance with the Uniformed and Overseas
18 Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff). The person in charge of the
19 election shall preserve a record of the name, post office address, and voting precinct of each
20 applicant and, except as provided by § 12-19-45, send each written application by registered mail
21 or deliver the ~~same~~ application to the superintendent of the election board of the home precinct
22 of the applicant.